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Wednesday, April 23, 2014

No. 36

HOUSE JOURNAL No. 16 (Cont.)

Wednesday, April 16, 2014

Rep. Kaen moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 17

Wednesday, April 23, 2014

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

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

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

Gracious God, in the light of this new day, and this emerging season of life and light, open our spirits to the possibilities before us today. Give us the wisdom to work together, respecting differences, speaking our truths, and seeking always to build on common ground. Give us the courage to place human beings and individual need before corporate profits, and the needs of the less fortunate before our own. Help us to place the well-being of our environment at the forefront of our priorities. Give us the courage to speak for futures of those who cannot speak for themselves, especially the children and the marginalized who find themselves far from the halls of power and opportunity. Help us to do our part to increasing peace among people. When this Session has ended, may this body be proud of the work it did, strengthened by Your leading, Your justice and Your mercy. We pray for all who are sick, or grieving this day, and we pray for one another in whatever private struggles we may face. In Your Holy name we pray. Amen.

Representative Dick Patten, member from Concord, led the Pledge of Allegiance.

Representative Jane Johnson, member from Swanze, and Representatives Tara Sad and Lucy Weber, members from Walpole, led the singing of the National Anthem.

LEAVES OF ABSENCE

Reps. Bishop, Boisvert, Charron, Cote, Crawford, Susan Emerson, Gary Hopper, John Kelley, LeVasseur, Major, McCarthy, Miller, Kelleigh Murphy, Priestley and Soucy, the day, illness.

Reps. Christopher Andrews, E. Elaine Andrews-Ahern, Carroll, Shannon Chandley, Copeland, Dobson, Grace, Greemore, Henle, Sally Kelly, Kidder, Lefebvre, Ley, Lovett, McNamara, Menear, Myler, Nordgren, Oligny, Packard, Peckham, Rhodes, Rokas and Shackett, the day, important business.

Reps. Arsenault, Ferrante, Hackel and Notter, the day, illness in the family.

INTRODUCTION OF GUESTS

Emma Tilley, and the Honorable Merle Schotanus, former member from Grantham, guests of Rep. Ebel. Anne Baier, guest of Reps. Weber and Walz. David Villiotti, guest of the Nashua Delegation. Alex Miller, guest of Rep. Perry. State Master Jim Tetreault and members of the NH State Grange, guests of Reps. Sad and Haefner. Will and H. Gregory Johnson, grandson and husband of Rep. Jane Johnson. Students at the Holy Family Academy in Manchester, guests of the Manchester Delegation.

INTRODUCTION OF SPECIAL GUESTS

Hinsdale High School Girls Basketball Team, Division 4 State Champions, guests of Reps. Butynski, Berch, Sad and Weber.

SENATE MESSAGES**REQUESTS CONCURRENCE WITH AMENDMENTS**

HB 1124, relative to the adoption of zoning ordinances in towns that use official ballot voting. (Amendment printed SJ 4-17-14)

Rep. Porter moved that the House concur and spoke in favor.

Adopted.

HB 489-FN, relative to the New Hampshire medical malpractice joint underwriting association. (Amendment printed SJ 1-30-14)

Rep. Butler moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Butler, Harding, Schlachman and John Hunt.

CONSENT CALENDAR

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

Consent Calendar adopted.

SB 257, establishing a commission to study the sale of beer in refillable containers. **OUGHT TO PASS.** Rep. Kermit R. Williams for Commerce and Consumer Affairs. This bill creates a commission to study the sale of beer in refillable containers. Commonly known as growlers, these containers allow customers to take home fresh draft beer from breweries and brew pubs. The commission would study the expansion of the business to allow other retail establishments to offer the same service. Because we are a control state, any commerce in alcohol is prohibited unless expressly permitted by law, so a bill providing for such sales would be developed by the commission if they decided that it was in the best interests of the state. Vote 17-1.

SB 290, authorizing credit unions to provide group accidental death and dismemberment insurance. **OUGHT TO PASS.**

Rep. Donald H. Flanders for Commerce and Consumer Affairs. This is a technical correction that allows credit unions to continue to offer accidental death & dismemberment (AD&D) insurance. In 2008, the department of insurance issued a regulatory ruling that in order to offer AD&D insurance you have to be an employer group or qualified employee group. Since credit unions are neither, this allows past practice to continue. New Hampshire is the only one of 50 states without this provision. Vote 18-0.

SB 221, relative to private postsecondary career schools and relative to the authority of the board of barbering, cosmetology, and esthetics. **OUGHT TO PASS.**

Rep. Joseph A. Pitre for Education. This bill completes the transfer of all private, postsecondary career schools including the Board of barbering, cosmetology and esthetics to the NH higher education commission of the NH department of education. Vote 17-0.

Referred to the Committee on Executive Departments and Administration.

SB 335-FN, establishing a commission to study career and technical education centers. **OUGHT TO PASS.** Rep. Anne C. Grassie for Education. This bill establishes a commission to study career and technical education centers. The commission will make recommendations about tax credit programs for donations of equipment and funding for costs of apprenticeships, funding for construction and renovation and increasing partnerships between businesses, skilled trades, advanced manufacturing and CTE programs. Vote 17-0.

Referred to the Committee on Ways and Means.

SB 275, relative to refusal to certify an absentee ballot application. **OUGHT TO PASS.**

Rep. Ruth E. Gage for Election Law. SB 275 was requested by the office of the secretary of state. Under current law, when a town or city clerk realizes that an applicant for an absentee ballot is not yet a registered voter, the words "not registered" are marked on the return outer envelope. SB 275 permits the clerk to open the outer envelope to verify that all of the required documents are enclosed. The bill also adds a reference to this provision to another section addressing the processing of absentee ballots. Vote 16-0.

SB 276, relative to notifying a UOCAVA voter of an invalid absentee ballot application. **OUGHT TO PASS.** Rep. Melanie A. Levesque for Election Law. Current law requires a town or city clerk who invalidates an absentee ballot application to provide the UOCAVA voter the reason within 7 days. A reference to the procedures within RSA 657:16 has been added for clarification. Vote 16-0.

SB 277, relative to absentee voter registration. **OUGHT TO PASS.**

Rep. Mary L. Till for Election Law. SB 277 was requested by the department of state. It adds a reference to RSA 657:21 to clarify that the signature on the affidavit envelope is subject to verification under RSA 657:23, which requires that an additional signature is available for comparison. Vote 17-0.

SB 278, relative to the absentee voter website. **OUGHT TO PASS.**

Rep. Robert J. Perry for Election Law. Beginning on or about July 31, 2010, the state made available for use in every state election a public absentee voter website which allows absentee voters to track the progress of their application, beginning with whether one's application for an absentee ballot was received by the clerk, whether their absentee ballot has been sent pursuant to such request, and whether the envelope purporting to contain the voter's absentee ballot has been received by the clerk. SB 278 would require the website to also include whether the absentee ballot was challenged and rejected by the moderator on election day, including the reason for the challenge. This is important information for voters wanting to confirm their vote will be counted, or whether they need to take further action to ensure their vote is counted. This bill was requested by the department of state. Vote 17-0.

SB 280, relative to absentee voters. **OUGHT TO PASS.**

Rep. Gerald W. R. Ward for Election Law. This bill, requested by the secretary of state, clarifies and gives the weight of law to a common-sense election day procedure by requiring the ballot clerk to notify the moderator if a voter, whose name has been marked as having already voted absentee, appears at the polling place on election day to vote in person. Vote 17-0.

SB 378, relative to identification information contained in political advertising. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary B. Richardson for Election Law. This bill permits reference to an internet address in lieu of signature and identification requirements on political signs and placards, provided that the internet address displays all of the information required under current law. The amendment corrects an erroneous effective date on SB 196-FN passed at the 2014 regular legislative session relating to push polling. Vote 17-0.

Amendment (1304h)

Amend the bill by replacing all after section 1 with the following:

2Push-Polling; Effective Date. Section 4 of SB 196-FN of the 2014 regular legislative session is repealed and reenacted to read as follows:

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

3Contingency. If SB 196-FN of the 2014 regular legislative session does not become law, section 2 of this act shall not take effect.

4Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

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

AMENDED ANALYSIS

This bill permits reference to an Internet address in lieu of signature and identification requirements on political signs and placards. This bill also changes the effective date of modifications to the push-polling laws enacted in SB 196-FN.

SB 186-FN, relative to training of certain board officers of nonprofit corporations. **REFER FOR INTERIM STUDY.**

Rep. Lucy M. Weber for Executive Departments and Administration. SB 186 requires the board president or a designee from every non-profit receiving over \$250,000 in public funds to attend a minimum of four-hour off-premises training on fiduciary responsibilities, financial controls, organizational governance, ethics and relevant laws. Concerns were expressed from several points of view; first, that the requirement was unnecessarily burdensome on the great majority of non-profits, which are performing their missions well; second, that the training required was not enough to have deterred the problem giving rise to the legislation; third, why require this training for non-profits and not for for-profit corporations receiving similar funding? Proposed amendments went some way to allow organizations with strong internal training programs to substitute that training for the off-premise requirement. However, the remaining concerns convinced a majority of committee members that the matter should be studied further prior to enacting legislation. Vote 15-2.

SB 222, restructuring the department of administrative services, division of plant and property management and establishing the position of deputy commissioner in the department of information technology. **OUGHT TO PASS.**

Rep. Peter B. Schmidt for Executive Departments and Administration. This bill constitutes the final piece of a multi-step process, as described in the bill title. The purpose is to enhance efficiency and achieve cost

savings in the department of administrative services and the department of information technology. The joint committee on employee classification has already reviewed and approved the first steps, and the house has already passed them in HB 1634. Vote 17-0.

Referred to the Committee on Finance.

SB 264-FN, requiring the election of benefits by certain members of the judicial retirement plan. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeffrey P. Goley for Executive Departments and Administration. This bill requires certain eligible judges under the judicial retirement plan to give notice of their election to receive benefits either under the former judicial retirement statutes (in effect through December 31, 2004) or retirement benefits paid pursuant to RSA 100-C (in effect starting January 1, 2005). Such notice shall be given in writing no later than September 30, 2014. Requiring the judges to choose a plan by September 30, 2014 will allow actuaries to determine more accurate rates for the retirement fund in the future. The amendment clarifies that once the election is made it is irrevocable. Vote 16-0.

Amendment (1319h)

Amend RSA 100-C:18 as inserted by section 1 of the bill by replacing it with the following:

100-C:18 Notice of Election. Each member in active service as a judge, who was appointed prior to January 1, 2005, shall notify the plan in writing no later than September 30, 2014, as to whether such member intends to claim retirement benefits pursuant to one of the former judicial retirement statutes, RSA 490:2, RSA 491:2, RSA 502-A:6-a or RSA 547:2-a, instead of the retirement benefits paid pursuant to RSA 100-C. Such election, once made, shall be irrevocable. If an election is not made by that date the member shall only retire under the provisions of RSA 100-C. In the event that a judge elects to claim retirement benefits pursuant to one of the former judicial retirement statutes, that judge shall not be entitled to reimbursement for any contributions made pursuant to RSA 100-C:13 or RSA 100-C:14.

Referred to the Committee on Finance.

SB 315-FN, establishing the board of building officials. **REFER FOR INTERIM STUDY.**

Rep. Lucy M. Weber for Executive Departments and Administration. This bill establishes a new board of building officials, and details requirements for certification and regulation of building officials. The committee heard testimony about the need for this bill because of the wide variation in the qualifications of building inspectors, and the lack of familiarity some have with code requirements. Significant work has been done to address concerns expressed at the initial hearing, but difficult questions remain, among them how to craft a bill which appropriately addresses the differing issues facing professional city building inspectors and the various individuals who perform these duties in small towns. Committee members decided that given the importance of the issue and the amount of work still needed, that interim study was appropriate. Vote 17-0.

SB 407, relative to wolf hybrids. **REFER FOR INTERIM STUDY.**

Rep. Joe Duarte for Fish and Game and Marine Resources. After a well-informed hearing and a well-researched work session, the committee has agreed unanimously to refer SB 407 for interim study. The committee feels that there were many important issues to address in the bill, as presented, but just as many unanswered questions and not enough time to thoroughly research the bill before the reporting deadline. The committee intends to do it a due diligence and thoroughly study the issues presented and if needed, bring a well-researched and vetted piece of legislation back to this body. Vote 11-0.

SB 193-FN, establishing a commission to study pathways to oral health care in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas M. Sherman for Health, Human Services and Elderly Affairs. Good oral health has been identified as a critical component of general wellness. This bill creates a commission to evaluate barrier to and coverage for dental care for underserved New Hampshire residents. Vote 16-0.

Amendment (1399h)

Amend RSA 317-A:21-f, II as inserted by section 1 of the bill by replacing it with the following:

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

- (a) Two members of the senate, appointed by the president of the senate.
- (b) Two members of the house of representatives, appointed by the speaker of the house of representatives.
- (c) A public member, appointed by the governor.
- (d) The executive director of the governor's commission on disability, or designee.
- (e) A representative of the New Hampshire Dental Society, appointed by the society.
- (f) A representative of the New Hampshire Dental Hygienists Association, appointed by the association.
- (g) A representative of the New Hampshire board of dental examiners, appointed by the board.
- (h) A representative of New Hampshire Kids Count, appointed by the organization.
- (i) A representative of the New Hampshire Oral Health Coalition, appointed by the coalition.
- (j) A representative of the New Hampshire Academy of Pediatric Dentistry, appointed by the academy.

(k) The New Hampshire Medicaid dental director, or designee.

(l) A representative of a federally qualified health center (FQHC) with a dental program, appointed by the Bi-State Primary Care Association.

(m) A representative of the state committee on aging, appointed by the chairman of the committee.

Amend RSA 317-A:21-f, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The commission shall analyze and evaluate barriers to and coverage for dental care for underserved New Hampshire residents, the impact of the implementation of expanded function dental assistants and certified public health dental hygienists, and how adding these 2 new professions to the dental team will meet the need for oral health services in New Hampshire. Such evaluation shall include a review of oral health access data and needs and coverage needs for dental services for underserved New Hampshire residents.

SB 213-FN, establishing a registry for physician orders for life-sustaining treatment. **OUGHT TO PASS.** Rep. Mariellen J. MacKay for Health, Human Services and Elderly Affairs. This bill creates a registry to house people's POLST information. POLST means a Provider's Order for Life-sustaining Treatment that is signed by a physician, ARPRN (advanced practice registered nurse), or a PAC physician assistant) and the individual. This bill also creates a registry advisory committee and language that clarifies that the registry will be created only if sufficient funds are available. Vote 14-1.
Referred to the Committee on Ways and Means.

SB 234, relative to procedural changes in the law governing therapeutic use of cannabis. **OUGHT TO PASS.** Rep. Donald L. LeBrun for Health, Human Services and Elderly Affairs. This bill represents an additional requirement governing alternate treatment centers and background checks for caregivers and qualifying patients. Background checks will be conducted by the state police and through federal agencies. This legislation is supported by the advisory council on medical marijuana. Vote 14-1.

SB 235, relative to the patients' trust fund and relative to a 10-bed psychiatric crisis unit. **OUGHT TO PASS.** Rep. Thomas M. Sherman for Health, Human Services and Elderly Affairs. This bill addresses two issues. The first is aligning an inpatient's personal funds account at New Hampshire Hospital with current patterns of admission with particular attention to their emotional needs. The second provides authorization for implementation of the New Hampshire Hospital 10-bed psychiatric crisis unit for which the funds are already available. Vote 15-0.
Referred to the Committee on Finance.

SB 298, establishing a permanent commission on post-traumatic stress disorder and traumatic brain injury. **OUGHT TO PASS.** Rep. James R. MacKay for Health, Human Services and Elderly Affairs. The commission on post-traumatic stress disorder and traumatic brain injury has been in effect since 2001. The commission has been effective in confronting a number of barriers that veterans have faced in gaining access to health care. The commission has also been successful in working collaboratively with a number of organizations on behalf of veterans with post-traumatic stress disorder and traumatic brain injury. This legislation makes this a permanent commission to continue their significant work. Vote 13-0.

SB 309, relative to the New Hampshire vaccine association. **OUGHT TO PASS.** Rep. Laurie Harding for Health, Human Services and Elderly Affairs. This bill fixes a problem that occurred during the committee of conference process in the spring of 2013. This bill requires the vaccine association to do an annual report addressing the Association's activities, financial reports and any newly approved vaccines. The report goes to the President of the Senate, the Speaker of the House and the Governor. In addition, the bill adds three new members to the board, two of which will be public members. Vote 14-0.

SB 326-L, relative to procedural requirements for certain residents of nursing and assisted living facilities. **OUGHT TO PASS.** Rep. Laurie Harding for Health, Human Services and Elderly Affairs. This bill clarifies the procedure for a nursing home facility, or an assisted living facility, to recover the cost of care rendered to a client when a person has not applied for medicaid, or when the person is not able to receive medicaid due to an asset transfer. The bill also specifies the information that must be included in a written notice to the patient and their fiduciary, if appropriate, from the facility regarding the medicaid application process. Vote 16-0.

SB 353, recodifying RSA 168-B, relative to surrogacy. **OUGHT TO PASS WITH AMENDMENT.** Rep. Stephen J. Schmidt for Health, Human Services and Elderly Affairs. This bill is an act recodifying RSA 168-B, relative to surrogacy law. There have been significant advances in medicine over the past 20 years to meet the needs of individuals wishing to become parents, but cannot for whatever reason. This bill corrects the cumbersome parameters of existing law and will encourage New Hampshire couples to pursue surrogacy within New Hampshire rather than out of state. Vote 15-0.

Amendment (1310h)

Amend RSA 168-B:11, IV as inserted by section 2 of the bill by inserting after subparagraph (e) the following new subparagraph:

(f) The express written agreement of all parties as to how decisions regarding termination of the pregnancy shall be made.

SB 351, relative to the requirement for notice of non-compete agreements prior to the start of employment. **OUGHT TO PASS.**

Rep. Gary L. Daniels for Labor, Industrial and Rehabilitative Services. This bill fixes issues in our current non-compete statute to ensure that if employees will be subject to a non-compete clause, that non-compete agreement is presented before acceptance of an offer. If the non-compete agreement is unenforceable, all other enforced employment contracts and terms of agreement shall remain enforceable. Vote 20-0.

SB 216, relative to designating an alternate trustee of the trust fund. **OUGHT TO PASS.**

Rep. Dennis J. Malloy for Municipal and County Government. This bill permits the governing body to appoint alternates to the trustees of the trust fund. The committee understood that some NH towns find that either no one has run for this position or no more than one person is serving as a trustee. To help insure smooth functioning of the trustees of the trust funds, and that the fiduciary and reporting responsibilities are fulfilled, the trustee board may recommend to the appointing authority the names of no more than 2 persons who may serve as alternate members on the board for no more than a one-year term. Vote 20-0.

SB 219, relative to funds received from the sale of cemetery lots. **OUGHT TO PASS.**

Rep. Bruce L. Tatro for Municipal and County Government. This bill enables municipalities, at any annual or special meeting, to vote to deposit funds received from the sale of cemetery lots in the general fund or deposit the funds with the trustees of trust funds for maintenance of cemeteries. Vote 20-0.

SB 236, relative to delivery of the final budget and recommendation of the municipal budget committee to the governing body. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Marjorie A. Porter for Municipal and County Government. This bill, as amended, is one of many that have been needed over the years to fix issues arising in municipalities using the "SB 2" form of town meeting. This year's calendar created issues around the time needed for notification. This bill allows municipalities with a municipal budget committee to deliver final budget recommendations the Thursday before the last Monday of January, February, or March depending on when the annual meeting is held. It also allows changes to be made to the official warrant after the deliberative session to reflect changes made at that session, fixes a problem the timing for notification caused in the Town of Windham, and modifies notification requirements for petitioned warrant articles, which propose bonds. Finally, it clarifies RSA 31:98-a by requiring warrant articles establishing contingency funds be separate from the budget article. Vote 20-0.

Amendment (1409h)

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

AN ACT relative to delivery of the final budget and recommendation of the municipal budget committee to the governing body and ratifying the approval of a bond by the town of Windham, requiring separate warrant articles for contingency funds, relative to the amendment of the operating budget warrant article in an official ballot referendum jurisdiction, and relative to the deadline for certain citizen petitions proposing bonds.

Amend the bill by replacing all after section 3 with the following:

4Ratification of Approval of Bond at Windham Town Meeting. Notwithstanding RSA 40:13, II-a(c), the public hearing held on January 23, 2014, with notice as required in RSA 33:8-a, I, shall be considered as lawful to support the issuance of not more than \$700,000 of bonds or notes in accordance with the provisions of the Municipal Finance Act, RSA 33, as approved by the town of Windham at its annual town meeting held on March 11, 2014.

5Contingency Fund; Separate Warrant Article. Amend RSA 31:98-a to read as follows:

31:98-a Contingency Fund. Every town annually by an article ***separate from the budget and all other articles*** in the warrant may establish a contingency fund to meet the cost of unanticipated expenses that may arise during the year. Such fund shall not exceed one per cent of the amount appropriated by the town for town purposes during the preceding year excluding capital expenditures and the amortization of debt. A detailed report of all expenditures from the contingency fund shall be made annually by the selectmen and published with their report.

6Contingency Fund; Separate Warrant Article. Amend RSA 198:4-b, I to read as follows:

I. A school district annually by an article ***separate from the budget and all other articles*** in the warrant, or the governing body of a city upon recommendation of the school board, when the operation of the schools is by a department of the city, may establish a contingency fund to meet the cost of unanticipated expenses that may arise during the year. A detailed report of all expenditures from the contingency fund shall be made annually by the school board and published with their report.

7New Subparagraph; Amendment of Operating Budget Warrant Article. Amend RSA 32:5, VII by inserting after subparagraph (b) the following new subparagraph:

(c) If the operating budget warrant article is amended at the first session of the meeting in an official ballot referendum jurisdiction operating under RSA 40:13, the governing body and the budget committee, if one exists, may each vote on whether to recommend the amended article, and the recommendation or recommendations shall appear on the ballot for the second session of the meeting.

8Deadline for Citizen Petitions Proposing Bonds. Amend RSA 40:13, II-a(b) to read as follows:

(b) The “budget submission date” as defined in RSA 273-A:1, III and the final date for submission of petitioned articles under RSA 39:3 and RSA 197:6 shall be the second Tuesday in January, **provided however, that if a petitioned article proposes a bond governed by RSA 33:8-a, the deadline shall be the preceding Friday.**

9Deadline for Citizen Petitions Proposing Bonds. Amend RSA 40:13, II-b(b) to read as follows:

(b) The “budget submission date” as defined in RSA 273-A:1, III and the final date for submission of petitioned articles under RSA 39:3 and RSA 197:6 shall be the second Tuesday in February, **provided however, that if a petitioned article proposes a bond governed by RSA 33:8-a, the deadline shall be the preceding Friday.**

10Deadline for Citizen Petitions Proposing Bonds. Amend RSA 40:13, II-c(b) to read as follows:

(b) The “budget submission date” as defined in RSA 273-A:1, III and the final date for submission of petitioned articles under RSA 39:3 and RSA 197:6 shall be the second Tuesday in March, **provided however, that if a petitioned article proposes a bond governed by RSA 33:8-a, the deadline shall be the preceding Friday.**

11 Effective Date.

I. Section 4 of this act shall take effect upon its passage.

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

AMENDED ANALYSIS

This bill:

I. Allows municipalities with a municipal budget committee to deliver final budget and recommendations the Thursday before the last Monday in January, February, or March depending on when the municipality holds its annual meeting.

II. Ratifies the approval of a bond by the town of Windham at its annual town meeting held on March 11, 2014.

III. Requires that the establishment of a town contingency fund be in a separate warrant article.

IV. Requires the recommendation of the governing body and budget committee regarding the operating budget warrant article to appear on the ballot if the operating budget warrant article is amended at the first session of the meeting in an official ballot referendum jurisdiction.

V. Sets earlier deadlines in official ballot towns for citizen petitions proposing bonds in excess of \$100,000.

SB 347, relative to municipal enforcement of land use ordinances. **OUGHT TO PASS.**

Rep. Dennis J. Malloy for Municipal and County Government. This bill allows pleas by mail for violations of municipal land use ordinance and establishes a fine not to exceed \$100 for landlords failing to designate an agent. The committee agreed this bill creates a streamlined approach toward code compliance and does not change any zoning or code enforcement laws. The committee also felt that this helps municipalities promote health and safety through a lower, more acceptable fine structure allowing the use of regular mail instead of certified mail for notification purposes. Nothing in this bill shall apply to manufactured housing parks as defined in RSA 205-A:1, II. Vote 20-0.

SB 404-FN, relative to the acquisition of real property for state government purposes. **REFER FOR IN-TERIM STUDY.**

Rep. John A. Graham for Public Works and Highways. While this bill ostensibly deals with the purchase and use of all state real estate, the real impetus behind it is the location of courts. It has been the long-standing practice of the General Court to require that a new court facility be built on land that has been provided at no cost to the state. As land becomes more expensive and less available, this practice has been called into question. By placing this bill into study, the committee can look at the pros and cons of continuing the practice that land be donated. The committee will look at, among other things, items such as the cost of land, the overall construction costs associated with potentially less desirable building lots, proximity to infrastructure, the future operating costs associated with specific lots including the costs to law enforcement and the judicial system, depending on a court’s location. Ideally, the study will provide useful information for use by the legislature during the development of the capital budget in the next biennium. Vote 15-1.

SB 266, relative to membership on the exotic aquatic weeds and species committee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew Renzullo for Resources, Recreation and Development. This bill adds seven additional members to the exotic aquatic weeds and species committee. The committee presently is made up of nine members, six

of whom are elected representatives or senators. The new members will represent interested entities across the water resources spectrum, including the department of environmental services (DES), department of fish and game, Connecticut River watershed council and the New Hampshire rivers council. Adding these new members provides the continuity and stability that the committee, originally constituted predominately with elected officials, has needed. The amendment added the Northeast Aquatic Plant Management Society to provide the prospective of those who commercially provide eradication services. Vote 16-1.

