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HOUSE RECORD

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Wednesday, April 30, 2014

No. 37

HOUSE JOURNAL No. 17 (Cont.)

Wednesday, April 23, 2014

Rep. Kaen moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 18

Wednesday, April 30, 2014

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the member from Penacook, Representative Shurtleff.

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

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

O God, would that the sun would shine a little more often that it has; would that our work today concern choices over what to do with overflowing revenues rather than tightening income streams; would that those for whom we bring prayers today find themselves in better places than they currently are. But, we know deep down that to wish is one thing. To embrace the situations in which we find ourselves with a spirit of creativity and hope is quite another. We acknowledge that we do not own the blessing of life, and that prosperity, health and happiness we have are not only gifts from You, they are gifts to be honored with honest work and integrity of spirit. Surprise us today, we pray, with Your grace, with unexpected possibilities, brand new ideas, and unforeseen reservoirs of possibility and hope. Help us to resist temptations to jump at quick fixes, which in the end only create more hardship. Help us to work together as one body, a diversity of people and opinions but ultimately with one goal: the well-being of the people we serve, especially those for whom blessings are rare. Bless those in our circles of family or friendship that need Your guidance or healing, we pray and may our deliberations today be pleasing to You. In Your Holy name we pray. Amen.

Representative Beverly Ferrante, member from Derry, led the Pledge of Allegiance.

Representative James Gray, member from Rochester, led the singing of the National Anthem.

LEAVES OF ABSENCE

Reps. Bishop, Boisvert, Susan Emerson, Fink, Jane Hunt, Major and Miller, the day, illness.

Reps. Christopher Andrews, Bartlett, Beaulieu, Rebecca Emerson-Brown, Burtis, Carroll, Daniel Eaton, Greemore, Grossman, Holmes, Hubbard, Ketel, Kidder, Levesque, Myler, Michael O'Brien, Oigny, Patten, Pelletier, Peterson, Roberts, Shepardson, Sherman, Todd Smith and Andrew White, the day, important business. Rep. Spratt, the day, illness in the family.

INTRODUCTION OF GUESTS

Becky Raines and Jasmine Marino-Fiandaca, guest of Rep. Cushing. Emily Vail and her father Johnathan Vail, daughter and guest of Rep. Vail. David Royle, Bill Steele and Tom Cooper, guests of Rep. Ebel. Erin Tapper-Hennessey, guest of Rep. Bailey. Terri Mertz, guest of Rep. Ford. Skip Berrien, guest of Rep. Heffron. Barbara Comtois, wife of Rep. Comtois. Dennis D'Ovidio, guest of Rep. Walz. Fourth Graders from the Horne Street School, guests of the Dover Delegation.

Nicholas Orginc, a student at Lebanon High School, Page for the day.

CONSENT CALENDAR

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

Consent Calendar adopted.

SB 253, relative to grounds for termination of parental rights. **OUGHT TO PASS WITH AMENDMENT.** Rep. Mary Beth E. Walz for Children and Family Law. This bill allows the victim of a violent rape who becomes a parent due to the rape, to avoid all contact with her rapist and to protect her child from the rapist. The amendment makes the Senate bill identical to an earlier House bill by permitting the mother to collect child support from the rapist/father without having any contact with her rapist. Vote 17-0.

Amendment (1165h)

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

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

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

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

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

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

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

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

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

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

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

AMENDED ANALYSIS

This bill provides that the court shall terminate parental rights in cases where a parent has pled guilty to or is convicted of rape of the birth parent. The bill also provides that if parental rights have not been terminated in such cases, the court shall not require contact between the child and parent under RSA 461-A.

SB 292, relative to insurance company regulation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald H. Flanders for Commerce and Consumer Affairs. This bill amends RSA 402:82, II to delete property and casualty insurance from having to comply with the signatory provisions of this section. These provisions have been problematic for a number of large national insurance carriers due to incompatibility with their computer systems, since New Hampshire is the only state requiring this procedure. The New Hampshire insurance department has approved this change and is working with national organizations to come up with a new procedure that will be more effective and broadly used. Vote 16-0.

Amendment (1490h)

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

AN ACT relative to signatures required for applications for certain insurance.

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

1 Insurance Companies and Agents; Claims Forms and Applications. Amend the introductory paragraph of RSA 402:82, II to read as follows:

II. No insurance company or producer shall accept an application for workers' compensation[, ~~property or casualty insurance,~~] or life, accident and health insurance unless the application includes:

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

AMENDED ANALYSIS

This bill clarifies the signatures required for applications for certain insurance.

SB 310-FN, authorizing tenant brewing. **OUGHT TO PASS.**

Rep. Emily C. Sandblade for Commerce and Consumer Affairs. This bill brings state law regarding tenant brewers in line with federal law. It enables established brewers who have idle equipment to rent that equipment out to other brewers. This not only helps the equipment owner to survive in business, it also lowers startup and operational costs for new and boutique brewers. Vote 17-0.

SB 340-FN, requiring the insurance department to hold public information sessions and provide a comment period before approval of products to be sold on the health exchange. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jill S. Hammond for Commerce and Consumer Affairs. This bill requires the insurance department to hold 2 public information sessions, in different regions of the state, on or before June 15 each year, concerning the proposed provider networks of insurance products to be sold on the health exchange marketplace for the following calendar year. Information about the proposed networks will be made available before or at these public sessions; it will also be available in writing on the department website, as well as audio and video recordings of the sessions. Public comments will be accepted for at least 2 weeks following. The commissioner shall also make public through the website any amendments a carrier makes to the provider network that are submitted on or before August 1. Subsequently, insurance plans and provider networks are submitted to the federal marketplace, and pass out of the purview of the state's insurance department. It is also understood that carriers can and do make changes to a network at any time, as long as network adequacy requirements are met. Vote 17-0.

Amendment (1474h)

Amend RSA 420-N:5-a as inserted by section 1 of the bill by replacing it with the following:

420-N:5-a Public Information Sessions and Comment Period Required. On or before June 15 of each year, and before the commissioner approves insurance products to be sold on a federally-facilitated exchange in New Hampshire, the commissioner shall hold at least 2 public information sessions, in different regions of the state concerning the proposed provider networks of insurance products proposed to be sold on the federally-facilitated exchange for the following calendar year. Notwithstanding any other provision of law, information regarding the proposed network of hospitals and essential community providers as defined in 45 CFR 156.235 included under any such insurance plan shall be made available to the public at or before these information sessions. This information shall be shared orally at the public information sessions and in writing on the department's Internet website. The commissioner shall provide public notice of these information sessions in compliance with RSA 91-A, and shall, to the extent practicable, make audio and video footage of these information sessions available through the department's Internet website. The commissioner shall accept public comments on the proposed networks for at least 2 weeks following the conclusion of the public information sessions, and shall enable members of the public to register their comments in writing through the department's website. If an insurance carrier amends its proposed network submission on or before August 1 of the year preceding the plan's inclusion in the federally-facilitated exchange, the commissioner shall only be required to make any such amendments available to the public on the insurance department's website. Nothing in this section shall be construed to prohibit an insurance carrier from making changes to the proposed network at any time if the insurance carrier meets network adequacy requirements under RSA 420-J:7.

SB 359, relative to coverage under motor vehicle liability policies. **OUGHT TO PASS.**

Rep. Donald H. Flanders for Commerce and Consumer Affairs. This bill involves the requirements of motor vehicle insurance policies written in New Hampshire. RSA 259:61 sets the minimum amount of insurance that must be provided statutorily at \$25,000 on account of bodily injury or death for one person and \$50,000 on account of injury or death of more than one person in any one accident. It also pays up to \$25,000 for property damage. New Hampshire drivers are free to buy higher limits, which many people do. This bill addresses the situation where someone buys insurance at limits that are higher than the minimum limits and gets into an accident after his or her license has been suspended or revoked. When this happens, RSA 259:61 requires the insurance coverage to automatically decrease to the minimum limits. This bill would allow insurance companies to cover this exposure for higher limits if so stated in their policy provisions. Vote 14-1.

SB 387, relative to exemptions from the land sales full disclosure act and relative to local land use citations. **OUGHT TO PASS.**

Rep. Edward A. Butler for Commerce and Consumer Affairs. This bill comes out of the Legislative Commission on Housing Policy and Regulation charged with identifying and, where possible, reducing legislative and administrative barriers to creation of affordable housing and development. For towns with populations of

5,000 or more, and with professional planning boards or access to professional planners, it reduces duplicative work to be done by developers of projects of up to 50 lots, by exempting the current process at the AG's office and assures local oversight by referring the process to the local planning board. The result is reduced cost to developers while at the same time leaving in place consumer protections originally sought by the attorney general in the 1970s when this statute was first enacted. It also exempts certain subdivided land from the registration and reporting requirements of the land sales full disclosure act. Finally, the bill corrects an obsolete reference in the statute governing local land use citations. Vote 17-0.

SB 393, relative to the housing finance authority and surplus lands housing program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward A. Butler for Commerce and Consumer Affairs. This bill is one that comes out of the Legislative Commission on Housing Policy and Regulation charged with identifying and, where possible, reducing legislative and administrative barriers to creation of affordable housing and development. It provides for some technical changes to NH housing enabling statutes; encourages flexibility in funding mechanisms to encourage housing development and preservation work; undoes a cumbersome process for disposal of surplus lands acquired from state agencies to be used, at least in part, for low and moderate-income housing; and finally, the amendment broadens the use of low and moderate income housing loan program to include rehab and improvements to existing homes. Vote 15-0.

Amendment (1532h)

Amend the bill by inserting after section 7 the following and renumbering the original section 8 to read as 10:
8 Low and Moderate Income Housing Loan Program; Purpose. Amend RSA 204-C:63 and RSA 204-C:64 to read as follows:

204-C:63 Purpose. The purpose of this subdivision is to assist low and moderate income persons and families to purchase, *rehabilitate, and improve* housing.

204-C:64 Program Established. There is hereby established a low and moderate income housing loan program to be administered by the New Hampshire housing finance authority which shall make low interest loans to low and moderate income persons for the purpose of assisting them to make down payments on single family homes, [and] to pay closing costs and fees associated with the purchase of such homes, *and to rehabilitate and improve their homes*. For purposes of this section, "low and moderate income persons" shall mean individuals and families whose gross annual income is equal to or less than 100 percent of the median income of the geographic area in which they reside as determined by the authority.

9 Loans for Down Payments and Rehabilitation Costs. Amend RSA 204-C:65, I to read as follows:

I. Such funds as the general court may specifically appropriate from time to time to the authority may be loaned to eligible low and moderate income persons or families for the purpose of making down payments on single family homes, [or] paying closing costs and fees associated with the purchase of such homes, *and rehabilitating and improving their homes*. The appropriations made for purposes of this section and loan repayments, including interest, together with any funds which the authority may allocate from time to time to this program shall constitute a continuing revolving loan fund. The state's and the authority's interest in such property shall be protected by a lien or in such other manner as is acceptable to the authority. The authority shall require the applicant to invest personal funds, to the extent available, to ensure the applicant's commitment to the property purchased.

AMENDED ANALYSIS

This bill:

I. Clarifies definitions and eligibility requirements for participation in programs administered by the housing finance authority.

II. Permits the authority to sell or transfer undeveloped land received under the surplus lands housing program.

III. Expands the scope of the low and moderate income housing loan program to include housing rehabilitation costs.

SB 343, relative to the duties of the statewide education improvement and assessment program legislative oversight committee and repealing the school administrative unit legislative oversight committee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick M. Ladd for Education. As amended, this bill states that the statewide assessment program shall only measure student understanding of key content-specific concepts, skills and knowledge applied within, or across the academic areas: reading, language arts, mathematics, science, history, geography, civics and economics. Further, non-academic behaviors or outcomes such as work-study practices as identified in RSA 193-H shall not be measured as a component of the New Hampshire statewide assessment program. The bill, as amended, received unanimous committee support. Vote 19-0.

Amendment (1464h)

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

AN ACT relative to the areas of assessment in the statewide education improvement and assessment program.

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

1 Statewide Education Improvement and Assessment; Areas of Assessment. Amend RSA 193-C:5 to read as follows:

193-C:5 Areas of Assessment. The academic areas to be assessed shall include, but not be limited to: reading and language arts, mathematics, science, history, geography, civics, and economics. ***The statewide assessment program shall only measure student understanding of key content-specific concepts, skills, and knowledge applied within or across academic content domains. Non-academic outcomes such as work-study practices shall not be measured as a component of the statewide assessment program.***

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

AMENDED ANALYSIS

This bill prohibits the assessment of non-academic components as part of the statewide education improvement and assessment program.

SB 350, relative to the transfer of adequacy aid calculation data from the department of education to the department of revenue administration. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James L. Grenier for Education. This bill, as amended, requires that adequacy aid estimates be supplied to the department of revenue administration by October 1st. School districts are required by law to give their estimates to the department of education by August 15th. This gives the department of education a month and a half to then correlate these estimates for the DRA. The DRA needs these estimates by October 1st in order to establish tax rates for the towns and school districts in order that tax bills be sent out by December 1st. They were late last year because of the delay getting these estimates to the DRA. The amendment changes the wording from calculations to estimates. It should also be noted that the school districts estimates that are required by August 15th are based on the previous year's enrollments. Adjustments to the adequacy payments are done quarterly based on actual enrollment data. Vote 19-0.

Amendment (1337h)

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

AN ACT relative to the transfer of adequacy aid estimates from the department of education to the department of revenue administration.

Amend RSA 198:45, II as inserted by section 1 of the bill by replacing it with the following:

II. The commissioner of the department of education shall provide adequacy aid estimates for the current fiscal year to the commissioner of the department of revenue administration no later than October 1 of each year.

AMENDED ANALYSIS

This bill requires the commissioner of the department of education to provide adequacy aid estimates for the current fiscal year to the commissioner of the department of revenue administration no later than October 1 of each year.

SB 414-FN, relative to Medicaid-funded services provided as a part of a child's individualized education program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judith T. Spang for Education. This bill, as amended, will alleviate parents' fears that medically necessary services provided as a part of a child's individualized education program (IEP) will prevent the child from receiving non-duplicative medically necessary services outside of the school. Medicaid eligible services, whether provided inside or outside of the school, are Medicaid services subject to applicable Medicaid requirements. The Centers for Medicare and Medicaid Services (CMC) requires the services be non-duplicative; otherwise, they are not reimbursable. Services are non-duplicative when the goals and purposes for the school based services and the outpatient services are distinct. School based services are provided to assist a child with a disability to benefit from special education, whereas outpatient services are focused on the child's functional performance in relation to needs in the home or community setting; thus, communication between the providers is important to ensure that a child is receiving all the services she/he is entitled to receive and that treatments are non-duplicative. Vote 19-0.

Amendment (1512h)

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Medicaid-Funded Services. Amend RSA 186-C by inserting after section 28 the following new subdivision:

Medicaid-Funded Services

186-C:29 Medicaid-Funded Services.

I. Medicaid-funded services that are provided as part of a child's individualized education program (IEP) shall be provided for the sole purpose of enabling the child to benefit from special education or to receive a free and appropriate public education. If a child receives Medicaid-funded services as part of the child's special education program and also receives the same or similar medical services outside of his or her special education program, the services that are provided outside of the child's special education program shall not be considered to be duplicative provided such services are medically necessary and not inconsistent with federal Medicaid law. Medicaid-funded services that are provided as part of a child's individualized education program shall not be considered to be duplicative services if the child receives the same or similar medical services outside of his or her special education program, provided both services are medically necessary and not inconsistent with federal Medicaid law.

II. Services are considered to be Medicaid-funded if they are funded in full or in part by Medicaid.

III. Medicaid providers, managed care providers, or private providers receiving full or partial payment through Medicaid shall not require a parent to provide a copy of a child's individualized education program as a prerequisite to determining if a child is eligible for Medicaid-funded services that are not being provided as part of a child's individualized education program.

IV. Upon request from the state Medicaid agency or its agent, the local education agency shall provide a list of related services specified in the child's IEP that are eligible for Medicaid reimbursement.

AMENDED ANALYSIS

This bill provides that Medicaid-funded individualized education services that are provided outside of a child's individualized education program shall not be considered duplicative services, as long as the services received both pursuant to and outside of the child's individualized education program are medically necessary and not inconsistent with federal Medicaid law.

SB 206-FN, relative to proof of identity by voters. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert J. Perry for Election Law. Under current law, a person at the polling place who challenges a voter identification determined to be valid by election workers may do so verbally. The voter is then required to fill out a challenged voter affidavit as if no identification by the voter had been presented. SB 206 amends current law by shifting the burden of proof to the challenger by requiring that the specific reason and source of the information for the challenge be provided, and that it be provided in writing. SB 206 applies to both current law, as well as the 2015 version of the law. In addition, SB 206 with the amendment would add ward clerks in four areas where town or city clerks are mentioned. Vote 16-0.

Amendment (1443h)

Amend the bill by replacing sections 1-3 with the following:

1 Obtaining a Ballot; Challenges. Amend RSA 659:13, II(b) to read as follows:

(b) In addition to the forms of photo identification authorized in subparagraph (a), the following shall satisfy the identification requirements of paragraph I:

(1) A photo identification not authorized by subparagraph (a) but determined to be legitimate by the supervisors of the checklist, the moderator, or the **clerk of a town, ward, or city** [clerk], provided that if any person authorized to challenge a voter under RSA 659:27 objects to the use of such photo identification, **identifies the reason for the objection in writing, and states the specific source of the information or personal knowledge upon which the challenge of the photo identification is based**, the voter shall be required to execute a challenged voter affidavit as if no identification was presented.

(2) Verification of the person's identity by a moderator or supervisor of the checklist or the **clerk of a town, ward, or city** [clerk], provided that if any person authorized to challenge a voter under RSA 659:27 objects to such verification, **identifies the reason for the objection in writing, and states the specific source of the information or personal knowledge upon which the challenge of the verification of identity is based**, the voter shall be required to execute a challenged voter affidavit **as if no verification was made**.

2 New Subparagraph; 2015 Version; Obtaining a Ballot; Identification. Amend RSA 659:13, II(a) by inserting after subparagraph (6) the following new subparagraph:

(7) A photo identification not authorized by subparagraphs (1) through (6) but determined to be legitimate by the supervisors of the checklist, the moderator, or the **clerk of a town, ward, or city** [clerk], provided that if any person authorized to challenge a voter under RSA 659:27 objects to the use of such photo identification, identifies the reason for the objection in writing, and states the specific source of the information or personal knowledge upon which the challenge of the photo identification is based, the voter shall be required to execute a challenged voter affidavit as if no identification was presented.

3 Obtaining a Ballot; Challenges; 2015 Version. Amend RSA 659:13, II(b) to read as follows:

(b) In addition to the forms of photo identification authorized in subparagraph (a), the identification requirements of paragraph I may be satisfied by verification of the person's identity by a moderator or

supervisor of the checklist or the **clerk of a town, ward, or city** [clerk], provided that if any person authorized to challenge a voter under RSA 659:27 objects to such verification, ***identifies the reason for the objection in writing, and states the specific source of the information or personal knowledge upon which the challenge of the photo identification is based,*** the voter shall be required to execute a challenged voter affidavit ***as if no verification was made.***

SB 273, relative to information in the statewide centralized voter registration database. **OUGHT TO PASS.** Rep. Robert J. Perry for Election Law. SB 273 amends RSA 654:45, I, by replacing the word “participation” with the word “actions.” The sentence will now read, “The voter database shall include the current information on the voter registration forms, the accepted absentee ballot applications, the voter checklists, and voter participation actions as recorded on the marked checklist maintained by each city, ward, and town in the state.” This change was requested by the department of state to more accurately reflect the current activity on the website. The bill does not, in any way, alter what information is currently posted to the website, as allowed by 654:31. Vote 16-0.

SB 279, relative to challenges of voters. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary Ann Knowles for Election Law. A majority of the committee felt that this bill as written is complicated and rather confusing in attempting to clarify when the moderator or the supervisors of the checklist are responsible to rule on voter challenges. Since a committee has been tasked to broadly study election laws under HB 521, we feel that it would be appropriate to address this issue during the larger study. Vote 14-2.

SB 392, establishing a commission on rural affairs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Wayne T. Moynihan for Environment and Agriculture. This bill creates a commission of 13 members appointed by the House, Senate, and Governor, to examine and make recommendations on rural affairs. There is considerable and growing evidence that rural NH and urban NH are becoming very different living environments, with significantly different needs. Poverty is growing in our state’s rural communities as historical manufacturing facilities, such as paper mills, are closing without other economic opportunities becoming available. Market forces and conditions are beginning to fail the rural areas due to the decreasing presence of service providers, producers, and retailers, some of which cannot efficiently serve economically deprived areas of dispersed population. Serving the fundamental educational and health needs of rural communities presents challenges that are substantially different than in urban communities. State, regional, and local economic development, planning, and codes must distinguish different opportunities plans for each environment. The mission of the Commission is to provide a collective voice for rural areas. It shall make recommendations regarding the expansion of economic and social opportunities, the promotion of equal treatment of and effective delivery of services to rural areas, and an assessment of the effectiveness of existing or proposed programs designed to promote rural viability. The bill does not require state funding, but enables the Commission to accept private, corporate or charitable funding to meet its objectives. Vote 12-0.

Amendment (1500h)

Amend RSA 9-A:5, I and II as inserted by section 1 of the bill by replacing them with the following:

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

- (a) One member of the senate, appointed by the president of the senate.
- (b) One member of the house of representatives, appointed by the speaker of the house of representatives.
- (c) Eight public members drawn from, respectively, the areas of health care, agriculture, natural resources, business, public safety, telecommunications, youth services, and local government, appointed by the governor.

(d) Two members appointed by the chancellor of the university system of New Hampshire, one of whom shall be an employee of the UNH cooperative extension.

(e) One member appointed by the chancellor of the community college system of New Hampshire.

II. Members of the commission shall serve without compensation. Legislative members of the commission shall serve a term coterminous with their term in office. Non-legislative members appointed under subparagraphs I(c), (d), and (e) shall serve for a term of 3 years, except that the initial appointment of such members shall be for staggered terms of one, 2, and 3 years. No member shall serve more than 3 consecutive terms.

Amend RSA 9-A:5, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The commission shall have the authority to accept and expend funds from any public or private source, including private gifts, grants, and donations. The funds shall be used exclusively to further the purposes of the commission, which may include the payment of mileage to members of the commission.

Amend RSA 9-A:5, VI as inserted by section 1 of the bill by replacing it with the following:

VI. Beginning September 15, 2015, and each September 15 thereafter, the commission shall submit an annual report of its findings and any recommendations for proposed legislation to at least the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library.

SB 385, relative to examination requirements for chiropractors. **OUGHT TO PASS WITH AMENDMENT.** Rep. Bianca R. Garcia for Executive Departments and Administration. The committee finds that this bill is a means to update the statute on examination requirements for chiropractors to the current version of the exam. The non-germane amendment, which was the subject of a second hearing, allows the advisory board of reflexology, structural integration, and Asian bodywork therapy flexibility to update its exams as needed. Vote 13-0.

Amendment (1343h)

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

AN ACT relative to examination requirements for chiropractors and the definition of “practitioner” within the system of touch therapy.

Amend the bill by inserting after section 1 the following and renumbering the original sections 2-3 to read as 3-4, respectively:

2 Definition of Practitioner. RSA 328-H:2, VII is repealed and reenacted to read as follows:

VII. “Practitioner” means a person who practices touch therapies for compensation and holds a current certification from an entity approved by the commissioner as a reflexologist, structural integrator, or Asian bodywork therapist.

AMENDED ANALYSIS

This bill makes changes to the examination requirements for chiropractors.

This bill also redefines a “practitioner” of touch therapies of reflexology, structural integration, or Asian bodywork therapy.

SB 399, relative to ethics in public contracting and establishing a committee to study state procurement. **INEXPEDIENT TO LEGISLATE.**

Rep. Carol M. McGuire for Executive Departments and Administration. While fully supporting the highest ethical principles in public contracting, the committee was not convinced that the measures taken by this bill were either appropriate or sufficient to resolve any concerns. First, the language banning various practices was so dense and impenetrable that the attorney general warned the committee that most employees would have difficulty understanding what was banned; the ethics committee charged with enforcing these restrictions has neither the staff nor the authority to do so, in many cases; and the study committee on centralized procurement appears to have too large a task to be completed this year by such a small group. Finally, the committee was not convinced that there is a significant ethics issue in state procurement. Vote 13-0.

SB 289, relative to validated wills and revising the uniform trust act. **OUGHT TO PASS WITH AMENDMENT.** Rep. David Woodbury for Judiciary. This bill expands and defines the process of trust administration and probate of wills in New Hampshire. This bill will serve to make New Hampshire pre-eminent in the country in the administration of larger estates to the great benefit of this state and those working in the field. Life-time validation of wills and certain other improvements in trust administration found in this bill achieve this goal. Before introduction in the Senate, this bill was reviewed and scrutinized by leading New Hampshire practitioners and the Trusts and Estates Section of the New Hampshire Bar Association. Vote 19-0.

Amendment (1296h)

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

AN ACT relative to revising the uniform trust act.

Amend the bill by deleting section 2 and renumbering the original sections 3-41 to read as 2-40, respectively.

Amend the introductory paragraph of RSA 564-B:2, III as inserted by section 2 of the bill by replacing it with the following:

III. Paragraph II of this section shall not apply to *the extent that a person initiates, maintains, or cooperates in any of the following actions or proceedings*:

Amend RSA 564-B:1-105(b)(13) as inserted by section 9 of the bill by replacing it with the following:

(13) an interested person's rights under RSA 564-B:1-111A(b);

Amend the section heading of RSA 564-B:1-111-a as inserted by section 11 of the bill by replacing it with the following:

564-B:1-111A Nonjudicial Dispute Resolution.

Amend RSA 564-B:1-111A(c) as inserted by section 11 of the bill by replacing it with the following:

(c) For purposes of this section, “interested person” means any person who would be an interested person in a judicial proceeding to resolve the trust dispute.

Amend RSA 564-B:2-203(a) as inserted by section 12 of the bill by replacing it with the following:

(a) Except as provided in subsection (b) [~~of this section~~], the probate *division of the circuit* court shall have exclusive jurisdiction of the creation by judgment or decree, interpretation, construction, modification, termination, and administration of those trusts described in RSA 564-A:1, I, and over the appointment, removal, and surcharge of trustees, *trust advisors, and trust protectors* of such trusts.

Amend RSA 564-B:2-205 as inserted by section 13 of the bill by inserting after paragraph (d) the following new paragraph:

(e) This section shall not impair or abridge the law governing exceptions to the attorney-client privilege relative to claimants through the same deceased.

Amend the section heading of RSA 564-B:4-402-a as inserted by section 14 of the bill by replacing it with the following:

564-B:4-402A Duration of Trusts.

Amend RSA 564-B:4-406(c) as inserted by section 15 of the bill by replacing it with the following:

(c) A trustee may send the notice described in subsection (b)(3) for purposes of commencing the 180-day limitation period, but the trustee does not have a duty to do so. A trustee shall not be liable to any person for not sending the notice described in subsection (b)(3).

Amend RSA 564-B:4-418(g)(3) as inserted by section 16 of the bill by replacing it with the following:

(3) In addition to other possible contingencies, a beneficiary's right to receive a portion of the trust property upon the trust's termination is contingent if, by reason of the trustee's discretionary power to make distributions or under other terms of the trust, any person other than the beneficiary or the beneficiary's estate could receive that portion unless the beneficiary survives a specified date or a specified event.

Amend RSA 564-B:4-418(j)(2) as inserted by section 16 of the bill by replacing it with the following:

(2) Those beneficiaries can appoint a successor trustee who, with respect to any of them, is a related or subordinate party within the meaning of section 672(c) of the Internal Revenue Code;

Amend RSA 564-B:4-419(e)-(f) as inserted by section 17 of the bill by replacing it with the following:

(e) If a settlor of the trust or a beneficiary of the trust is an applicant for public benefits or receives public benefits and the settlor's or beneficiary's eligibility or qualification for those public benefits are dependent on the nature and scope of his or her rights, powers, and interests in the trust, then a trustee may modify the trust only to the extent that the modification would not jeopardize the settlor's or beneficiary's eligibility or qualification for those public benefits.

(f) A trustee does not have the power of modification under this section if the trustee is any of the following persons, either before or after the modification: (1) the settlor; (2) a beneficiary of the trust; (3) a person who, with respect to the settlor or a beneficiary of the trust, is a related or subordinate party within the meaning of section 672(c) of the Internal Revenue Code; or (4) a trustee whom any one or more of the settlor and the beneficiaries can remove if the persons exercising the removal power can appoint as a successor trustee (i) the settlor, (ii) a beneficiary of the trust, or (iii) a person who, with respect to the settlor or a beneficiary of the trust, is a related or subordinate party within the meaning of section 672(c) of the Internal Revenue Code.

Amend the section heading of section 17 of the bill by replacing it with the following:

17 New Section; Uniform Trust Code; Trustee's Power of Modification. Amend RSA 564-B by inserting after section 4-418 the following new section:

Amend RSA 564-B as inserted by section 17 of the bill by deleting RSA 564-B:4-420.

Amend RSA 564-B:5-505(a)(2)(A)-(D) as inserted by section 19 of the bill by replacing it with the following:

(A) a charitable remainder annuity trust within the meaning of section 664(d)(1) of the Internal Revenue Code;

(B) a charitable remainder unitrust within the meaning of section 664(d)(2) of the Internal Revenue Code;

(C) a trust described in section 2523(e) of the Internal Revenue Code;

(D) a trust described in section 2523(f) of the Internal Revenue Code;

Amend RSA 564-B:5-508(e) as inserted by section 21 of the bill by replacing it with the following:

(e) To the extent that the trustee acts in good faith, the trustee is not liable to any person for exercising the discretion to dispose of claims under this section or not exercising that discretion.

Amend RSA 564-B:5-509(f) as inserted by section 21 of the bill by replacing it with the following:

(f) To the extent that the trustee acts in good faith, the trustee is not liable to any person for exercising the discretion to dispose of claims under this section or not exercising that discretion.

Amend RSA 564-B:6-604 as inserted by section 22 of the bill by replacing it with the following:

564-B:6-604 Limitation on Action Contesting Validity of Revocable Trust; Distribution of Trust Property. If a trust was revocable at the settlor's death, then a person may commence a judicial proceeding to contest the validity of that trust in accordance with RSA 564-B:4-406, and the trustee may proceed to distribute the trust property in accordance with RSA 564-B:4-406.

Amend RSA 564-B:8-812 as inserted by section 24 of the bill by replacing it with the following:

564-B:8-812 Collecting Trust Property.

(a) A trustee shall take reasonable steps to compel a former trustee or other person to deliver trust property to the trustee. [and]

(b) Except as otherwise provided under the terms of the trust, the trustee shall take reasonable steps to redress a breach of trust known to the trustee to have been committed by a cotrustee or a former trustee.

(c) Except as otherwise provided under the terms of the trust, the trustee shall take reasonable steps to redress a breach of trust actually known to the trustee to have been committed by a trust advisor, a former trust advisor, a trust protector, or a former trust protector. This subsection does not impose upon a trustee who is an excluded fiduciary any duty to monitor, duty to advise, or duty to warn as described under RSA 564-B:12-1204.

(d) A person who receives a distribution from a trust is liable to return the distribution to the extent that a court subsequently determines that the person was not entitled to the distribution.
Amend RSA 564-B:8-816(b)(2)-(3) and RSA 564-B:8-816(c) as inserted by section 25 of the bill by replacing it with the following:

(2) For purposes of this paragraph, "charitable remainder trust" means a charitable remainder annuity trust within the meaning of section 664(d)(1) of the Internal Revenue Code or a charitable remainder unitrust within the meaning of section 664(d)(12) of the Internal Revenue Code.

(3) For the purposes of this paragraph "financially disabled" means financially disabled within the meaning of section 6511(h)(2)(A) of the Internal Revenue Code.

(c) Except as otherwise provided under the terms of the trust, a trustee shall have the discretionary power to reimburse the settlor for the portion of the settlor's income tax liability attributable to the trust under section 671 of the Internal Revenue Code or any similar tax law.

(d) An executor or other fiduciary administering a will has all powers conferred by this section unless limited in the will, subject to the fiduciary duties prescribed by the will or by other laws of this state.
Amend RSA 564-B:12-1201(b) as inserted by section 32 of the bill by replacing it with the following:

(b) To the extent that a trust advisor or trust protector exercises a power in accordance with the terms of the trust, the trust advisor's or trust protector's action is binding upon all other persons.
Amend the section heading of RSA 564-C:4-407-a and the introductory paragraph of RSA 564-C:4-407-a(a) as inserted by section 34 of the bill by replacing it with the following:

564-C:4-407A Charitable Remainder Unitrusts.

(a) In the case of a charitable remainder unitrust within the meaning of section 664(d)(2) of the Internal Revenue Code, in which the trust instrument contains an income exception described in section 664(d)(3) of the Internal Revenue Code, the trustee shall allocate receipts from each of the following assets in accordance with subsection (b), notwithstanding any other provision of this chapter:

Amend RSA 564-D:2, III(d)-(j) as inserted by section 35 of the bill by replacing it with the following:

(d) The transferor's potential or actual receipt of income or principal from a charitable remainder annuity trust within the meaning of section 664(d)(1) of the Internal Revenue Code or a charitable remainder unitrust within the meaning of section 664(d)(2) of the Internal Revenue Code;

(e) The transferor's right to release all or any part of the transferor's retained interest in a charitable remainder unitrust or charitable remainder annuity trust in favor of one or more charitable organizations that have an interest in that trust;

(f) The transferor's potential or actual use of real property held under a personal residence trust as described in section 2702(a)(3)(A)(ii) of the Internal Revenue Code;

(g) The transferor's potential or actual receipt or use of a qualified interest within the meaning of section 2702(b) of the Internal Revenue Code;

(h) The transferor's potential or actual receipt of income or principal to pay income taxes on the trust's income, as determined for purposes of those taxes, to the extent that the trust instrument expressly provides that (i) the trustee must pay those amounts to the transferor or the taxing authority, (ii) the qualified trustee has the discretion to pay those amounts to the transferor or the taxing authority, or (iii) a trust advisor or trust protector has the power to direct the qualified trustee to pay those amounts to the transferor or the taxing authority;

(i) The transferor's right to remove a trustee, trust advisor, or trust protector;

(j) The transferor's right to appoint an additional or successor trustee, trust advisor, or trust protector if, with respect to the transferor, the trustee, trust advisor, or trust protector is not related or subordinate party within the meaning of section 672(c) of the Internal Revenue Code; and

Amend the section heading of section 37 of the bill by replacing it with the following:

37 Qualified Dispositions in Trust Act; Transferor's Powers and Rights. Amend RSA 564-D:8 to read as follows:
Amend the bill by inserting after section 39 the following and renumbering the original section 40 to read as 42:

40 Uniform Trust Code; Standard of Care; Portfolio Strategy. Amend RSA 564-B:9-902(d) to read as follows:

(d) A trustee shall make a reasonable effort to verify facts relevant to the investment and management of trust assets. ***For purposes of subsections (c)(6) and (c)(7), the trustee has a duty to investigate the relevant information and a duty to monitor the relevant information, and the trustee is not liable to any person to the extent that the trustee performs those duties in good faith and, in accordance with this section, considers the information that the trustee obtains through the good faith performance of those duties.***

41 Uniform Trust Code; Damages in the Absence of Breach. Amend RSA 564-B:10-1003 to read as follows: 564-B:10-1003 Damages in Absence of Breach.