Amendment (1333h)

Amend RSA 487:30, II(a) as inserted by section 1 of the bill by inserting after subparagraph (9) the following new subparagraph:

(10) One member of the Northeast Aquatic Plant Management Society, appointed by the president of that organization.

SB 291, relative to distribution of seedling trees for educational purposes. **OUGHT TO PASS.**

Rep. Suzanne J. Smith for Resources, Recreation and Development. The state forest nursery raises tree seedlings, which are sold to persons who desire to plant them. SB 291 will allow the department of forest and lands to distribute limited quantities of these seedlings, free of charge, to non-profit organizations for educational purposes at events approved by the director. The department already has the authority to distribute seedlings to counties, municipalities and public institutions. This bill simply adds non-profits to the list. Vote 17-0.

SB 363, relative to insurance coverage for facilities for the Winnepesaukee River basin control. **OUGHT TO PASS.**

Rep. Brian Wazlaw for Resources, Recreation and Development. This bill would make RSA 485-A:53 consistent with existing insurance practices, available insurance coverage and insurance procurement procedures. Because liability, general and pollution insurance for the Winnepesaukee River Basin Program (WRBP) has been unavailable for many years, the WRBP has sought and been granted a waiver from the executive council each fiscal year. This bill provides that outdated and prescriptive procedures for the purchase of insurance be removed. Vote 16-0.

SB 324, relative to the assessment of public utilities and other entities to fund the expenses of the public utilities commission. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles L. Townsend for Science, Technology and Energy. The Public Utilities Commission (PUC) is entirely funded by assessments from utilities. When all utilities were fully regulated, the assessment process was straightforward but as power and telecommunications industries have been opened to competitive processes, weighting the assessment levels for the different industry groups has become more complicated. The increasing complexity of the energy and telecommunications markets has added to the workload of the PUC. While making no change to the total funding for the PUC's work, the bill makes the distribution more fair by reducing the assessment for telephone utilities, which are no longer highly regulated, and by including assessments for competitive electricity and natural gas suppliers and aggregators. All utilities are satisfied with the distribution of the assessments as proposed in the bill. Vote 16-0.

Amendment (1354h)

Amend RSA 363-A:2, I(c) and (d) as inserted by section 2 of the bill by replacing it with the following:

(c) 33 percent of the gross utility revenue of all excepted local exchange carriers as defined in RSA 362:7, I(c), and 33 percent of the gross revenue of any affiliate of such a carrier received from New Hampshire retail customers for a VoIP service as defined in RSA 362:7,1(d) or an IP enabled service as defined in RSA 362:7, I(e) that provides the voice capabilities described in RSA 362:7, I(d)(1) and (3), other than a cellular mobile radio communications service provider;

(d) 33 percent of all providers' gross revenue received from New Hampshire retail customers for a VoIP service as defined in RSA 362:7, I(d) or an IP-enabled service as defined in RSA 362:7, I(e) that provides the voice capabilities described in RSA 362:7, I(d)(1) and (3), other than a cellular mobile radio communications service provider or any entity to which subparagraph (c) applies; and

Amend RSA 363-A:2, III as inserted by section 2 of the bill by replacing it with the following:

III. Each entity described in subparagraph I(e) shall be assessed the sum of \$10,000 on an annual basis and shall pay such assessed sum to the commission. Each electric load aggregator, and each aggregator of natural gas customers shall be assessed the sum of \$2,000 on an annual basis and shall pay such assessed sum to the commission. Each telecommunications carrier voluntarily registered with the commission shall be assessed the sum of \$1,000 on an annual basis and shall pay such sum to the commission.

Amend RSA 363-A:6, I as inserted by section 6 of the bill by replacing it with the following:

I. Assessment amounts determined with reference to the revenues of competitive electric power suppliers and all assessments against regulated electric distribution utilities and electric cooperatives for which a certificate of deregulation is on file with the commission shall be collected from electric customers through the distribution rates of the respective electric distribution utility or rural electric cooperative for which a certificate of deregulation is on file with the commission; provided that an amount equal to the amount as-

sessed directly to a competitive electric power supplier under RSA 363-A:2, III shall be collected from the energy service or default service customers of each electric distribution utility or rural electric cooperative for which a certificate of deregulation is on file with the commission.

Referred to the Committee on Ways and Means.

SB 240-FN, relative to authorizing temporary registrations of off-highway recreational vehicles for nonresidents. **OUGHT TO PASS.**

Rep. George E. Sykes for Transportation. This bill will reinstate a temporary OHRV 10-day registration for non-residents. The previous authorization had a sunset provision. With the opening of further trails, DRED expects further demand for these types of registrations. This bill will benefit businesses engaged in tourism related services, and will further encourage recreational activities in the state. This new version of the bill also has a sunset provision. Vote 15-0.

Referred to the Committee on Ways and Means.

SB 265, making a technical correction to the disposition of meals and rooms tax revenues. **OUGHT TO PASS.**

Rep. Frank W. Davis for Ways and Means. This legislation corrects a reference in RSA 78-A:26, on the distribution of meals and rooms tax revenues to the cities and towns, and deletes an obsolete provision in the same statute. Vote 17-0.

SB 300, relative to the setting of tax rates and the disposition of rooms and meals tax revenues by the department of revenue administration. **OUGHT TO PASS.**

Rep. Patricia T. Lovejoy for Ways and Means. This bill resolves a timing problem that has been encountered in setting municipal tax rates. It requires that various state agencies provide the department of revenue administration estimates of local aid to be distributed to municipalities and school districts by October 1st each year, and that the rooms and meals tax collected be remitted to the state treasurer by September 15th, thus allowing the timely setting of municipal tax rates each year. Vote 17-0.

SB 386, relative to the authority and duties of the department of revenue administration. **OUGHT TO PASS.**

Rep. Mary R. Cooney for Ways and Means. This bill was requested by the department of revenue administration. It authorizes whole dollar rounding on all returns, clarifies municipal and property division training, changes the reporting of refunds to the fiscal committee to within 10 days after the close of each quarter instead of monthly, and moves the appropriation for grants for low and moderate income homeowners property tax relief to the department of revenue administration from the department of education. Vote 17-0.

REGULAR CALENDAR

SB 391, relative to the juvenile justice advisory board; the policies and procedures of the youth development center; and a reduction in appropriation to the Sununu Youth Services Center. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick T. Long for Children and Family Law. This bill addresses several critical and necessary changes with respect to the Sununu Youth Services Center. The amendment replaces the bill. It revises the membership and duties of the juvenile justice advisory board. The board last met in August 2013; prior to that meeting, it met in 2004.

The bill establishes the number of meetings per year and requires a report. At the end of the first year, this bill requires the department of health and human services to re-establish a division of juvenile justice services (DJJS). The bill makes DJJS separate from the division of children and youth services (DCYS) as a stand-alone division. With this adjustment, synergies will remain intact with DCYS. The focus on treatment continues. This bill establishes the appointment process for the Director, whereby a list of qualified candidates is submitted to the Governor who then appoints with the approval of the Governor and Executive Council. Vote 16-2.

Amendment (1421h)

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

1. Juvenile Justice Advisory Board. RSA 621-A:9 and RSA 621-A:10 are repealed and reenacted to read as follows:

621-A:9 Juvenile Justice Advisory Board Established.

I. There is hereby established a juvenile justice advisory board. The board shall provide oversight and advice to the director of the division of juvenile justice services and the commissioner relative to programs and services provided to children at the youth development center and youth services center.

II. The board shall be composed of the following members:

- (a) One member of the house children and family law committee, appointed by the speaker of the house of representatives.
- (b) One member of the house finance committee, appointed by the speaker of the house of representatives.
- (c) One member of the senate, appointed by the senate president.
- (d) The bureau chief of the bureau of behavioral health, department of health and human services, or designee.

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

(f) One justice from the judicial branch family division, specializing in juvenile justice, appointed by the administrative judge of the circuit court.

(g) One superintendent of a county correctional facility, appointed by the New Hampshire Association of Counties.

(h) One parent whose child has received services at the youth development center, appointed by the governor.

(i) A nonsupervisory employee of the youth development center, who has daily contact with children assigned to the center, appointed by the State Employees' Association of New Hampshire, Chapter 21 President.

(j) One juvenile probation and parole officer, appointed by the commissioner of the department of health and human services.

(k) One attorney specializing in juvenile justice, appointed by the governor.

(l) One representative of a juvenile diversion program, appointed by the governor.

III. Members of the advisory board shall serve without compensation, except that legislative members shall receive mileage at the legislative rate while attending to the duties of the board.

621-A:10 Terms of Office; Organization.

I. The legislative members of the board and the commissioners shall serve terms co-terminous with their terms in office. The remaining members of the board shall serve 3-year terms.

II. Each appointed member of the advisory board shall hold office until a successor is appointed and qualified. The appointment of successors for the filling of vacancies for unexpired terms shall be by appointment in the same manner as the original appointment.

III. The advisory board shall elect its own chairperson. The commissioners shall not be eligible to serve as chairperson of the advisory board. Any one of the legislative members of the board may call the first meeting. The board shall meet 6 times during the first year; thereafter, the board shall meet at least 4 times a year. Five members of the advisory board shall constitute a quorum.

IV. On or before the anniversary of the first meeting called after the effective date of this section, the advisory board shall submit a written report to the speaker of the house of representatives, the president of the senate, the governor, and the following legislative committees: the house children and family law committee, the house criminal justice and public safety committee, the senate judiciary committee, and the house and senate finance committees. The report shall detail the activities of the board and any recommendations made by the board to the department relative to juvenile justice services. The report shall include the board's assessment of the policies and procedures of the youth development center.

2Duties of the Advisory Board. Amend RSA 621-A:11 to read as follows:

621-A:11 Duties of the Advisory Board.

I. The advisory board shall act in an ***oversight and*** advisory capacity to assist the commissioner of the department of health and human services ***and the director of the division of juvenile justice services*** relative to juvenile justice programs and services provided to children at the youth development center and other juvenile justice facilities. The board ~~may~~ ***shall*** also provide advice and input on fiscal and budgetary matters related to such facilities, the availability of state and federal grants, business partnerships, and other funding sources available to the department for such facilities.

~~[I-a.]~~ ***II. The board shall assess whether the youth development center is meeting the objectives of RSA 621:2 and shall seek information from the director of the division of juvenile justice services in the department of health and human services concerning the successes and challenges relative to the state's juvenile justice programs and services.***

III. The board shall develop a list of qualified candidates for the position of director of the division of juvenile justice services under RSA 621-A:4-a.

~~[I-b.]~~ ***IV. The board shall be available to address emergent issues identified by the commissioner of health and human services, the director of the division of juvenile justice services, the chair of the advisory board, or any board member. In furtherance of this paragraph, the board may solicit comments from the public or any other entities as it deems appropriate.***

~~[H. Beginning in December 2010, and biennially thereafter, the board shall submit a written report to the speaker of the house, the president of the senate, the governor, and the following legislative committees: the house children and family law committee, the house criminal justice and safety committee, and the senate judiciary committee. The report shall detail the activities of the board and any recommendations made by the board to the department relative to juvenile justice services.]~~

3New Paragraph; Department of Health and Human Services; Juvenile Justice Services. Amend RSA 126-A:4 by inserting after paragraph V the following new paragraph:

VI. Notwithstanding any other provision of law to the contrary, the commissioner shall establish a division within the department for the administration of all juvenile justice services, including but not limited to the administration of the youth development center under RSA 621, the youth services center under RSA

621-A, and the supervision of juvenile probation and parole officers under RSA 170-G. Such division shall have the same status within the department as the division of the department responsible for the administration of services to children and youth under RSA 170-G.

4New Section; Director of the Division of Juvenile Justice Services; Appointment. Amend RSA 621-A by inserting after section 4 the following new section:

621-A:4-a Director of the Division of Juvenile Justice Services; Appointment. The director of the division of juvenile justice services shall be appointed by the governor, with the consent of council, from a list of a minimum of 3 qualified candidates submitted by the juvenile justice advisory board, provided that the names of additional qualified candidates may be submitted upon the request of the governor and council. The director of the division of juvenile justice services shall serve a term of 4 years.

5Youth Development Center; Reference to Sununu Youth Services Center Added. Amend RSA 621:1, I to read as follows:

I. The New Hampshire youth development center, a juvenile correctional facility formerly known as the industrial school, may also be referred to as [the] YDC, ~~or~~ the center, **or the Sununu Youth Services Center**. References to the industrial school, ~~or the~~ YDC, **or the Sununu Youth Services Center** in statutes or other documents shall mean the youth development center.

6Department of Health and Human Services, Sununu Youth Services Center; Reduction in Appropriation. Amend 2013, 143:14 to read as follows:

143:14 Department of Health and Human Services, Sununu Youth Services Center; Reduction in Appropriation. The department of health and human services is hereby directed to reduce state general fund appropriations to the Sununu Youth Services Center by [~~\$500,000~~] **\$231,926** for the fiscal year ending June 30, 2014 and by [~~\$750,000~~] **\$1,018,074** for the fiscal year ending June 30, 2015. [~~The department shall develop a reduction plan for the reductions required under this section and present the plan to the fiscal committee of the general court no later than September 30, 2013.~~]

7Effective Date.

I. Section 6 of this act shall take effect upon its passage.

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

AMENDED ANALYSIS

This bill:

I. Revises the membership and duties of the juvenile justice advisory board.

II. Requires the department of health and human services to maintain a separate division of juvenile justice services.

III. Establishes education and appointment criteria for the director of the division of juvenile justice services.

IV. Revises the amount the department of health and human services is directed to reduce state general fund appropriations to the Sununu Youth Services Center for the biennium ending June 30, 2015.

Amendment adopted.

Committee report adopted and referred to the Committee on Finance.

SB 396, relative to child restraint practices. **OUGHT TO PASS.**

Rep. Pamela T. Brown for Children and Family Law. This bill revises RSA 126-U, which limits the use of child restraint practices in facilities and schools and regulates the use of seclusion, restraint and force in such programs. Seclusion, restraint and “force” are carefully defined and limited to use by trained personnel in emergencies only to ensure the immediate physical safety of persons when there is a substantial and imminent risk of serious bodily harm to the child and others. With this bill, parents must be immediately informed; and if seclusion is deemed necessary, the child shall be directly and continuously visually and auditorially monitored by a person trained in the safe use of seclusion. The Disabilities Rights Center, New Hampshire Council on Developmental Disabilities, Children and Family Services and numerous parents testified in support of SB 396. Vote 16-2.

Committee report adopted and referred to the Committee on Executive Departments and Administration.

SB 215-FN, authorizing benefit corporations. **MAJORITY: OUGHT TO PASS. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Donna L. Schlachman for the Majority of Commerce and Consumer Affairs. This bill was introduced on behalf of New Hampshire corporations who want to operate as benefit corporations. This relatively new business entity already exists in 4 New England states and 17 other states. It is supported by the Business and Industry Association, New Hampshire’s department of resources and economic development and has been requested by NH-based businesses. This bill simply allows a private business to run the way it wants to by allowing it to pursue environmental and social goals as a value added benefit for their shareholders, in addition to their profit goals and responsibilities. Benefit corporations are still held to the same standards under New Hampshire’s current corporate law, but have dual accountability to their shareholders. The committee

heard that there are investors, representing billions of dollars, who are looking for opportunities to invest in b-corporations, as well as a workforce coming out of our institutions of higher living that are interested in companies with benefit missions. Enabling New Hampshire businesses to compete in this new market, and letting investors determine the success of this market, is another way for New Hampshire to support and attract business. The majority believes that the newness of this business model is an insufficient reason to keep New Hampshire businesses from competing in the market for investors by forming b-corporations. If we do not offer this option to companies, they may go elsewhere or not come here in the first place. Vote 14-4. Rep. Emily C. Sandblade for the Minority of Commerce and Consumer Affairs. This bill is well intentioned, but has many problems that need to be addressed before benefit corporations are a viable business form. Among the more serious problems are the following: 1) Benefit corporations must use third-party evaluations to show that they are fulfilling their purpose, but there are no standards for either qualifying the third parties, nor are there standards for showing that the corporation is meeting its stated goals. 2) Anyone can set up a third-party certifier, and there is no way to prevent third-party certifiers from approving goals that would horrify most people. 3) Statistically, businesses that do social good have lower profits than the average business. This means that such businesses – which will require the same infrastructure as their competitors – will pay fewer taxes to support that infrastructure. The revenue shortfall from such businesses will have to be made up by other businesses and individuals in the state, even if they don't agree with the benefit corporations' goals and even if they don't get any benefit at all. 4) Furthermore, nothing in this bill provides for a concomitant reduction in state spending in exchange for the social good that a benefit corporation will provide. If the state of New Hampshire is going to sacrifice business tax revenue, shouldn't it be getting something measurable in exchange? 5) While there is a way to convert a regular corporation to a benefit corporation, there is no provision for dealing with dissenting shareholders who do not agree to the conversion. This can be up to a full one-third of the shareholders. Because benefit status makes the stock less desirable, dissenting shareholders who thought their stock was worth a particular amount could find that it's worth considerably less than they were told. While the idea of doing good while doing well is a wonderful idea, the devil is in the details. This bill fails to address many, many details of setting up a new business form and is likely to result in further loading the courts with litigation. It's a laudable goal for the state of New Hampshire to allow a large array of business options, but no business option should have this many unaddressed problems. Therefore, this bill should be returned to committee to be reworked in interim study.

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

Rep. Shurtleff requested a roll call; sufficiently seconded.

YEAS 216 – NAYS 101

YEAS - 216

BELKNAP

DiMartino, Lisa
Huot, David

Fields, Dennis
Raymond, Ian

Flanders, Donald
Tilton, Franklin

Gulick, Ruth

CARROLL

Buco, Thomas
Schmidt, Stephen

Butler, Edward
Ticehurst, Susan

Chandler, Gene
Umberger, Karen

Lavender, Tom
White, Syndi

CHESHIRE

Ames, Richard
Johnsen, Gladys
Roberts, Kris
Tatro, Bruce

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

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

Hunt, John
Phillips, Larry
Shepardson, Marjorie
Young, Harry

COOS

Coulombe, Gary
Richardson, Herbert

Hammon, Marcia
Rideout, Leon

Moynihan, Wayne
Theberge, Robert

Rappaport, Laurence
Thomas, Yvonne

GRAFTON

Aguiar, James
Brown, Rebecca
Harding, Laurie
Piper, Wendy
White, Andrew

Almy, Susan
Cooney, Mary
Higgins, Patricia
Smith, Suzanne

Bailey, Brad
Ford, Susan
Massimilla, Linda
Sykes, George

Benn, Bernard
Friedrich, Carol
Mulholland, Catherine
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Eaton, Richard
Gargas, Carolyn
Grady, Brenda

Barry, Richard
Campbell, David
Flanagan, Jack
Gidge, Kenneth
Graham, John

Beaulieu, Jane
Coffey, James
Gage, Ruth
Goley, Jeffrey
Hammond, Jill

Booras, Efstathia
Connor, Evelyn
Gale, Sylvia
Gorman, Mary
Harriott-Gathright, Linda

Heath, Mary
Jasper, Shawn
Leishman, Peter
Mangipudi, Latha
Nelson, Mary
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Peter
Williams, Kermit

Heden, Ruth
Judy, Jean
Levesque, Melanie
Manley, Jonathan
O'Brien, Michael
Sanborn, Laurie
Smith, Timothy
Takesian, Charlene
Woodbury, David

Infantine, William
Knowles, Mary Ann
Long, Patrick
Martel, Andre
O'Neil, William
Schmidt, Janice
Spratt, Stephen
Vail, Suzanne

Jack, Martin
Kopka, Angeline
MacKay, Mariellen
McCloskey, David
Porter, Marjorie
Shattuck, Gilman
Sullivan, Daniel
Walsh, Robert

MERRIMACK

Alicea, Caroletta
Carey, Lorrie
Frambach, Mary
Hess, David
Kotowski, Frank
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Walz, Mary Beth

Bartlett, Christy
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Lockwood, Priscilla
Patten, Dick
Rogers, Katherine
Smith, Todd
Watrous, Rick

Bouchard, Candace
Davis, Frank
French, Barbara
Hunt, Jane
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Turcotte, Alan
Webb, Leigh

Burns, Scott
Ebel, Karen
Gile, Mary
Karrick, David
McGuire, Dan
Rice, Chip
Schuett, Dianne
Wallner, Mary Jane

ROCKINGHAM

Abrami, Patrick
Cahill, Michael
Devine, James
Hayes, Jack
Lovejoy, Patricia
Moody, Marcia
Pantelakos, Laura
Schlachman, Donna
Ward, Gerald

Belanger, Ronald
Cali-Pitts, Jacqueline
Emerson-Brown, Rebecca
Heffron, Frank
Mann, Maureen
Muns, Chris
Perkins, Lawrence
Sherman, Thomas
Wazlaw, Brian

Borden, David
Chirichiello, Brian
Flockhart, Eileen
Helmstetter, Barbara
McKinney, Betsy
Nigrello, Robert
Sapareto, Frank
Sweeney, Joe
Whittemore, Lisa

Briden, Steven
Cushing, Robert
Hagan, Joseph
Khan, Aboul
Milz, David
O'Connor, John
Scarlottio, Joe
Till, Mary

STRAFFORD

Baber, William
Burke, Rachel
Horrigan, Timothy
Merrill, Amanda
Rogers, Rose Marie
Spang, Judith
Ward, Kenneth

Berube, Roger
Grassie, Anne
Hubbard, Pamela
Mullen, John
Rollo, Deanna
Stevens, Audrey

Bickford, David
Gray, James
Kaen, Naida
Pelletier, Marsha
Schmidt, Peter
Verschueren, James

Bixby, Peter
Hooper, Dorothea
Malloy, Dennis
Perry, Robert
Smith, Marjorie
Wall, Janet

SULLIVAN

Cloutier, John
Irwin, Virginia
Schmidt, Andrew

Gagnon, Raymond
O'Hearne, Andrew
Sweeney, Cynthia

Gottling, Suzanne
Osgood, Joe
Tanner, Linda

Grenier, James
Rollins, Skip

NAYS - 101

BELKNAP

Burchell, Richard
Luther, Robert

Comtois, Guy
Sylvia, Michael

Cormier, Jane
Vadney, Herbert

Holmes, Stephen
Worsman, Colette

CARROLL

Cordelli, Glenn

Morrow, Harry

Nelson, Bill

Wright, Donald

CHESHIRE

Johnson, Jane

GRAFTON

Doolan, Ralph

Gionet, Edmond

Ladd, Rick

Reilly, Harold

HILLSBOROUGH

Belanger, James
Cebrowski, John
Danielson, David
Hikel, John
LeBrun, Donald
Ober, Lynne
Pellegrino, Tony
Rowe, Robert
Stroud, Kathleen
Villeneuve, Moe

Boehm, Ralph
Christiansen, Lars
Gagne, Larry
Hinch, Richard
Marston, Dick
Ober, Russell
Peterson, Lenette
Sandblade, Emily
Sweeney, Shawn
Warden, Mark

Burt, John
Culbert, Patrick
Haefner, Robert
Kurk, Neal
Murotake, David
Palmer, Stephen
Pratt, Calvin
Souza, Kathleen
Ulery, Jordan
Willette, Robert

Byron, Frank
Daniels, Gary
Hansen, Peter
Lambert, George
O'Brien, William
Parison, James
Renzullo, Andrew
Straight, Philip
Vaillancourt, Steve
Winters, Joel

MERRIMACK

Hoell, J.R.

McGuire, Carol

Walsh, Thomas

ROCKINGHAM

Allen, Mary
Comerford, Timothy
Dumaine, Dudley
Garcia, Bianca
Hodgdon, Bruce
Kolodziej, Walter
Sanders, Elisabeth
Sytek, John
Waterhouse, Kevin

Baldasaro, Alfred
Danaïs, Romeo
Elliott, Robert
Garcia, Marilinda
Hoelzel, Kathleen
Lundgren, David
Schroadter, Adam
Tamburello, Daniel
Webb, James

Bick, Patrick
DeSimone, Debra
Emerick, J. Tracy
Griffin, Mary
Itse, Daniel
McMahon, Charles
Sedensky, John
Tasker, Kyle
Weyler, Kenneth

Birdsell, Regina
Duarte, Joe
Fesh, Robert
Harris, Jeffrey
Kappler, Lawrence
Rice, Frederick
St.James, Kevin
Tucker, Pamela

STRAFFORD

Beaudoin, Steven
Pitre, Joseph

Groen, Warren

Jones, Laura

Parsons, Robbie

SULLIVAN

Smith, Steven

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

SB 345, repealing the prospective repeal of the annual public hearing and report on health insurance costs and trends. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jill S. Hammond for the Majority of Commerce and Consumer Affairs. This bill repeals the prospective repeal of the annual public hearing and report on health insurance costs and trends done by the NH Insurance Department. The department has done this for several years and the law was due to sunset. The continuation of this process will afford us a way of assessing the effects of federal health insurance reform under the patient protection and affordable care act. The Senate amended the original bill – a simple repeal of the repeal – by adding a second section requiring additional analysis and data of the commissioner, as well as a third section prohibiting a carrier from selling identical policies both on and off the exchange marketplace at different premiums. The committee has amended the senate version back to the original simple repeal. The additional information required in section two was either beyond the purview of the insurance department, or was already stipulated in the original law. The third section is already covered under the federal ACA and is redundant and unnecessary. Vote 10-8.