(a) A trustee, **trust advisory, or trust protector** is accountable to an affected beneficiary for any profit made by [the] **that trustee, trust advisory, or trust protector** arising from the administration of the trust, even absent a breach of trust. This section does not preclude the payment of reasonable [trustee] compensation **to a trustee, trust advisor, or trust protector**.

(b) Absent a breach of trust, a trustee, **trust advisory, or trust protector** is not liable to a beneficiary for a loss or depreciation in the value of trust property or for not having made a profit.

AMENDED ANALYSIS

This bill makes various changes to the uniform trust act.

SB 303-FN, relative to bad faith assertions of patent infringement. **OUGHT TO PASS.**

Rep. Frank H. Heffron for Judiciary. Many New Hampshire businesses, large and small, are under siege by “patent trolls.” These unscrupulous entities buy up unused patents cheap and send volumes of threatening letters to legitimate businesses, making baseless claims of patent infringement and demanding immediate payment of large sums to avoid a lawsuit. Because of the enormous cost of defending an infringement suit, many, if not most, recipients (targets) make the required payment of thousands of dollars. This bill offers significant protection against such practices. It permits the target of a bad faith assertion of patent infringement to sue to obtain equitable relief (an injunction), damages, costs and fees, including reasonable attorney’s fees. In appropriate cases, the court can require the infringement claimant to post a bond of up to \$250,000 to cover the target’s litigation expenses. Also, the attorney general is authorized to bring actions to enforce the provisions of the bill. The best protection of targets would be federal legislation, which may be enacted this year or some time later; in the meantime, this bill offers the protection that New Hampshire businesses need as soon as possible. Vote 16-0.

SB 373-FN, relative to procedure and jurisdiction of the superior courts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Paul S. Berch for Judiciary. This bill, as amended, updates terminology in a number of statutes to reflect the modernization that has already occurred in our courts. For example, “orders of notice” are now summonses. Time deadlines will reflect current requirements; references to municipal courts are replaced with superior courts. The bill clarifies that convicted felons cannot sit as jurors unless their conviction has been annulled and further, allows the supreme court to determine the manner of administration of oaths to newly admitted attorneys. Vote 18-0.

Amendment (1283h)

Amend the bill by replacing section 33 with the following:

33 Qualifications of Jurors. Amend RSA 500-A:7-a, V to read as follows:

V. A juror shall not have been convicted of any felony [which] **unless the conviction** has [not] been annulled [~~or which is not eligible for annulment under New Hampshire law~~].

SB 419, establishing a medical malpractice panel and insurance oversight committee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joseph M. Hagan for Judiciary. This bill would set December 1, 2018, as the termination date of the medical malpractice panel oversight committee. The committee’s last report should be used by future legislatures to guide future legislation to solve the vexing problem of medical malpractice insurance’s impact on healthcare costs. Vote 19-0.

Amendment (1454h)

Amend the bill by replacing all after section 2 with the following:

3 Repeal. The following are repealed:

I. RSA 519-B:15, relative to medical malpractice panel and insurance oversight committee.

II. RSA 519-B:16, relative to reports.

4 Effective Date.

I. Section 3 of this act shall take effect December 1, 2018.

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

SB 237, relative to the definition of “abutter” for notice of land use board hearings. **INEXPEDIENT TO LEGISLATE.**

Rep. Kris E. Roberts for Municipal and County Government. This bill redefines the definition of “abutting property” for notification of hearings by the land use board, when that property abuts a condominium or other collectively owned property. Currently under RSA 356-B:3, XXIII, such notifications are sent to the officers of the collective or condominium association. SB 237 would require each unit owner be sent notification if the condominium association or collective form of ownership has 100 units or less. It was stated that owners

of condominiums are being treated unfairly when it comes to notice of land use board hearings. The passage of this bill would in fact create a greater unfairness to current single property owners because of the limited property line restrictions. For example, in the case of a property abutting a manufactured housing park as defined in RSA 205-A:1, II, the term "abutter" includes the manufactured housing park owner and only the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board. It was repeatedly stated that the officers of the collective and condominium associations failed to forward notice of land use board hearings to all the owners. There seems to be no reason why any notice of land use board hearings couldn't be posted in a central location for all to see. The committee strongly felt that as property owners each person had a personal responsibility to keep current with local issues that could affect their property values. Vote 19-1.

SB 372-FN-L, relative to a state infrastructure bank. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Karen E. Ebel for Public Works and Highways. Federal law authorizes states to create state infrastructure banks as an alternative way to fund infrastructure projects and to serve as a useful tool to meet project-financing demands by leveraging federal and state funds. For example, an infrastructure bank could leverage government funds to attract private investment to finance local transportation initiatives, such as Pettengill Road in Londonderry. Thirty-eight states have state infrastructure banks. Infrastructure banks are initially capitalized by up to 10% of Title 23 federal highway funds dollars the state is entitled to, and up to 10% of Title 49 transit and rail fund dollars the state is entitled to, and must generally be matched by 25% non-federal funds for private, public or private-public infrastructure projects. After initial capitalization, a revolving fund is established for credit assistance, including loans, lines of credit and loan guarantees. These projects must comply with federal regulations related to the federal funding source. This enabling legislation creates a legal structure for the creation of a state infrastructure bank to be administered primarily by the department of transportation should funding become available. The infrastructure bank fund will be managed by the state treasurer. The committee was concerned that federal funds otherwise available to the state would be deposited in and utilized by the infrastructure bank. The amendment ensures that capitalization of the infrastructure bank must be approved by legislative action by both the House and the Senate, and that eligibility of projects for infrastructure bank financing will be reviewed as part of the statewide transportation improvement program in RSA 228:99 and the state 10-year transportation improvement plan in RSA 240. Legislation has been introduced in the U.S. Senate to reauthorize the capitalization of infrastructure banks with federal funds, including highway, transit and rail funds, and to permit infrastructure bank financing of projects not otherwise authorized under or subject to Federal regulation when using Federal funds. Vote 17-0.

Amendment (1534h)

Amend RSA 21-L:23, III as inserted by section 1 of the bill by replacing it with the following:

III. Any federal money specifically designated to capitalize the SIB shall be approved by the fiscal committee of the general court. The SIB is otherwise authorized to use the following to capitalize the revolving fund: state funds, other federal funds, funds from public or private entities, proceeds from the issuance of bonds, and other lawful sources provided each capitalization, regardless of amount or source, is approved by a majority vote of both the house of representatives and the senate. Such funds, as part of a revolving fund, shall remain available until expended and continually appropriated to the SIB. Eligibility of projects shall be determined under the provisions of the statewide transportation improvement program in RSA 228:99 and state 10-year transportation improvement plan in RSA 240.

Amend RSA 21-L as inserted by section 1 of the bill by deleting RSA 21-L:23, VII and renumbering the original RSA 21-L:23, VIII to read as RSA 21-L:23, VII.

Amend the bill by replacing section 4 with the following:

4 Applicability; Availability of Funds. Sections 1-3 of this act shall take effect on the date that the commissioner of the department of transportation certifies to the secretary of state, the state treasurer, and the director of the office of legislative services that funds sufficient to implement this act are available.

SB 381, relative to the membership of the joint legislative oversight committee on the emergency management system. **OUGHT TO PASS.**

Rep. Leon H. Rideout for State-Federal Relations and Veterans Affairs. This bill is an adjustment to the membership of joint legislative oversight committee on the emergency management system. These adjustments in membership and quorum requirements are very reasonable and will make for a more functional committee. Vote 11-0.

SB 211, relative to reporting requirements in fatal motor vehicle accident reports. **OUGHT TO PASS.**

Rep. George E. Sykes for Transportation. This bill provides clarification to public safety agencies of their reporting responsibilities for fatal motor vehicle accidents to the department of motor vehicles. With passage, the DMV will be able to track fatal accidents as an occurrence even if the final report on that fatal accident is not complete. Vote 10-0.

(Rep. Bouchard in the Chair)
REGULAR CALENDAR

SB 205-FN, relative to the use of metal detection devices at supervised visitation centers and establishing a commission to study supervised visitation centers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary Beth E. Walz for Children and Family Law. This bill directs the attorney general to study the use of metal detection devices at child visitation centers, to prevent another tragedy like the one last summer. The amendment makes this bill identical to an earlier House bill by deleting a member of the guardian ad litem board from the study committee. Vote 18-0.

Amendment (1169h)

Amend RSA 173-B:26, I as inserted by section 4 of the bill by deleting subparagraph I(i).
Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.
On a division vote, 275 members having voted in the affirmative and 23 in the negative, the committee report was adopted and ordered to third reading.

SB 293, establishing a committee to study open adoption agreements. **OUGHT TO PASS.**

Rep. J. R. Hoell for Children and Family Law. Open adoptions, a term that allows the biological parents to maintain contact with children as they grow up, can currently take place. However, there is no mechanism under RSA 170-B:14 that would allow a contract to be enforced between the biological parents and the adoptive parents. The bill, as introduced to the Senate, was not workable as this was an issue greater than the single case that was the focus of this bill. The Senate created a study committee to address this issue and the committee believes that the study committee is the best vehicle to study the concerns raised by this one case as there are other cases similar in nature. Vote 17-0.

Committee report adopted and ordered to third reading.

SB 91, relative to drug use not approved by the Food and Drug Administration. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Edward A. Butler for the Majority of Commerce and Consumer Affairs. This bill is relative to the use of "off-label" prescription medications. Off-label is a drug being prescribed by a physician, or required by an insurer, for a purpose or condition not originally approved by the FDA. More and more, certain drugs are being discovered to have beneficial effects on conditions for which they were not originally intended. SB 91 reinforces that insurance coverage shall be provided for an off-label use if prescribed by a physician and if it "is recognized for treatment of such indication in one of the standard reference compendia." Furthermore, this bill defines how an off-label drug can be used by insurance companies in a step-therapy regimen. (Step-therapy was addressed in a bill before this House last session. It means that other, less-expensive, non-generic alternative drugs can be required by the insurer to be tried before a more expensive, prescribed drug is allowed.) SB 91 simply establishes the process whereby the prescribing physician can override the use of an off-label drug if certain conditions are met, thereby giving the doctor the ability to have a say in getting the most appropriate drug for the patient's condition as part of a step-therapy regimen. Vote 9-8.

Rep. Pamela Z. Tucker for the Minority of Commerce and Consumer Affairs. This bill has been primarily supported by one branded drug manufacturer. Current law requires insurers to cover prescriptions that may be considered "off-label" - in essence, a drug that may be FDA approved for one condition, but has been shown over time to be useful in treating another condition. For example, birth control drugs can be used to treat severe acne. This bill seeks to restrict the ability of an insurer, as part of step therapy program, to require a less expensive off-label, non clinically approved drug that can treat a patient instead of a more expensive brand drug. Healthcare costs are being driven up by prescription drug costs. Moreover, it is not the role of government to continually mandate any type of costs or treatment a doctor should prescribe. Government must stay out of doctor/patient decisions if we expect to try to contain costs and provide the best care available.

Majority Amendment (1357h)

Amend RSA 415:6-g, I(a) and the introductory paragraph of subparagraph (b) as inserted by section 1 of the bill by replacing them with the following:

(a) Exclude coverage for any such drug for a particular indication on the ground that the drug has not been approved by the Food and Drug Administration (FDA) for that indication, if such drug is recognized for treatment of such indication in one of the standard reference compendia or in the medical literature [as recommended by current American Medical Association (AMA) policies]; **or**

(b) As a condition of coverage, impose use of an alternative drug not approved by the FDA for the indication being treated, unless such alternative drug is recognized for treatment of such indication in one of the standard reference compendia or in the medical literature. An override of such condition of coverage shall be expeditiously granted consistent with RSA 420-J:7-b, II whenever the prescriber can demonstrate that the alternative drug:

Amend RSA 415:18-j, I(a) and the introductory paragraph of subparagraph (b) as inserted by section 2 of the bill by replacing them with the following:

(a) Exclude coverage for any such drug for a particular indication on the ground that the drug has not been approved by the Food and Drug Administration (FDA) for that indication, if such drug is recognized for treatment of such indication in one of the standard reference compendia or in the medical literature [as recommended by current American Medical Association (AMA) policies]; **or**

(b) As a condition of coverage, impose use of an alternative drug not approved by the FDA for the indication being treated, unless such alternative drug is recognized for treatment of such indication in one of the standard reference compendia or in the medical literature. An override of such condition of coverage shall be expeditiously granted consistent with RSA 420-J:7-b, II whenever the prescriber can demonstrate that the alternative drug:

Majority committee amendment 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.

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BELKNAP

Arsenault, Beth
Raymond, Ian

DiMartino, Lisa

Gulick, Ruth

Huot, David

CARROLL

Butler, Edward

Lavender, Tom

Ticehurst, Susan

White, Syndi

CHESHIRE

Ames, Richard
Johnsen, Gladys
Parkhurst, Henry
Tatro, Bruce

Berch, Paul
Lerandau, Alfred
Phillips, Larry
Weber, Lucy

Butynski, William
Ley, Douglas
Robertson, Timothy
Weed, Charles

Chase, Cynthia
Mann, John
Sad, Tara
Young, Harry

COOS

Enman, Larry
Thomas, Yvonne

Hammon, Marcia

Moynihan, Wayne

Theberge, Robert

GRAFTON

Aguiar, James
Cooney, Mary
Higgins, Patricia
Nordgren, Sharon
Smith, Suzanne

Bailey, Brad
Ford, Susan
Lovett, Sid
Pastor, Beatriz
Sykes, George

Benn, Bernard
Friedrich, Carol
Massimilla, Linda
Piper, Wendy
Townsend, Charles

Brown, Rebecca
Harding, Laurie
Mulholland, Catherine
Shackett, Jeffrey

HILLSBOROUGH

Backus, Robert
Chandley, Shannon
Eaton, Richard
Gorman, Mary
Harriott-Gathright, Linda
Knowles, Mary Ann
MacKay, Mariellen
McNamara, Richard
Rosenwald, Cindy
Soucy, Timothy
Williams, Kermit

Booras, Efstathia
Connor, Evelyn
Gage, Ruth
Grady, Brenda
Heath, Mary
Kopka, Angeline
Mangipudi, Latha
Nelson, Mary
Schmidt, Janice
Sullivan, Daniel
Winters, Joel

Brown, Pamela
Cote, David
Gale, Sylvia
Hackel, Paul
Heden, Ruth
Leishman, Peter
Manley, Jonathan
O'Neil, William
Shattuck, Gilman
Sullivan, Peter
Woodbury, David

Campbell, David
DiSilvestro, Linda
Goley, Jeffrey
Hammond, Jill
Jack, Martin
Long, Patrick
McCloskey, David
Porter, Marjorie
Smith, Timothy
Walsh, Robert

MERRIMACK

Alicea, Caroletta
Davis, Frank
French, Barbara
Karrick, David
Moffett, Howard
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

Burns, Scott
Ebel, Karen
Gile, Mary
Kelly, Sally
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

Carey, Lorrie
Frambach, Mary
Henle, Paul
Lockwood, Priscilla
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

Carson, Clyde
Frazer, June
Hirsch, Geoffrey
MacKay, James
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cali-Pitts, Jacqueline
Helmstetter, Barbara

Borden, David
Cushing, Robert
Lovejoy, Patricia

Briden, Steven
Flockhart, Eileen
Lundgren, David

Cahill, Michael
Heffron, Frank
Mann, Maureen

McKinney, Betsy
Pantelakos, Laura
Till, Mary

Moody, Marcia
Peckham, Michele
Ward, Gerald

Muns, Chris
Perkins, Lawrence
Wazlaw, Brian

Nigrello, Robert
Schlachman, Donna

STRAFFORD

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

Berube, Roger
Hooper, Dorothea
Merrill, Amanda
Schmidt, Peter
Verschueren, James

Bixby, Peter
Horrigan, Timothy
Miller, David
Smith, Marjorie
Wall, Janet

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

SULLIVAN

Cloutier, John
Irwin, Virginia

Gagnon, Raymond
O'Hearne, Andrew

Gottling, Suzanne
Sweeney, Cynthia

Grenier, James
Tanner, Linda

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BELKNAP

Burchell, Richard
Flanders, Donald
Vadney, Herbert

Comtois, Guy
Luther, Robert
Worsman, Colette

Cormier, Jane
Sylvia, Michael

Fields, Dennis
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McConkey, Mark
Wright, Donald

Chandler, Gene
Morrow, Harry

Cordelli, Glenn
Nelson, Bill

Crawford, Karel
Schmidt, Stephen

CHESHIRE

Hunt, John

Johnson, Jane

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Gionet, Edmond

Ladd, Rick

Reilly, Harold

HILLSBOROUGH

Barry, Richard
Byron, Frank
Culbert, Patrick
Gagne, Larry
Haefner, Robert
Hopper, Gary
LeBrun, Donald
McCarthy, Michael
Ober, Russell
Pratt, Calvin
Sandblade, Emily
Takesian, Charlene
Villeneuve, Moe

Belanger, James
Cebrowski, John
Daniels, Gary
Gargas, Carolyn
Hansen, Peter
Jasper, Shawn
LeVasseur, Richard
Murotake, David
Palmer, Stephen
Renzullo, Andrew
Souza, Kathleen
Ulery, Jordan
Warden, Mark

Boehm, Ralph
Christiansen, Lars
Danielson, David
Gidge, Kenneth
Hikel, John
Kurk, Neal
Marston, Dick
Notter, Jeanine
Parison, James
Rowe, Robert
Straight, Philip
Vail, Suzanne
Willette, Robert

Burt, John
Coffey, James
Flanagan, Jack
Graham, John
Hinch, Richard
Lambert, George
Martel, Andre
Ober, Lynne
Pellegrino, Tony
Sanborn, Laurie
Stroud, Kathleen
Vaillancourt, Steve

MERRIMACK

Hess, David
Walsh, Thomas

Hoell, J.R.

Kotowski, Frank

McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Bick, Patrick
Comerford, Timothy
Elliott, Robert
Garcia, Bianca
Griffin, Mary
Hodgdon, Bruce
Khan, Aboul
O'Connor, John
Sapareto, Frank
Sytek, John
Waterhouse, Kevin

Allen, Mary
Birdsell, Regina
Copeland, Timothy
Emerick, J. Tracy
Garcia, Marilinda
Hagan, Joseph
Hoelzel, Kathleen
Kolodziej, Walter
Priestley, Anne
Sedensky, John
Tamburello, Daniel
Webb, James

Baldasaro, Alfred
Charron, Gene
Devine, James
Ferrante, Beverly
Gordon, Richard
Harris, Jeffrey
Itse, Daniel
McMahon, Charles
Rice, Frederick
St.James, Kevin
Tasker, Kyle
Weyler, Kenneth

Belanger, Ronald
Chirichiello, Brian
Duarte, Joe
Fesh, Robert
Grace, Curtis
Hayes, Jack
Kappler, Lawrence
Milz, David
Sanders, Elisabeth
Sweeney, Joe
Tucker, Pamela
Whittemore, Lisa

STRAFFORD

Gray, James
Parsons, Robbie

Groen, Warren
Pitre, Joseph

Jones, Laura

Mullen, John

SULLIVAN

Osgood, Joe

Rollins, Skip

Schmidt, Andrew

Smith, Steven

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

SB 306, establishing a commission to study New Hampshire mortgage foreclosure law, new federal regulations, and fair foreclosure practices. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kermit R. Williams for the Majority of Commerce and Consumer Affairs. This bill creates a commission to study New Hampshire foreclosure laws. The commission's directive is to study how well state law aligns with the changes in federal law and to recommend policy changes that will align our law with US law and promote fair foreclosure processes. The commission includes members from the legislature, and from all aspects of the mortgage business, including bankers, Legal Assistance, and mortgage counselors. Vote 9-7.

Rep. John B. Hunt for the Minority of Commerce and Consumer Affairs. This bill seeks to establish a commission to study New Hampshire mortgage foreclosure law, new federal regulations and fair foreclosure practices. Currently, NH laws are in compliance with all the new federal regulations. The complaints that were heard during the hearing were old news and have been addressed in the past several years. Having a commission made up of bankers and mortgage counselors will not necessarily lead to consensus and will only result in reaffirming that the state laws are in sync with federal laws.

Majority Amendment (1465h)

Amend RSA 479:21-a, I(g) as inserted by section 1 of the bill by replacing it with the following:

(g) Two professional mortgage and/or housing counselors, certified by the United States Department of Housing and Urban Development, who work in the field of mortgage remediation, appointed by the governor.

On a division vote, 179 members having voted in the affirmative and 125 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.

On a division vote, 177 members having voted in the affirmative and 141 in the negative, the majority committee report was adopted and ordered to third reading.

SB 361, relative to the licensing requirements for mortgage bankers and brokers. **OUGHT TO PASS.**

Rep. Kermit R. Williams for Commerce and Consumer Affairs. This bill is a request of the banking department to provide updates to the section of banking laws, which provides for licensing mortgage bankers and brokers. Modifications to the licensing law include additional training requirements and rules covering how licensees and their employees should operate. Vote 12-3.

Committee report adopted and ordered to third reading.

SB 421, establishing a committee to study timely consumer access to prescription drugs under the managed care law. **OUGHT TO PASS.**

Rep. Donna L. Schlachman for Commerce and Consumer Affairs. This bill is one of four recommended pieces of legislation from the committee to study the regulation of pharmacy benefits manager that finished its work last November. The committee took testimony from pharmacists concerned that New Hampshire's 48 hour-prior authorization statute, RSA 420-J, 7-b, II, was not achieving the goal of ensuring timely access to prescription drugs. Because the law was brand new, the study committee had no data with which to assess the effectiveness of this provision, and whether delays are a pervasive issue. This study of prescription drug benefits seeks to determine how New Hampshire's consumers are fairing under the law. Vote 11-4.

Rep. Butler offered floor amendment (1560h).

Floor Amendment (1560h)

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

AN ACT establishing a committee to study the law requiring all exceptions to prescription drug benefits under the managed care law to be approved within 48 hours.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study the law requiring all exceptions to prescription drug benefits under the managed care law to be approved within 48 hours.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study the efficacy of RSA 420-J:7-b, II, requiring all exceptions to prescription drug benefits under the managed care law to be approved within 48 hours. The committee shall determine whether this law is having the intended impact on timely consumer access to prescription drugs.

AMENDED ANALYSIS

This bill establishes a committee to study the law requiring all exception to prescription drug benefits under the managed care law to be approved within 48 hours.

This bill is a result of the committee to study the regulation of pharmacy benefit managers established under 2013, 182.

Rep. Schlachman spoke in favor.

Floor amendment (1560h) adopted.

Committee report adopted and ordered to third reading.

SB 422, relative to the definition of pharmacy benefit manager. **OUGHT TO PASS.**

Rep. Donna L. Schlachman for Commerce and Consumer Affairs. This bill is one of four recommended pieces of legislation from the committee to study the regulation of pharmacy benefits manager that finished its work last November. The committee heard testimony on the lack of, or limitations in, the regulatory authority of both the New Hampshire insurance department and the New Hampshire board of pharmacy with regard to pharmacy benefits managers. Work is currently being done through a grant to the New Hampshire insurance department to explore what regulations may be appropriate and valuable to have in place. Providing a definition for pharmacy benefit manager, which is already referred to in RSA 420 but not defined, and should be inserted into the Pharmacy statutes under RSA 318, is one part of addressing concerns raised during the committee's work. Vote 13-2.

Committee report adopted and ordered to third reading.

SB 317-FN, relative to trafficking in persons. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety. Prosecutors, law enforcement, victims of human trafficking, and human trafficking prevention advocates provided information to this committee about the gaps in the current New Hampshire trafficking law and the need to strengthen it. Human trafficking is not just an international problem or national problem; it is a New Hampshire problem. In February 2014, two men were arrested in Salem, New Hampshire for sex trafficking a 14-year-old girl from Massachusetts. This law will help prosecutors have the tools they need to successfully prosecute individuals who traffic children, women and men in sex and labor trafficking. Specifically, this law enhances the criminal penalty for sex trafficking of minors. It recognizes that children are unable to consent to sex acts by protecting child victims of sex trafficking from criminal prosecution or juvenile delinquency proceedings. The bill also provides protections to victims testifying in court against their trafficker, making it easier for prosecutors to call victims as witnesses for trial. Often times when law enforcement raids a workplace or brothel, trafficking victims are arrested and criminally charged because law enforcement is unaware that they were unwilling participants who are often subject to horrific abuse by their trafficker. This bill provides victims of trafficking who have been wrongly convicted of a crime to vacate the convictions by petitioning the circuit court, district division. The victim must establish with clear and convincing evidence that their conviction was a direct result of being trafficked. The bill also allows a victim of human trafficking to sue his or her trafficker within ten years of the trafficking for damages caused by the trafficking. In addition to abusing victims of trafficking, some traffickers will forcibly tattoo their victims with bar codes or other identifying marks to show that the victims are their property and under their control. This bill allows a victim of human trafficking who has been tattooed with an identifying mark to use funds from the NH Victims Compensation Fund to remove the tattoo. This bill is critical to strengthening NH trafficking laws and will help prosecutors convict traffickers for their heinous acts and provide victims the resources and protection they need to begin to rebuild their lives. This bill is supported by the New Hampshire coalition against domestic and sexual violence, the department of justice, New Hampshire department of labor, New Hampshire department of safety, Every Child Matters, New Hampshire association of chiefs of police, New Hampshire sheriff's association, New Hampshire legal assistance, and child and family services. Vote 18-0.

Amendment (1467h)

Amend RSA 633:7, II-III as inserted by section 2 of the bill by replacing them with the following:

II. A person shall be guilty of a class A felony if such person maintains or makes available an individual under 18 years of age for the purpose of engaging the individual in a commercial sex act or sexually-explicit performance for the benefit of another. A person convicted under this paragraph shall be sentenced to a minimum term of imprisonment of not less than 7 years and a maximum term of not more than 30 years. Knowledge of the individual's actual age shall not be required as an element of this offense. Consent of the individual shall not constitute a defense to a charge under this paragraph.

III. It is a class A felony to recruit, *entice*, harbor, transport, provide, obtain, or otherwise make available a person, knowing or believing it likely that the person will be subjected to trafficking as defined in paragraph I **or II**. Notwithstanding RSA 651:2, a person convicted of an offense under this paragraph involving a victim under the age of 18 shall be subject to a minimum term of not ~~[more]~~ **less** than ~~[10]~~ **7** years and a maximum ~~[to be fixed by the court]~~ **term of not more than 30 years**, if the offender knew or believed it likely that the victim would be ~~[coerced into engaging]~~ **involved** in a commercial sex act or sexually-explicit performance. Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.
Rep. Cushing spoke in favor.

Rep. Pantelakos requested a roll call; sufficiently seconded.

YEAS 327 – NAYS 0

YEAS - 327

BELKNAP

Arsenault, Beth
DiMartino, Lisa
Huot, David
Tilton, Franklin

Burchell, Richard
Fields, Dennis
Luther, Robert
Vadney, Herbert

Comtois, Guy
Flanders, Donald
Raymond, Ian
Worsman, Colette

Cormier, Jane
Gulick, Ruth
Sylvia, Michael

CARROLL

Ahlgren, Christopher
Cordelli, Glenn
Merrow, Harry
White, Syndi

Buco, Thomas
Crawford, Karel
Nelson, Bill
Wright, Donald

Butler, Edward
Lavender, Tom
Schmidt, Stephen

Chandler, Gene
McConkey, Mark
Ticehurst, Susan

CHESHIRE

Ames, Richard
Hunt, John
Ley, Douglas
Robertson, Timothy
Weed, Charles

Berch, Paul
Johnsen, Gladys
Mann, John
Sad, Tara
Young, Harry

Butynski, William
Johnson, Jane
Parkhurst, Henry
Tatro, Bruce

Chase, Cynthia
Lerandean, Alfred
Phillips, Larry
Weber, Lucy

COOS

Coulombe, Gary
Rappaport, Laurence
Thomas, Yvonne

Enman, Larry
Richardson, Herbert

Hammon, Marcia
Rideout, Leon

Moynihan, Wayne
Theberge, Robert

GRAFTON

Aguiar, James
Cooney, Mary
Harding, Laurie
Massimilla, Linda
Piper, Wendy
Sykes, George

Bailey, Brad
Ford, Susan
Higgins, Patricia
Mulholland, Catherine
Reilly, Harold
Townsend, Charles

Benn, Bernard
Friedrich, Carol
Ladd, Rick
Nordgren, Sharon
Shackett, Jeffrey

Brown, Rebecca
Gionet, Edmond
Lovett, Sid
Pastor, Beatriz
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Booras, Efstathia
Campbell, David
Coffey, James
Daniels, Gary
Flanagan, Jack
Garcia, Michael
Gorman, Mary
Haefner, Robert
Harriott-Gathright, Linda
Hinch, Richard
Judy, Jean
Lambert, George
Long, Patrick
Marston, Dick
McNamara, Richard
Nelson, Mary
Ober, Lynne
Pellegrino, Tony
Rosenwald, Cindy
Schmidt, Janice
Souza, Kathleen
Sullivan, Peter
Vaillancourt, Steve
Williams, Kermit

Barry, Richard
Brown, Pamela
Cebrowski, John
Connor, Evelyn
Danielson, David
Gage, Ruth
Gargas, Carolyn
Grady, Brenda
Hammond, Jill
Heath, Mary
Hopper, Gary
Knowles, Mary Ann
LeBrun, Donald
MacKay, Mariellen
Martel, Andre
Murotake, David
Notter, Jeanine
Ober, Russell
Porter, Marjorie
Rowe, Robert
Shattuck, Gilman
Straight, Philip
Takesian, Charlene
Villeneuve, Moe
Winters, Joel

Belanger, James
Burt, John
Chandley, Shannon
Cote, David
DiSilvestro, Linda
Gagne, Larry
Gidge, Kenneth
Graham, John
Hansberry, Daniel
Heden, Ruth
Jack, Martin
Kopka, Angeline
Leishman, Peter
Mangipudi, Latha
McCarthy, Michael
Murphy, Keith
O'Brien, William
Palmer, Stephen
Pratt, Calvin
Sanborn, Laurie
Smith, Timothy
Stroud, Kathleen
Ulery, Jordan
Walsh, Robert
Woodbury, David

Boehm, Ralph
Byron, Frank
Christiansen, Lars
Culbert, Patrick
Eaton, Richard
Gale, Sylvia
Goley, Jeffrey
Hackel, Paul
Hansen, Peter
Hikel, John
Jasper, Shawn
Kurk, Neal
LeVasseur, Richard
Manley, Jonathan
McCloskey, David
Murphy, Kelleigh
O'Neil, William
Parison, James
Renzullo, Andrew
Sandblade, Emily
Soucy, Timothy
Sullivan, Daniel
Vail, Suzanne
Willette, Robert

MERRIMACK

Alicea, Caroletta
Davis, Frank
French, Barbara

Burns, Scott
Ebel, Karen
Gile, Mary

Carey, Lorrie
Frambach, Mary
Henle, Paul

Carson, Clyde
Frazer, June
Hess, David

Hirsch, Geoffrey
Kotowski, Frank
Moffett, Howard
Rogers, Katherine
Turcotte, Alan
Watrous, Rick

Hoell, J.R.
Lockwood, Priscilla
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane
Webb, Leigh

Karrick, David
MacKay, James
Rice, Chip
Schuett, Dianne
Walsh, Thomas

Kelly, Sally
McGuire, Dan
Richardson, Gary
Shurtleff, Stephen
Walz, Mary Beth

ROCKINGHAM

Abrami, Patrick
Belanger, Ronald
Briden, Steven
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Flockhart, Eileen
Grace, Curtis
Hayes, Jack
Hoelzel, Kathleen
Kolodziej, Walter
McKinney, Betsy
Muns, Chris
Pantelakos, Laura
Rice, Frederick
Sedensky, John
Tamburello, Daniel
Waterhouse, Kevin
Whittemore, Lisa

Allen, Mary
Bick, Patrick
Cahill, Michael
Comerford, Timothy
Devine, James
Emerick, J. Tracy
Garcia, Bianca
Griffin, Mary
Heffron, Frank
Itse, Daniel
Lovejoy, Patricia
McMahon, Charles
Nigrello, Robert
Peckham, Michele
Sanders, Elisabeth
St.James, Kevin
Till, Mary
Wazlaw, Brian

Andrews-Ahearn, E. Elaine
Birdsell, Regina
Cali-Pitts, Jacqueline
Copeland, Timothy
Duarte, Joe
Ferrante, Beverly
Garcia, Marilinda
Hagan, Joseph
Helmstetter, Barbara
Kappler, Lawrence
Lundgren, David
Milz, David
O'Connor, John
Perkins, Lawrence
Sapareto, Frank
Sweeney, Joe
Tucker, Pamela
Webb, James

Baldasaro, Alfred
Borden, David
Charron, Gene
Cushing, Robert
Dumaine, Dudley
Fesh, Robert
Gordon, Richard
Harris, Jeffrey
Hodgdon, Bruce
Khan, Aboul
Mann, Maureen
Moody, Marcia
Packard, Sherman
Priestley, Anne
Schlachman, Donna
Sytek, John
Ward, Gerald
Weyler, Kenneth

STRAFFORD

Baber, William
Burke, Rachel
Groen, Warren
Kaen, Naida
Miller, David
Pitre, Joseph
Smith, Marjorie
Wall, Janet

Berube, Roger
Gardner, Janice
Hooper, Dorothea
Malloy, Dennis
Mullen, John
Rogers, Rose Marie
Spang, Judith
Ward, Kenneth

Bickford, David
Grassie, Anne
Horrigan, Timothy
Menear, H. Robert
Parsons, Robbie
Rollo, Deanna
Stevens, Audrey

Bixby, Peter
Gray, James
Jones, Laura
Merrill, Amanda
Perry, Robert
Schmidt, Peter
Verschueren, James

SULLIVAN

Cloutier, John
Irwin, Virginia
Rollins, Skip
Tanner, Linda

Gagnon, Raymond
Lefebvre, Benjamin
Schmidt, Andrew

Gottling, Suzanne
O'Hearne, Andrew
Smith, Steven

Grenier, James
Osgood, Joe
Sweeney, Cynthia

NAYS - 0

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

(Rep. Rosenwald in the Chair)

SB 318-FN, establishing the crime of domestic violence. **OUGHT TO PASS.**

Rep. Robert R. Cushing for Criminal Justice and Public Safety. This bill establishes the crime of domestic violence by taking charges that are commonly used in domestic violence related cases and reorganizes them in statute under one crime of "Domestic Violence." It is important to note that this is a simple reorganization of current state law. Current NH law does not distinguish between an abuser who assaults their partner and a person who assaults a stranger: In both instances, the charge applied would most likely be "simple assault." This is a problem, because statistics show that the intimate nature of the domestic violence situation carries a very high risk for escalated violence—up to and including homicide—whereas violence between strangers typically does not. By establishing the crime of domestic violence, our justice system, child protection agencies, law enforcement, and advocates will be able to distinguish crimes of domestic violence from non-domestic violence and more effectively coordinate community responses to assist victims of domestic violence and their children, as well as hold abusers accountable. Additionally, this bill will improve efficiency and transparency in state government. Federal law requires that the Department of Safety transmit criminal records of offenders who have committed a crime that qualifies them, under federal law, to be included in the National Instant Criminal Background Check System (NICS). Among these qualifying offenses are certain misdemeanor crimes of domestic violence. Because NH does not distinguish crimes of domestic violence from other crimes, the department of safety must try to speculate, based on incomplete documentation in criminal records, whether an incident was domestic violence-related or not. As such, there are names being submitted to NICS who shouldn't be and there are violent abusers not being identified and submitted who should be.