Rep. John B. Hunt for the Minority of Commerce and Consumer Affairs. The sunset that would be repealed by this bill was passed because of the unknowns about premiums under the Affordable Care Act (ACA). Now that the process for how a premium is set is clearly defined, there is no need for the public hearing and report as required by this law on health insurance premiums. Passage of this bill will only insure that the insurance department will give the same report every year forever, even though the elements of the actual premiums are locked into law by the ACA. The inclusion of the sunset made sense at the time the law was passed and is still true today.

Majority Amendment (1372h)

Amend the bill by replacing all after section 1 with the following:

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

AMENDED ANALYSIS

This bill repeals the prospective repeal of the annual public hearing and report on health insurance costs and trends. Majority committee amendment adopted.

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

On a division vote, 171 members having voted in the affirmative and 143 in the negative, the majority committee report was adopted and ordered to third reading.

SB 141-FN, establishing the Granite State farm to plate program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Rebecca A. Brown for the Majority of Environment and Agriculture. This bill establishes an agricultural policy for the State. Agriculture is a vital part of our state's economy, heritage, and character. The number of farms increased 13 percent in the last five years as entrepreneurs of all ages start new farm businesses. All over the state, local food movements are growing. With our great assets of fertile land and soils, we are attracting new businesses and investment. Agriculture does not only mean raising livestock and growing crops - it also includes horticulture, fisheries, maple syrup production and the many related businesses that process, distribute, and sell local food. With this bill, the policy of state agencies and the university system

is to foster agricultural enterprises and local, state, and regional food systems as vital to the health and economic well-being of the public. This statement of policy is needed by the many community-level and statewide efforts that are addressing how we build a food system that works for everyone (currently NH produces only about 6 percent of the food we consume). Such a policy statement - while costing the state nothing - will help community-based efforts when they seek very competitive funding to support their work. Vote 16-1.

Rep. Richard E. Gordon for the Minority of Environment and Agriculture. The minority feels this bill is a duplication of services and intrusion of state government upon rural community.

Majority Amendment (1346h)

Amend RSA 425:2-a, I as inserted by section 1 of the bill by replacing it with the following:

I. It is the policy of the state of New Hampshire through the department of agriculture, markets, and food and in conjunction with other state agencies to encourage and support local food producers, farming, and fisheries, including businesses engaged in agriculture, the raising and care of livestock, dairy, fishing, foraging, and aquaculture, agritourism, horticulture, orchard management, maple syrup production, and the associated local and regional businesses that process, purchase, distribute, and sell such food throughout the state.

Amend RSA 425:2-a, II as inserted by section 1 of the bill by replacing them with the following:

II. State agencies, including the department of agriculture, markets, and food; the department of resources and economic development; the department of health and human services; the department of environmental services, the department of transportation, the department of education, the University of New Hampshire College of Life Sciences and Agriculture, and the University of New Hampshire Cooperative Extension shall strive for inter-agency cooperation as well as cooperation with public and private entities to foster local, state, and regional food systems that adhere to the Granite State farm to plate principles below:

Amend RSA 425:2-a, II, (g)-(h) as inserted by section 1 of the bill by replacing them with the following:

(g) Economic development opportunities among New Hampshire's cities and towns are facilitated by state and local governments cooperating to remove obstacles and excessive financial burdens to farms and associated businesses, including farmers' markets, cooperatives, food hubs, fisheries, and processing centers.

(h) All levels of government shall consider the findings of the Farm Viability Task Force of 2006-2007 as well as consider advocating farmland preservation efforts that would permanently protect farmland with voluntary agricultural conservation easements that place priority on protection of agricultural resources and production to ensure our state's future capacity to produce food.

Amend RSA 425:2-a, II(j) as inserted by section 1 of the bill by replacing it with the following:

(j) Federal governmental programs provide significant opportunities for the state to obtain federal funding that supports the development of local food systems, such as use of federal benefits at farmers' markets.

Majority committee amendment adopted.

Majority committee report adopted and referred to the Committee on Finance.

SB 395-FN, relative to the retirement classification of the director of the division of forests and lands. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey P. Goley for the Majority of Executive Departments and Administration. This bill allows the director of forests and lands to maintain his or her status as a group II member of the state retirement system provided that prior to being appointed to the position he or she has been a member of Group II for at least 10 years. The commissioner of resources and economic development testified that the director of forests and lands is responsible for statewide wild fire prevention and control, as well as enforcement of forest protection laws, and per RSA 227-G:7, the director is a peace officer with power to serve criminal processes and make arrests. The majority of the committee believes that these responsibilities are similar to those of current Group II members, such as police and fire chiefs whose duties combine deskwork with field supervision. The majority also believes that the best way to recruit the most qualified candidate for this position would be flexible and allow the person the ability to maintain Group II status. Vote 10-7.

Rep. John Sytek for the Minority of Executive Departments and Administration. The minority agrees with the majority in that we support the level of compensation appropriate for this division director. However, we do not agree that this position should be placed in Group II retirement. This bill would permit the division director to keep his Group II retirement benefit while working at what is typically a Group I position. Group II is reserved for at-risk peace officers and firefighters. The job of division director is administrative and supervisory, completely removed from any at-risk situations. We know this from the written testimony of the commissioner of DRED. While that testimony listed statutory authority granting the division director arrest powers, there was no testimony that the division director has ever used or would ever be expected to use such arrest powers. It was pointed out that there are similar instances of Group II retention in state government but we do not feel that making continued exceptions - perhaps raising the concern that such legislation is motivated more by a generous impulse towards the incumbent than by the nature of the position itself - is good state policy. The NH retirement system provides for split benefits (some service time from Group II, some from Group I) for this sort of situation. This position and the incumbent in it should be paid at a salary level commensurate with its responsibilities as a Group I position but not at the price of diluting the meaning of Group II.

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

On a division vote, 165 members having voted in the affirmative and 149 in the negative, the majority committee report was adopted and referred to the Committee on Finance.

SB 368-FN, increasing the maximum fine for lead remediation. **OUGHT TO PASS.**

Rep. Laurie Harding for Health, Human Services and Elderly Affairs. This bill was requested by the department of health and human services. It requires the state to change the fine structure to meet federal standards. The lead program is in part funded by federal dollars, which are only available if the state meets these standards. Vote 10-5.

Committee report adopted and referred to the Committee on Ways and Means.

SB 367-FN-A, requiring adjustment of the road toll according to changes in the Consumer Price Index, eliminating certain ramp tolls on the Everett turnpike in the town of Merrimack, and establishing a committee to study the effectiveness and efficiency of the department of transportation. **MAJORITY: OUGHT TO PASS.**

MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. David B. Campbell for the Majority of Joint Public Works and Highways and Ways and Means. The minority and opponents of this bill insist on calling the road toll a "tax." It is not. The words "gas tax" do not appear anywhere in the New Hampshire RSAs. The "road toll" was enacted as a User Fee in the early twentieth century (by a Republican legislature and Governor) at the dawn of the automobile age, because of the need to build and maintain roads. It was affirmed in 1923 by the New Hampshire Supreme Court as a User Fee. It would not be before the House as a Senate Bill if it were not a User Fee; because under our State's Constitution, all tax bills must originate in the House. Today, it remains a User Fee: the more one drives a vehicle on State roads; the more one uses fuel in the vehicle and the more road toll an individual pays to build and maintain our roads and bridges. About 20% of road toll revenue comes from out-of-state vehicles. It seems we all finally agree that our highway infrastructure is in terrible condition. Through neglect the problem is getting exponentially worse and more expensive each year. Only additional funds and investment, not words and ideology, will fix roads and bridges. New Hampshire's highway system is its economic lifeblood, supporting commerce, tourism, jobs and our everyday lives. Today, by not properly investing and maintaining NH's roads and bridges, we are in the midst of an infrastructure crisis, that is on its way to becoming a catastrophe. Today, we can enact legislation, which will add the first permanent increase in Highway Fund revenue in over 20 years. While opponents will feign outrage that this increases the road toll by 23%, consider what the ravages of time and inflation have done to our state and municipal infrastructure over the same time: While the road toll revenue has increased (because of volume) by about 50% since 1991, the costs of asphalt, cement, steel, road salt and other highway related commodities over that time have increased 400% or more. The same dollars that could pave almost three miles of road in 1991, can now pave only one mile. The same dollars that could repair three similar bridges in 1991 can now only repair one. The result is of the 4,500 miles of Highway Funded roads, which in 1991 had 630 miles rated as "poor" (in need of major repair) condition, now has over 1,660 miles (37%) in "poor" condition. The cost to pave a road in "fair" condition is between \$50 - 60,000 per mile, the costs to "rehabilitate" a road in "poor" condition range into the hundreds of thousands of dollars per mile! The number of municipal and state red list bridges continues to grow faster than they can be repaired. SB 367 begins the work of addressing the desperate need for additional investment in our state and municipal highway system. Every penny of the 4.2-cent increase in the road toll will be spent exclusively on the construction and maintenance of municipal and state roads and bridges:

- 33% to municipalities,
- 25% to secondary state roads and bridge, and
- 42% to complete the Interstate 93 widening.

The municipal funds are in the form of increased municipal block grant aid (the 12% off the top that has been in place for over 60 years) and doubling the state aid program for municipal bridges to \$13.6 million per year. The investment in secondary state roads and bridges in all six DOT districts will put NH back on an 8-10 year repaving cycle in the next two years, thereby saving taxpayer's millions of dollars. And importantly, this bill in conjunction with the Ten Year Plan recently passed by the House, fully funds the Interstate 93 widening project, which otherwise will not be completed prior to its environmental permits expiring in 2020. Interstate 93 is the "main artery" to New Hampshire's economy: transporting commerce, goods, commuters and tourists to and from our state. It is the spine of the state's transportation system, linking to other major highways such as NH Routes 101, 3/11, 4, 28, 104, and 302 and Interstates 89, 293 and 393. It is the highest traveled road in the state, carrying in excess of 6,000 trucks and 100,000 vehicles per day. I-93 is the highway used by 22 million New Hampshire commuters and 13 million out-of-state visitors each year. This bill as it came from the Senate contains provisions to study the department of transportation's efficiencies, to sunset the 4.2-cent increase in 20 years and to eliminate one of the three tolled exit ramps (exit 12) on the F. E. Turnpike in Merrimack. Turnpike toll plaza revenue exclusively funds the 90 linear miles that comprise NH's turnpike system and is unrelated to and has no impact on the 4,500 miles of road funded by the Highway Fund. So even though this is the proverbial orange on an apple tree, the Legislative Budget Assistant's analysis of the Merrimack

tolls shows that even with the loss of the revenue at exit 12, there is a slight projected net gain in the overall Merrimack turnpike toll revenue when comparing FY 2011 to FY 2015. This is due to the increase in traffic at exits 10 and 11 from the opening of the new Discount Mall. Because there is no net Turnpike operating loss, the Treasurer testified that this ramp closure, and the one-time removal cost of \$600,000, would not adversely affect the Turnpike's financial status. New Hampshire's road toll rate is currently the third lowest across the 32 states that comprise the nation's "frost belt" and even with the 4.2-cent increase will still be the lowest in New England. Last year, a study conducted by TRIP indicated the average NH driver pays an additional \$323 annually in added automobile repairs because of poor roads. For many residents, this spring's road conditions have unfortunately shown this study to be valid with a flood of damaged tires, wheels, hubcaps and front-end alignments. IF this 4.2 cent increase passed through to drivers "penny for penny" (and there has been overwhelming testimony through the years to the contrary) the additional amount vehicle owners driving between 5,000 to 20,000 miles a year would pay is between about \$8 and \$32 more per year. Neighboring states' fuel taxes are now and will be still be higher than NH's road toll (currently Maine is 10 cents more, Massachusetts is 6 cents and Vermont is 12 cents higher) As Berlin's Mayor recently said, "When I see New Hampshire with a lower fuel tax, but retailers charging the same price as in Maine and Vermont, I can only conclude that the wholesale distributors are laughing all the way to the bank." The need to properly invest in the repair and renovation of our state and municipal roads and bridges is critically important for NH's future economic growth; and in our ability to compete with other states in holding and attracting businesses and jobs...to promote tourism and ensure safe and efficient travel to and from work and school. The increased funds will all be spent inside our state's boundaries creating hundreds of jobs and boosting New Hampshire's economy. That is why so many business groups testified in support of SB 367 in its present form including: the Business and Industry Association, the Manchester and Nashua Chambers of Commerce, the Association of General Contractors, NH Good Roads, AAA, the NH Tourism Council and the NH Lodging and Restaurant Association. Many cities and towns and the NH Municipal Association are in favor of this bill. The Governor has also voiced her support of and willingness to sign SB 367 in its present form. Please join with them and the 26 – 11 bipartisan majority of the Joint Committee and vote in favor of SB 367. Our state's future economic vitality depends on it. Vote 26-11. Rep. Gene G. Chandler for the Minority of Joint Public Works and Highways and Ways and Means. While few would question the need for improvements to NH's roads and bridges, the minority questions aspects of this bill and the actions of prior legislatures regarding diversions from the highway fund. Number one: The minority believes that if NH's citizens realized that 42% of the money raised from this tax increase on gasoline and diesel would go to pay for bonding to work on the Route I-93 project and not roads and bridges in their community, and that the 2014 ten year highway plan already includes 50 million dollars for the I-93 project, they might find this troubling. The minority also believes that since the last two legislative budgets have overridden a very prudent law passed in 2008 capping the amount of money that could be diverted from the highway fund; to the tune of \$28 million in this last budget; NH's citizens might be well founded in their wariness that the proceeds from this new tax will actually go to highway improvements. Additionally, the minority believes that removing the toll at exit 12 in Merrimack deserves more study due to the resulting loss in turnpike revenues. The Public Works committee and the House position in the ten-year plan was to study this issue and if the exit toll was removed, Continental Boulevard would revert to the Town of Merrimack. The ten-year highway plan, which is the House position on highway funding and is now in the Senate, addresses the issues and this is appropriately where they should have been addressed. It is establishing poor public policy when legislative special projects become part of a tax bill. The minority believes that if NH's citizens are going to be subject to a higher tax on fuel, they deserve no less than a full guarantee that all the proceeds from that tax will go to their intended uses. Vote 26-11.

The question being adoption of the majority committee report of Ought to Pass.
Rep. Tucker offered floor amendment (1487h).

Floor Amendment (1487h)

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

AN ACT increasing the rate of the road toll, eliminating certain ramp tolls on the Everett turnpike in the town of Merrimack, and establishing a committee to study the effectiveness and efficiency of the department of transportation.

Amend the bill by replacing sections 1-5 with the following:

1Road Toll; Adjustment. Amend the introductory paragraph of RSA 260:32 to read as follows:

260:32 Levy of Tolls and Exemptions. There is hereby imposed a road toll of [~~\$-.18~~] **\$.222** per gallon upon the sale of each gallon of motor fuel sold by distributors thereof. The road toll shall be collected by the distributor from the purchaser and remitted to the state in the manner hereinafter set forth. **All revenues collected for rates that exceed \$.18 per gallon shall be nonlapsing and continually appropriated to, and expended exclusively by, the department of transportation in accordance with RSA 260:32-a.** Provided, that the road toll shall not apply to:

2Road Toll; Prospective Amendment. The introductory paragraph of RSA 260:32 is repealed and reenacted to read as follows:

260:32 Levy of Tolls and Exemptions. There is hereby imposed a road toll of \$.18 per gallon upon the sale of each gallon of motor fuel sold by distributors thereof. The road toll shall be collected by the distributor from the purchaser and remitted to the state in the manner hereinafter set forth. Provided, that the road toll shall not apply to:

3New Section; Expenditure of Certain Road Toll Revenue. Amend RSA 260 by inserting after section 32 the following new section:

260:32-a Expenditure of Certain Road Toll Revenue.

I. For the fiscal year ending June 30, 2015, expenditure of revenues collected from rates that exceed \$.18 per gallon, less required "Apportionment A" distributions under RSA 235:23, I on said revenues, shall be made for the following purposes in the following order of priority:

(a) \$12,000,000 shall be expended for the district rehabilitation program with said funds to be distributed equally among the 6 state highway districts.

(b) \$13,200,000 shall be expended for the district resurfacing program with said funds to be distributed equally among the 6 state highway districts.

(c) All remaining funds shall be for the purpose of state bridge aid for municipal bridges under RSA 234. II. For the fiscal year ending June 30, 2016, expenditure of revenues collected from rates that exceed \$.18 per gallon, less required "Apportionment A" distributions under RSA 235:23, I on said revenues, shall be made for the following purposes in the following order of priority:

(a) Debt service payments for bonds issued pursuant to RSA 6:13-d;

(b) \$8,100,000 shall be expended for the district rehabilitation program with said funds to be distributed equally among the 6 state highway districts.

(c) \$13,200,000 shall be expended for the district resurfacing program with said funds to be distributed equally among the 6 state highway districts.

(d) In addition to sums otherwise appropriated, \$6,800,000 for state bridge aid for municipal bridges under RSA 234;

(e) All remaining funds deposited into the highway and bridge betterment account under RSA 235:23-a.

III. For the fiscal year ending June 30, 2017 and each fiscal year thereafter, expenditure of revenues collected from rates that exceed \$.18 per gallon, less required "Apportionment A" distributions under RSA 235:23, I on said revenues, shall be made for the following purposes in the following order of priority:

(a) Debt service payments for bonds issued pursuant to RSA 6:13-d;

(b) In addition to sums otherwise appropriated, \$6,800,000 for state bridge aid for municipal bridges under RSA 234;

(c) All remaining funds deposited into the highway and bridge betterment account under RSA 235:23-a.

4New Section; Authority to Issue Bonds; Highway Fund. Amend RSA 6 by inserting after section 13-c the following new section:

6:13-d Authority to Borrow; Certain Transportation Projects.

I. The state treasurer, as may be requested from time to time by the commissioner of the department of transportation, is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$200,000,000 and shall issue general obligation bonds in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A, to provide funds for the widening of Interstate 93 from Salem, New Hampshire to Manchester, New Hampshire.

II. Payment of principal and interest on the bonds issued under paragraph I shall be paid when due from the highway funds collected and appropriated in accordance with RSA 260:32 for rates that exceed \$.18 per gallon and expended in accordance with RSA 260:32-a.

5Prospective Repeals. The following are repealed:

I. RSA 260:32-a, relative to expenditure of certain road toll revenue.

II. RSA 6:13-d, relative to authority to borrow for certain transportation projects.

AMENDED ANALYSIS

This bill increases the rate of the road toll imposed on sales of motor fuels and appropriates revenues for certain transportation projects. The increase in the road toll is repealed upon completion of the bonding for the widening of Interstate 93 project. The bill eliminates certain ramp tolls on the Everett turnpike in the town of Merrimack. The bill also establishes a committee to study the effectiveness and efficiency of the department of transportation.

Reps. Tucker and Hoell spoke in favor and yielded to questions.

Rep. Campbell spoke against and yielded to questions.

Rep. Tucker requested a roll call; sufficiently seconded.

YEAS 126 – NAYS 202**YEAS - 126****BELKNAP**

Burchell, Richard
Fink, Charles
Sylvia, Michael

Comtois, Guy
Flanders, Donald
Vadney, Herbert

Cormier, Jane
Holmes, Stephen
Worsman, Colette

Fields, Dennis
Luther, Robert

CARROLL

Ahlgren, Christopher
Nelson, Bill

Cordelli, Glenn
Schmidt, Stephen

McConkey, Mark
Umberger, Karen

Merrow, Harry
Wright, Donald

CHESHIRE

Hunt, John

COOS

Rappaport, Laurence

Rideout, Leon

Thomas, Yvonne

GRAFTON

Bailey, Brad
Reilly, Harold

Doolan, Ralph

Gionet, Edmond

Ladd, Rick

HILLSBOROUGH

Belanger, James
Cebrowski, John
Flanagan, Jack
Hansen, Peter
Kurk, Neal
Murotake, David
Ober, Russell
Pratt, Calvin
Sandblade, Emily
Takesian, Charlene
Willette, Robert

Boehm, Ralph
Coffey, James
Gagne, Larry
Hikel, John
Lambert, George
Murphy, Keith
Palmer, Stephen
Renzullo, Andrew
Souza, Kathleen
Ulery, Jordan

Burt, John
Daniels, Gary
Gargas, Carolyn
Hinch, Richard
LeBrun, Donald
O'Brien, William
Parison, James
Rowe, Robert
Straight, Philip
Vaillancourt, Steve

Byron, Frank
Danielson, David
Haefner, Robert
Infantine, William
Marston, Dick
Ober, Lynne
Peterson, Lenette
Sanborn, Laurie
Sweeney, Shawn
Warden, Mark

MERRIMACK

Hoell, J.R.

McGuire, Carol

McGuire, Dan

Walsh, Thomas

ROCKINGHAM

Allen, Mary
Birdsell, Regina
DeSimone, Debra
Garcia, Bianca
Hayes, Jack
Kappler, Lawrence
McMahon, Charles
Rice, Frederick
Schroadter, Adam
Sytek, John
Weyler, Kenneth

Baldasaro, Alfred
Chirichiello, Brian
Dumaine, Dudley
Garcia, Marilinda
Hodgdon, Bruce
Khan, Aboul
Nigrello, Robert
Sanders, Elisabeth
Sedensky, John
Tamburello, Daniel

Belanger, Ronald
Comerford, Timothy
Emerick, J. Tracy
Gordon, Richard
Hoelzel, Kathleen
Lundgren, David
O'Connor, John
Sapareto, Frank
St.James, Kevin
Tucker, Pamela

Bick, Patrick
Danais, Romeo
Fesh, Robert
Harris, Jeffrey
Itse, Daniel
McKinney, Betsy
Perkins, Lawrence
Scarlottio, Joe
Sweeney, Joe
Webb, James

STRAFFORD

Beaudoin, Steven
Jones, Laura

Bickford, David
Mullen, John

Gray, James
Parsons, Robbie

Groen, Warren
Pitre, Joseph

SULLIVAN

Grenier, James

Osgood, Joe

Rollins, Skip

Smith, Steven

NAYS - 202**BELKNAP**

DiMartino, Lisa
Tilton, Franklin

Gulick, Ruth

Huot, David

Raymond, Ian

CARROLL

Buco, Thomas
Ticehurst, Susan

Butler, Edward
White, Syndi

Chandler, Gene

Lavender, Tom

CHESHIRE

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

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

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

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

COOSCoulombe, Gary
Richardson, HerbertHammon, Marcia
Theberge, Robert

Hatch, William

Moynihan, Wayne

GRAFTONAguir, James
Cooney, Mary
Higgins, Patricia
Piper, WendyAlmy, Susan
Ford, Susan
Massimilla, Linda
Sykes, GeorgeBenn, Bernard
Friedrich, Carol
Mulholland, Catherine
Townsend, CharlesBrown, Rebecca
Harding, Laurie
Pastor, Beatriz
White, Andrew**HILLSBOROUGH**Backus, Robert
Brown, Pamela
Culbert, Patrick
Gidge, Kenneth
Graham, John
Heden, Ruth
Katsiantonis, Thomas
Levesque, Melanie
Manley, Jonathan
O'Brien, Michael
Ramsey, Peter
Shaw, Barbara
Sullivan, Daniel
Walsh, RobertBarry, Richard
Campbell, David
Eaton, Richard
Goley, Jeffrey
Hammond, Jill
Jack, Martin
Knowles, Mary Ann
Long, Patrick
Martel, Andre
O'Neil, William
Rosenwald, Cindy
Smith, Timothy
Sullivan, Peter
Williams, KermitBeaulieu, Jane
Christiansen, Lars
Gage, Ruth
Gorman, Mary
Harriott-Gathright, Linda
Jasper, Shawn
Kopka, Angeline
MacKay, Mariellen
McCloskey, David
Pellegrino, Tony
Schmidt, Janice
Spratt, Stephen
Vail, Suzanne
Winters, JoelBooras, Efstathia
Connor, Evelyn
Gale, Sylvia
Grady, Brenda
Heath, Mary
Jeudy, Jean
Leishman, Peter
Mangipudi, Latha
Nelson, Mary
Porter, Marjorie
Shattuck, Gilman
Stroud, Kathleen
Villeneuve, Moe
Woodbury, David**MERRIMACK**Alicia, Caroletta
Carey, Lorrie
Frambach, Mary
Hirsch, Geoffrey
Lockwood, Priscilla
Ratzki, Mario
Schamberg, Thomas
Turcotte, Alan
Webb, LeighBartlett, Christy
Carson, Clyde
Frazer, June
Hunt, Jane
MacKay, James
Rice, Chip
Schuett, Dianne
Wallner, Mary JaneBouchard, Candace
Davis, Frank
French, Barbara
Karrick, David
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Walz, Mary BethBurns, Scott
Ebel, Karen
Gile, Mary
Kotowski, Frank
Patten, Dick
Rogers, Katherine
Smith, Todd
Watrous, Rick**ROCKINGHAM**Abrami, Patrick
Cali-Pitts, Jacqueline
Elliott, Robert
Griffin, Mary
Lovejoy, Patricia
Muns, Chris
Till, Mary
Whittemore, LisaBorden, David
Cushing, Robert
Emerson-Brown, Rebecca
Heffron, Frank
Mann, Maureen
Pantelakos, Laura
Ward, GeraldBriden, Steven
Devine, James
Flockhart, Eileen
Helmstetter, Barbara
Milz, David
Schlachman, Donna
Waterhouse, KevinCahill, Michael
Duarte, Joe
Friel, William
Kolodziej, Walter
Moody, Marcia
Sherman, Thomas
Wazlaw, Brian**STRAFFORD**Baber, William
Gardner, Janice
Hubbard, Pamela
Pelletier, Marsha
Schmidt, Peter
Stevens, AudreyBerube, Roger
Grassie, Anne
Kaen, Naida
Perry, Robert
Smith, Marjorie
Verschueren, JamesBixby, Peter
Hooper, Dorothea
Malloy, Dennis
Rogers, Rose Marie
Spainhower, Dale
Wall, JanetBurke, Rachel
Horrigian, Timothy
Merrill, Amanda
Rollo, Deanna
Spang, Judith
Ward, Kenneth**SULLIVAN**Cloutier, John
O'Hearne, AndrewGagnon, Raymond
Schmidt, AndrewGottling, Suzanne
Sweeney, CynthiaIrwin, Virginia
Tanner, Linda

and floor amendment (1487h) failed.