By distinguishing these crimes, we can remove the element of human error from this critically important determination and ensure that individuals who have committed non-qualifying misdemeanors under federal law are still able to purchase firearms. This bill is critical to ending domestic violence here in New Hampshire, and it will absolutely save lives. This bill is supported by the NH Coalition Against Domestic and Sexual Violence and its 14 member programs, Child and Family Services, NH Association of Chiefs of Police, NH County Attorneys Association, NH Department of Justice, NH Department of Safety, NH Legal Assistance, NH Nurses Association, and NH Sheriffs Association. Vote 18-1.

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

YEAS 325 – NAYS 3

YEAS - 325

BELKNAP

Arsenault, Beth
DiMartino, Lisa
Huot, David
Vadney, Herbert

Burchell, Richard
Fields, Dennis
Luther, Robert
Worsman, Colette

Comtois, Guy
Flanders, Donald
Raymond, Ian

Cormier, Jane
Gulick, Ruth
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Cordelli, Glenn
Morrow, Harry
White, Syndi

Buco, Thomas
Crawford, Karel
Nelson, Bill
Wright, Donald

Butler, Edward
Lavender, Tom
Schmidt, Stephen

Chandler, Gene
McConkey, Mark
Ticehurst, Susan

CHESHIRE

Ames, Richard
Hunt, John
Ley, Douglas
Robertson, Timothy
Weed, Charles

Berch, Paul
Johnsen, Gladys
Mann, John
Sad, Tara
Young, Harry

Butynski, William
Johnson, Jane
Parkhurst, Henry
Tatro, Bruce

Chase, Cynthia
Lerandeau, Alfred
Phillips, Larry
Weber, Lucy

COOS

Coulombe, Gary
Rappaport, Laurence
Thomas, Yvonne

Enman, Larry
Richardson, Herbert

Hammon, Marcia
Rideout, Leon

Moynihan, Wayne
Theberge, Robert

GRAFTON

Aguiar, James
Brown, Rebecca
Gionet, Edmond
Lovett, Sid
Pastor, Beatriz
Smith, Suzanne

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

Bailey, Brad
Ford, Susan
Higgins, Patricia
Mulholland, Catherine
Reilly, Harold
Townsend, Charles

Benn, Bernard
Friedrich, Carol
Ladd, Rick
Nordgren, Sharon
Shackett, Jeffrey

HILLSBOROUGH

Backus, Robert
Booras, Efstathia
Campbell, David
Coffey, James
Daniels, Gary
Eaton, Richard
Gale, Sylvia
Gorman, Mary
Haefner, Robert
Harriott-Gathright, Linda
Hinch, Richard
Jeuzy, Jean
Lambert, George
Long, Patrick
Marston, Dick
McNamara, Richard
Nelson, Mary
Ober, Lynne
Pellegrino, Tony
Rhodes, Brian
Schmidt, Janice
Soucy, Timothy
Sullivan, Daniel
Vail, Suzanne
Willette, Robert

Barry, Richard
Brown, Pamela
Cebrowski, John
Connor, Evelyn
Danielson, David
Flanagan, Jack
Gargas, Carolyn
Grady, Brenda
Hammond, Jill
Heath, Mary
Hopper, Gary
Knowles, Mary Ann
LeBrun, Donald
MacKay, Mariellen
Martel, Andre
Murotake, David
Notter, Jeanine
Ober, Russell
Porter, Marjorie
Rowe, Robert
Shattuck, Gilman
Souza, Kathleen
Sullivan, Peter
Vaillancourt, Steve
Williams, Kermit

Belanger, James
Burt, John
Chandley, Shannon
Cote, David
DiSilvestro, Linda
Gage, Ruth
Gidge, Kenneth
Graham, John
Hansberry, Daniel
Heden, Ruth
Jack, Martin
Kopka, Angeline
Leishman, Peter
Mangipudi, Latha
McCarthy, Michael
Murphy, Keith
O'Brien, William
Palmer, Stephen
Pratt, Calvin
Sanborn, Laurie
Shaw, Barbara
Straight, Philip
Takesian, Charlene
Villeneuve, Moe
Winters, Joel

Boehm, Ralph
Byron, Frank
Christiansen, Lars
Culbert, Patrick
Dobson, Jeremy
Gagne, Larry
Goley, Jeffrey
Hackel, Paul
Hansen, Peter
Hikel, John
Jasper, Shawn
Kirk, Neal
LeVasseur, Richard
Manley, Jonathan
McCloskey, David
Murphy, Kelleigh
O'Neil, William
Parison, James
Renzullo, Andrew
Sandblade, Emily
Smith, Timothy
Stroud, Kathleen
Ulery, Jordan
Walsh, Robert
Woodbury, David

MERRIMACK

Alicea, Caroletta	Bouchard, Candace	Burns, Scott	Carey, Lorrie
Carson, Clyde	Davis, Frank	Ebel, Karen	Frambach, Mary
Frazer, June	French, Barbara	Gile, Mary	Henle, Paul
Hirsch, Geoffrey	Karrick, David	Kelly, Sally	Kotowski, Frank
Lockwood, Priscilla	MacKay, James	McGuire, Dan	Moffett, Howard
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	Andrews-Ahearn, E. Elaine	Baldasaro, Alfred
Belanger, Ronald	Bick, Patrick	Birdsell, Regina	Borden, David
Briden, Steven	Cahill, Michael	Cali-Pitts, Jacqueline	Charron, Gene
Chirichiello, Brian	Comerford, Timothy	Copeland, Timothy	Cushing, Robert
DeSimone, Debra	Devine, James	Duarte, Joe	Dumaine, Dudley
Elliott, Robert	Emerick, J. Tracy	Ferrante, Beverly	Fesh, Robert
Flockhart, Eileen	Garcia, Bianca	Garcia, Marilinda	Gordon, Richard
Grace, Curtis	Griffin, Mary	Hagan, Joseph	Harris, Jeffrey
Hayes, Jack	Heffron, Frank	Helmstetter, Barbara	Hodgdon, Bruce
Hoelzel, Kathleen	Itse, Daniel	Kappler, Lawrence	Khan, Aboul
Kolodziej, Walter	Lovejoy, Patricia	Lundgren, David	Mann, Maureen
McKinney, Betsy	McMahon, Charles	Milz, David	Moody, Marcia
Muns, Chris	Nigrello, Robert	O'Connor, John	Packard, Sherman
Pantelakos, Laura	Peckham, Michele	Perkins, Lawrence	Priestley, Anne
Rice, Frederick	Sanders, Elisabeth	Schlachman, Donna	Sedensky, John
St.James, Kevin	Sweeney, Joe	Sytek, John	Tamburello, Daniel
Till, Mary	Tucker, Pamela	Ward, Gerald	Waterhouse, Kevin
Wazlaw, Brian	Webb, James	Weyler, Kenneth	Whittemore, Lisa

STRAFFORD

Baber, William	Berube, Roger	Bickford, David	Bixby, Peter
Burke, Rachel	Gardner, Janice	Grassie, Anne	Gray, James
Groen, Warren	Hooper, Dorothea	Horrigan, Timothy	Jones, Laura
Kaen, Naida	Malloy, Dennis	Menear, H. Robert	Merrill, Amanda
Miller, David	Mullen, John	Parsons, Robbie	Perry, Robert
Pitre, Joseph	Rogers, Rose Marie	Rollo, Deanna	Schmidt, Peter
Smith, Marjorie	Stevens, Audrey	Verschueren, James	Wall, Janet
Ward, Kenneth			

SULLIVAN

Cloutier, John	Gagnon, Raymond	Gottling, Suzanne	Grenier, James
Irwin, Virginia	Lefebvre, Benjamin	O'Hearne, Andrew	Osgood, Joe
Rollins, Skip	Schmidt, Andrew	Smith, Steven	Sweeney, Cynthia
Tanner, Linda			

**NAYS - 3
BELKNAP**

Sylvia, Michael

Hoell, J.R.

MERRIMACK**ROCKINGHAM**

Sapareto, Frank

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

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Dumaine moved that the House reconsider its action whereby, on a roll call vote of 325-3, the House adopted the committee report of Ought to Pass on **SB 318-FN**, establishing the crime of domestic violence.

Rep. Dumaine spoke in favor.

Motion failed.

REGULAR CALENDAR (CONT'D)

SB 348, establishing a commission to study sexual abuse prevention education in elementary and secondary schools. **OUGHT TO PASS.**

Rep. James L. Grenier for Education. This bill will create a commission to study current practices and activities regarding sexual abuse prevention education in public schools, state and local agencies and other public or private organizations. Testimony by several representatives from organizations that are presently providing

sexual abuse prevention education to New Hampshire schools indicated that these organizations are staffed with professional staff willing to provide services throughout the state. These organizations are fully funded through grants and donations. Their staff will be able to provide training to school staff and age appropriate education to students with minimal cost to participating schools. The commission will have an opportunity to study an appropriate partnership between public schools and sexual abuse prevention organizations to ensure sexually abused children are identified as soon as possible and further that experienced professionals are available as advocates for these victims. Vote 10-8.

On a division vote, 214 members having voted in the affirmative and 107 in the negative, the committee report was adopted and ordered to third reading.

CACR 17, relating to natural rights. Providing that discrimination based on sexual orientation is prohibited. **REFER FOR INTERIM STUDY.**

Rep. David Woodbury for Judiciary. This CACR has the laudable purpose of making the constitutional protections of Article 2 extend to one's "sexual orientation." Equality of rights already extends to race, creed, color, sex and national origin. Although CACR 17 passed the senate unanimously, a definitional problem became apparent to the committee when transgender persons explained that 'sexual orientation', as used in the proposed amendment, excluded them and certain other groups. Therefore, the community most interested in CACR 17 was split over the inclusivity (or lack thereof) of the proposed language. This begs the fundamental question of the wisdom of increasing the number of protected classes in our constitution while narrowing the definition of each. This question implicates the scope and future direction of our Bill of Rights and is well worth interim study. Considering the split over whether the term "sexual orientation" did or did not include transgender persons, the committee felt it unwise to pursue adoption of this otherwise laudable goal until the basic question of how to structure future additions to our Bill of Rights is resolved. Vote 16-4.

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

YEAS 234 – NAYS 95

YEAS - 234

BELKNAP

Arsenault, Beth
Flanders, Donald
Sylvia, Michael

Burchell, Richard
Gulick, Ruth
Vadney, Herbert

DiMartino, Lisa
Huot, David

Fields, Dennis
Raymond, Ian

CARROLL

Ahlgren, Christopher
Crawford, Karel
Ticehurst, Susan

Buco, Thomas
Lavender, Tom
White, Syndi

Butler, Edward
Merrow, Harry

Chandler, Gene
Nelson, Bill

CHESHIRE

Ames, Richard
Hunt, John
Mann, John
Sad, Tara
Young, Harry

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

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

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

COOS

Coulombe, Gary
Rappaport, Laurence

Enman, Larry
Theberge, Robert

Hammon, Marcia
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

Aguiar, James
Brown, Rebecca
Gionet, Edmond
Massimilla, Linda
Piper, Wendy

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

Bailey, Brad
Ford, Susan
Higgins, Patricia
Nordgren, Sharon
Sykes, George

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

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Christiansen, Lars
Dobson, Jeremy
Gagne, Larry
Gidge, Kenneth
Hackel, Paul
Harriott-Gathright, Linda
Jack, Martin
LeBrun, Donald
Mangipudi, Latha

Belanger, James
Byron, Frank
Connor, Evelyn
Eaton, Richard
Gale, Sylvia
Goley, Jeffrey
Haefner, Robert
Heath, Mary
Judy, Jean
Leishman, Peter
Manley, Jonathan

Boehm, Ralph
Campbell, David
Cote, David
Flanagan, Jack
Garcia, Michael
Gorman, Mary
Hammond, Jill
Heden, Ruth
Knowles, Mary Ann
Long, Patrick
McCarthy, Michael

Booras, Efstathia
Chandley, Shannon
DiSilvestro, Linda
Gage, Ruth
Gargas, Carolyn
Grady, Brenda
Hansberry, Daniel
Hikel, John
Kopka, Angeline
MacKay, Mariellen
McCloskey, David

McNamara, Richard
Palmer, Stephen
Sanborn, Laurie
Shaw, Barbara
Sullivan, Peter
Willette, Robert

Murotake, David
Pellegrino, Tony
Sandblade, Emily
Soucy, Timothy
Takesian, Charlene
Williams, Kermit

Nelson, Mary
Porter, Marjorie
Schmidt, Janice
Stroud, Kathleen
Vail, Suzanne
Winters, Joel

O'Neil, William
Rhodes, Brian
Shattuck, Gilman
Sullivan, Daniel
Walsh, Robert
Woodbury, David

MERRIMACK

Alicea, Caroletta
Davis, Frank
French, Barbara
Hirsch, Geoffrey
Moffett, Howard
Rogers, Katherine
Turcotte, Alan
Watrous, Rick

Bouchard, Candace
Ebel, Karen
Gile, Mary
Karrick, David
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane
Webb, Leigh

Burns, Scott
Frambach, Mary
Henle, Paul
Kelly, Sally
Rice, Chip
Schuett, Dianne
Walsh, Thomas

Carson, Clyde
Frazer, June
Hess, David
MacKay, James
Richardson, Gary
Shurtleff, Stephen
Walz, Mary Beth

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Briden, Steven
Cushing, Robert
Harris, Jeffrey
Khan, Aboul
Milz, David
Perkins, Lawrence
Sweeney, Joe
Ward, Gerald

Belanger, Ronald
Cahill, Michael
Dumaine, Dudley
Hayes, Jack
Lovejoy, Patricia
Moody, Marcia
Priestley, Anne
Sytek, John
Wazlaw, Brian

Birdsell, Regina
Cali-Pitts, Jacqueline
Elliott, Robert
Heffron, Frank
Mann, Maureen
Muns, Chris
Schlachman, Donna
Till, Mary
Webb, James

Borden, David
Copeland, Timothy
Flockhart, Eileen
Helmstetter, Barbara
McKinney, Betsy
Pantelakos, Laura
Schroadter, Adam
Tucker, Pamela
Whittemore, Lisa

STRAFFORD

Baber, William
Burke, Rachel
Hooper, Dorothea
Malloy, Dennis
Perry, Robert
Smith, Marjorie
Wall, Janet

Berube, Roger
Gardner, Janice
Horrigan, Timothy
Menear, H. Robert
Rogers, Rose Marie
Spang, Judith

Bickford, David
Grassie, Anne
Jones, Laura
Merrill, Amanda
Rollo, Deanna
Stevens, Audrey

Bixby, Peter
Gray, James
Kaen, Naida
Miller, David
Schmidt, Peter
Verschueren, James

SULLIVAN

Cloutier, John
Lefebvre, Benjamin
Smith, Steven

Gottling, Suzanne
O'Hearne, Andrew
Sweeney, Cynthia

Grenier, James
Osgood, Joe
Tanner, Linda

Irwin, Virginia
Schmidt, Andrew

NAYS - 95

BELKNAP

Comtois, Guy
Worsman, Colette

Cormier, Jane

Luther, Robert

Tilton, Franklin

CARROLL

Cordelli, Glenn

McConkey, Mark

Schmidt, Stephen

Wright, Donald

CHESHIRE

COOS

Richardson, Herbert

Rideout, Leon

GRAFTON

Ladd, Rick

Reilly, Harold

Shackett, Jeffrey

HILLSBOROUGH

Burt, John
Daniels, Gary
Hinck, Richard
Lambert, George
Murphy, Keith
Ober, Lynne
Renzullo, Andrew
Straight, Philip

Cebrowski, John
Danielson, David
Hopper, Gary
LeVasseur, Richard
Murphy, Kelleigh
Ober, Russell
Rowe, Robert
Ulery, Jordan

Coffey, James
Graham, John
Jasper, Shawn
Marston, Dick
Notter, Jeanine
Parison, James
Smith, Timothy
Vaillancourt, Steve

Culbert, Patrick
Hansen, Peter
Kurk, Neal
Martel, Andre
O'Brien, William
Pratt, Calvin
Souza, Kathleen
Villeneuve, Moe

MERRIMACK

Carey, Lorrie
McGuire, Dan

Hoell, J.R.

Kotowski, Frank

Lockwood, Priscilla

ROCKINGHAM

Abrami, Patrick
 Charron, Gene
 Devine, James
 Fesh, Robert
 Grace, Curtis
 Hoelzel, Kathleen
 Lundgren, David
 Packard, Sherman
 Sapareto, Frank
 Waterhouse, Kevin

Allen, Mary
 Chirichiello, Brian
 Duarte, Joe
 Garcia, Bianca
 Griffin, Mary
 Itse, Daniel
 McMahon, Charles
 Peckham, Michele
 Sedensky, John
 Weyler, Kenneth

Baldasaro, Alfred
 Comerford, Timothy
 Emerick, J. Tracy
 Garcia, Marilinda
 Hagan, Joseph
 Kappler, Lawrence
 Nigrello, Robert
 Rice, Frederick
 St.James, Kevin

Bick, Patrick
 DeSimone, Debra
 Ferrante, Beverly
 Gordon, Richard
 Hodgdon, Bruce
 Kolodziej, Walter
 O'Connor, John
 Sanders, Elisabeth
 Tamburello, Daniel

STRAFFORD

Groen, Warren

Mullen, John

Parsons, Robbie

Pitre, Joseph

SULLIVAN

Rollins, Skip

and the committee report was adopted.

SB 244, establishing a procedure for the annulment of a mental health record and establishing a commission to study mental health and firearms. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul S. Berch for Judiciary. This bill, as amended by the Senate, attempts to create a process to remove from the federal background check system (NICS) certain mental health information that New Hampshire is not even sending to that system. While the committee was generally sympathetic to the goal of having citizens who no longer present a significant mental health problem be able to possess firearms, the committee unanimously felt this bill would not and could not accomplish that goal. It does not conform to Federal standards and requirements and is so confusing that it could potentially subject Granite Staters to criminal prosecution. The bill gives no consideration to collateral issues such as findings of incompetency and insanity in the criminal context, fails to provide for a waiting period prior to annulment, such as occurs in criminal annulment and fails to mandate a full evidential hearing prior to a requested annulment being granted. Vote 19-0. Committee report adopted.

SB 394, relative to the recognition of out of state marriages, uniform marriage recognition law, civil union recognition, and gender neutral references. **OUGHT TO PASS.**

Rep. Peter M. Sullivan for Judiciary. This bill clarifies several aspects of New Hampshire law that were affected by the growing acceptance of same-sex marriage across the country. First, the bill makes it clear that New Hampshire recognizes marriages from the date of solemnization; same-sex couples who married in another state before New Hampshire adopted same-sex marriage will not see their unions legally vanish. Second, the bill repeals the reverse evasion law. This law is a Jim Crow-era relic that bars couples from marrying in New Hampshire, if their home state doesn't consider their marriage valid or permissible. By changing the law, couples from states that do not yet recognize same-sex unions could visit our state and enter into a marriage recognized by New Hampshire. Third, this bill makes it clear that couples who have entered into civil unions in other states can get married without first dissolving their out-of-state union. This eliminates a burdensome bureaucratic impediment that advances no real goal. Finally, the bill changes language in New Hampshire's marital law to non-gender specific terminology, reflecting the changing legal nature of marriage in our state. Vote 11-8.

Rep. Lambert requested a roll call; sufficiently seconded.

YEAS 217 – NAYS 119

YEAS - 217**BELKNAP**

Arsenault, Beth
 Gulick, Ruth

Burchell, Richard
 Huot, David

DiMartino, Lisa
 Raymond, Ian

Flanders, Donald
 Vadney, Herbert

CARROLL

Ahlgren, Christopher
 Lavender, Tom
 White, Syndi

Buco, Thomas
 Merrow, Harry

Butler, Edward
 Schmidt, Stephen

Crawford, Karel
 Ticehurst, Susan

CHESHIRE

Ames, Richard
 Johnsen, Gladys
 Parkhurst, Henry
 Tatro, Bruce

Berch, Paul
 Lerandeau, Alfred
 Phillips, Larry
 Weber, Lucy

Butynski, William
 Ley, Douglas
 Robertson, Timothy
 Weed, Charles

Chase, Cynthia
 Mann, John
 Sad, Tara
 Young, Harry

COOS

Coulombe, Gary
Theberge, Robert

Enman, Larry
Thomas, Yvonne

Hammon, Marcia

Moynihan, Wayne

GRAFTON

Aguiar, James
Cooney, Mary
Higgins, Patricia
Nordgren, Sharon
Smith, Suzanne

Almy, Susan
Ford, Susan
Lovett, Sid
Pastor, Beatriz
Sykes, George

Benn, Bernard
Friedrich, Carol
Massimilla, Linda
Piper, Wendy
Townsend, Charles

Brown, Rebecca
Harding, Laurie
Mulholland, Catherine
Reilly, Harold

HILLSBOROUGH

Backus, Robert
Campbell, David
DiSilvestro, Linda
Gale, Sylvia
Gorman, Mary
Hammond, Jill
Heden, Ruth
Knowles, Mary Ann
Long, Patrick
Marston, Dick
Murphy, Keith
Porter, Marjorie
Schmidt, Janice
Soucy, Timothy
Vaillancourt, Steve
Winters, Joel

Booras, Efstathia
Chandley, Shannon
Dobson, Jeremy
Garcia, Michael
Grady, Brenda
Hansberry, Daniel
Hikel, John
Kopka, Angeline
MacKay, Mariellen
Martel, Andre
Murphy, Kelleigh
Ramsey, Peter
Shattuck, Gilman
Sullivan, Daniel
Walsh, Robert
Woodbury, David

Brown, Pamela
Connor, Evelyn
Eaton, Richard
Gidge, Kenneth
Hackel, Paul
Harriott-Gathright, Linda
Jack, Martin
LeBrun, Donald
Mangipudi, Latha
McCloskey, David
Nelson, Mary
Rhodes, Brian
Shaw, Barbara
Sullivan, Peter
Willette, Robert

Byron, Frank
Cote, David
Gage, Ruth
Goley, Jeffrey
Haefner, Robert
Heath, Mary
Jeudy, Jean
Leishman, Peter
Manley, Jonathan
McNamara, Richard
O'Neil, William
Rokas, Ted
Smith, Timothy
Vail, Suzanne
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
MacKay, James
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

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

Burns, Scott
Ebel, Karen
Gile, Mary
Kelly, Sally
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

Carey, Lorrie
Frambach, Mary
Henle, Paul
Lockwood, Priscilla
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cahill, Michael
Cushing, Robert
Hayes, Jack
Lovejoy, Patricia
Muns, Chris
Perkins, Lawrence
Till, Mary

Belanger, Ronald
Cali-Pitts, Jacqueline
Elliott, Robert
Heffron, Frank
Mann, Maureen
O'Connor, John
Schlachman, Donna
Ward, Gerald

Borden, David
Charron, Gene
Flockhart, Eileen
Helmstetter, Barbara
McKinney, Betsy
Pantelakos, Laura
Sweeney, Joe
Wazlaw, Brian

Briden, Steven
Copeland, Timothy
Hagan, Joseph
Khan, Aboul
Moody, Marcia
Peckham, Michele
Sytek, John
Whittemore, Lisa

STRAFFORD

Baber, William
Burke, Rachel
Horrigan, Timothy
Merrill, Amanda
Rollo, Deanna
Stevens, Audrey

Berube, Roger
Gardner, Janice
Kaen, Naida
Miller, David
Schmidt, Peter
Verschuere, James

Bickford, David
Grassie, Anne
Malloy, Dennis
Perry, Robert
Smith, Marjorie
Wall, Janet

Bixby, Peter
Hooper, Dorothea
Menear, H. Robert
Rogers, Rose Marie
Spang, Judith
Ward, Kenneth

SULLIVAN

Cloutier, John
Irwin, Virginia
Smith, Steven

Gagnon, Raymond
Lefebvre, Benjamin
Sweeney, Cynthia

Gottling, Suzanne
O'Hearne, Andrew
Tanner, Linda

Grenier, James
Schmidt, Andrew

NAYS - 119**BELKNAP**

Comtois, Guy
Sylvia, Michael

Cormier, Jane
Tilton, Franklin

Fields, Dennis
Worsman, Colette

Luther, Robert

CARROLL

Chandler, Gene
Wright, Donald

Cordelli, Glenn

McConkey, Mark

Nelson, Bill

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

Bailey, Brad Gionet, Edmond Ladd, Rick Shackett, Jeffrey

Barry, Richard	Belanger, James	Boehm, Ralph	Burt, John
Cebrowski, John	Christiansen, Lars	Coffey, James	Culbert, Patrick
Daniels, Gary	Danielson, David	Flanagan, Jack	Gagne, Larry
Gargas, Carolyn	Graham, John	Hansen, Peter	Hinch, Richard
Hopper, Gary	Jasper, Shawn	Kurk, Neal	Lambert, George
LeVasseur, Richard	McCarthy, Michael	Murotake, David	Notter, Jeanine
O'Brien, William	Ober, Lynne	Ober, Russell	Palmer, Stephen
Parison, James	Pellegrino, Tony	Pratt, Calvin	Renzullo, Andrew
Rowe, Robert	Sanborn, Laurie	Sandblade, Emily	Souza, Kathleen
Straight, Philip	Stroud, Kathleen	Takesian, Charlene	Ulery, Jordan
Villeneuve, Moe	Warden, Mark		

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

Abrami, Patrick	Allen, Mary	Baldasaro, Alfred	Bick, Patrick
Birdsell, Regina	Chirichiello, Brian	Comerford, Timothy	DeSimone, Debra
Devine, James	Duarte, Joe	Dumaine, Dudley	Emerick, J. Tracy
Ferrante, Beverly	Fesh, Robert	Garcia, Bianca	Garcia, Marilinda
Gordon, Richard	Grace, Curtis	Griffin, Mary	Harris, Jeffrey
Hodgdon, Bruce	Hoelzel, Kathleen	Itse, Daniel	Kappler, Lawrence
Kolodziej, Walter	Lundgren, David	McMahon, Charles	Milz, David
Nigrello, Robert	Packard, Sherman	Priestley, Anne	Rice, Frederick
Sanders, Elisabeth	Sapareto, Frank	Schroadter, Adam	Sedensky, John
St.James, Kevin	Tamburello, Daniel	Tucker, Pamela	Waterhouse, Kevin
Webb, James	Weyler, Kenneth		

Gray, James	Groen, Warren	Jones, Laura	Mullen, John
Parsons, Robbie	Pitre, Joseph		

Osgood, Joe Rollins, Skip

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

(Rep. Kaen in the Chair)

Rep. Theberge moved that **SB 296**, relative to preferences for veterans and disabled veterans in public employment, be removed from the table.

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

BELKNAP

Arsenault, Beth	Burchell, Richard	Comtois, Guy	Cormier, Jane
DiMartino, Lisa	Flanders, Donald	Gulick, Ruth	Huot, David
Vadney, Herbert			

Ahlgren, Christopher	Butler, Edward	Chandler, Gene	Cordelli, Glenn
Crawford, Karel	Morrow, Harry	Wright, Donald	

Ames, Richard Young, Harry	Butynski, William	Johnsen, Gladys	Lerandeau, Alfred
-------------------------------	-------------------	-----------------	-------------------

COOS

Coulombe, Gary
Richardson, Herbert

Enman, Larry
Rideout, Leon

Hammon, Marcia
Theberge, Robert

Rappaport, Laurence

GRAFTON

Bailey, Brad
Friedrich, Carol
Nordgren, Sharon
Smith, Suzanne

Brown, Rebecca
Ladd, Rick
Pastor, Beatriz
Sykes, George

Cooney, Mary
Massimilla, Linda
Reilly, Harold

Ford, Susan
Mulholland, Catherine
Shackett, Jeffrey

HILLSBOROUGH

Belanger, James
Cebrowski, John
DiSilvestro, Linda
Gale, Sylvia
Gorman, Mary
Hammond, Jill
Hopper, Gary
LeBrun, Donald
MacKay, Mariellen
Martel, Andre
Notter, Jeanine
Ober, Russell
Pratt, Calvin
Sanborn, Laurie
Smith, Timothy
Sullivan, Daniel
Villeneuve, Moe

Burt, John
Chandley, Shannon
Dobson, Jeremy
Gargas, Carolyn
Grady, Brenda
Hansberry, Daniel
Knowles, Mary Ann
Leishman, Peter
Mangipudi, Latha
McCarthy, Michael
O'Brien, William
Palmer, Stephen
Rhodes, Brian
Sandblade, Emily
Soucy, Timothy
Sullivan, Peter
Winters, Joel

Byron, Frank
Cote, David
Flanagan, Jack
Gidge, Kenneth
Graham, John
Harriott-Gathright, Linda
Kopka, Angeline
LeVasseur, Richard
Manley, Jonathan
McCloskey, David
O'Neil, William
Pellegrino, Tony
Rosenwald, Cindy
Schmidt, Janice
Souza, Kathleen
Takesian, Charlene
Woodbury, David

Campbell, David
Culbert, Patrick
Gagne, Larry
Goley, Jeffrey
Haefner, Robert
Hinch, Richard
Lambert, George
Long, Patrick
Marston, Dick
Nelson, Mary
Ober, Lynne
Porter, Marjorie
Rowe, Robert
Shaw, Barbara
Stroud, Kathleen
Ulery, Jordan

MERRIMACK

Alicea, Caroletta
Carson, Clyde
French, Barbara
Hirsch, Geoffrey
McGuire, Carol
Shurtleff, Stephen
Webb, Leigh

Bouchard, Candace
Ebel, Karen
Gile, Mary
Karrick, David
Moffett, Howard
Wallner, Mary Jane

Burns, Scott
Frambach, Mary
Henle, Paul
Kelly, Sally
Ratzki, Mario
Walz, Mary Beth

Carey, Lorrie
Frazer, June
Hess, David
Lockwood, Priscilla
Schamberg, Thomas
Watrous, Rick

ROCKINGHAM

Allen, Mary
Birdsell, Regina
Charron, Gene
DeSimone, Debra
Emerick, J. Tracy
Gordon, Richard
Helmstetter, Barbara
Kolodziej, Walter
Muns, Chris
Pantelakos, Laura
Sanders, Elisabeth
Tasker, Kyle
Webb, James

Andrews-Ahearn, E. Elaine
Borden, David
Chirichiello, Brian
Devine, James
Fesh, Robert
Griffin, Mary
Hodgdon, Bruce
Lovejoy, Patricia
Nigrello, Robert
Perkins, Lawrence
Sapareto, Frank
Ward, Gerald
Whittemore, Lisa

Baldasaro, Alfred
Briden, Steven
Copeland, Timothy
Duarte, Joe
Flockhart, Eileen
Harris, Jeffrey
Kappler, Lawrence
Lundgren, David
O'Connor, John
Priestley, Anne
Sytek, John
Waterhouse, Kevin

Bick, Patrick
Cahill, Michael
Cushing, Robert
Dumaine, Dudley
Garcia, Marilinda
Hayes, Jack
Khan, Aboul
Milz, David
Packard, Sherman
Rice, Frederick
Tamburello, Daniel
Wazlaw, Brian

STRAFFORD

Bixby, Peter
Gray, James
Miller, David
Schmidt, Peter

Burke, Rachel
Horrigan, Timothy
Pitre, Joseph
Smith, Marjorie

Gardner, Janice
Malloy, Dennis
Rogers, Rose Marie
Stevens, Audrey

Grassie, Anne
Merrill, Amanda
Rollo, Deanna

SULLIVAN

Cloutier, John
Lefebvre, Benjamin

Gagnon, Raymond
Rollins, Skip

Gottling, Suzanne
Smith, Steven

Irwin, Virginia
Tanner, Linda

NAYS - 129**BELKNAP**

Fields, Dennis
Tilton, Franklin

Luther, Robert
Worsman, Colette

Raymond, Ian

Sylvia, Michael

CARROLL

Buco, Thomas
Schmidt, Stephen

Lavender, Tom
Ticehurst, Susan

McConkey, Mark
White, Syndi

Nelson, Bill

CHESHIRE

Berch, Paul
Ley, Douglas
Robertson, Timothy
Weed, Charles

Chase, Cynthia
Mann, John
Sad, Tara

Hunt, John
Parkhurst, Henry
Tatro, Bruce

Johnson, Jane
Phillips, Larry
Weber, Lucy

COOS

Moynihan, Wayne

Thomas, Yvonne

GRAFTON

Aguiar, James
Harding, Laurie
Townsend, Charles

Almy, Susan
Higgins, Patricia

Benn, Bernard
Lovett, Sid

Gionet, Edmond
Piper, Wendy

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Daniels, Gary
Garcia, Michael
Heden, Ruth
Judy, Jean
Murphy, Keith
Renzullo, Andrew
Vail, Suzanne
Willette, Robert

Barry, Richard
Christiansen, Lars
Danielson, David
Hackel, Paul
Hikel, John
Kurk, Neal
Murphy, Kelleigh
Rokas, Ted
Vaillancourt, Steve
Williams, Kermit

Boehm, Ralph
Coffey, James
Eaton, Richard
Hansen, Peter
Jack, Martin
McNamara, Richard
Parison, James
Shattuck, Gilman
Walsh, Robert

Booras, Efstathia
Connor, Evelyn
Gage, Ruth
Heath, Mary
Jasper, Shawn
Murotake, David
Ramsey, Peter
Straight, Philip
Warden, Mark

MERRIMACK

Davis, Frank
McGuire, Dan
Schuett, Dianne

Hoell, J.R.
Rice, Chip
Turcotte, Alan

Kotowski, Frank
Richardson, Gary
Walsh, Thomas

MacKay, James
Rogers, Katherine

ROCKINGHAM

Abrami, Patrick
Elliott, Robert
Hagan, Joseph
Mann, Maureen
Peckham, Michele
St.James, Kevin
Weyler, Kenneth

Belanger, Ronald
Ferrante, Beverly
Heffron, Frank
McKinney, Betsy
Schlachman, Donna
Sweeney, Joe

Cali-Pitts, Jacqueline
Garcia, Bianca
Hoelzel, Kathleen
McMahon, Charles
Schroadter, Adam
Till, Mary

Comerford, Timothy
Grace, Curtis
Itse, Daniel
Moody, Marcia
Sedensky, John
Tucker, Pamela

STRAFFORD

Baber, William
Hooper, Dorothea
Perry, Robert
Ward, Kenneth

Berube, Roger
Jones, Laura
Spang, Judith

Bickford, David
Mullen, John
Verschueren, James

Groen, Warren
Parsons, Robbie
Wall, Janet

SULLIVAN

Grenier, James
Sweeney, Cynthia

O'Hearne, Andrew

Osgood, Joe

Schmidt, Andrew

and the motion was adopted.