The question now being adoption of the majority committee report of Ought to Pass.
Rep. Dan McGuire offered floor amendment (1504h).

Floor Amendment (1504h)

Amend the bill by replacing section 7 with the following:

7Department of Transportation; Everett Tolls Eliminated. Notwithstanding any law to the contrary, the commissioner of the department of transportation shall eliminate the northbound and southbound ramp tolls for exit 11 on the Everett turnpike in the town of Merrimack.

Rep. Campbell spoke against and yielded to questions.

Rep. Dan McGuire spoke in favor, yielded to questions and requested a roll call; sufficiently seconded.

YEAS 99 – NAYS 231**YEAS - 99****BELKNAP**

Burchell, Richard
Flanders, Donald

Comtois, Guy
Holmes, Stephen

Cormier, Jane
Sylvia, Michael

Fink, Charles
Vadney, Herbert

CARROLL

Cordelli, Glenn
Wright, Donald

Nelson, Bill

Schmidt, Stephen

Umberger, Karen

CHESHIRE

Johnson, Jane

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad

Gionet, Edmond

Ladd, Rick

Reilly, Harold

HILLSBOROUGH

Boehm, Ralph
Christiansen, Lars
Gagne, Larry
Hinch, Richard
Marston, Dick
Ober, Lynne
Peterson, Lenette
Sanborn, Laurie
Stroud, Kathleen
Warden, Mark

Burt, John
Coffey, James
Gargas, Carolyn
Kurk, Neal
Murphy, Keith
Ober, Russell
Pratt, Calvin
Sandblade, Emily
Sweeney, Shawn

Byron, Frank
Daniels, Gary
Hansen, Peter
Lambert, George
O'Brien, William
Palmer, Stephen
Renzullo, Andrew
Souza, Kathleen
Ulery, Jordan

Cebrowski, John
Flanagan, Jack
Hikel, John
LeBrun, Donald
O'Flaherty, Tim
Pellegrino, Tony
Rowe, Robert
Straight, Philip
Vaillancourt, Steve

MERRIMACK

Hoell, J.R.

McGuire, Carol

McGuire, Dan

Walsh, Thomas

ROCKINGHAM

Allen, Mary
Chirichiello, Brian
Emerick, J. Tracy
Hagan, Joseph
Itse, Daniel
Nigrello, Robert
Sytek, John
Weyler, Kenneth

Baldasaro, Alfred
Comerford, Timothy
Garcia, Bianca
Harris, Jeffrey
Kappler, Lawrence
Sapareto, Frank
Tamburello, Daniel

Bick, Patrick
Duarte, Joe
Garcia, Marilinda
Hayes, Jack
Khan, Aboul
Schroadter, Adam
Tucker, Pamela

Birdsell, Regina
Dumaine, Dudley
Gordon, Richard
Hodgdon, Bruce
McMahon, Charles
Sweeney, Joe
Webb, James

STRAFFORD

Beaudoin, Steven
Parsons, Robbie

Gray, James
Pitre, Joseph

Groen, Warren

Jones, Laura

SULLIVAN

Rollins, Skip

Smith, Steven

NAYS - 231**BELKNAP**

DiMartino, Lisa
Luther, Robert

Fields, Dennis
Raymond, Ian

Gulick, Ruth
Tilton, Franklin

Huot, David
Worsman, Colette

CARROLL

Ahlgren, Christopher
Lavender, Tom
White, Syndi

Buco, Thomas
McConkey, Mark

Butler, Edward
Merrow, Harry

Chandler, Gene
Ticehurst, Susan

CHESHIRE

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

Berch, Paul
Hunt, John
Parkhurst, Henry
Sad, Tara
Weed, Charles

Butynski, William
Johnsen, Gladys
Phillips, Larry
Shepardson, Marjorie
Young, Harry

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

COOS

Coulombe, Gary
Theberge, Robert

Hammon, Marcia
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

GRAFTON

Aguiar, James
Cooney, Mary
Harding, Laurie
Pastor, Beatriz
Townsend, Charles

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

Benn, Bernard
Ford, Susan
Massimilla, Linda
Smith, Suzanne

Brown, Rebecca
Friedrich, Carol
Mulholland, Catherine
Sykes, George

HILLSBOROUGH

Backus, Robert
Booras, Efstathia
Culbert, Patrick
Gale, Sylvia
Grady, Brenda
Harriott-Gathright, Linda
Jack, Martin
Knowles, Mary Ann
Long, Patrick
Martel, Andre
O'Brien, Michael
Ramsey, Peter
Shaw, Barbara
Sullivan, Peter
Walsh, Robert
Woodbury, David

Barry, Richard
Brown, Pamela
Danielson, David
Gidge, Kenneth
Graham, John
Heath, Mary
Jasper, Shawn
Kopka, Angeline
MacKay, Mariellen
McCloskey, David
O'Neil, William
Rosenwald, Cindy
Smith, Timothy
Takesian, Charlene
Willette, Robert

Beaulieu, Jane
Campbell, David
Eaton, Richard
Goley, Jeffrey
Haefner, Robert
Heden, Ruth
Judy, Jean
Leishman, Peter
Mangipudi, Latha
Murotake, David
Parison, James
Schmidt, Janice
Spratt, Stephen
Vail, Suzanne
Williams, Kermit

Belanger, James
Connor, Evelyn
Gage, Ruth
Gorman, Mary
Hammond, Jill
Infantine, William
Katsiantonis, Thomas
Levesque, Melanie
Manley, Jonathan
Nelson, Mary
Porter, Marjorie
Shattuck, Gilman
Sullivan, Daniel
Villeneuve, Moe
Winters, Joel

MERRIMACK

Alicea, Caroletta
Carson, Clyde
Frazer, June
Hunt, Jane
MacKay, James
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

Bartlett, Christy
Davis, Frank
French, Barbara
Karrick, David
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

Bouchard, Candace
Ebel, Karen
Gile, Mary
Kotowski, Frank
Patten, Dick
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

Carey, Lorrie
Frambach, Mary
Hirsch, Geoffrey
Lockwood, Priscilla
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

ROCKINGHAM

Abrami, Patrick
Cahill, Michael
DeSimone, Debra
Fesh, Robert
Heffron, Frank
Lovejoy, Patricia
Milz, David
Pantelakos, Laura
Scarlotta, Joe
St.James, Kevin
Wazlaw, Brian

Belanger, Ronald
Cali-Pitts, Jacqueline
Devine, James
Flockhart, Eileen
Helmstetter, Barbara
Lundgren, David
Moody, Marcia
Perkins, Lawrence
Schlachman, Donna
Till, Mary
Whittemore, Lisa

Borden, David
Cushing, Robert
Elliott, Robert
Friel, William
Hoelzel, Kathleen
Mann, Maureen
Muns, Chris
Rice, Frederick
Sedensky, John
Ward, Gerald

Briden, Steven
Danais, Romeo
Emerson-Brown, Rebecca
Griffin, Mary
Kolodziej, Walter
McKinney, Betsy
O'Connor, John
Sanders, Elisabeth
Sherman, Thomas
Waterhouse, Kevin

STRAFFORD

Baber, William
Burke, Rachel
Hooper, Dorothea
Malloy, Dennis
Perry, Robert
Smith, Marjorie
Verschueren, James

Berube, Roger
Gardner, Janice
Horrigan, Timothy
Merrill, Amanda
Rogers, Rose Marie
Spainhower, Dale
Wall, Janet

Bickford, David
Grassie, Anne
Hubbard, Pamela
Mullen, John
Rollo, Deanna
Spang, Judith
Ward, Kenneth

Bixby, Peter
Grossman, Kenneth
Kaen, Naida
Pelletier, Marsha
Schmidt, Peter
Stevens, Audrey

SULLIVAN

Cloutier, John
Irwin, Virginia
Sweeney, Cynthia

Gagnon, Raymond
O'Hearne, Andrew
Tanner, Linda

Gottling, Suzanne
Osgood, Joe

Grenier, James
Schmidt, Andrew

and floor amendment (1504h) failed.

The question now being adoption of the majority committee report of Ought to Pass.
Rep. Peterson offered floor amendment (1505h).

Floor Amendment (1505h)

Amend the bill by replacing section 7 with the following:

7Department of Transportation; Everett Tolls Eliminated. Notwithstanding any law to the contrary, the commissioner of the department of transportation shall eliminate the ramp tolls for exits 10, 11, and 12 on the Everett turnpike in the town of Merrimack.

Rep. Tamburello spoke in favor.

Rep. Campbell spoke against and yielded to questions.

Rep. Peterson spoke in favor, yielded to questions and requested a roll call; sufficiently seconded.

YEAS 87 – NAYS 245

YEAS - 87

BELKNAP

Burchell, Richard
Fink, Charles
Sylvia, Michael

Comtois, Guy
Flanders, Donald
Vadney, Herbert

Cormier, Jane
Holmes, Stephen

Fields, Dennis
Luther, Robert

CARROLL

Cordelli, Glenn

Wright, Donald

CHESHIRE

Hunt, John

Johnson, Jane

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad

Gionet, Edmond

Reilly, Harold

HILLSBOROUGH

Boehm, Ralph
Gagne, Larry
Lambert, George
Ober, Lynne
Pellegrino, Tony
Sanborn, Laurie
Stroud, Kathleen
Warden, Mark

Byron, Frank
Hikel, John
Marston, Dick
Ober, Russell
Peterson, Lenette
Sandblade, Emily
Sweeney, Shawn

Cebrowski, John
Hinch, Richard
Murphy, Keith
Palmer, Stephen
Pratt, Calvin
Souza, Kathleen
Ulery, Jordan

Daniels, Gary
Kurk, Neal
O'Brien, William
Parison, James
Renzullo, Andrew
Straight, Philip
Vaillancourt, Steve

MERRIMACK

Hoell, J.R.

McGuire, Carol

McGuire, Dan

ROCKINGHAM

Baldasaro, Alfred
Comerford, Timothy
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Sapareto, Frank
Tamburello, Daniel

Bick, Patrick
Duarte, Joe
Garcia, Bianca
Harris, Jeffrey
Khan, Aboul
Schroadter, Adam
Tucker, Pamela

Birdsell, Regina
Dumaine, Dudley
Garcia, Marilinda
Hayes, Jack
McKinney, Betsy
St.James, Kevin
Weyler, Kenneth

Chirichiello, Brian
Emerick, J. Tracy
Gordon, Richard
Hodgdon, Bruce
McMahon, Charles
Sweeney, Joe

STRAFFORD

Beaudoin, Steven
Parsons, Robbie

Gray, James
Pitre, Joseph

Groen, Warren

Jones, Laura

SULLIVAN

Rollins, Skip

Smith, Steven

NAYS - 245

BELKNAP

DiMartino, Lisa
Tilton, Franklin

Gulick, Ruth
Worsman, Colette

Huot, David

Raymond, Ian

CARROLL

Ahlgren, Christopher
Lavender, Tom
Schmidt, Stephen

Buco, Thomas
McConkey, Mark
Ticehurst, Susan

Butler, Edward
Morrow, Harry
Umberger, Karen

Chandler, Gene
Nelson, Bill
White, Syndi

CHESHIRE

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

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

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

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

COOS

Coulombe, Gary	Hammon, Marcia	Hatch, William	Moynihan,
Wayne			
Theberge, Robert	Thomas, Yvonne		

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Brown,
Rebecca			
Cooney, Mary	Doolan, Ralph	Ford, Susan	Friedrich,
Carol			
Harding, Laurie	Higgins, Patricia	Ladd, Rick	Massimilla,
Linda			
Mulholland, Catherine	Pastor, Beatriz	Piper, Wendy	Smith,
Suzanne			
Sykes, George	Townsend, Charles	White, Andrew	

HILLSBOROUGH

Backus, Robert	Barry, Richard	Beaulieu, Jane	Belanger,
James			
Booras, Efstathia	Brown, Pamela	Burt, John	Campbell,
David			
Christiansen, Lars	Coffey, James	Connor, Evelyn	Culbert,
Patrick			
Danielson, David	Eaton, Richard	Flanagan, Jack	Gage, Ruth
Gale, Sylvia	Gargas, Carolyn	Gidge, Kenneth	Goley, Jeffrey
Gorman, Mary	Grady, Brenda	Graham, John	Haefner,
Robert			
Hammond, Jill	Hansen, Peter	Harriott-Gathright, Linda	Heath, Mary
Heden, Ruth	Infantine, William	Jack, Martin	Jasper,
Shawn			
Jeudy, Jean	Katsiantonis, Thomas	Knowles, Mary Ann	Kopka,
Angeline			
LeBrun, Donald	Leishman, Peter	Levesque, Melanie	Long, Patrick
MacKay, Mariellen	Mangipudi, Latha	Manley, Jonathan	Martel,
Andre			
McCloskey, David	Murotake, David	Nelson, Mary	O'Brien,
Michael			
O'Flaherty, Tim	O'Neil, William	Porter, Marjorie	Ramsey,
Peter			
Rosenwald, Cindy	Rowe, Robert	Schmidt, Janice	Shattuck,
Gilman			
Shaw, Barbara	Smith, Timothy	Spratt, Stephen	Sullivan,
Daniel			
Sullivan, Peter	Takesian, Charlene	Vail, Suzanne	Villeneuve,
Moe			
Walsh, Robert	Willette, Robert	Williams, Kermit	Winters, Joel
Woodbury, David			

MERRIMACK

Alicea, Caroletta	Bartlett, Christy	Bouchard, Candace	Carey, Lorrie
Carson, Clyde	Davis, Frank	Ebel, Karen	Frambach,
Mary			
Frazer, June	French, Barbara	Gile, Mary	Hess, David
Hirsch, Geoffrey	Hunt, Jane	Karrick, David	Kotowski,
Frank			
Lockwood, Priscilla	MacKay, James	Moffett, Howard	Patten, Dick
Ratzki, Mario	Rice, Chip	Richardson, Gary	Rogers,
Katherine			
Schamberg, Thomas	Schuett, Dianne	Shurtleff, Stephen	Turcotte,
Alan			
Wallner, Mary Jane	Walsh, Thomas	Walz, Mary Beth	Watrous,
Rick			
Webb, Leigh			

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Belanger, Ronald	Borden, David
Briden, Steven	Burtis, Elizabeth	Cahill, Michael	Cali-Pitts,
Jacqueline			
Cushing, Robert	Danais, Romeo	DeSimone, Debra	Devine,
James			
Elliott, Robert	Emerson-Brown, Rebecca	Flockhart, Eileen	Friel,
William			

Griffin, Mary
Kathleen
Kappler, Lawrence
David
Mann, Maureen
Nigrello, Robert
Lawrence
Rice, Frederick
Donna
Sedensky, John
Ward, Gerald
Whittemore, Lisa

Heffron, Frank

Kolodziej, Walter

Milz, David
O'Connor, John

Sanders, Elisabeth

Sherman, Thomas
Waterhouse, Kevin

Helmstetter, Barbara

Lovejoy, Patricia

Moody, Marcia
Pantelakos, Laura

Scarlotto, Joe

Sytek, John
Wazlaw, Brian

Hoelzel,

Lundgren,

Muns, Chris
Perkins,

Schlachman,

Till, Mary
Webb, James

STRAFFORD

Baber, William
Burke, Rachel
Kenneth
Hooper, Dorothea
Malloy, Dennis
Marsha
Perry, Robert
Peter
Smith, Marjorie
Audrey
Verschueren, James

Berube, Roger
Gardner, Janice

Horrigan, Timothy
Merrill, Amanda

Rogers, Rose Marie

Spainhower, Dale

Wall, Janet

Bickford, David
Grassie, Anne

Hubbard, Pamela
Mullen, John

Rollo, Deanna

Spang, Judith

Ward, Kenneth

Bixby, Peter
Grossman,

Kaen, Naida
Pelletier,

Schmidt,

Stevens,

SULLIVAN

Cloutier, John
James
Irwin, Virginia
Andrew
Sweeney, Cynthia
and floor amendment (1505h) failed.

Gagnon, Raymond
O'Hearne, Andrew

Tanner, Linda

Gottling, Suzanne

Osgood, Joe

Grenier,

Schmidt,

The question now being adoption of the majority committee report of Ought to Pass.
Rep. Schroadter offered floor amendment (1518h).

Floor Amendment (1518h)

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

AN ACT requiring adjustment of the road toll according to changes in the Consumer Price Index, eliminating certain ramp tolls on the Everett turnpike in the town of Merrimack, establishing a committee to study the effectiveness and efficiency of the department of transportation, and relative to penalties for possession of marijuana in the amount of one ounce or less and the cultivation of marijuana plants.

Amend the bill by replacing all after section 8 with the following:

9New Sections; Controlled Drug Act; Personal Possession of Marijuana. Amend RSA 318-B by inserting after section 2-b the following new sections:

318-B:2-c Personal Possession of Marijuana.

I. Any person possessing one ounce or less of marijuana, including adulterants or dilutants, shall be guilty of a violation.

II. Any person possessing 5 grams or less of hashish, including adulterants or dilutants, shall be guilty of a violation.

III.(a) Any person 18 years of age or older who is convicted of violating paragraph I or II shall be subject to a fine not to exceed \$100 and shall forfeit the marijuana or hashish.

(b) Any person under 18 years of age who is convicted of violating paragraph I or II shall forfeit the marijuana or hashish. The offender's parents or legal guardians shall be notified of the offense. The court shall order the offender to complete an approved alcohol and substance abuse education program, at the offender's expense, within one year of the date of the offense. Further, the court shall order the offender to participate in community service, which shall be completed within one year of the date of the offense. The offender shall furnish the court with evidence of completion of both an approved alcohol and substance abuse education program and community service. An offender who fails to complete both an alcohol and substance abuse education program and community service shall be subject to an additional fine of \$750.

(c) Any person who is not yet 21 years of age on the date of the incident, who is convicted of an offense under paragraph I or II may, at the discretion of the court, be subject to the revocation or denial of a driver's license or privilege to drive for not less than 90 days but not more than one year on the first finding or conviction under this paragraph, and not less than 6 months but not more than 2 years for a subsequent finding or conviction. Nothing in this paragraph shall prevent the court from requiring any person subject to its provisions to successfully completing a substance abuse education program in lieu of a loss or denial of driving license or privilege. The director, upon receipt of a notification from the court that the court has ordered the suspension of a person's license or driving privilege pursuant to this paragraph, shall forthwith issue a formal order of suspension and, in the case of denial of an application for a license, the period imposed shall begin on the date the person is eligible by age for the issuance of a license. Notwithstanding any other law regarding confidentiality, any court which convicts or makes a finding that an offense described in this paragraph has occurred involving a person who meets the age limits specified in this paragraph, and which orders the revocation or denial of a driver's license or privilege to drive, shall forward a notice of such conviction or finding to the director. The director shall maintain the confidentiality of notices received.

(d) The director shall, when ordered by the court, revoke the driver's license or privilege to drive or deny an application for a license for not less than 90 days but not more than one year on the first finding or conviction under paragraph I or II, and not less than 6 months but not more than 2 years for a subsequent finding or conviction; provided, however, that the director shall not revoke or deny a license or privilege to drive under this paragraph without first giving the person an opportunity for a hearing to determine that the person is the individual who was convicted of the offense and against whom the court order applies. In the case of denial of an application for a license, the period imposed shall begin on the date the person is eligible by age for the issuance of a license.

IV.(a) No record of a violation of this section shall be recorded in any database of criminal offenders.

(b) No record that includes personally-identifiable information resulting from a violation of this section shall be made accessible to the public, federal agencies, or agencies from other states or countries.

V.(a) Except as provided in this section, no person shall be subject to arrest for a violation of paragraph I or II.

(b) Any person in possession of an identification card, license, or other form of identification issued by the state or any state, country, city, or town, or any college or university, who fails to produce the same upon request of a police officer who informs the person that he or she has been found to be in possession of what appears to the officer to be an ounce or less of marijuana or 5 grams or less of hashish, may be arrested for a violation of paragraph I or II.

(c) Any person who fails to produce a form of identification provided for in subparagraph (b) may be arrested for a violation of paragraph I or II if the person fails or refuses to truthfully provide his or her name, address, and date of birth to a police officer who has informed such person that he or she has been found in possession of what appears to the officer to be an ounce or less of marijuana or 5 grams or less of hashish.

VI.(a) Except as specifically provided in RSA 263:56-b, III and IV, neither the state nor any of its political subdivisions shall impose any form of penalty on a person for possessing one ounce or less of marijuana, 5 grams or less of hashish, or paraphernalia for marijuana use, nor shall any penalties or obligations exceeding those outlined in RSA 263:56-b, III or IV be imposed by the state nor any of its political subdivisions solely for having cannabinoids or cannabinoid metabolites in the urine, blood, sweat, hair, fingernails, toenails, or other tissue or fluid of the human body.

(b) Possession of one ounce or less of marijuana, possession of 5 grams or less of hashish, possession of paraphernalia for marijuana use, or the presence of cannabinoids or cannabinoid metabolites in the urine, blood, sweat, hair, fingernails, toenails, or other tissue or fluid of the human body shall not constitute grounds for denying a person student financial aid, public housing, or any form of public financial assistance including unemployment benefits, or denying a person the right to operate a motor vehicle, or disqualifying a person from serving as a foster parent or adoptive parent.

318-B:2-d Plea by Mail.

I. Any person 18 years of age or older who is charged with a violation of RSA 318-B:2-c, I or II may enter a plea of guilty, nolo contendere, or not guilty, by mail in a circuit court, district division.

II. Such defendant shall receive, in addition to the summons, a fine notice entitled "Notice of Fine" which shall contain the amount of the fine for a violation of RSA 318-B:2-c I or II. A defendant who is issued a summons and notice of fine and who wishes to plead guilty or nolo contendere shall enter his or her plea on the summons and return it with payment of the fine within 30 days of the date of the summons. Payment by credit card may be accepted in lieu of cash payment.

III. If the defendant wishes to enter a plea of not guilty, he or she shall enter such plea on the summons and return it within 30 days of the date of the summons. The circuit court, district division shall schedule a trial.

IV. Whenever a defendant does not enter a plea by mail within 30 days of the date of the summons, the defendant shall be defaulted and shall be subject to an additional \$100 fine.

V. Whenever a defendant fails to pay a fine in connection with a conviction for a violation of RSA 318-B:2-c, I or II, or payment of such fine is uncollectible, the defendant shall be defaulted and the fine shall increase to \$200.

10 Controlled Drug Act; Penalties. Amend RSA 318-B:26, I(b)-(d) to read as follows:

(b) In the case of a violation involving any of the following, a person may be sentenced to a maximum term of imprisonment of not more than 20 years, a fine of not more than \$300,000, or both. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person may be sentenced to a term of imprisonment of not more than 40 years, a fine of not more than \$500,000, or both:

(1) A substance or mixture referred to in subparagraph I(a)(1) of this section, other than crack cocaine, in a quantity of 1/2 ounce or more, including any adulterants or dilutants;

(2) A substance classified in schedule I or II other than those specifically covered in this section, or the analog of any such substance, in a quantity of one ounce or more including any adulterants or dilutants;

(3) Lysergic acid diethylamide, or its analog, in a quantity of less than 100 milligrams including any adulterants or dilutants, or where the amount is undetermined, or phencyclidine (PCP) or its analog, in a quantity of less than 10 grams, including any adulterants or dilutants, or where the amount is undetermined;

(4) Heroin or its analog or crack cocaine in a quantity of one gram or more, including any adulterants or dilutants;

(5) Methamphetamine or its analog, in a quantity of one ounce or more including any adulterants or dilutants;

(6) ~~Marijuana in a quantity of 5 pounds or more including any adulterants or dilutants, or hashish in a quantity of one pound or more including any adulterants and dilutants;~~

~~(7)] Flunitrazepam in a quantity of 500 milligrams or more.~~

(c) In the case of a violation involving any of the following, a person may be sentenced to a maximum term of imprisonment of not more than 7 years, a fine of not more than \$100,000, or both. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person may be sentenced to a maximum term of imprisonment of not more than 15 years, a fine of not more than \$200,000, or both:

(1) A substance or mixture referred to in subparagraph I(a)(1) of this section, other than crack cocaine, in a quantity less than 1/2 ounce including any adulterants or dilutants;

(2) A substance or mixture classified as a narcotic drug in schedule I or II other than those specifically covered in this section, or the analog of any such substance, in a quantity of less than one ounce including any adulterants or dilutants;

(3) Methamphetamine, or its analog in a quantity of less than one ounce including any adulterants or dilutants;

(4) Heroin or its analog or crack cocaine in a quantity of less than one gram, including any adulterants or dilutants;

(5) Marijuana in a quantity of ~~[one ounce]~~ **5 pounds** or more including any adulterants or dilutants, or hashish in a quantity of ~~[5 grams]~~ **one pound** or more including any adulterants or dilutants;

(6) Flunitrazepam in a quantity of less than 500 milligrams;

(7) Any other controlled drug or its analog, other than those specifically covered in this section, classified in schedules I, II, III or IV.

(d) In the case of a violation involving any of the following, a person may be sentenced to a maximum term of imprisonment of not more than 3 years, a fine of not more than \$25,000, or both. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person may be sentenced to a maximum term of imprisonment of not more than 6 years, a fine of not more than \$50,000, or both:

(1) Marijuana in a quantity of ~~[less]~~ **more** than one ounce including any adulterants or dilutants, or hashish in a quantity of ~~[less]~~ **more** than 5 grams including any adulterants or dilutants;

(2) Any schedule V substance or its analog.