MOTION TO SUSPEND HOUSE RULES

Rep. Baldasaro moved that all House Rules be suspended as to allow **SB 296**, relative to preference for veterans and disabled veterans in public employment, to be acted on after the deadline for a 2nd Committee referral. Rep. Baldasaro spoke in favor.

AMEND MOTION TO SUSPEND HOUSE RULES

Rep. Carol McGuire moved to amend the motion to suspend House Rules to include extending the date for reporting from Committee on **SB 296**, relative to preference for veterans and disabled veterans in public employment. The Speaker declared the motion out of order as it would affect a Joint Deadline.

The question now being adoption of the motion to suspend House Rules.
Rep. William O'Brien requested a roll call; sufficiently seconded.

YEAS 223 – NAYS 114

YEAS - 223**BELKNAP**

Comtois, Guy
Gulick, Ruth

Cormier, Jane
Huot, David

DiMartino, Lisa
Raymond, Ian

Flanders, Donald
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Crawford, Karel
Umberger, Karen

Butler, Edward
McConkey, Mark
Wright, Donald

Chandler, Gene
Morrow, Harry

Cordelli, Glenn
Schmidt, Stephen

CHESHIRE

Ames, Richard
Robertson, Timothy

Butynski, William
Sad, Tara

Johnsen, Gladys
Young, Harry

Lerandeau, Alfred

COOS

Enman, Larry
Theberge, Robert

Rappaport, Laurence
Thomas, Yvonne

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Friedrich, Carol
Ladd, Rick
Reilly, Harold

Brown, Rebecca
Gionet, Edmond
Massimilla, Linda
Shackett, Jeffrey

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

Ford, Susan
Higgins, Patricia
Piper, Wendy
Sykes, George

HILLSBOROUGH

Barry, Richard
Campbell, David
Culbert, Patrick
Gagne, Larry
Gorman, Mary
Haefner, Robert
Heath, Mary
Jeudy, Jean
LeBrun, Donald
MacKay, Mariellen
Martel, Andre
Nelson, Mary
Ober, Lynne
Rhodes, Brian
Shaw, Barbara
Stroud, Kathleen
Ulery, Jordan
Woodbury, David

Belanger, James
Cebrowski, John
DiSilvestro, Linda
Gargas, Carolyn
Grady, Brenda
Hammond, Jill
Hinch, Richard
Knowles, Mary Ann
Leishman, Peter
Mangipudi, Latha
McCarthy, Michael
Notter, Jeanine
Ober, Russell
Rowe, Robert
Smith, Timothy
Sullivan, Daniel
Vail, Suzanne

Burt, John
Chandle, Shannon
Dobson, Jeremy
Gidge, Kenneth
Graham, John
Hansberry, Daniel
Hopper, Gary
Kopka, Angeline
LeVasseur, Richard
Manley, Jonathan
McCloskey, David
O'Brien, William
Palmer, Stephen
Sanborn, Laurie
Soucy, Timothy
Sullivan, Peter
Villeneuve, Moe

Byron, Frank
Christiansen, Lars
Flanagan, Jack
Goley, Jeffrey
Hackel, Paul
Harriott-Gathright, Linda
Jack, Martin
Lambert, George
Long, Patrick
Marston, Dick
Murotake, David
O'Neil, William
Pellegrino, Tony
Sandblade, Emily
Souza, Kathleen
Takesian, Charlene
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Carson, Clyde
French, Barbara
Hirsch, Geoffrey
Lockwood, Priscilla
Schamber, Thomas

Bouchard, Candace
Ebel, Karen
Gile, Mary
Karrick, David
McGuire, Carol
Walz, Mary Beth

Burns, Scott
Frambach, Mary
Henle, Paul
Kelly, Sally
Moffett, Howard
Webb, Leigh

Carey, Lorrie
Frazer, June
Hess, David
Kotowski, Frank
Ratzki, Mario

ROCKINGHAM

Abrami, Patrick
Bick, Patrick
Cahill, Michael
Copeland, Timothy
Duarte, Joe
Fesh, Robert
Gordon, Richard
Harris, Jeffrey
Hoelzel, Kathleen
Kolodziej, Walter
Nigrello, Robert
Peckham, Michele
Sanders, Elisabeth
Tamburello, Daniel
Webb, James

Allen, Mary
Birdsell, Regina
Charron, Gene
Cushing, Robert
Dumaine, Dudley
Flockhart, Eileen
Grace, Curtis
Hayes, Jack
Itse, Daniel
Lovejoy, Patricia
O'Connor, John
Perkins, Lawrence
Sapareto, Frank
Tasker, Kyle
Whittemore, Lisa

Andrews-Ahearn, E. Elaine
Borden, David
Chirichiello, Brian
DeSimone, Debra
Emerick, J. Tracy
Garcia, Bianca
Griffin, Mary
Helmstetter, Barbara
Kappler, Lawrence
Lundgren, David
Packard, Sherman
Priestley, Anne
Schlachman, Donna
Waterhouse, Kevin

Baldasaro, Alfred
Briden, Steven
Comerford, Timothy
Devine, James
Ferrante, Beverly
Garcia, Marilinda
Hagan, Joseph
Hodgdon, Bruce
Khan, Aboul
Milz, David
Pantelakos, Laura
Rice, Frederick
Sytek, John
Wazlaw, Brian

STRAFFORD

Baber, William
Gardner, Janice
Malloy, Dennis
Pitre, Joseph
Wall, Janet

Beaudoin, Steven
Grassie, Anne
Meneau, H. Robert
Rogers, Rose Marie

Berube, Roger
Gray, James
Merrill, Amanda
Rollo, Deanna

Burke, Rachel
Horrigan, Timothy
Perry, Robert
Stevens, Audrey

SULLIVAN

Cloutier, John
Irwin, Virginia
Tanner, Linda

Gagnon, Raymond
Lefebvre, Benjamin

Gottling, Suzanne
Rollins, Skip

Grenier, James
Smith, Steven

NAYS - 114**BELKNAP**

Arsenault, Beth
Sylvia, Michael

Burchell, Richard
Vadney, Herbert

Fields, Dennis
Worsman, Colette

Luther, Robert

CARROLL

Buco, Thomas
White, Syndi

Lavender, Tom

Nelson, Bill

Ticehurst, Susan

CHESHIRE

Berch, Paul
Ley, Douglas
Tatro, Bruce

Chase, Cynthia
Mann, John
Weber, Lucy

Hunt, John
Parkhurst, Henry
Weed, Charles

Johnson, Jane
Phillips, Larry

COOS

Hammon, Marcia

Moynihan, Wayne

GRAFTON

Aguiar, James
Nordgren, Sharon

Almy, Susan
Pastor, Beatriz

Benn, Bernard
Townsend, Charles

Lovett, Sid

HILLSBOROUGH

Backus, Robert
Coffey, James
Danielson, David
Garcia, Michael
Jasper, Shawn
Murphy, Kelleigh
Renzullo, Andrew
Shattuck, Gilman
Warden, Mark

Boehm, Ralph
Connor, Evelyn
Eaton, Richard
Hansen, Peter
Kurk, Neal
Parison, James
Rokas, Ted
Straight, Philip
Willette, Robert

Booras, Efstathia
Cote, David
Gage, Ruth
Heden, Ruth
McNamara, Richard
Pratt, Calvin
Rosenwald, Cindy
Vaillancourt, Steve
Winters, Joel

Brown, Pamela
Daniels, Gary
Gale, Sylvia
Hikel, John
Murphy, Keith
Ramsey, Peter
Schmidt, Janice
Walsh, Robert

MERRIMACK

Davis, Frank
Rice, Chip
Shurtleff, Stephen
Watrous, Rick

Hoell, J.R.
Richardson, Gary
Turcotte, Alan

MacKay, James
Rogers, Katherine
Wallner, Mary Jane

McGuire, Dan
Schuett, Dianne
Walsh, Thomas

ROCKINGHAM

Belanger, Ronald
Mann, Maureen
Muns, Chris
Sweeney, Joe
Weyler, Kenneth

Cali-Pitts, Jacqueline
McKinney, Betsy
Schroadter, Adam
Till, Mary

Elliott, Robert
McMahon, Charles
Sedensky, John
Tucker, Pamela

Heffron, Frank
Moody, Marcia
St.James, Kevin
Ward, Gerald

STRAFFORD

Bickford, David
Jones, Laura
Schmidt, Peter
Ward, Kenneth

Bixby, Peter
Miller, David
Smith, Marjorie

Groen, Warren
Mullen, John
Spang, Judith

Hooper, Dorothea
Parsons, Robbie
Verschueren, James

SULLIVAN

O'Hearne, Andrew

Osgood, Joe

Schmidt, Andrew

Sweeney, Cynthia

and the motion failed lacking the necessary two-thirds vote.

LAID ON THE TABLE

Rep. Gary Richardson moved that **SB 296**, relative to preferences for veterans and disabled veterans in public employment, be laid on the table.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 210 – NAYS 128**YEAS - 210
BELKNAP**

Arsenault, Beth
Raymond, Ian
Worsman, Colette

Fields, Dennis
Sylvia, Michael

Gulick, Ruth
Tilton, Franklin

Huot, David
Vadney, Herbert

CARROLL

Buco, Thomas
White, Syndi

Chandler, Gene

Lavender, Tom

Ticehurst, Susan

CHESHIRE

Ames, Richard
Hunt, John
Parkhurst, Henry
Tatro, Bruce

Berch, Paul
Lerandeau, Alfred
Phillips, Larry
Weber, Lucy

Butynski, William
Ley, Douglas
Robertson, Timothy
Weed, Charles

Chase, Cynthia
Mann, John
Sad, Tara
Young, Harry

COOS

Enman, Larry

Hammon, Marcia

Moynihan, Wayne

Thomas, Yvonne

GRAFTON

Aguiar, James
Cooney, Mary
Higgins, Patricia
Pastor, Beatriz
Townsend, Charles

Almy, Susan
Ford, Susan
Lovett, Sid
Piper, Wendy

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

Brown, Rebecca
Harding, Laurie
Nordgren, Sharon
Sykes, George

HILLSBOROUGH

Backus, Robert
Campbell, David
Connor, Evelyn
Dobson, Jeremy
Gale, Sylvia
Hackel, Paul
Hansen, Peter
Jack, Martin
Knowles, Mary Ann
Long, Patrick
McNamara, Richard
Nelson, Mary
Pratt, Calvin
Rokas, Ted
Shattuck, Gilman
Vail, Suzanne
Willette, Robert

Boehm, Ralph
Chandley, Shannon
Cote, David
Eaton, Richard
Garcia, Michael
Haefner, Robert
Harriott-Gathright, Linda
Jasper, Shawn
Kopka, Angeline
MacKay, Mariellen
Murotake, David
O'Neil, William
Ramsey, Peter
Rosenwald, Cindy
Sullivan, Daniel
Vaillancourt, Steve
Williams, Kermit

Booras, Efstathia
Christiansen, Lars
Daniels, Gary
Flanagan, Jack
Goley, Jeffrey
Hammond, Jill
Heath, Mary
Judy, Jean
Kurk, Neal
Manley, Jonathan
Murphy, Keith
Parison, James
Renzullo, Andrew
Sandblade, Emily
Sullivan, Peter
Walsh, Robert
Winters, Joel

Brown, Pamela
Coffey, James
Danielson, David
Gage, Ruth
Grady, Brenda
Hansberry, Daniel
Heden, Ruth
Kelley, John
Leishman, Peter
McCloskey, David
Murphy, Kelleigh
Porter, Marjorie
Rhodes, Brian
Schmidt, Janice
Takesian, Charlene
Warden, Mark
Woodbury, David

MERRIMACK

Alicea, Caroletta
Frambach, Mary
Henle, Paul
Karrick, David
McGuire, Carol
Richardson, Gary
Wallner, Mary Jane
Webb, Leigh

Bouchard, Candace
Frazer, June
Hess, David
Kelly, Sally
McGuire, Dan
Schuett, Dianne
Walsh, Thomas

Carson, Clyde
French, Barbara
Hirsch, Geoffrey
Lockwood, Priscilla
Ratzki, Mario
Shurtleff, Stephen
Walz, Mary Beth

Davis, Frank
Gile, Mary
Hoell, J.R.
MacKay, James
Rice, Chip
Turcotte, Alan
Watrous, Rick

ROCKINGHAM

Abrami, Patrick
Briden, Steven
Copeland, Timothy
Fesh, Robert
Helmstetter, Barbara
McKinney, Betsy
Perkins, Lawrence
Tucker, Pamela

Allen, Mary
Cahill, Michael
Cushing, Robert
Flockhart, Eileen
Hoelzel, Kathleen
Moody, Marcia
Schlachman, Donna
Ward, Gerald

Andrews-Ahearn, E. Elaine
Cali-Pitts, Jacqueline
Elliott, Robert
Hagan, Joseph
Lovejoy, Patricia
Muns, Chris
St.James, Kevin
Whittemore, Lisa

Belanger, Ronald
Chirichiello, Brian
Ferrante, Beverly
Heffron, Frank
Mann, Maureen
Pantelakos, Laura
Sweeney, Joe

STRAFFORD

Baber, William
Gardner, Janice

Bickford, David
Grassie, Anne

Bixby, Peter
Gray, James

Burke, Rachel
Hooper, Dorothea

Jones, Laura
Mullen, John
Schmidt, Peter
Verschuereen, James

Menear, H. Robert
Parsons, Robbie
Smith, Marjorie
Wall, Janet

Merrill, Amanda
Perry, Robert
Spang, Judith
Ward, Kenneth

Miller, David
Rogers, Rose Marie
Stevens, Audrey

SULLIVAN

Gagnon, Raymond
O'Hearne, Andrew

Gottling, Suzanne
Osgood, Joe

Irwin, Virginia
Schmidt, Andrew

Lefebvre, Benjamin
Sweeney, Cynthia

NAYS - 128

BELKNAP

Burchell, Richard
Flanders, Donald

Comtois, Guy
Luther, Robert

Cormier, Jane

DiMartino, Lisa

CARROLL

Ahlgren, Christopher
McConkey, Mark
Umberger, Karen

Butler, Edward
Morrow, Harry
Wright, Donald

Cordelli, Glenn
Nelson, Bill

Crawford, Karel
Schmidt, Stephen

CHESHIRE

Johnsen, Gladys

Johnson, Jane

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

Theberge, Robert

GRAFTON

Bailey, Brad
Reilly, Harold

Gionet, Edmond
Shackett, Jeffrey

Ladd, Rick

Massimilla, Linda

HILLSBOROUGH

Barry, Richard
Cebrowski, John
Gargas, Carolyn
Hikel, John
LeBrun, Donald
Martel, Andre
Ober, Lynne
Rowe, Robert
Souza, Kathleen
Villeneuve, Moe

Belanger, James
Culbert, Patrick
Gidge, Kenneth
Hinch, Richard
LeVasseur, Richard
McCarthy, Michael
Ober, Russell
Shaw, Barbara
Straight, Philip

Burt, John
DiSilvestro, Linda
Gorman, Mary
Hopper, Gary
Mangipudi, Latha
Notter, Jeanine
Palmer, Stephen
Smith, Timothy
Stroud, Kathleen

Byron, Frank
Gagne, Larry
Graham, John
Lambert, George
Marston, Dick
O'Brien, William
Pellegrino, Tony
Soucy, Timothy
Ulery, Jordan

MERRIMACK

Burns, Scott
Moffett, Howard

Carey, Lorrie
Rogers, Katherine

Ebel, Karen
Schamberg, Thomas

Kotowski, Frank

ROCKINGHAM

Baldasaro, Alfred
Charron, Gene
Duarte, Joe
Garcia, Marilinda
Harris, Jeffrey
Kappler, Lawrence
McMahon, Charles
Packard, Sherman
Sanders, Elisabeth
Sytek, John
Waterhouse, Kevin

Bick, Patrick
Comerford, Timothy
Dumaine, Dudley
Gordon, Richard
Hayes, Jack
Khan, Aboul
Milz, David
Peckham, Michele
Sapareto, Frank
Tamburello, Daniel
Wazlaw, Brian

Birdsell, Regina
DeSimone, Debra
Emerick, J. Tracy
Grace, Curtis
Hodgdon, Bruce
Khan, Aboul
Kolodziej, Walter
Nigrello, Robert
Priestley, Anne
Schroadter, Adam
Tasker, Kyle
Webb, James

Borden, David
Devine, James
Garcia, Bianca
Griffin, Mary
Itse, Daniel
Lundgren, David
O'Connor, John
Rice, Frederick
Sedensky, John
Till, Mary
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Malloy, Dennis

Berube, Roger
Pitre, Joseph

Groen, Warren
Rollo, Deanna

Horrigan, Timothy

SULLIVAN

Cloutier, John
Tanner, Linda

Grenier, James

Rollins, Skip

Smith, Steven

and the motion was adopted.