(e) Any person who possesses, propagates, cultivates, grows, harvests, or manufactures 6 or fewer marijuana plants shall be guilty of a class A misdemeanor.

11 Controlled Drug Act; Penalties. Amend RSA 318-B:26, II to read as follows:

II. Any person who knowingly or purposely obtains, purchases, transports, or possesses actually or constructively, or has under his control, any controlled drug or controlled drug analog, or any preparation containing a controlled drug or controlled drug analog, except as authorized in this chapter, shall be sentenced as follows, except as otherwise provided in this section:

(a) In the case of a controlled drug or its analog, classified in schedules I, II, III or IV, other than those specifically covered in this section, the person shall be guilty of a class B felony, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of not more than \$25,000 may be imposed. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person shall be guilty of a class A felony, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of up to \$50,000 may be imposed;

(b) In the case of a controlled drug or its analog classified in schedule V, the person shall be sentenced to a maximum term of imprisonment of not more than 3 years, a fine of not more than \$15,000, or both. If a person commits any such violation after one or more prior offenses as defined in RSA 318-B:27, such person shall be guilty of a class B felony, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of not more than \$25,000 may be imposed;

(c) ~~In the case of more than 5 grams of hashish, the person shall be guilty of a misdemeanor, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of not more than \$5,000 may be imposed.~~

~~(d)~~ In the case of **more than one ounce** of marijuana, including any adulterants or dilutants, or **more than 5 grams** or less of hashish, the person shall be guilty of a class A misdemeanor.

(d) In the case of one ounce or less of marijuana, including any adulterants or dilutants, or 5 grams or less of hashish, including adulterants or dilutants, the person shall be guilty of a violation pursuant to RSA 318-B:2-c.

12 Controlled Drug Act; Penalties. Amend RSA 318-B:26, III(a) to read as follows:

(a) **Except as provided in RSA 318-B:2-c**, controls any premises or vehicle where he knows a controlled drug or its analog is illegally kept or deposited;

13 Other Alcohol or Drug Offenses; Possession of Drugs. Amend RSA 265-A:43 to read as follows:

265-A:43 Possession of Drugs. Any person who drives on any way a vehicle while knowingly having in his or her possession or in any part of the vehicle a controlled drug or controlled drug analog in violation of the provisions of RSA 318-B shall be guilty of a misdemeanor, and his or her license shall be revoked or his or her right to drive denied for a period of 60 days and at the discretion of the court for a period not to exceed 2 years.

This section shall not apply to possession of marijuana or hashish as provided in RSA 318-B:2-c.

14 Effective Date.

I. Sections 1 and 3 of this act shall take effect on July 1, 2014.

II. Sections 2 and 5 of this act shall take effect as provided in section 6 of this act.

III. Section 4 of this act shall take effect July 1, 2015.

IV. Section 7 of this act shall take effect 60 after its passage.

V. Sections 9-13 of this act shall take effect January 1, 2015.

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

AMENDED ANALYSIS

This bill requires the adjustment in 2014 of the road toll imposed on sales of motor fuels according to changes in the Consumer Price Index and appropriates revenues for certain transportation projects. The provisions for the road toll adjustment are repealed upon completion of the bonding for the widening of Interstate 93 project. The bill eliminates certain ramp tolls on the Everett turnpike in the town of Merrimack. The bill establishes a committee to study the effectiveness and efficiency of the department of transportation.

This bill also reduces the penalty for possession of one ounce or less of marijuana to a violation, and reduces the penalty for possession of other amounts of marijuana. The bill establishes a misdemeanor penalty for cultivation of 6 or fewer marijuana plants.

Reps. Vaillancourt and Schroadter spoke in favor.

Reps. Winters and Campbell spoke against.

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

On a division vote, 73 members having voted in the affirmative and 260 in the negative, floor amendment (1518h) failed.

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

Reps. Hoell and Sanborn spoke against.

Rep. Waterhouse spoke in favor.

Rep. Campbell spoke in favor and yielded to questions.

Rep. Shurtleff requested a roll call; sufficiently seconded.

YEAS 193 – NAYS 141

YEAS - 193

BELKNAP

DiMartino, Lisa
Tilton, Franklin

Gulick, Ruth

Huot, David

Raymond, Ian

CARROLL

Buco, Thomas
White, Syndi

Butler, Edward

Lavender, Tom

Ticehurst, Susan

CHESHIRE

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

Berch, Paul
Johnsen, Gladys
Roberts, Kris
Tatro, Bruce

Butynski, William
Lerandeau, Alfred
Robertson, Timothy
Weber, Lucy

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

COOS

Coulombe, Gary
Theberge, Robert

Hammon, Marcia

Hatch, William

Moynihan, Wayne

GRAFTON

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

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

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

Brown, Rebecca
Harding, Laurie
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Culbert, Patrick
Gale, Sylvia
Grady, Brenda
Harriott-Gathright, Linda
Jack, Martin
Kopka, Angeline
Mangipudi, Latha
O'Flaherty, Tim
Rosenwald, Cindy
Smith, Timothy
Takesian, Charlene
Winters, Joel

Barry, Richard
Campbell, David
Danielson, David
Gargas, Carolyn
Graham, John
Heath, Mary
Jeudy, Jean
Levesque, Melanie
Manley, Jonathan
O'Neil, William
Schmidt, Janice
Spratt, Stephen
Vail, Suzanne
Woodbury, David

Beaulieu, Jane
Cebrowski, John
Eaton, Richard
Goley, Jeffrey
Haefner, Robert
Heden, Ruth
Katsiantonis, Thomas
Long, Patrick
McCloskey, David
Porter, Marjorie
Shattuck, Gilman
Sullivan, Daniel
Walsh, Robert

Booras, Efstathia
Connor, Evelyn
Gage, Ruth
Gorman, Mary
Hammond, Jill
Infantine, William
Knowles, Mary Ann
MacKay, Mariellen
O'Brien, Michael
Ramsey, Peter
Shaw, Barbara
Sullivan, Peter
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Carson, Clyde
Frazer, June
Hunt, Jane
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

Bartlett, Christy
Davis, Frank
French, Barbara
Karrick, David
Patten, Dick
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

Bouchard, Candace
Ebel, Karen
Gile, Mary
Lockwood, Priscilla
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

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

ROCKINGHAM

Borden, David
Cali-Pitts, Jacqueline
Heffron, Frank
Mann, Maureen
O'Connor, John
St. James, Kevin
Waterhouse, Kevin

Briden, Steven
Cushing, Robert
Helmstetter, Barbara
Milz, David
Pantelakos, Laura
Sytek, John
Wazlaw, Brian

Burtis, Elizabeth
Emerson-Brown, Rebecca
Kolodziej, Walter
Moody, Marcia
Schlachman, Donna
Till, Mary
Whittemore, Lisa

Cahill, Michael
Flockhart, Eileen
Lovejoy, Patricia
Muns, Chris
Sherman, Thomas
Ward, Gerald

STRAFFORD

Baber, William
Gardner, Janice
Horrigan, Timothy
Malloy, Dennis
Rogers, Rose Marie
Spang, Judith
Ward, Kenneth

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

Bixby, Peter
Grossman, Kenneth
Kaen, Naida
Pelletier, Marsha
Smith, Marjorie
Verschueren, James

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

SULLIVAN

Cloutier, John
O'Hearne, Andrew

Gagnon, Raymond
Schmidt, Andrew

Gottling, Suzanne
Sweeney, Cynthia

Irwin, Virginia
Tanner, Linda

NAYS - 141**BELKNAP**

Burchell, Richard
Fink, Charles
Sylvia, Michael

Comtois, Guy
Flanders, Donald
Vadney, Herbert

Cormier, Jane
Holmes, Stephen
Worsman, Colette

Fields, Dennis
Luther, Robert

CARROLL

Ahlgren, Christopher
Morrow, Harry
Wright, Donald

Chandler, Gene
Nelson, Bill

Cordelli, Glenn
Schmidt, Stephen

McConkey, Mark
Umberger, Karen

CHESHIRE

Hunt, John

Johnson, Jane

Parkhurst, Henry

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

Thomas, Yvonne

GRAFTON

Bailey, Brad
Reilly, Harold

Doolan, Ralph

Gionet, Edmond

Ladd, Rick

HILLSBOROUGH

Belanger, James
Christiansen, Lars
Gagne, Larry
Hinch, Richard
LeBrun, Donald
Murotake, David
Ober, Lynne
Pellegrino, Tony
Rowe, Robert
Straight, Philip
Vaillancourt, Steve

Boehm, Ralph
Coffey, James
Gidge, Kenneth
Jasper, Shawn
Leishman, Peter
Murphy, Keith
Ober, Russell
Peterson, Lenette
Sanborn, Laurie
Stroud, Kathleen
Villeneuve, Moe

Burt, John
Daniels, Gary
Hansen, Peter
Kurk, Neal
Marston, Dick
Nelson, Mary
Palmer, Stephen
Pratt, Calvin
Sandblade, Emily
Sweeney, Shawn
Warden, Mark

Byron, Frank
Flanagan, Jack
Hikel, John
Lambert, George
Martel, Andre
O'Brien, William
Parison, James
Renzullo, Andrew
Souza, Kathleen
Ulery, Jordan
Willette, Robert

MERRIMACK

Hoell, J.R.
Smith, Todd

Kotowski, Frank
Walsh, Thomas

McGuire, Carol

McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Bick, Patrick
Danais, Romeo
Dumaine, Dudley
Friel, William
Griffin, Mary
Hodgdon, Bruce
Khan, Aboul
Nigrello, Robert

Allen, Mary
Birdsell, Regina
DeSimone, Debra
Elliott, Robert
Garcia, Bianca
Hagan, Joseph
Hoelzel, Kathleen
Lundgren, David
Perkins, Lawrence

Baldasaro, Alfred
Chirichiello, Brian
Devine, James
Emerick, J. Tracy
Garcia, Marilinda
Harris, Jeffrey
Itse, Daniel
McKinney, Betsy
Rice, Frederick

Belanger, Ronald
Comerford, Timothy
Duarte, Joe
Fesh, Robert
Gordon, Richard
Hayes, Jack
Kappler, Lawrence
McMahon, Charles
Sanders, Elisabeth

Sapareto, Frank
Sweeney, Joe
Webb, James

Scarlotto, Joe
Tamburello, Daniel
Weyler, Kenneth

Schroadter, Adam
Tasker, Kyle

Sedensky, John
Tucker, Pamela

STRAFFORD

Beaudoin, Steven
Jones, Laura
Rollo, Deanna

Bickford, David
Mullen, John

Gray, James
Parsons, Robbie

Groen, Warren
Pitre, Joseph

SULLIVAN

Grenier, James

Osgood, Joe

Rollins, Skip

Smith, Steven

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

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Cloutier moved that the House reconsider its action whereby, on a roll call vote of 193-141, it adopted the majority committee report of Ought to Pass on ***SB 367-FN-A***, requiring adjustment of the road toll according to changes in the Consumer Price Index, eliminating certain ramp tolls on the Everett turnpike in the town of Merrimack, and establishing a committee to study the effectiveness and efficiency of the department of transportation.

Reps. Cloutier and Campbell spoke against.

Rep. Vaillancourt spoke in favor.

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

YEAS 133 – NAYS 202

YEAS - 133

BELKNAP

Burchell, Richard
Fink, Charles
Sylvia, Michael

Comtois, Guy
Flanders, Donald
Vadney, Herbert

Cormier, Jane
Holmes, Stephen
Worsman, Colette

Fields, Dennis
Luther, Robert

CARROLL

Ahlgren, Christopher
Schmidt, Stephen

Chandler, Gene
Umberger, Karen

Cordelli, Glenn
Wright, Donald

Nelson, Bill

CHESHIRE

Hunt, John

Johnson, Jane

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Reilly, Harold

Doolan, Ralph

Gionet, Edmond

Ladd, Rick

HILLSBOROUGH

Belanger, James
Cebrowski, John
Flanagan, Jack
Hansen, Peter
Lambert, George
Murphy, Keith
Palmer, Stephen
Pratt, Calvin
Sandblade, Emily
Sweeney, Shawn
Warden, Mark

Boehm, Ralph
Christiansen, Lars
Gagne, Larry
Hikel, John
LeBrun, Donald
O'Brien, William
Parison, James
Renzullo, Andrew
Souza, Kathleen
Ulery, Jordan
Willette, Robert

Burt, John
Coffey, James
Gidge, Kenneth
Hinch, Richard
Marston, Dick
Ober, Lynne
Pellegrino, Tony
Rowe, Robert
Straight, Philip
Vaillancourt, Steve

Byron, Frank
Daniels, Gary
Haefner, Robert
Infantine, William
Martel, Andre
Ober, Russell
Peterson, Lenette
Sanborn, Laurie
Stroud, Kathleen
Villeneuve, Moe

MERRIMACK

Hoell, J.R.
Smith, Todd

Kotowski, Frank
Walsh, Thomas

McGuire, Carol

McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Bick, Patrick
Dana, Romeo
Dumaine, Dudley
Friel, William
Griffin, Mary

Allen, Mary
Birdsell, Regina
DeSimone, Debra
Elliott, Robert
Garcia, Bianca
Hagan, Joseph

Baldasaro, Alfred
Chirichiello, Brian
Devine, James
Emerick, J. Tracy
Garcia, Marilinda
Harris, Jeffrey

Belanger, Ronald
Comerford, Timothy
Duarte, Joe
Fesh, Robert
Gordon, Richard
Hayes, Jack

Hodgdon, Bruce
Khan, Aboul
Nigrello, Robert
Sapareto, Frank
Sweeney, Joe
Webb, James

Hoelzel, Kathleen
Lundgren, David
Perkins, Lawrence
Scarlotto, Joe
Tamburello, Daniel
Weyler, Kenneth

Itse, Daniel
McKinney, Betsy
Rice, Frederick
Schroadter, Adam
Tasker, Kyle

Kappler, Lawrence
McMahon, Charles
Sanders, Elisabeth
Sedensky, John
Tucker, Pamela

STRAFFORD

Beaudoin, Steven
Mullen, John

Bickford, David
Parsons, Robbie

Groen, Warren
Pitre, Joseph

Jones, Laura

SULLIVAN

Grenier, James

Osgood, Joe

Rollins, Skip

Smith, Steven

NAYS - 202

BELKNAP

DiMartino, Lisa
Tilton, Franklin

Gulick, Ruth

Huot, David

Raymond, Ian

CARROLL

Buco, Thomas
Morrow, Harry

Butler, Edward
Ticehurst, Susan

Lavender, Tom
White, Syndi

McConkey, Mark

CHESHIRE

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

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

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

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

COOS

Coulombe, Gary
Theberge, Robert

Hammon, Marcia
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

GRAFTON

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

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

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

Brown, Rebecca
Harding, Laurie
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Danielson, David
Gargas, Carolyn
Graham, John
Heden, Ruth
Katsiantonis, Thomas
Leishman, Peter
Mangipudi, Latha
Nelson, Mary
Porter, Marjorie
Shattuck, Gilman
Sullivan, Daniel
Walsh, Robert

Barry, Richard
Campbell, David
Eaton, Richard
Goley, Jeffrey
Hammond, Jill
Jack, Martin
Knowles, Mary Ann
Levesque, Melanie
Manley, Jonathan
O'Brien, Michael
Ramsey, Peter
Shaw, Barbara
Sullivan, Peter
Williams, Kermit

Beaulieu, Jane
Connor, Evelyn
Gage, Ruth
Gorman, Mary
Harriott-Gathright, Linda
Jasper, Shawn
Kopka, Angeline
Long, Patrick
McCloskey, David
O'Flaherty, Tim
Rosenwald, Cindy
Smith, Timothy
Takesian, Charlene
Winters, Joel

Booras, Efstathia
Culbert, Patrick
Gale, Sylvia
Grady, Brenda
Heath, Mary
Judy, Jean
Kurk, Neal
MacKay, Mariellen
Murotake, David
O'Neil, William
Schmidt, Janice
Spratt, Stephen
Vail, Suzanne
Woodbury, David

MERRIMACK

Alicea, Caroletta
Carey, Lorrie
Frambach, Mary
Hirsch, Geoffrey
MacKay, James
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

Bartlett, Christy
Carson, Clyde
Frazer, June
Hunt, Jane
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

Bouchard, Candace
Davis, Frank
French, Barbara
Karrick, David
Patten, Dick
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

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

ROCKINGHAM

Borden, David
Cali-Pitts, Jacqueline
Heffron, Frank

Briden, Steven
Cushing, Robert
Helmstetter, Barbara

Burtis, Elizabeth
Emerson-Brown, Rebecca
Kolodziej, Walter

Cahill, Michael
Flockhart, Eileen
Lovejoy, Patricia

Mann, Maureen
O'Connor, John
St.James, Kevin
Waterhouse, Kevin

Milz, David
Pantelakos, Laura
Sytek, John
Wazlaw, Brian

Moody, Marcia
Schlachman, Donna
Till, Mary
Whittemore, Lisa

Muns, Chris
Sherman, Thomas
Ward, Gerald

STRAFFORD

Baber, William
Gardner, Janice
Hooper, Dorothea
Ketel, Stephen
Perry, Robert
Smith, Marjorie
Verschueren, James

Berube, Roger
Grassie, Anne
Horrigan, Timothy
Malloy, Dennis
Rogers, Rose Marie
Spainhower, Dale
Wall, Janet

Bixby, Peter
Gray, James
Hubbard, Pamela
Merrill, Amanda
Rollo, Deanna
Spang, Judith
Ward, Kenneth

Burke, Rachel
Grossman, Kenneth
Kaen, Naida
Pelletier, Marsha
Schmidt, Peter
Stevens, Audrey

SULLIVAN

Cloutier, John
O'Hearne, Andrew
and the motion failed.

Gagnon, Raymond
Schmidt, Andrew

Gottling, Suzanne
Sweeney, Cynthia

Irwin, Virginia
Tanner, Linda

The House recessed at 12:35 p.m.

RECESS

The House reconvened at 1:45 p.m.

(Speaker Norelli in the Chair)

REFERRAL DECLINED

Rep. Almy, Chairman of the Committee on Ways and Means, under the provisions of House Rule 46 (f), declined the referral of **SB 324**, relative to the assessment of public utilities and other entities to fund the expenses of the public utilities commission.

REGULAR CALENDAR (CONT'D)

SB 204-FN, relative to a benefit for certain medical conditions covered by workers' compensation and establishing a commission to study soft tissue injuries under workers' compensation and to study the feasibility of developing a first responder's critical injury fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew A. White for Labor, Industrial and Rehabilitative Services. This bill, as amended, by the committee provides a temporary fix and a long-term solution for a clear omission from our current workers compensation statutes. The bill provides a remedy for permanent impairment of internal organs or speech, touch, or taste that are not otherwise compensated under current workers compensation laws for members of the Group II Retirement System. The bill was introduced because a police officer, shot in the line of duty was unable to receive compensation for permanent impairment to several of his internal organs. The committee clearly identified that this situation or another with similar consequences could definitely come up again. The bill authorizes but does not require the Governor and Executive Council to draw a warrant for up to \$125,000 for each claimant injured after March 12, 2012 who applies to the Governor and Council and caps the total payout at \$500,000. The bill also establishes a study commission to review the situation and make legislative suggestions for a permanent fix. Vote 17-2.

Amendment (1427h)

Amend RSA 281-A:32-a, II as inserted by section 1 of the bill by replacing it with the following:

II. Payments awarded under this section shall be subject to all other provisions of RSA 281-A. Total compensation payments for all additional compensation claims paid under this section shall not exceed \$125,000 per claimant. No payments shall be made after July 1, 2016. Benefits paid under this section for all claimants shall not exceed \$500,000

Amend RSA 281-A:32-b, I(a)(2) as inserted by section 1 of the bill by replacing it with the following:

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

Amend RSA 281-A:32-b, I(a) as inserted by section 1 of the bill by inserting after subparagraph (8) the following new subparagraph:

(9) A medical professional possessing extensive knowledge of soft tissue injuries, appointed by the governor.

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

3Applicability. RSA 281-A:32-a as inserted by section 1 of this act shall apply to injuries sustained on or after March 12, 2012.

Rep. Daniels spoke against and yielded to questions.

Rep. Andrew White spoke in favor, yielded to questions and requested a roll call; sufficiently seconded.

YEAS 199 – NAYS 120**YEAS - 199
BELKNAP**

Burchell, Richard
Huot, David

DiMartino, Lisa
Raymond, Ian

Fields, Dennis

Gulick, Ruth

CARROLL

Buco, Thomas
Schmidt, Stephen

Butler, Edward
Ticehurst, Susan

Lavender, Tom
White, Syndi

Nelson, Bill

CHESHIRE

Ames, Richard
Hunt, John
Robertson, Timothy
Weber, Lucy

Butynski, William
Johnsen, Gladys
Sad, Tara
Weed, Charles

Chase, Cynthia
Mann, John
Shepardson, Marjorie
Young, Harry

Eaton, Daniel
Phillips, Larry
Tatro, Bruce

COOS

Coulombe, Gary
Richardson, Herbert

Hammon, Marcia
Theberge, Robert

Hatch, William
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

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

Bailey, Brad
Ford, Susan
Ladd, Rick
Reilly, Harold
White, Andrew

Benn, Bernard
Friedrich, Carol
Mulholland, Catherine
Smith, Suzanne

Brown, Rebecca
Harding, Laurie
Pastor, Beatriz
Sykes, George

HILLSBOROUGH

Backus, Robert
Campbell, David
DiSilvestro, Linda
Gidge, Kenneth
Haefner, Robert
Heden, Ruth
Knowles, Mary Ann
Leishman, Peter
Mangipudi, Latha
O'Brien, Michael
Shattuck, Gilman
Sullivan, Daniel
Williams, Kermit

Booras, Efstathia
Coffey, James
Eaton, Richard
Goley, Jeffrey
Hammond, Jill
Hinch, Richard
Kopka, Angeline
Levesque, Melanie
Manley, Jonathan
Porter, Marjorie
Shaw, Barbara
Sullivan, Peter
Winters, Joel

Brown, Pamela
Connor, Evelyn
Gage, Ruth
Gorman, Mary
Harriott-Gathright, Linda
Jack, Martin
Lambert, George
Long, Patrick
McCloskey, David
Rosenwald, Cindy
Smith, Timothy
Vail, Suzanne
Woodbury, David

Burt, John
Culbert, Patrick
Gale, Sylvia
Grady, Brenda
Heath, Mary
Jeudy, Jean
LeBrun, Donald
MacKay, Mariellen
Nelson, Mary
Schmidt, Janice
Spratt, Stephen
Walsh, Robert

MERRIMACK

Bartlett, Christy
Davis, Frank
French, Barbara
Karrick, David
Patten, Dick
Rogers, Katherine
Turcotte, Alan

Bouchard, Candace
Ebel, Karen
Gile, Mary
Lockwood, Priscilla
Ratzki, Mario
Schamberg, Thomas
Walz, Mary Beth

Burns, Scott
Frambach, Mary
Hirsch, Geoffrey
MacKay, James
Rice, Chip
Schuett, Dianne
Webb, Leigh

Carson, Clyde
Frazer, June
Hunt, Jane
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen

ROCKINGHAM

Borden, David
Cali-Pitts, Jacqueline
Hagan, Joseph
Itse, Daniel
McKinney, Betsy
Pantelakos, Laura
Sherman, Thomas
Till, Mary
Webb, James

Briden, Steven
Cushing, Robert
Hayes, Jack
Khan, Aboul
Moody, Marcia
Perkins, Lawrence
St.James, Kevin
Ward, Gerald
Whittemore, Lisa

Burtis, Elizabeth
Emerson-Brown, Rebecca
Heffron, Frank
Lovejoy, Patricia
Muns, Chris
Schlachman, Donna
Sytek, John
Waterhouse, Kevin

Cahill, Michael
Flockhart, Eileen
Helmstetter, Barbara
Mann, Maureen
Nigrello, Robert
Sedensky, John
Tamburello, Daniel
Wazlaw, Brian

STRAFFORD

Baber, William
Grossman, Kenneth
Kaen, Naida
Pelletier, Marsha
Schmidt, Peter
Stevens, Audrey

Berube, Roger
Hooper, Dorothea
Ketel, Stephen
Perry, Robert
Smith, Marjorie
Verschuereen, James

Burke, Rachel
Horrigan, Timothy
Malloy, Dennis
Rogers, Rose Marie
Spainhower, Dale
Wall, Janet

Grassie, Anne
Hubbard, Pamela
Merrill, Amanda
Rollo, Deanna
Spang, Judith
Ward, Kenneth

SULLIVAN

Cloutier, John James O'Hearne, Andrew Steven Sweeney, Cynthia	Gagnon, Raymond Rollins, Skip Tanner, Linda	Gottling, Suzanne Schmidt, Andrew	Grenier, Smith,
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NAYS - 120**BELKNAP**

Cormier, Jane Robert Sylvia, Michael Colette	Flanders, Donald Tilton, Franklin	Holmes, Stephen Vadney, Herbert	Luther, Worsman,
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CARROLL

Ahlgren, Christopher Mark Morrow, Harry	Chandler, Gene Umberger, Karen	Cordelli, Glenn Wright, Donald	McConkey,
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CHESHIRE

Berch, Paul	Johnson, Jane	Parkhurst, Henry	Roberts, Kris
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COOS

Rappaport, Laurence	Rideout, Leon
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GRAFTON

Doolan, Ralph	Gionet, Edmond	Massimilla, Linda
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HILLSBOROUGH

Barry, Richard Ralph Byron, Frank Danielson, David Carolyn Graham, John William Jasper, Shawn Murotake, David Tim Ober, Lynne James Pellegrino, Tony Andrew Rowe, Robert Kathleen Straight, Philip Charlene Ulery, Jordan Mark Willette, Robert	Beaulieu, Jane Cebrowski, John Flanagan, Jack Hansen, Peter Kurk, Neal Murphy, Keith Ober, Russell Peterson, Lenette Sanborn, Laurie Stroud, Kathleen Vaillancourt, Steve	Belanger, James Christiansen, Lars Gagne, Larry Hikel, John Marston, Dick O'Brien, William Palmer, Stephen Pratt, Calvin Sandblade, Emily Sweeney, Shawn Villeneuve, Moe	Boehm, Daniels, Gary Gargasz, Infantine, Martel, Andre O'Flaherty, Parison, Renzullo, Souza, Takesian, Warden,
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MERRIMACK

Hess, David Smith, Todd	Kotowski, Frank	McGuire, Carol	McGuire, Dan
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ROCKINGHAM

Abrami, Patrick Ronald Bick, Patrick Timothy Dana's, Romeo Dumaine, Dudley Bianca Garcia, Marilinda Hodgdon, Bruce Walter McMahon, Charles Frederick Sanders, Elisabeth Joe	Allen, Mary Birdsell, Regina DeSimone, Debra Elliott, Robert Gordon, Richard Hoelzel, Kathleen Milz, David Sapareto, Frank	Baldasaro, Alfred Chirichiello, Brian Devine, James Emerick, J. Tracy Griffin, Mary Kappler, Lawrence O'Connor, John Schroadter, Adam	Belanger, Comerford, Duarte, Joe Garcia, Harris, Jeffrey Kolodziej, Rice, Sweeney,
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Tucker, Pamela

Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Janice
Gray, James
Parsons, Robbie

Bickford, David
Groen, Warren
Pitre, Joseph

Bixby, Peter
Jones, Laura

Gardner,
Mullen, John

SULLIVAN

Irwin, Virginia
and the committee amendment was adopted.

Osgood, Joe

The question now being adoption of the committee report of Ought to Pass with Amendment. Rep. Daniels offered floor amendment (1492h).

Floor Amendment (1492h)

Amend the bill by deleting section 3 and renumbering the original section 4 to read as 3.

Rep. Daniels spoke in favor.

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

YEAS 133 – NAYS 189**YEAS - 133
BELKNAP**

Cormier, Jane
Luther, Robert
Worsman, Colette

Fields, Dennis
Sylvia, Michael

Flanders, Donald
Tilton, Franklin

Holmes, Stephen
Vadney, Herbert

CARROLL

Ahlgren, Christopher
Morrow, Harry

Chandler, Gene
Nelson, Bill

Cordelli, Glenn
Umberger, Karen

McConkey, Mark
Wright, Donald

CHESHIRE

Berch, Paul
Sad, Tara

Hunt, John

Johnson, Jane

Roberts, Kris

COOS

Rappaport, Laurence

Rideout, Leon

GRAFTON

Doolan, Ralph
Massimilla, Linda

Gionet, Edmond
Reilly, Harold

Harding, Laurie

Ladd, Rick

HILLSBOROUGH

Barry, Richard
Burt, John
Coffey, James
Gagne, Larry
Hikel, John
LeBrun, Donald
O'Brien, William
Palmer, Stephen
Pratt, Calvin
Sandblade, Emily
Sweeney, Shawn
Villeneuve, Moe

Beaulieu, Jane
Byron, Frank
Daniels, Gary
Gargas, Carolyn
Hinch, Richard
Martel, Andre
O'Flaherty, Tim
Parison, James
Renzullo, Andrew
Souza, Kathleen
Takesian, Charlene
Warden, Mark

Belanger, James
Cebrowski, John
Danielson, David
Graham, John
Jasper, Shawn
Murotake, David
Ober, Lynne
Pellegrino, Tony
Rowe, Robert
Straight, Philip
Ulery, Jordan
Willette, Robert

Boehm, Ralph
Christiansen, Lars
Flanagan, Jack
Hansen, Peter
Kurk, Neal
Murphy, Keith
Ober, Russell
Peterson, Lenette
Sanborn, Laurie
Stroud, Kathleen
Vaillancourt, Steve
Winters, Joel

MERRIMACK

Hess, David
Smith, Todd

Kotowski, Frank

McGuire, Carol

McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Bick, Patrick
Dana, Romeo
Dumaine, Dudley
Garcia, Marilinda
Harris, Jeffrey
Kappler, Lawrence
Nigrello, Robert
Sapareto, Frank
Tucker, Pamela

Allen, Mary
Birdsell, Regina
DeSimone, Debra
Elliott, Robert
Gordon, Richard
Hodgdon, Bruce
Kolodziej, Walter
O'Connor, John
Schroadter, Adam
Webb, James

Baldasaro, Alfred
Chirichiello, Brian
Devine, James
Emerick, J. Tracy
Griffin, Mary
Hoelzel, Kathleen
McMahon, Charles
Rice, Frederick
Sedensky, John
Weyler, Kenneth

Belanger, Ronald
Comerford, Timothy
Duarte, Joe
Garcia, Bianca
Hagan, Joseph
Itse, Daniel
Milz, David
Sanders, Elisabeth
Sweeney, Joe

STRAFFORD

Beaudoin, Steven
Groen, Warren
Pitre, Joseph

Bickford, David
Jones, Laura

Bixby, Peter
Mullen, John

Gray, James
Parsons, Robbie

SULLIVAN

Osgood, Joe

Smith, Steven

**NAYS - 189
BELKNAP**

Burchell, Richard
Huot, David

Comtois, Guy
Raymond, Ian

DiMartino, Lisa

Gulick, Ruth

CARROLL

Buco, Thomas
Ticehurst, Susan

Butler, Edward
White, Syndi

Lavender, Tom

Schmidt, Stephen

CHESHIRE

Ames, Richard
Johnsen, Gladys
Robertson, Timothy
Weed, Charles

Butynski, William
Mann, John
Shepardson, Marjorie
Young, Harry

Chase, Cynthia
Parkhurst, Henry
Tatro, Bruce

Eaton, Daniel
Phillips, Larry
Weber, Lucy

COOS

Coulombe, Gary
Richardson, Herbert

Hammon, Marcia
Theberge, Robert

Hatch, William
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

Almy, Susan
Cooney, Mary
Mulholland, Catherine
Sykes, George

Bailey, Brad
Ford, Susan
Pastor, Beatriz
Townsend, Charles

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

Brown, Rebecca
Higgins, Patricia
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Connor, Evelyn
Gage, Ruth
Gorman, Mary
Harriott-Gathright, Linda
Jack, Martin
Lambert, George
MacKay, Mariellen
McCloskey, David
Rosenwald, Cindy
Smith, Timothy
Vail, Suzanne

Booras, Efstathia
Culbert, Patrick
Gale, Sylvia
Grady, Brenda
Heath, Mary
Jeudy, Jean
Leishman, Peter
Mangipudi, Latha
Nelson, Mary
Schmidt, Janice
Spratt, Stephen
Walsh, Robert

Brown, Pamela
DiSilvestro, Linda
Gidge, Kenneth
Haefner, Robert
Heden, Ruth
Knowles, Mary Ann
Levesque, Melanie
Manley, Jonathan
O'Brien, Michael
Shattuck, Gilman
Sullivan, Daniel
Williams, Kermit

Campbell, David
Eaton, Richard
Goley, Jeffrey
Hammond, Jill
Infantine, William
Kopka, Angeline
Long, Patrick
Marston, Dick
Porter, Marjorie
Shaw, Barbara
Sullivan, Peter
Woodbury, David

MERRIMACK

Bartlett, Christy
Davis, Frank
French, Barbara
Karrick, David
Patten, Dick
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

Bouchard, Candace
Ebel, Karen
Gile, Mary
Lockwood, Priscilla
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

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

Carson, Clyde
Frazer, June
Hunt, Jane
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

ROCKINGHAM

Borden, David
Cali-Pitts, Jacqueline
Hayes, Jack
Lovejoy, Patricia
Muns, Chris
Sherman, Thomas
Till, Mary
Whittemore, Lisa

Briden, Steven
Cushing, Robert
Heffron, Frank
Mann, Maureen
Pantelakos, Laura
St.James, Kevin
Ward, Gerald

Burtis, Elizabeth
Emerson-Brown, Rebecca
Helmstetter, Barbara
McKinney, Betsy
Perkins, Lawrence
Sytek, John
Waterhouse, Kevin

Cahill, Michael
Flockhart, Eileen
Khan, Aboul
Moody, Marcia
Schlachman, Donna
Tamburello, Daniel
Wazlaw, Brian

STRAFFORD

Baber, William
Grassie, Anne
Hubbard, Pamela
Merrill, Amanda
Rollo, Deanna
Spang, Judith
Ward, Kenneth

Berube, Roger
Grossman, Kenneth
Kaen, Naida
Pelletier, Marsha
Schmidt, Peter
Stevens, Audrey

Burke, Rachel
Hooper, Dorothea
Ketel, Stephen
Perry, Robert
Smith, Marjorie
Verschueren, James

Gardner, Janice
Horrigan, Timothy
Malloy, Dennis
Rogers, Rose Marie
Spainhower, Dale
Wall, Janet

SULLIVAN

Cloutier, John
Irwin, Virginia
Sweeney, Cynthia

Gagnon, Raymond
O'Hearne, Andrew
Tanner, Linda

Gottling, Suzanne
Rollins, Skip

Grenier, James
Schmidt, Andrew

and floor amendment (1492h) failed.

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

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

On a division vote, 211 members having voted in the affirmative and 111 in the negative, the committee report was adopted and referred to the Committee on Finance.

SB 207-FN, relative to paycheck equity. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Linda L. Tanner for the Majority of Labor, Industrial and Rehabilitative Services. This bill addresses the issue of pay equity by clearing up the definition of equal pay, prohibiting retaliation against workers inquiring about wages and requiring the department of labor to post notices of pay equity laws. The majority believes that equal pay for equal work is a fundamental right. The bill does not restrict employers ability to pay employees differently based on factors of seniority, merit or performance-based system, quantity or quality of product, expertise or shift differential. It does help to assure employers are pay equally for equal work based on a bona fide reason, not solely on their gender. Vote 11-8.

Rep. Gary L. Daniels for the Minority of Labor, Industrial and Rehabilitative Services. The minority agrees that it should be illegal for an employer to discriminate between two employees based on sex, but views this bill as unnecessary because this discrimination is already statutorily prohibited under the federal pay equity act of 1963 and in NH RSA 275:37. The minority takes issue with three other aspects of the bill, which do not allow the employer to make rules, sign agreements or discipline employees for disclosing their salary, wages or benefits. Employers need to allow for a harmonious work environment and partial information provided by one employee to another and then passed on through many means, including social media, will cause considerable discord in the workplace. For this reason, this bill is one of many that make it harder for employers to want to come to, and stay in, New Hampshire.

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

Rep. Infantine spoke against and yielded to questions.

Rep. Tanner spoke in favor and yielded to questions.

Rep. Andrew White requested a roll call; sufficiently seconded.

YEAS 187 – NAYS 134

YEAS - 187

BELKNAP

DiMartino, Lisa
Luther, Robert

Fields, Dennis
Raymond, Ian

Gulick, Ruth

Huot, David

CARROLL

Buco, Thomas
White, Syndi

Butler, Edward

Lavender, Tom

Ticehurst, Susan

CHESHIRE

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

Berch, Paul
Johnsen, Gladys
Roberts, Kris
Tatro, Bruce

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

Chase, Cynthia
Parkhurst, Henry
Sad, Tara
Weed, Charles

COOS

Coulombe, Gary
Richardson, Herbert

Hammon, Marcia
Theberge, Robert

Hatch, William
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

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

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

Brown, Rebecca
Harding, Laurie
Pastor, Beatriz
Townsend, Charles

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

HILLSBOROUGH

Backus, Robert
Campbell, David
Gage, Ruth
Gorman, Mary
Heath, Mary
Knowles, Mary Ann
Long, Patrick
McCloskey, David
Rosenwald, Cindy
Smith, Timothy
Sweeney, Shawn
Winters, Joel

Beaulieu, Jane
Connor, Evelyn
Gale, Sylvia
Grady, Brenda
Heden, Ruth
Kopka, Angeline
MacKay, Mariellen
Nelson, Mary
Schmidt, Janice
Spratt, Stephen
Vail, Suzanne
Woodbury, David

Booras, Efstathia
DiSilvestro, Linda
Gidge, Kenneth
Hammond, Jill
Jack, Martin
Leishman, Peter
Mangipudi, Latha
O'Brien, Michael
Shattuck, Gilman
Sullivan, Daniel
Walsh, Robert

Brown, Pamela
Eaton, Richard
Goley, Jeffrey
Harriott-Gathright, Linda
Jeudy, Jean
Levesque, Melanie
Manley, Jonathan
Porter, Marjorie
Shaw, Barbara
Sullivan, Peter
Williams, Kermit

MERRIMACK

Bartlett, Christy Clyde	Bouchard, Candace	Burns, Scott	Carson,
Davis, Frank	Ebel, Karen	Frambach, Mary	Frazer, June
French, Barbara	Gile, Mary	Hirsch, Geoffrey	Hunt, Jane
Karrick, David	MacKay, James	Moffett, Howard	Patten, Dick
Ratzki, Mario	Rice, Chip	Richardson, Gary	Rogers,
Katherine			
Schamberg, Thomas	Schuett, Dianne	Shurtleff, Stephen	Turcotte,
Alan			
Wallner, Mary Jane	Walz, Mary Beth	Watrous, Rick	Webb, Leigh

ROCKINGHAM

Borden, David	Briden, Steven	Burtis, Elizabeth	Cahill,
Michael			
Cali-Pitts, Jacqueline	Cushing, Robert	Elliott, Robert	Emerson-
Brown, Rebecca			
Flockhart, Eileen	Hayes, Jack	Heffron, Frank	Helmstetter,
Barbara			
Khan, Aboul	Lovejoy, Patricia	Mann, Maureen	Moody,
Marcia			
Muns, Chris	Pantelakos, Laura	Perkins, Lawrence	Schlachman,
Donna			
Sherman, Thomas	Sweeney, Joe	Till, Mary	Ward, Gerald
Wazlaw, Brian	Whittemore, Lisa		

STRAFFORD

Baber, William	Berube, Roger	Bixby, Peter	Burke, Rachel
Gardner, Janice	Grassie, Anne	Grossman, Kenneth	Hooper,
Dorothea			
Horrigan, Timothy	Hubbard, Pamela	Kaen, Naida	Ketel,
Stephen			
Malloy, Dennis	Merrill, Amanda	Pelletier, Marsha	Perry, Robert
Rogers, Rose Marie	Rollo, Deanna	Schmidt, Peter	Smith,
Marjorie			
Spainhower, Dale	Spang, Judith	Stevens, Audrey	Verschueren,
James			
Wall, Janet	Ward, Kenneth		

SULLIVAN

Cloutier, John	Gagnon, Raymond	Gottling, Suzanne	Grenier,
James			
Irwin, Virginia	O'Hearne, Andrew	Rollins, Skip	Schmidt,
Andrew			
Sweeney, Cynthia	Tanner, Linda		

NAYS - 134**BELKNAP**

Burchell, Richard	Comtois, Guy	Cormier, Jane	Flanders,
Donald			
Holmes, Stephen	Sylvia, Michael	Tilton, Franklin	Vadney,
Herbert			
Worsman, Colette			

CARROLL

Ahlgren, Christopher	Chandler, Gene	Cordelli, Glenn	McConkey,
Mark			
Morrow, Harry	Nelson, Bill	Schmidt, Stephen	Umberger,
Karen			
Wright, Donald			

CHESHIRE

Hunt, John	Johnson, Jane
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COOS

Rappaport, Laurence	Rideout, Leon
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GRAFTON

Bailey, Brad	Doolan, Ralph	Gionet, Edmond	Ladd, Rick
Reilly, Harold			

HILLSBOROUGH

Barry, Richard
Byron, Frank
James
Culbert, Patrick
Jack
Gagne, Larry
Robert
Hansen, Peter
William
Jasper, Shawn
Donald
Marston, Dick
William
O'Flaherty, Tim
Stephen
Parison, James
Renzullo, Andrew
Emily
Souza, Kathleen
Charlene
Ulery, Jordan
Mark
Willette, Robert

Belanger, James
Cebrowski, John

Daniels, Gary

Gargas, Carolyn

Hikel, John

Kurk, Neal

Murotake, David

Ober, Lynne

Pellegrino, Tony
Rowe, Robert

Straight, Philip

Vaillancourt, Steve

Boehm, Ralph
Christiansen, Lars

Danielson, David

Graham, John

Hinch, Richard

Lambert, George

Murphy, Keith

Ober, Russell

Peterson, Lenette
Sanborn, Laurie

Stroud, Kathleen

Villeneuve, Moe

Burt, John
Coffey,

Flanagan,

Haefner,

Infantine,

LeBrun,

O'Brien,

Palmer,

Pratt, Calvin
Sandblade,

Takesian,

Warden,

MERRIMACK

Hess, David
Carol
McGuire, Dan

Kotowski, Frank

Smith, Todd

Lockwood, Priscilla

McGuire,

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Baldasaro, Alfred	Belanger, Ronald
Bick, Patrick	Birdsell, Regina	Chirichiello, Brian	Comerford, Timothy
Danaïs, Romeo	DeSimone, Debra	Devine, James	Duarte, Joe
Dumaine, Dudley	Emerick, J. Tracy	Garcia, Bianca	Garcia, Marilinda
Gordon, Richard	Griffin, Mary	Hagan, Joseph	Harris, Jeffrey
Hodgdon, Bruce	Hoelzel, Kathleen	Itse, Daniel	Kappler, Lawrence
Kolodziej, Walter	McKinney, Betsy	McMahon, Charles	Milz, David
Nigrello, Robert	O'Connor, John	Rice, Frederick	Sanders, Elisabeth
Sapareto, Frank	Schroadter, Adam	Sedensky, John	St.James, Kevin
Sytek, John	Tamburello, Daniel	Tucker, Pamela	Waterhouse, Kevin
Webb, James	Weyler, Kenneth		

STRAFFORD

Beaudoin, Steven	Bickford, David	Gray, James	Groen, Warren
Jones, Laura	Mullen, John	Parsons, Robbie	Pitre, Joseph

SULLIVAN

Osgood, Joe Smith, Steven
and the majority committee report was adopted and referred to the Committee on Criminal Justice and Public Safety.

(Rep. kaen in the Chair)

SB 325-FN-L, relative to oil spill preparedness and response. **OUGHT TO PASS.**

Rep. Suzanne J. Smith for Resources, Recreation and Development. This bill gives the department of environmental services rulemaking authority to issue state standards for oil pipeline operators' spill response planning. The only operational oil pipelines in New Hampshire are part of the Portland-Montreal pipeline. This pipeline facility was built 50-60 years ago, and although it has operated safely since the early 1950s, an oil spill anywhere along the route would have a devastating impact on the North Country. The right-of-way roughly parallels Route 2, passing through the towns of Lancaster, Jefferson, Randolph, Gorham and Shelburne. It also includes more than 70 stream and wetland crossings, including the Connecticut and Androscoggin Rivers. Crude oil is transported from Portland to Montreal through this pipeline, and if we look to the future, there is a strong likelihood that tar sands diluted bitumen will be transported from Montreal to Portland through the pipelines in coming years. With the passage of SB 325, DES and the pipeline operators, working together, will be better prepared in case of a spill anywhere along this aging pipeline. The state has no authority to impose restrictions on this interstate pipeline, but NH does have the authority to be prepared for a disastrous oil spill. Vote 12-5.

MOTION TO DIVIDE

Rep. Dan McGuire moved that Sections 4 and 5 be divided from **SB 325-FN-L**, relative to oil spill preparedness and response.

Rep. Dan McGuire spoke in favor.

Rep. Baber spoke against.

Rep. Shurtleff requested a roll call; sufficiently seconded.

YEAS 124 – NAYS 186**YEAS - 124****BELKNAP**

Burchell, Richard	Comtois, Guy	Cormier, Jane	Fields, Dennis
Flanders, Donald	Holmes, Stephen	Luther, Robert	Sylvia, Michael
Tilton, Franklin	Vadney, Herbert	Worsman, Colette	

CARROLL

Chandler, Gene	Cordelli, Glenn	McConkey, Mark	Morrow, Harry
Nelson, Bill	Schmidt, Stephen	Umberger, Karen	Wright, Donald

CHESHIRE

Hunt, John

COOS

Rideout, Leon

GRAFTON

Bailey, Brad	Gionet, Edmond	Ladd, Rick
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HILLSBOROUGH

Barry, Richard	Belanger, James	Boehm, Ralph	Burt, John
Byron, Frank	Cebrowski, John	Coffey, James	Culbert, Patrick

Daniels, Gary
Haefner, Robert
Jasper, Shawn
Donald
Marston, Dick
William
O'Flaherty, Tim
Stephen
Parison, James
Andrew
Rowe, Robert
Kathleen
Takesian, Charlene
Moe
Warden, Mark

Flanagan, Jack
Hansen, Peter
Kurk, Neal

Murotake, David

Ober, Lynne

Peterson, Lenette

Sanborn, Laurie

Ulery, Jordan

Willette, Robert

Gagne, Larry
Hikel, John
Lambert, George

Murphy, Keith

Ober, Russell

Pratt, Calvin

Sandblade, Emily

Vaillancourt, Steve

Winters, Joel

Graham, John
Hinch, Richard
LeBrun,

O'Brien,

Palmer,

Renzullo,

Stroud,

Villeneuve,

MERRIMACK

Hess, David

Kotowski, Frank

McGuire, Carol

McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Cali-Pitts, Jacqueline
Romeo
DeSimone, Debra
Emerick, J. Tracy
Richard
Griffin, Mary
Bruce
Hoelzel, Kathleen
Kolodziej, Walter
Robert
O'Connor, John
Frank
Schroadter, Adam
Joe
Sytek, John
Kevin
Webb, James

Allen, Mary
Chirichiello, Brian

Duarte, Joe
Garcia, Bianca

Hagan, Joseph

Itse, Daniel
McMahon, Charles

Rice, Frederick

Sedensky, John

Tamburello, Daniel

Weyler, Kenneth

Baldasaro, Alfred
Comerford, Timothy

Dumaine, Dudley
Garcia, Marilinda

Harris, Jeffrey

Kappler, Lawrence
Milz, David

Sanders, Elisabeth

St.James, Kevin

Tucker, Pamela

Bick, Patrick
Danais,

Elliott, Robert
Gordon,

Hodgdon,

Khan, Aboul
Nigrello,

Sapareto,

Sweeney,

Waterhouse,

STRAFFORD

Beaudoin, Steven
Warren
Jones, Laura

Bickford, David

Mullen, John

Gray, James

Parsons, Robbie

Groen,

Pitre, Joseph

SULLIVAN

Osgood, Joe

Rollins, Skip

Smith, Steven

NAYS - 186**BELKNAP**

DiMartino, Lisa

Gulick, Ruth

Huot, David

Raymond, Ian

CARROLL

Ahlgren, Christopher
Tom
Ticehurst, Susan

Buco, Thomas

White, Syndi

Butler, Edward

Lavender,

CHESHIRE

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

Berch, Paul

Johnsen, Gladys
Phillips, Larry

Shepardson, Marjorie
Young, Harry

Butynski, William

Johnson, Jane
Roberts, Kris

Tatro, Bruce

Chase,

Mann, John
Robertson,

Weber, Lucy

COOS

Coulombe, Gary
Wayne
Rappaport, Laurence
Yvonne

Hammon, Marcia

Richardson, Herbert

Hatch, William

Theberge, Robert

Moynihan,

Thomas,

GRAFTON

Almy, Susan

Benn, Bernard

Brown, Rebecca

Cooney, Mary

Doolan, Ralph
Laurie
Higgins, Patricia
Beatriz
Piper, Wendy
George
Townsend, Charles

Ford, Susan
Massimilla, Linda
Reilly, Harold
White, Andrew

Friedrich, Carol
Mulholland, Catherine
Smith, Suzanne

Harding,
Pastor,
Sykes,

HILLSBOROUGH

Backus, Robert
Pamela
Christiansen, Lars
Linda
Eaton, Richard
Carolyn
Gidge, Kenneth
Brenda
Hammond, Jill
Jack, Martin
Angeline
Leishman, Peter
Mariellen
Mangipudi, Latha
Mary
O'Brien, Michael
Janice
Shattuck, Gilman
Kathleen
Spratt, Stephen
Walsh, Robert

Beaulieu, Jane
Connor, Evelyn
Gage, Ruth
Goley, Jeffrey
Harriott-Gathright, Linda
Jeudy, Jean
Levesque, Melanie
Manley, Jonathan
Porter, Marjorie
Shaw, Barbara
Sullivan, Daniel
Williams, Kermit

Booras, Efstathia
Danielson, David
Gale, Sylvia
Gorman, Mary
Heath, Mary
Knowles, Mary Ann
Long, Patrick
McCloskey, David
Rosenwald, Cindy
Smith, Timothy
Sullivan, Peter
Woodbury, David

Brown,
DiSilvestro,
Gargas, Z,
Grady,
Heden, Ruth
Kopka,
MacKay,
Nelson,
Schmidt,
Souza,
Vail, Suzanne

MERRIMACK

Bartlett, Christy
Davis, Frank
French, Barbara
Lockwood, Priscilla
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

Bouchard, Candace
Ebel, Karen
Gile, Mary
MacKay, James
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

Burns, Scott
Frambach, Mary
Hirsch, Geoffrey
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

Carson, Clyde
Frazer, June
Karrick, David
Patten, Dick
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

ROCKINGHAM

Birdsell, Regina
Cahill, Michael
Flockhart, Eileen
Lovejoy, Patricia
Pantelakos, Laura
Till, Mary

Borden, David
Cushing, Robert
Hayes, Jack
McKinney, Betsy
Perkins, Lawrence
Ward, Gerald

Briden, Steven
Devine, James
Heffron, Frank
Moody, Marcia
Schlachman, Donna
Wazlaw, Brian

Burtis, Elizabeth
Emerson-Brown, Rebecca
Helmstetter, Barbara
Muns, Chris
Sherman, Thomas
Whittemore, Lisa

STRAFFORD

Baber, William
Gardner, Janice
Horrigan, Timothy
Merrill, Amanda
Rollo, Deanna
Spang, Judith

Berube, Roger
Grassie, Anne
Hubbard, Pamela
Pelletier, Marsha
Schmidt, Peter
Stevens, Audrey

Bixby, Peter
Grossman, Kenneth
Ketel, Stephen
Perry, Robert
Smith, Marjorie
Verschueren, James

Burke, Rachel
Hooper, Dorothea
Malloy, Dennis
Rogers, Rose Marie
Spainhower, Dale
Wall, Janet

SULLIVAN

Cloutier, John
Irwin, Virginia
Tanner, Linda

Gagnon, Raymond
O'Hearne, Andrew

Gottling, Suzanne
Schmidt, Andrew

Grenier, James
Sweeney, Cynthia

and the motion failed.

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

Rep. Dan McGuire spoke against.

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

On a division vote, 186 members having voted in the affirmative and 104 in the negative, the committee report was adopted and ordered to third reading.

SB 245-FN, relative to the siting of energy facilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Amanda A. Merrill for Science, Technology and Energy. The site evaluation committee (SEC) reviews proposals for energy facilities in New Hampshire and issues certificates for construction and operation of those proposals that meet the statutory requirements of RSA 162-H. Senate Bill 245 makes changes to the membership of the SEC and to the SEC process that will increase the efficiency of the committee and provide greater opportunity for public involvement. The current SEC is unusually large compared to equivalent review panels in other states in the region, with 15 members drawn from the ranks of senior state agency officials. As the number and variety of applications to the SEC has grown in recent years, so has the strain on resources for participating agencies. And at the same time, members of the public are calling for more involvement in siting decisions that can have significant impacts on their communities. SB 245 addresses both of these issues with a change in committee makeup, decreasing the number of state agency members to seven while adding two public members. The bill also gives the SEC chairperson the option of empanelling smaller subcommittees in matters other than issuance of certificates and petitions of jurisdiction. In order to ensure that the SEC continues to benefit from the input of all relevant state agencies, the bill clarifies the procedures for participation of agencies not represented on the SEC. To further the goal of increasing public knowledge about proposed facilities, SB 245 adds specific requirements for information sessions in counties proposed as locations for such facilities. The bill authorizes a much-needed administrator for the SEC. This individual will perform tasks as authorized in statute, working under the supervision of the chairperson and with committee approval as appropriate. The administrator shall be paid through a new non-lapsing site evaluation committee fund be used to support the functioning of the SEC, established with a loan from the renewable energy fund. It is important to note that ongoing use of the renewable energy fund is prohibited in SB 245. The bill requires the SEC to develop a permanent funding plan for submission to the governor and the chairpersons of the house and senate finance committees; such plan would then be subject to legislative approval. This bill is the result of a study of the SEC conducted by the office of energy and planning under SB 99 (2013). Vote 16-1.

Amendment (1442h)

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

1Energy Evaluation and Siting. RSA 162-H:1 is repealed and reenacted to read as follows:

162-H:1 Declaration of Purpose. The legislature recognizes that the selection of sites for energy facilities may have significant impacts on and benefits to the following: the welfare of the population, private property, the location and growth of industry, the overall economic growth of the state, the environment of the state, historic sites, aesthetics, air and water quality, the use of natural resources, and public health and safety. Accordingly, the legislature finds that it is in the public interest to maintain a balance among those potential significant impacts and benefits in decisions about the siting, construction, and operation of energy facilities in New Hampshire; that undue delay in the construction of new energy facilities be avoided; that full and timely consideration of environmental consequences be provided; that all entities planning to construct facilities in the state be required to provide full and complete disclosure to the public of such plans; and that the state ensure that the construction and operation of energy facilities is treated as a significant aspect of land-use planning in which all environmental, economic, and technical issues are resolved in an integrated fashion. In furtherance of these objectives, the legislature hereby establishes a procedure for the review, approval, monitoring, and enforcement of compliance in the planning, siting, construction, and operation of energy facilities.

2New Paragraph; Energy Facility Evaluation and Siting, Construction and Operation; Definitions; Administrator. Amend RSA 162-H:2 by inserting after paragraph I the following new paragraph:

I-a. "Administrator" means the administrator of the committee established by this chapter.

3Energy Facility Evaluation and Siting, Construction and Operation; Definitions; Energy. Amend RSA 162-H:2, VI to read as follows:

VI. "Energy" means power, including mechanical power [ø], useful heat, **or electricity** derived from any resource, including, but not limited to, oil, coal, and gas.

4Energy Facility Evaluation and Siting, Construction and Operation; Definitions; Petitioner. Amend RSA 162-H:2, XI(c) to read as follows:

(c) A petition endorsed by the governing body of [the] **a** host community or 2 or more governing bodies of abutting communities.

5Energy Facility Evaluation and Siting, Construction and Operation; Definitions; Renewable Energy Facility. Amend RSA 162-H:2, XII to read as follows:

XII. "Renewable energy facility" means electric generating station equipment and associated facilities designed for, or capable of, operation at a nameplate capacity of greater than 30 megawatts [~~but less than 120 megawatts~~] and powered by wind energy, geothermal energy, hydrogen derived from biomass fuels or methane gas, ocean thermal, wave, current, or tidal energy, methane gas, biomass technologies, solar technologies, or hydroelectric energy. "Renewable energy facility" shall also include electric generating station equipment and associated facilities of 30 megawatts or less nameplate capacity but at least 5 megawatts which the committee determines requires a certificate, consistent with the findings and purposes set forth in RSA 162-H:1, either on its own motion or by petition of the applicant or 2 or more petitioners as defined in RSA 162-H:2, XI.

6Site Evaluation Committee. RSA 162-H:3 is repealed and reenacted to read as follows:

162-H:3 Site Evaluation Committee Established.

I. There is hereby established a committee to be known as the New Hampshire site evaluation committee consisting of 9 members, as follows:

(a) The commissioners of the public utilities commission, the chairperson of which shall be the chairperson of the committee;

(b) The commissioner of the department of environmental services, who shall be the vice-chairperson of the committee;

(c) The commissioner of the department of resources and economic development;

(d) The commissioner of the department of transportation;

(e) The commissioner of the department of cultural resources or the director of the division of historical resources as designee; and

(f) Two members of the public, appointed by the governor, with the consent of the council, at least one of whom shall be a member in good standing of the New Hampshire Bar Association, and both of whom shall be residents of the state of New Hampshire with expertise or experience in one or more of the following areas: public deliberative or adjudicative proceedings; business management; environmental protection; natural resource protection; energy facility design, construction, operation, or management; or community and regional planning or economic development.

II. The public members shall serve 4-year terms and until their successors are appointed and qualified. The initial term of one member shall be 2 years. Any public member chosen to fill a vacancy occurring other than by expiration of term shall be appointed for the unexpired term of the member who is to be succeeded.

III. No public member nor any member of his or her family shall receive income from energy facilities within the jurisdiction of the committee. The public members shall comply with RSA 15-A and RSA 15-B.

IV. All members shall refrain from ex parte communications regarding any matter pending before the committee.

V. Seven members of the committee shall constitute a quorum for the purpose of conducting the committee's business.

VI. Any public member of the committee may be removed by the governor and council for inefficiency, neglect of duty, or misconduct or malfeasance in office, after being given a written statement of the charges and an opportunity to be heard.

VII. The committee shall be administratively attached to the public utilities commission pursuant to RSA 21-G:10.

VIII. Public members of the committee shall be compensated on a pro rata basis, based upon the daily salary rate for a commissioner of the public utilities commission at the initial step.

IX. The chairperson shall serve as the chief executive of the committee and may:

- (a) Delegate to other members the duties of presiding officer, as appropriate.
- (b) Perform administrative actions for the committee, as may a presiding officer.
- (c) Establish, with the consent of the committee, the budgetary requirements of the committee.
- (d) Engage personnel in accordance with this chapter.
- (e) Form subcommittees pursuant to RSA 162-H:4-a.

X. An alternate public member who satisfies the qualification requirements of subparagraph I(f), excluding the New Hampshire Bar membership requirement, shall be appointed by the governor, with consent of the council. The alternate public member shall only sit on the committee or a subcommittee as provided for in paragraph XI.

XI. If at any time a member must recuse himself or herself on a matter or is not otherwise available for good reason, such person, if a state employee, may designate a senior administrative employee or a staff attorney from his or her agency to sit on the committee. In the case of a public member, the chairperson shall appoint the alternate public member, or if such member is not available, the governor and council shall appoint a replacement upon petition of the chairperson. The replacement process under this paragraph shall also be applicable to subcommittee members under RSA 162-H:4-a.

7New Section; Site Evaluation Committee; Administrator. Amend RSA 162-H by inserting after section 3 the following new section:

162-H:3-a Administrator and Other Employees. There is hereby established within the site evaluation committee the position of administrator who shall be an unclassified state employee. In the alternative, the position may be filled by an independent contractor. The administrator shall be hired by and under the supervision of the chairperson. The administrator, or chairperson in the absence of an administrator, with committee approval, may engage additional technical, legal, or administrative support to fulfill the functions of the committee as necessary. Any person to be hired by the administrator shall be approved by the chairperson. The administrator and any employees or contractors shall be paid from the site evaluation committee fund established in RSA 162-H:21.

8Section Heading. Amend the section heading of RSA 162-H:4 to read as follows:

162-H:4 Powers and Duties of the Committee.

9Powers and Duties of the Committee. Amend RSA 162-H:4, I through IV to read as follows:

I. The committee shall:

- (a) **Evaluate and** issue any certificate under this chapter for an energy facility.
- (b) Determine the terms and conditions of any certificate issued under this chapter.
- (c) Monitor the construction and operation of any energy facility granted a certificate under this chapter **to ensure compliance with such certificate.**
- (d) Enforce the terms and conditions of any certificate issued under this chapter.
- (e) **Assist the public in understanding the requirements of this chapter.**

II. The committee shall hold hearings as required by this chapter and such additional hearings as it deems necessary and appropriate.

III. The committee may delegate the authority to monitor the construction or operation of any energy facility granted a certificate under this chapter to **the administrator or** such state agency or official [~~represented on the committee~~] as it deems appropriate, but[, subject to RSA 162-H:10, it may not delegate authority to hold hearings, issue certificates, determine the terms and conditions of a certificate, or enforce a certificate] **shall ensure that the terms and conditions of the certificate are met.** Any authorized representative or delegate of the committee shall have a right of entry onto the premises of any part of the energy facility to ascertain if the facility is being constructed or operated in continuing compliance with the terms and conditions of the certificate. During normal hours of business administration and on the premises of the facility, such a representative or delegate shall also have a right to inspect such records of the certificate-holder as are relevant to the terms or conditions of the certificate.

III-a. The committee may delegate to [~~an~~] **the administrator or such state** agency or official [~~represented on the committee~~] **as it deems appropriate** the authority to specify the use of any technique, methodology, practice, or procedure approved by the committee within a certificate issued under this chapter, or the authority to specify minor changes in the route alignment to the extent that such changes are authorized by the certificate for those portions of a proposed electric transmission line or energy transmission pipeline for which information was unavailable due to conditions which could not have been reasonably anticipated prior to the issuance of the certificate.

III-b. The committee may not delegate its authority or duties, except as provided under this chapter.

IV. In cases where the committee determines that other existing statutes provide adequate protection of the objectives of RSA 162-H:1, the committee may, within 60 days of acceptance of the application, or filing of a request for exemption with sufficient information to enable the committee to determine whether the proposal meets the requirements set forth below, and after holding a public [informational] hearing in a county where the energy facility is proposed, exempt the applicant from the approval and certificate provisions of this chapter, provided that the following requirements are met:

(a) Existing state or federal statutes, state or federal agency rules or municipal ordinances provide adequate protection of the objectives of RSA 162-H:1;

(b) A review of the application or request for exemption reveals that consideration of the proposal by only selected agencies represented on the committee is required and that the objectives of RSA 162-H:1 can be met by those agencies without exercising the provisions of RSA 162-H;

(c) Response to the application or request for exemption from the general public indicates that the objectives of RSA 162-H:1 are met through the individual review processes of the participating agencies; and

(d) All environmental impacts or effects are adequately regulated by other federal, state, or local statutes, rules, or ordinances.

10 Powers of Committee. RSA 162-H:4, V is repealed and reenacted to read as follows:

V. In any matter before the committee, the presiding officer, or a hearing officer designated by the presiding officer, may hear and decide procedural matters that are before the committee, including procedural schedules, consolidation of parties with substantially similar interests, discovery schedules and motions, and identification of significant disputed issues for hearing and decision by the committee. Undisputed petitions for intervention may be decided by the hearing officer and disputed petitions shall be decided by the presiding officer. Any party aggrieved by a decision on a petition to intervene may within 10 calendar days request that the committee review such decision. Other procedural decisions may be reviewed by the committee at its discretion.

11 New Section; Subcommittees. Amend RSA 162-H by inserting after section 4 the following new section: 162-H:4-a Subcommittees.

I. The chairperson may establish subcommittees to consider and make decisions on applications, including the issuance of certificates, or to exercise any other authority or perform any other duty of the committee under this chapter, except that no subcommittee may approve the budgetary requirements of the committee, or any support staff positions paid for through the site evaluation committee fund, propose the funding plan under RSA 162-H:21, or adopt initial or final rulemaking proposals. For purposes of statutory interpretation and executing the regulatory functions of this chapter, the subcommittee shall assume the role of and be considered the committee, with all of its associated powers and duties in order to execute the charge given it by the chairperson.

II. When considering the issuance of a certificate or a petition of jurisdiction, a subcommittee shall have no fewer than 7 members. The 2 public members shall serve on each subcommittee with the remaining 5 or more members selected by the chairperson from among the state agency members of the committee. Each selected member may designate a senior administrative employee or staff attorney from his or her respective agency to sit in his or her place on the subcommittee. The chairperson shall designate one member or designee to be the presiding officer who shall be an attorney whenever possible. Five members of the subcommittee shall constitute a quorum for the purpose of conducting the subcommittee's business.

III. In any matter not covered under paragraph II, the chairperson may establish subcommittees of 3 members, consisting of 2 state agency members and one public member. Each state agency member may designate a senior administrative employee or staff attorney from his or her agency to sit in his or her place on the subcommittee. The chairperson shall designate one member or designee to be the presiding officer who shall be an attorney whenever possible. Two members of the subcommittee shall constitute a quorum. Any party whose interests may be affected may object to the matter being assigned to a 3-person subcommittee no less than 14 days before the first hearing. If objection is received, the chairperson shall remove the matter from the 3-person subcommittee and either assign it to a subcommittee formed under paragraph II or have the full committee decide the matter.

12 Application for Certificate. Amend RSA 162-H:7, II to read as follows:

II. All applications for a certificate for an energy facility shall be filed with the [chairman] **chairperson** of the site evaluation committee.

13 Application for Certificate. Amend RSA 162-H:7, IV and V to read as follows:

IV. Each application shall contain sufficient information to satisfy the application requirements of each state agency having jurisdiction, under state or federal law, to regulate any aspect of the construction or operation of the proposed facility, and shall include each agency's completed application forms. Upon the filing of an application, the committee shall expeditiously forward a copy to the state agencies having [jurisdiction] **permitting or other regulatory authority and to other state agencies identified in administrative rules**. Upon receipt of a copy, each agency shall conduct a preliminary review to ascertain if the application

contains sufficient information for its purposes. If the application does not contain sufficient information for the purposes of any of the state agencies having [jurisdiction] **permitting or other regulatory authority**, that agency shall, in writing, notify the committee of that fact and specify what information the applicant must supply; thereupon the committee shall provide the applicant with a copy of such notification and specification. Notwithstanding any other provision of law, for purposes of the time limitations imposed by this section, any application made under this section shall be deemed not accepted either by the committee or by any of the state agencies having [jurisdiction] **permitting or other regulatory authority** if the applicant is [seasonably] **reasonably** notified that it has not supplied sufficient information for any of the state agencies having [jurisdiction] **permitting or other regulatory authority** in accordance with this paragraph.

V. Each application shall also:

(a) Describe in reasonable detail the type and size of each major part of the proposed facility.

(b) Identify both the **applicant's** preferred choice and [any] other [choices] **alternatives it considers available** for the site **and configuration** of each major part of the proposed facility **and the reasons for the applicant's preferred choice**.

(c) Describe in reasonable detail the impact of each major part of the proposed facility on the environment for each site proposed.

(d) Describe in reasonable detail the applicant's proposals for studying and solving environmental problems.

(e) Describe in reasonable detail the applicant's financial, technical, and managerial capability for construction and operation of the proposed facility.

(f) Document that written notification of the proposed project, including appropriate copies of the application, has been given to the appropriate governing body of each community in which the facility is proposed to be located.

(g) **Describe in reasonable detail the elements of and financial assurances for a facility decommissioning plan.**

(h) Provide such additional information as the committee may require to carry out the purposes of this chapter.

¶ Application for Certificate. Amend RSA 162-H:7, VI-a through VI-d to read as follows:

VI-a. ~~[Within 30 days after acceptance of the application, the committee shall hold at least one public hearing in each county in which the proposed facility is to be located,]~~ **Public information sessions shall be held** in accordance with RSA 162-H:10.

VI-b. All [participating] state agencies **having permitting or other regulatory authority** shall report their progress to the committee within [5 months] **150 days** of the acceptance of the application, outlining draft permit conditions and specifying additional data requirements necessary to make a final decision **on the parts of the application that relate to its permitting or other regulatory authority**.

VI-c. All [participating] state agencies **having permitting or other regulatory authority** shall make and submit to the committee a final decision on the parts of the application that relate to its [jurisdiction] **permitting and other regulatory authority**, no later than [8 months] **240 days** after the application has been accepted.

VI-d. Within [9 months] **365 days** of the acceptance of an application, the committee shall issue or deny a certificate for an energy facility.

¶ New Section; Role of State Agencies. Amend RSA 162-H by inserting after section 7 the following new section:

162-H:7-a Role of State Agencies.

I. State agencies having permitting or other regulatory authority may participate in committee proceedings as follows:

(a) Receive proposals or permit requests within the agency's permitting or other regulatory authority, expertise, or both; determine completeness of elements required for such agency's permitting or other programs; and report on such issues to the committee;

(b) Review proposals or permit requests and submit recommended draft permit terms and conditions to the committee;

(c) Identify issues of concern on the proposal or permit request or notify the committee that the application raises no issues of concern;

(d) When issues of concern are identified by the agency or committee, designate one or more witnesses to appear before the committee at a hearing to provide input and answer questions of parties and committee members; and

(e) If the committee intends to impose certificate conditions that are different than those proposed by state agencies having permitting or other regulatory authority, the committee shall promptly notify the agency or agencies in writing to seek confirmation that such conditions or rulings are in conformity with the laws and regulations applicable to the project and state whether the conditions or rulings are appropriate in

light of the agency's statutory responsibilities. The notified state agencies shall respond to the committee's request for confirmation as soon as possible, but no later than 10 calendar days from the date the agency or agencies receive the notification described above.

II. When initiating a proceeding for a committee matter, the committee shall expeditiously notify state agencies having permitting or other regulatory authority or that are identified in administrative rules.

III. Within 30 days of receipt of a notification of proceeding, a state agency not having permitting or other regulatory authority but wishing to participate in the proceeding shall advise the presiding officer of the committee in writing of such desire and be allowed to do so provided that the presiding officer determines that a material interest in the proceeding is demonstrated and such participation conforms with the normal procedural rules of the committee.

IV. The commissioner or director of each state agency that intends to participate in a committee proceeding shall advise the presiding officer of the name of the individual on the agency's staff designated to be the agency liaison for the proceeding. The presiding officer may request the attendance of an agency's designated liaison at a session of the committee if that person could materially assist the committee in its examination or consideration of a matter.

V. All communications between the committee and agencies regarding a pending committee matter shall be included in the official record and be publicly available.

VI. A state agency may intervene as a party in any committee proceeding in the same manner as other persons under RSA 541-A. An intervening agency shall have the right to rehearing and appeal of a certificate or other decision of the committee.

16 Public Hearing; Studies; Rules. Amend RSA 162-H:10 to read as follows:

162-H:10 Public Hearing; Studies; Rules.

I. At least 30 days prior to filing an application for a certificate, an applicant shall hold at least one public information session in each county where the proposed facility is to be located and shall, at a minimum, publish a public notice not less than 14 days before such session in one or more newspapers having a regular circulation in the county in which the session is to be held, describing the nature and location of the proposed facility. At such session, the applicant shall present information regarding the project and receive comments from the public. Not less than 10 days before such session, the applicant shall provide a copy of the public notice to the chairperson of the committee. The applicant shall arrange for a transcript of such session to be prepared and shall include the transcript in its application for a certificate.

I-a. Within [30] **45** days after acceptance of an application for a certificate [~~of site and facility~~], pursuant to RSA 162-H:7, the [~~site evaluation committee~~] **applicant** shall hold at least one [~~joint~~] public [~~hearing~~] **information session** in each county in which the proposed facility is to be located and shall, **at a minimum**, publish a public notice not less than 14 days before said [~~hearing~~] **session** in one or more newspapers having a regular circulation in the county in which the [~~hearing~~] **session** is to be held, describing the nature and location of the proposed [~~facilities~~] **facility**. **Not less than 10 days before such session, the applicant shall provide a copy of the public notice to the presiding officer of the committee. The administrator, or a designee of the presiding officer of the committee, shall act as presiding officer of the information session. The session shall be for public information on the proposed facility with the applicant presenting the information to the public. The presiding officer shall also explain to the public the process the committee will use to review the application for the proposed facility.**

I-b. Upon request of the governing body of a municipality or unincorporated place in which the proposed facility is to be located, or on the committee's own motion, the committee may order the applicant to provide such additional information sessions as are reasonable to inform the public of the proposed project.

I-c. Within 90 days after acceptance of an application for a certificate, pursuant to RSA 162-H:7, the site evaluation committee shall hold at least one public hearing in each county in which the proposed facility is to be located and shall publish a public notice not less than 14 days before such session in one or more newspapers having a regular circulation in the county in which the hearing is to be held, describing the nature and location of the proposed facilities. The public hearings shall be joint hearings, with representatives of the [~~other~~] agencies that have [~~jurisdiction~~] **permitting or other regulatory authority** over the subject matter and shall be deemed to satisfy all initial requirements for public hearings under statutes requiring permits relative to environmental impact. [~~The hearings shall be for public information on the proposed facilities with the applicant presenting the information to the site evaluation committee and to the public.~~] Notwithstanding any other provision of law, the hearing shall be a joint hearing with the other state agencies and shall be in lieu of all hearings otherwise required by any of the other state agencies; provided, however, if any of such other state agencies does not otherwise have authority to conduct hearings, it may not join in the hearing under this chapter; provided further, however, the ability or inability of any of the other state agencies to join shall not affect the composition of the committee under RSA 162-H:3 nor the ability of any member of the committee to act in accordance with this chapter.

II. ~~[Except for informational hearings,]~~ Subsequent hearings shall be in the nature of adjudicative proceedings under RSA 541-A and may be held in the county or one of the counties in which the proposed facility is to be located or in Concord, New Hampshire, as determined by the site evaluation committee. The committee shall give adequate public notice of the time and place of each subsequent ~~[session]~~ **hearing**.

III. The site evaluation committee shall consider and weigh all evidence presented at public hearings and shall consider and weigh written information and reports submitted to it by members of the public before, during, and subsequent to public hearings **but prior to the closing of the record of the proceeding**. ~~[The committee shall grant free access to records and reports in its files to members of the public during normal working hours and shall permit copies of such records and reports to be made by interested members of the public at their expense.]~~ **The committee shall consider, as appropriate, prior committee findings and rulings on the same or similar subject matters, but shall not be bound thereby.**

IV. The site evaluation committee shall require from the applicant whatever information it deems necessary to assist in the conduct of the hearings, and any investigation or studies it may undertake, and in the determination of the terms and conditions of any certificate under consideration.

V. The site evaluation committee and counsel for the public shall ~~[jointly]~~ conduct such reasonable studies and investigations as they deem necessary or appropriate to carry out the purposes of this chapter and may employ a consultant or consultants, legal counsel and other staff in furtherance of the duties imposed by this chapter, the cost of which shall be borne by the applicant in such amount as may be approved by the committee. The site evaluation committee and counsel for the public are further authorized to assess the applicant for all travel and related expenses associated with the processing of an application under this chapter.

VI. The site evaluation committee shall issue such rules to administer this chapter, pursuant to RSA 541-A, after public notice and hearing, as may from time to time be required.

VII. **As soon as practicable but no later than [January] July 1, 2015,** the committee shall adopt rules, pursuant to RSA 541-A, relative to **the organization, practices, and procedures of the committee and** criteria for the siting of energy facilities, including specific criteria to be applied in determining if the requirements of RSA 162-H:16, IV have been met by the applicant for a certificate of site and facility. Prior to the adoption of such rules, the office of energy and planning shall hire and manage one or more consultants to conduct a public stakeholder process to develop recommended regulatory criteria, which may include consideration of issues identified in attachment C of the 2008 final report of the state energy policy commission, as well as others that may be identified during the stakeholder process. ~~[The office of energy and planning shall submit a report based on the findings of the public stakeholder process to the committee by January 1, 2014.]~~

17 Enforcement. Amend RSA 162-H:12, I to read as follows:

I. Whenever the committee, **or the administrator as designee**, determines that any term or condition of any certificate issued under this chapter is being violated, it shall, in writing, notify the person holding the certificate of the specific violation and order the person to immediately terminate the violation. If, 15 days after receipt of the order, the person has failed or neglected to terminate the violation, the committee may suspend the person's certificate. Except for emergencies, prior to any suspension, the committee shall give written notice of its consideration of suspension and of its reasons therefor and shall provide opportunity for a prompt hearing.

18 Enforcement. Amend RSA 162-H:12, IV to read as follows:

IV. Notwithstanding any other provision of this chapter, each of the other state agencies having ~~[jurisdiction]~~ **permitting or other regulatory authority** shall retain all of its powers and duties of enforcement.

19 Records; Temporary Suspension of Deliberations. Amend RSA 162-H:13 and RSA 162-H:14 to read as follows:

162-H:13 Records. Complete verbatim records shall be kept by the committee of all hearings, and records of all other actions, proceedings, and correspondence of the committee, **including submittals of information and reports by members of the public**, shall be maintained, all of which records shall be open to the public inspection **and copying** as provided for under RSA 91-A. **Records regarding pending applications for a certificate shall also be made available on a website.**

162-H:14 Temporary Suspension of Deliberations.

I. If the site evaluation committee, at any time ~~[during its deliberations relative to]~~ **while** an application for a certificate **is before it**, deems it to be in the public interest, it may temporarily suspend its deliberations and time frame established under RSA 162-H:7.

II. ~~[Repealed.]~~

20 Findings and Certificate Issuance. Amend RSA 162-H:16, I to read as follows:

I. The committee shall incorporate in any certificate such terms and conditions as may be specified to the committee by any of the ~~[other]~~ state agencies having ~~[jurisdiction]~~ **permitting or other regulatory authority**, under state or federal law, to regulate any aspect of the construction or operation of the proposed facility; provided, however, the committee shall not issue any certificate under this chapter if any of the ~~[other]~~ state agencies denies authorization for the proposed activity over which it has ~~[jurisdiction]~~ **permitting or other regulatory authority**. The denial of any such authorization shall be based on the record and explained in reasonable detail by the denying agency.

21 Findings and Certificate Issuance. Amend RSA 162-H:16, IV to read as follows:

IV. [The site evaluation committee, after having considered available alternatives and fully reviewed the environmental impact of the site or route, and other relevant factors bearing on whether the objectives of this chapter would be best served by the issuance of the certificate, must find that the site and facility]

After due consideration of all relevant information regarding the potential siting or routes of a proposed energy facility, including potential significant impacts and benefits, the site evaluation committee shall determine if issuance of a certificate will serve the objectives of this chapter. In order to issue a certificate, the committee shall find that:

(a) The applicant has adequate financial, technical, and managerial capability to assure construction and operation of the facility in continuing compliance with the terms and conditions of the certificate.

(b) ***The site and facility*** will not unduly interfere with the orderly development of the region with due consideration having been given to the views of municipal and regional planning commissions and municipal governing bodies.

(c) ***The site and facility*** will not have an unreasonable adverse effect on aesthetics, historic sites, air and water quality, the natural environment, and public health and safety.

(d) [Repealed.]

22 New Subparagraph; Findings and Certificate Issuance. Amend RSA 162-H:16, IV by inserting after subparagraph (d) the following new subparagraph:

(e) Issuance of a certificate will serve the public interest.

23 New Section; Fund Established; Funding Plan. Amend RSA 162-H by inserting after section 20 the following new section:

162-H:21 Fund Established; Funding Plan.

I. There is hereby established in the office of the state treasurer a nonlapsing fund to be known as the site evaluation committee fund. All moneys in such fund shall be continually appropriated to the site evaluation committee for the purposes of the committee. The fund shall be established with a transfer from the renewable energy fund established in RSA 362-F:10 in an amount not to exceed \$1,000,000. Repayment of the initial renewable energy fund transfer shall be made over a period of not more than 10 years.

II. By December 1, 2014, the committee shall submit a permanent funding plan, including recommendations for legislation, to the governor and to the chairpersons of the house and senate finance committees. The committee shall consider potential funding sources, including but not limited to the imposition of reasonable application fees and other funding sources. The plan shall describe the costs of the ongoing administration of the committee's duties, including state agency expenses associated with processing an application under this chapter. The plan shall include recommendations for the ongoing funding of the committee's operations, including reimbursement for the hearing and review time of members of the committee and state agency staff. The plan shall make recommendations for funding sources to meet those needs, except that such funding sources shall not include annual operating fees imposed on energy facilities or further use of the renewable energy fund. The plan shall provide an estimate of revenues from application fees and additional funding sources.

24 Site Evaluation Committee; Application for Certificate; Applicability.

I. The provisions of this chapter shall apply to any application or petition received on or after July 1, 2014.

II. Pending matters for which an adjudicative hearing was held prior to July 1, 2014 shall be governed by the laws in place prior to the enactment of this section and shall be addressed by the committee in effect at the time the matters were filed.

III. The committee in existence prior to July 1, 2014 shall cease to exist when all matters for which it is responsible have been resolved, through rulings on requests for rehearing or reconsideration.

25 Site Evaluation Committee; Transitional Responsibilities.

I. Any pending matter for which an adjudicative hearing was not held prior to July 1, 2014, and all matters filed on or after July 1, 2014 shall be reviewed by the committee as re-organized under this act; provided, however, that the committee in existence prior to July 1, 2014, shall be responsible for any matter filed before July 1, 2014, for which an adjudicative hearing commences on or after July 1, 2014, but before the establishment of the committee as reorganized in this act. The parties in any pending matter for which an adjudicative hearing was not held prior to July 1, 2014 shall have a reasonable opportunity to supplement filings under the provisions of this chapter as effective July 1, 2014.

II. The re-organization of the committee under this act, including the appointment of an administrator and public members, shall occur no later than November 1, 2014.

III. Notwithstanding any other provision of RSA 162-H, the committee in existence prior to July 1, 2014 shall continue to process all matters filed on or after July 1, 2014 until such time as the re-organized committee is established, and for the process of adopting rules pursuant to RSA 162-H:10, VII, until such time as the re-organized committee is established. Notwithstanding any other provision of law, the actions of the committee in existence prior to July 1, 2014 shall be deemed the actions of the committee for the purposes of appointing an administrator and of adopting rules pursuant to RSA 162-H:10, VII.

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

(317) Moneys deposited in the site evaluation committee fund established in RSA 162-H:21, I.

⌘ Repeal. The following are repealed:

- I. RSA 4-C:6, II(e), relative to energy facility evaluation committee.
- II. RSA 162-H:6-a, relative to time frames for review of renewable energy facilities.
- III. RSA 162-H:7, VI-e, relative to time frames for applications for certificates.
- IV. RSA 162-H:15, relative to informational meetings.

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

Amendment adopted.

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

On a division vote, 227 members having voted in the affirmative and 69 in the negative, the committee report was adopted and referred to the Committee on Finance.

SB 296, relative to preferences for veterans and disabled veterans in public employment. **OUGHT TO PASS.** Rep. Leon H. Rideout for State-Federal Relations and Veterans Affairs. This bill establishes a veteran's preference for public employment in New Hampshire. It is well known that veterans have a higher unemployment rate than the general public. The committee feels this is a small step in correcting that inequity. The committee also felt that it is a well-deserved and justified preference. There are many other states that give veterans employment preference. Vote 13-0. Rep. Baldasaro offered floor amendment (1494h).

Floor Amendment (1494h)

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

AN ACT relative to preferences for veterans, disabled veterans, and spouses of disabled veterans in public employment.

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

1New Chapter; Preference for Veterans in Public Employment. Amend RSA by inserting after chapter 273-C the following new chapter:

CHAPTER 273-D

PREFERENCE IN PUBLIC EMPLOYMENT FOR VETERANS, DISABLED VETERANS, AND SPOUSES OF DISABLED VETERANS

273-D:1 Preference for Veterans in Public Employment. The state of New Hampshire shall grant a preference in hiring to veterans, disabled veterans, and spouses of disabled veterans.

273-D:2 Definitions. In this chapter:

I. "Active duty" means full-time duty under Title 10 of the United States Code as an enlisted member, or as a commissioned or warrant officer, in any branch of the armed forces of the United States. Active duty shall not include attendance at a school under military orders, except schooling incident to an active enlistment or a regular tour of duty, or normal military training as a reserve officer or member of an organized reserve or a national guard unit.

II. "Armed forces" means the United States Army, Navy, Marine Corps, Air Force, and Coast Guard, including:

- (a) The Army Reserve.
- (b) The Navy Reserve.
- (c) The Marine Corps Reserve.
- (d) The Air Force Reserve.
- (e) The Coast Guard Reserve.
- (f) The Army National Guard of the United States.
- (g) The Air National Guard of the United States.

III. "Civil service position" means a position that requires merit-based selection and promotion to be ascertained by competitive examination. Such positions need not be denominated "civil service" positions.

IV. "Combat zone" means an area designated by the President of the United States by executive order in which, on the dates designated by executive order, the armed forces of the United States are or have engaged in combat.

V. "Disabled veteran" means:

- (a) A person entitled to disability compensation under the laws administered by the United States Department of Veterans Affairs;
- (b) A person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty; or
- (c) A person who was awarded the Purple Heart for wounds received in combat.

VI. "Public employer" means the state or any agency or political subdivision of the state and any person authorized to act on behalf of the state or any agency or political subdivision of the state with respect to control, management, or supervision of any employee.

VII. "Spouse of a disabled veteran" means:

(a) The current legal spouse of a veteran who has been determined to be permanently and totally disabled by the United States Department of Veterans Affairs; or

(b) The unremarried legal spouse of a veteran who died while, and as a result of, serving in the armed forces.

VIII. "Veteran" means a person who:

(a) Served on active duty with the armed forces of the United States:

(1) And was honorably discharged or released from active duty, or medically discharged or released from active duty for a service-connected disability; or

(2) For at least one day in a combat zone and was honorably discharged or released from active duty, or medically discharged or released from active duty for a service-connected disability; or

(b) Received a combat or campaign ribbon for service in the armed forces of the United States.

273-D:3 Eligibility for Employment Preference.

I. A veteran, disabled veteran, or spouse of a disabled veteran may use the preference for a civil service position at any time after the veteran is discharged or released from service in the armed forces of the United States.

II. A veteran, disabled veteran, or spouse of a disabled veteran may claim the preference an unlimited number of times.

273-D:4 Application Process.

I. At each stage of the application process, a public employer shall grant a preference to an otherwise qualified veteran, disabled veteran, or spouse of a disabled veteran who successfully completes an initial application screening and an application examination, or a civil service test administered by the public employer to establish eligibility for a vacant civil service position.

II. For an initial application screening used to develop a list of persons for interviews, the public employer shall add 5 preference points to a veteran's score, 10 preference points to a disabled veteran's score, and 5 preference points to the score of a spouse of a disabled veteran.

III. For an application examination, administered after the initial application screening that results in a score, the public employer shall add 5 preference points to a veteran's total combined examination score, 10 preference points to a disabled veteran's total combined examination score, and 5 points to the total combined examination score of the spouse of a disabled veteran without allocating the points to any single feature or part of the examination. The veteran, disabled veteran, or spouse of a disabled veteran shall pass the examination with a qualifying score to be eligible to receive the veterans preference.

IV. If a public employer uses an application examination that does not result in a score, the public employer shall devise and apply methods by which it gives special consideration in the hiring decision to veterans, disabled veterans, and spouses of disabled veterans.

273-D:5 Appointment to a Position.

I. A public employer shall appoint an otherwise qualified veteran, disabled veteran, or spouse of a disabled veteran to a vacant civil service position if the results of such person's application examination, when combined with the preference for veterans, disabled veterans, or spouses of disabled veterans, are equal to or higher than the results of an application examination for an applicant who is not a veteran, disabled veteran, or spouse of a disabled veteran.

II. A public employer may base a decision not to appoint the veteran, disabled veteran, or spouse of a disabled veteran solely on such person's merits or qualifications with respect to the vacant civil service position.

III. A public employer that does not appoint a veteran, disabled veteran, or spouse of a disabled veteran to a vacant civil service position, shall, upon written request of such person, provide an explanation of its decision.

273-D:6 Proof of Eligibility.

I. A public employer shall require an applicant, at the time of application, to provide proof that the applicant is an eligible veteran, disabled veteran, or spouse of a disabled veteran in order to be eligible for the preference under this chapter.

II. An applicant for a position with a public employer who claims a preference as a veteran, disabled veteran, or spouse of a disabled veteran shall submit as proof of eligibility:

(a) A copy of a qualifying document as outlined in RSA 21:50, I(b) with the application for employment; and

(b) Disabled veterans shall submit a copy of their veteran's summary of benefits letter from the United States Department of Veterans Affairs, unless the information is included in the appropriate federal discharge documents.

(c) Spouses of disabled veterans shall submit a copy of their spouse's veteran's summary of benefits letter from the United States Department of Veterans Affairs, unless the information is included in the appropriate federal discharge documents.

III. If an applicant's record appears to show service qualifying for the preference, the public employer may provisionally designate an applicant as an eligible veteran, disabled veteran, or spouse of a disabled veteran. However, before the applicant can be appointed, he or she shall submit proof of entitlement to the preference.

273-D:7 Rulemaking. The department of labor shall adopt rules pursuant to RSA 541-A to implement the provisions of this chapter.

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

AMENDED ANALYSIS

This bill requires the state to give a preference in hiring to veterans, disabled veterans, and spouses of disabled veterans. Rep. Baldasaro spoke in favor and yielded to questions. Reps. Sweeney and Theberge yielded to questions.

LAID ON THE TABLE

Rep. Carol McGuire moved that **SB 296**, relative to preferences for veterans and disabled veterans in public employment, be laid on the table.

On a division vote, 168 members having voted in the affirmative and 115 in the negative, the motion was adopted.

REGULAR CALENDAR (CONT'D)

SB 375, establishing a committee to study the creation of a flood mitigation fund for private property owners. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Richard Ames for the Majority of Ways and Means. The original bill established a committee to study the creation of a flood mitigation fund for private property owners. The committee's amendment, responding to the request of the division of homeland security, extends the scope of the study to include municipal property owners. The bill is supported by the department of environmental services, the department of transportation and the department of safety (through its division of homeland security and emergency management). No one appeared at the public hearing in opposition to the bill. Testimony in support of the bill indicated that current funding sources and programs are insufficient to meet the challenges of our increasingly severe weather events. The committee will collaborate with Executive Branch research and planning done this year and include in their work how to buy out severely damaged residences and businesses and remove them from the flood zone; and how to assist small towns whose property tax base does not allow for repair of flood-damaged bridges that connect other non-paying towns in their region. The study committee will be comprised of one senator appointed by the Senate President and two State Representatives appointed by the Speaker and must report its findings and recommendations by November 1, 2014. Vote 9-8.

Rep. Russell T. Ober for the Minority of Ways and Means. There is no need for establishing yet another study committee. There is no need to study another dedicated fund. The state has no business in studying flood mitigation for private property. This is another attempt to have state interference with property owners. No doubt to get the money from the fund, the owners would be required several mandatory "fixes" to their property to qualify. Can you say "flood insurance"? There is no version to include municipal properties.

Majority Amendment (1329h)

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

AN ACT establishing a committee to study the creation of a flood mitigation fund for private and municipal property owners.

Amend the bill by replacing section 1 with the following:

1Committee Established. There is established a committee to study the creation of a flood mitigation fund for private and municipal property owners.

Amend the bill by replacing section 3 with the following:

3Duties. The committee shall study the creation of flood mitigation fund for private and municipal property owners.

AMENDED ANALYSIS

This bill establishes a committee to study the creation of a flood mitigation fund for private and municipal property owners.

On a division vote, 169 members having voted in the affirmative and 107 in the negative, the majority committee amendment 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 165 – NAYS 124

YEAS - 165

BELKNAP

DiMartino, Lisa	Gulick, Ruth	Huot, David	Raymond, Ian
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CARROLL

Buco, Thomas White, Syndi	Butler, Edward	Lavender, Tom	Ticehurst, Susan
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CHESHIRE

Ames, Richard Eaton, Daniel Phillips, Larry Shepardson, Marjorie Young, Harry	Berch, Paul Johnsen, Gladys Roberts, Kris Tatro, Bruce	Butynski, William Mann, John Robertson, Timothy Weber, Lucy	Chase, Cynthia Parkhurst, Henry Sad, Tara Weed, Charles
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COOS

Coulombe, Gary Theberge, Robert	Hammon, Marcia Thomas, Yvonne	Hatch, William	Moynihan, Wayne
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GRAFTON

Almy, Susan Ford, Susan Massimilla, Linda Smith, Suzanne	Benn, Bernard Friedrich, Carol Mulholland, Catherine Sykes, George	Brown, Rebecca Harding, Laurie Pastor, Beatriz Townsend, Charles	Cooney, Mary Higgins, Patricia Piper, Wendy
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HILLSBOROUGH

Backus, Robert Campbell, David DiSilvestro, Linda Goley, Jeffrey Harriott-Gathright, Linda Judy, Jean Levesque, Melanie McCloskey, David Rosenwald, Cindy Spratt, Stephen Vail, Suzanne	Beaulieu, Jane Christiansen, Lars Eaton, Richard Gorman, Mary Heath, Mary Knowles, Mary Ann MacKay, Mariellen Nelson, Mary Schmidt, Janice Sullivan, Daniel Walsh, Robert	Booras, Efstathia Connor, Evelyn Gage, Ruth Grady, Brenda Heden, Ruth Kopka, Angeline Mangipudi, Latha O'Brien, Michael Shattuck, Gilman Sullivan, Peter Williams, Kermit	Brown, Pamela Danielson, David Gale, Sylvia Hammond, Jill Jack, Martin Leishman, Peter Manley, Jonathan Porter, Marjorie Shaw, Barbara Takesian, Charlene Woodbury, David
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MERRIMACK

Bouchard, Candace Ebel, Karen Gile, Mary Moffett, Howard Rogers, Katherine Turcotte, Alan	Burns, Scott Frambach, Mary Hirsch, Geoffrey Ratzki, Mario Schamberg, Thomas Wallner, Mary Jane	Carson, Clyde Frazer, June Karrick, David Rice, Chip Schuett, Dianne Walz, Mary Beth	Davis, Frank French, Barbara MacKay, James Richardson, Gary Shurtleff, Stephen Webb, Leigh
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ROCKINGHAM

Borden, David Cali-Pitts, Jacqueline Rebecca Flockhart, Eileen Khan, Aboul Pantelakos, Laura Ward, Gerald	Briden, Steven Cushing, Robert Griffin, Mary Lovejoy, Patricia Schlachman, Donna Wazlaw, Brian	Burtis, Elizabeth Devine, James Hayes, Jack Moody, Marcia Sherman, Thomas Whittemore, Lisa	Cahill, Michael Emerson-Brown, Heffron, Frank Muns, Chris Till, Mary
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STRAFFORD

Baber, William Grassie, Anne Merrill, Amanda Rollo, Deanna Spang, Judith	Berube, Roger Horrigan, Timothy Pelletier, Marsha Schmidt, Peter Stevens, Audrey	Bixby, Peter Hubbard, Pamela Perry, Robert Smith, Marjorie Wall, Janet	Burke, Rachel Malloy, Dennis Rogers, Rose Marie Spainhower, Dale
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SULLIVAN

Cloutier, John O'Hearne, Andrew	Gagnon, Raymond Schmidt, Andrew	Gottling, Suzanne Sweeney, Cynthia	Irwin, Virginia Tanner, Linda
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NAYS - 124**BELKNAP**

Burchell, Richard
Flanders, Donald
Vadney, Herbert

Comtois, Guy
Holmes, Stephen
Worsman, Colette

Cormier, Jane
Luther, Robert

Fields, Dennis
Tilton, Franklin

CARROLL

Chandler, Gene
Nelson, Bill

Cordelli, Glenn
Schmidt, Stephen

McConkey, Mark
Umberger, Karen

Morrow, Harry
Wright, Donald

CHESHIRE

Hunt, John

Johnson, Jane

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Reilly, Harold

Doolan, Ralph

Gionet, Edmond

Ladd, Rick

HILLSBOROUGH

Barry, Richard
Byron, Frank
Daniels, Gary
Graham, John
Infantine, William
LeBrun, Donald
O'Flaherty, Tim
Parison, James
Sandblade, Emily
Vaillancourt, Steve

Belanger, James
Cebrowski, John
Flanagan, Jack
Haefner, Robert
Jasper, Shawn
Murotake, David
Ober, Lynne
Peterson, Lenette
Smith, Timothy
Villeneuve, Moe

Boehm, Ralph
Coffey, James
Gagne, Larry
Hansen, Peter
Kurk, Neal
Murphy, Keith
Ober, Russell
Renzullo, Andrew
Souza, Kathleen
Willette, Robert

Burt, John
Culbert, Patrick
Gargas, Carolyn
Hikel, John
Lambert, George
O'Brien, William
Palmer, Stephen
Rowe, Robert
Ulery, Jordan
Winters, Joel

MERRIMACK

Hess, David

Lockwood, Priscilla

McGuire, Carol

McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Bick, Patrick
Dana, Romeo
Elliott, Robert
Gordon, Richard
Hoelzel, Kathleen
McMahon, Charles
Perkins, Lawrence
Sedensky, John
Tamburello, Daniel
Weyler, Kenneth

Allen, Mary
Birdsell, Regina
DeSimone, Debra
Emerick, J. Tracy
Hagan, Joseph
Itse, Daniel
Milz, David
Rice, Frederick
St. James, Kevin
Tucker, Pamela

Baldasaro, Alfred
Chirichiello, Brian
Duarte, Joe
Garcia, Bianca
Harris, Jeffrey
Kappler, Lawrence
Nigrello, Robert
Sanders, Elisabeth
Sweeney, Joe
Waterhouse, Kevin

Belanger, Ronald
Comerford, Timothy
Dumaine, Dudley
Garcia, Marilinda
Hodgdon, Bruce
Kolodziej, Walter
O'Connor, John
Schroadter, Adam
Sytek, John
Webb, James

STRAFFORD

Bickford, David
Mullen, John

Gray, James
Parsons, Robbie

Groen, Warren
Pitre, Joseph

Jones, Laura

SULLIVAN

Grenier, James

Osgood, Joe

Rollins, Skip

Smith, Steven

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

RESOLUTION

Rep. Shurtleff offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, April 30, 2014 at 10:00 a.m.

Adopted.

LATE SESSION**Third reading and final passage**

SB 257, establishing a commission to study the sale of beer in refillable containers.

SB 290, authorizing credit unions to provide group accidental death and dismemberment insurance.

SB 275, relative to refusal to certify an absentee ballot application.

SB 276, relative to notifying a UOCAVA voter of an invalid absentee ballot application.

SB 277, relative to absentee voter registration.

SB 278, relative to the absentee voter website.

SB 280, relative to absentee voters.

SB 378, relative to identification information contained in political advertising.

SB 193-FN, establishing a commission to study pathways to oral health care in New Hampshire.

SB 234, relative to procedural changes in the law governing therapeutic use of cannabis.

SB 298, establishing a permanent commission on post-traumatic stress disorder and traumatic brain injury.

SB 309, relative to the New Hampshire vaccine association.

SB 326-L, relative to procedural requirements for certain residents of nursing and assisted living facilities.

SB 353, recodifying RSA 168-B, relative to surrogacy.

SB 351, relative to the requirement for notice of non-compete agreements prior to the start of employment.

SB 216, relative to designating an alternate trustee of the trust fund.

SB 219, relative to funds received from the sale of cemetery lots.

SB 236, relative to delivery of the final budget and recommendation of the municipal budget committee to the governing body.

SB 347, relative to municipal enforcement of land use ordinances.

SB 266, relative to membership on the exotic aquatic weeds and species committee.

SB 291, relative to distribution of seedling trees for educational purposes.

SB 363, relative to insurance coverage for facilities for the Winnepesaukee River basin control.

SB 265, making a technical correction to the disposition of meals and rooms tax revenues.

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

SB 386, relative to the authority and duties of the department of revenue administration.

SB 215-FN, authorizing benefit corporations.

SB 345, repealing the prospective repeal of the annual public hearing and report on health insurance costs and trends.

SB 367-FN-A, requiring adjustment of the road toll according to changes in the Consumer Price Index, eliminating certain ramp tolls on the Everett turnpike in the town of Merrimack, and establishing a committee to study the effectiveness and efficiency of the department of transportation.

SB 324, relative to the assessment of public utilities and other entities to fund the expenses of the public utilities commission.

SB 325-FN-L, relative to oil spill preparedness and response.

SB 375, establishing a committee to study the creation of a flood mitigation fund for private property owners.

UNANIMOUS CONSENT

Rep. Beaulieu requested Unanimous Consent of the House regarding Earth Day.

Rep. Beaulieu addressed the House.

Rep. Sweeney requested Unanimous Consent of the House regarding a thank you to members.

Rep. Sweeney addressed the House.

RECESS MOTION

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

Adopted.

The House recessed at 4:00 p.m.

RECESS

(Speaker Norelli in the Chair)

REFERRAL DECLINED

Rep. Wallner, Chairman of the Committee on Finance, under the provisions of House Rule 46 (f), declined the referral of **SB 141-FN**, establishing the Granite State farm to plate program, and **SB 204-FN**, relative to a benefit for certain medical conditions covered by workers' compensation and establishing a commission to study soft tissue injuries under workers' compensation and to study the feasibility of developing a first responder's critical injury fund.

REFERRAL DECLINED

Rep. Almy, Chairman of the Committee on Way and Means, under the provisions of House Rule 46 (f), declined the referral of **SB 335-FN**, establishing a commission to study career and technical education centers.

CLERK'S NOTE

SB 141-FN, **SB 204-FN** and **SB 335-FN** will appear in the third reading list for the next Session date of April 30, 2014.

RECESS