The House recessed at 11:50 a.m.

RECESS

The House reconvened at 1:00 p.m.

(Rep. Kaen in the Chair)
REGULAR CALENDAR (CONT'D)

SB 366-FN-A-L, relative to video lottery and table gaming. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia T. Lovejoy for the Majority of Ways and Means. This bill is substantially similar to the casino bill the House voted ITL in March. It incorporates the changes that were proposed in an omnibus amendment including provisions to reimburse charities for lost charitable gaming revenue, limit the size of a live entertainment venue, allocate a portion of the gross slot revenue to the host community, county and to DHHS. The big change is instead of one casino we get two casinos a big one and a smaller one. In addition, there are two enticements to get legislators to vote for it. The first is reinstating \$25.2M revenue sharing to the municipalities. No legislature can bind a future legislature. If this bill were to pass and 5-6 years from now when the casino revenue begins to come in that legislature will look at all of the revenues of the state and the needs of the state as the basis of its budget and can overturn the allocations enacted in this bill as it has done repeatedly in the past. The second enticement is aimed at those legislators who are concerned about proliferation. This bill is already adding a second casino but there is a provision that requires a 2/3 vote of a future legislature to add additional casinos. Once again, one legislature cannot bind a future legislature. This was tried in the past with the BET. When enacted in 1991 there was a provision that it would take a 2/3 vote to ever increase it. In 1999 and 2002 when the BET was increased the legislature on a majority voted to override the 2/3's requirement. These are both feel good provisions to solicit votes. The addition of a second smaller casino in a location such as Loudon will create an additional set of problem and pathological gamblers; and they will be almost exclusively NH residents. Proximity matters when it comes to problem gamblers, the majority live within 30 miles, with the highest concentration within 10 miles. The patrons will be NH residents and out of state visitors who are already in NH. The money they spend in the casino will not be spent in local restaurants/shops/entertainment and tourist destinations. Unlike our local businesses, the profits from a casino will be sent out of state. A second casino doubles the negative impacts to the state. The revenue percentage the state will receive from gambling has steadily gone down from casino bills in the past. Bills debated 10 years ago had the State receiving 55% of net machine gaming revenue. We are down to 35% going to the state in this bill and when you account for provisions for distributions to the host community, abutting communities, the host county and DHHS the Amount going to the general fund declines to 29% before any revenue sharing. The justification for the lower tax rate is there is a provision for a \$80M license fee for the big casino and \$40M fee for the smaller casino. If the rate was raised to 45% and the fee eliminated the state would break even after 3 years. For all of the reasons that one casino was bad for NH, a second casino just exacerbates them. This bill is a bad deal for NH. Vote 11-9.

Rep. Richard Ames for the Minority of Ways and Means. This bill, as amended by the Senate, is dramatically different from the proposal that came before the House earlier this session. It is the result of listening to the constructive feedback of House and Senate members, and resolves concerns voiced on the House floor. It is a strictly regulated, free market, job creating, non-tax revenue generating proposal. In just a few short weeks, a lot has changed. The latest superior court decision on the MET tax stands to blow a huge hole in the budget. On April 21, Standard & Poor's Ratings Services lowered the state's "outlook" for its general obligation bonds to "negative from stable," citing the State's "thin financial position" and consequent loss of "flexibility to withstand" the loss of MET revenue—and there will be budget implications from that. We have serious fiscal issues developing right before our eyes. We can take steps to deal with it today or we can walk away and leave fiscal chaos for the next legislature and key programs we care about. The minority of the committee believes we must address these problems today and it is time to say yes to this revenue source. Casino development is happening in our backyards in Maine and Massachusetts. Major casinos operate in Connecticut and Rhode Island. New York is rapidly expanding its casino capacity. 41 states have entered this market. NH residents are traveling to and spending money in these other states. This out-migration of people and money will greatly increase when Massachusetts' casinos begin operations. Studies prove that NH's lottery revenues and charitable gaming revenues will go down as this Massachusetts gaming expansion ramps up. Time after time polls have reported that a strong majority of NH residents want us to authorize casino development here in NH. The minority believes that this majority of NH residents want the entertainment that casinos provide, want to make their own choices about where to go and what to do for entertainment, want high-end NH casino capacity, and want the jobs and the substantial non-tax revenues that casino development will produce. The minority believes that the casinos authorized by this bill will bring more visitors and more spending to NH, that much of the revenue will come from patronage by out-of-state visitors, and that the revenue to the state will help meet major unmet needs including a measure of local property tax relief. The minority recognizes that legal and illegal forms of gambling are already widespread in NH, and that a unified regulatory system resourced by new commercial casino capacity will suppress the illegal gambling and bring new resources to the prevention and treatment of prob-

lematic gambling patterns. This bill enables the sequential development in New Hampshire of first one "category 1" casino and then, within one year, one "category 2" casino. For category 1 eligibility, a casino developer must invest at least \$450 million (exclusive of land acquisition, off-site improvement costs, and license fees), must pay an \$80 million license fee, and must operate between 2,000 and 3,500 slot machines and between 80 and 160 table games. The category 2 casino, which must be licensed to an entity other than the category 1 licensee, must invest at least \$125 million, must pay a \$40 million license fee, and must have between 750 and 1,500 slot machines and between 25 and 80 table games. No casino may be developed without local acceptance and compliance with local land use requirements. Thousands of jobs, both short-term construction jobs and permanent operating jobs, will result from these developments. The bill requires the winning bidder to have a workforce development plan, including a plan to maximize the use of the state's existing labor force. Under the bill, each casino operator will pay to the state 35% of gross slot machine revenue and 18% of gross table game revenue. On top of these payments, each casino operator will pay to the state from gross slot machine revenues an annual fee of \$600 per slot machine and will have to annually reinvest into the casino property an amount equal 3.5% of gross slot machine revenues. The casino operators will also be responsible for making payouts sufficient to hold harmless all charities that currently receive charitable gaming revenues in the event that there is a reduction in future years in charitable gaming revenues, a liability that could reach as high as about \$10 million per year. Additionally, live entertainment venue provisions limit any casino venue to a maximum of 1,500 seats and require the winning casino bidder to negotiate mutually beneficial agreements with existing non-profit and municipal entertainment venues. The operators' net profits will come only after the mandated allocations from gross revenues have been made, after compliance with all regulatory requirements, and after meeting payroll, maintenance and marketing expenses, other operating costs, property taxes, and substantial debt financing costs. The 35% and 18% rates assessed on gross slots and table revenues, along with the other assessments and capital investment requirements in the bill, have been calibrated to ensure these NH-based casinos will be competitive in the regional market (most importantly in head to head competition with the new Massachusetts casinos where the assessed rate will be 25% on both slots and table revenues) and will therefore be positioned to produce sustainable revenue. Together, the minority estimates that the two casinos authorized by this bill are likely to pay to the state each year a total sum of about \$139 million. \$25.2 million of this will then be paid by the state to cities and towns as revenue sharing. Another \$78 million will be paid into the General Fund. Over \$5 million will go to programming for the prevention and treatment of problem gambling and related alcohol and drug addiction services. The remainder will be allocated among host municipalities and counties, abutting municipalities, and state administrative and enforcement agencies. (This is a conservative estimate). It assumes only 2,500 slot machines at the larger casino and 750 at the smaller casino. A more aggressive estimate would assume full utilization at the statutory capacity limits. At full utilization, the total revenues paid to the state would be about \$201 million. At this level, the payment to the General Fund would go up from \$78 million to \$130 million each year). The best practices regulatory system provided for by the Senate bill continues and strengthens the system developed by the NH Gaming Regulatory Oversight Authority and originally provided for in HB 1633. It includes provisions designed to bring to the surface and robustly address problem gambling, and includes a new high-level position for a new director of research and problem gambling. The casino will be smoke-free and those under 21 years of age will be excluded from the gaming floor. No free drinks may be served on or off the gaming floor. The bill provides strong and independent roles and responsibilities for local law enforcement, for the State Police, and a stronger role for the Attorney General who will now have veto power in determining license applicants' suitability as well as independent enforcement powers. The Senate bill revises the standard for judicial review of Gaming Commission decisions, changing to a "preponderance of the evidence" standard from HB 1633's "arbitrary and capricious" standard. A technical amendment offered by the minority will clarify this change and remove unneeded provisions related to the Commission's authority. Political contributions and conflicts of interest are strictly limited and regulated consistent with constitutional limitations. The bill provides for the establishment of a unified gaming system in New Hampshire, bringing the lottery, charitable gaming, and casino gaming under the authority of a new state Gaming Commission consisting of 5 members appointed by the Governor and Council. Gaming Commission rules must be adopted in accordance with standard JLCAR procedures. The committee minority urges rejection of the majority's ITL recommendation and then a favorable vote, with the minority's technical amendment, on this comprehensive, revenue-producing, casino authorization bill.

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

Reps. Leishman, Vaillancourt, Weyler, Rideout and Ames spoke against and yielded to questions.

Reps. Dan McGuire, Gary Richardson and Hess spoke in favor and yielded to questions.

Rep. Gidge spoke against.

Reps. Lovejoy, Kurk and Wallner spoke in favor.

Rep. Wallner requested a roll call; sufficiently seconded.

YEAS 173 – NAYS 172**YEAS - 173****BELKNAP**

Burchell, Richard
Luther, Robert
Vadney, Herbert

Comtois, Guy
Raymond, Ian
Worsman, Colette

Cormier, Jane
Sylvia, Michael

Flanders, Donald
Tilton, Franklin

CARROLL

Chandler, Gene
Nelson, Bill

Cordelli, Glenn
Ticehurst, Susan

Crawford, Karel

Lavender, Tom

CHESHIRE

Chase, Cynthia
Parkhurst, Henry

Hunt, John
Phillips, Larry

Johnson, Jane
Robertson, Timothy

Mann, John
Weed, Charles

COOS

Hammon, Marcia

Hatch, William

Rappaport, Laurence

GRAFTON

Aguiar, James
Cooney, Mary
Harding, Laurie
Nordgren, Sharon
Smith, Suzanne

Almy, Susan
Doolan, Ralph
Higgins, Patricia
Pastor, Beatriz
Sykes, George

Benn, Bernard
Ford, Susan
Lovett, Sid
Piper, Wendy
Townsend, Charles

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

HILLSBOROUGH

Backus, Robert
Cebrowski, John
Daniels, Gary
Gargas, Carolyn
Hansen, Peter
Jasper, Shawn
LeVasseur, Richard
Notter, Jeanine
Pratt, Calvin
Sanborn, Laurie
Smith, Timothy
Warden, Mark

Barry, Richard
Chandley, Shannon
Danielson, David
Graham, John
Heden, Ruth
Kurk, Neal
McNamara, Richard
O'Brien, William
Renzullo, Andrew
Sandblade, Emily
Souza, Kathleen
Willette, Robert

Belanger, James
Coffey, James
Dobson, Jeremy
Hammond, Jill
Hopper, Gary
Lambert, George
Murphy, Keith
Palmer, Stephen
Rosenwald, Cindy
Schmidt, Janice
Sullivan, Peter
Woodbury, David

Boehm, Ralph
Connor, Evelyn
Gale, Sylvia
Hansberry, Daniel
Jack, Martin
LeBrun, Donald
Murphy, Kelleigh
Porter, Marjorie
Rowe, Robert
Shattuck, Gilman
Villeneuve, Moe

MERRIMACK

Burns, Scott
Ebel, Karen
Gile, Mary
Karrick, David
McGuire, Dan
Richardson, Gary

Carey, Lorrie
Frambach, Mary
Henle, Paul
Lockwood, Priscilla
Moffett, Howard
Wallner, Mary Jane

Carson, Clyde
Frazer, June
Hess, David
MacKay, James
Ratzki, Mario
Walz, Mary Beth

Davis, Frank
French, Barbara
Hoell, J.R.
McGuire, Carol
Rice, Chip
Watrous, Rick

ROCKINGHAM

Abrami, Patrick
Dumaine, Dudley
Garcia, Bianca
Harris, Jeffrey
Itse, Daniel
Moody, Marcia
Schlachman, Donna
Wazlaw, Brian

Bick, Patrick
Emerick, J. Tracy
Garcia, Marilinda
Heffron, Frank
Kappler, Lawrence
Packard, Sherman
Tamburello, Daniel

Borden, David
Fesh, Robert
Gordon, Richard
Hodgdon, Bruce
Lovejoy, Patricia
Peckham, Michele
Tucker, Pamela

Copeland, Timothy
Flockhart, Eileen
Grace, Curtis
Hoelzel, Kathleen
McKinney, Betsy
Rice, Frederick
Ward, Gerald

STRAFFORD

Beaudoin, Steven
Grassie, Anne
Jones, Laura
Menear, H. Robert
Perry, Robert
Smith, Marjorie

Bickford, David
Gray, James
Kaen, Naida
Merrill, Amanda
Pitre, Joseph
Spang, Judith

Bixby, Peter
Groen, Warren
Ketel, Stephen
Parsons, Robbie
Rogers, Rose Marie
Wall, Janet

Burke, Rachel
Hooper, Dorothea
Malloy, Dennis
Pelletier, Marsha
Schmidt, Peter

SULLIVAN

Gottling, Suzanne

Osgood, Joe

Schmidt, Andrew

Tanner, Linda

NAYS - 172 BELKNAP

DiMartino, Lisa	Fields, Dennis	Gulick, Ruth	Huot, David
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CARROLL

Ahlgren, Christopher	Buco, Thomas	Butler, Edward	McConkey, Mark
Morrow, Harry	Schmidt, Stephen	Umberger, Karen	White, Syndi
Wright, Donald			

CHESHIRE

Ames, Richard	Berch, Paul	Butynski, William	Johnsen, Gladys
Lerandeau, Alfred	Ley, Douglas	Sad, Tara	Tatro, Bruce
Weber, Lucy	Young, Harry		

COOS

Enman, Larry	Moynihan, Wayne	Richardson, Herbert	Rideout, Leon
Theberge, Robert	Thomas, Yvonne		

GRAFTON

Bailey, Brad	Gionet, Edmond	Ladd, Rick	Massimilla, Linda
Shackett, Jeffrey			

HILLSBOROUGH

Booras, Efstathia	Brown, Pamela	Burt, John	Byron, Frank
Campbell, David	Christiansen, Lars	Cote, David	Culbert, Patrick
DiSilvestro, Linda	Eaton, Richard	Flanagan, Jack	Gage, Ruth
Gagne, Larry	Garcia, Michael	Gidge, Kenneth	Goley, Jeffrey
Gorman, Mary	Grady, Brenda	Hackel, Paul	Haefner, Robert
Harriott-Gathright, Linda	Heath, Mary	Hikel, John	Hinch, Richard
Infantine, William	Jeudy, Jean	Katsiantonis, Thomas	Kelley, John
Knowles, Mary Ann	Kopka, Angeline	Leishman, Peter	Long, Patrick
MacKay, Mariellen	Mangipudi, Latha	Manley, Jonathan	Martel, Andre
McCarthy, Michael	McCloskey, David	Murotake, David	Nelson, Mary
O'Flaherty, Tim	O'Neil, William	Ober, Lynne	Ober, Russell
Parison, James	Pellegrino, Tony	Ramsey, Peter	Rhodes, Brian
Rokas, Ted	Shaw, Barbara	Soucy, Timothy	Straight, Philip
Stroud, Kathleen	Sullivan, Daniel	Takesian, Charlene	Ulery, Jordan
Vail, Suzanne	Vaillancourt, Steve	Walsh, Robert	Williams, Kermit
Winters, Joel			

MERRIMACK

Alicea, Caroletta	Bouchard, Candace	Hirsch, Geoffrey	Kelly, Sally
Kotowski, Frank	Rogers, Katherine	Schamberg, Thomas	Schuetz, Dianne
Shurtleff, Stephen	Turcotte, Alan	Walsh, Thomas	Webb, Leigh

ROCKINGHAM

Allen, Mary	Andrews-Ahearn, E. Elaine	Baldasaro, Alfred	Belanger, Ronald
Birdsell, Regina	Briden, Steven	Cahill, Michael	Cali-Pitts, Jacqueline
Charron, Gene	Chirichiello, Brian	Comerford, Timothy	Cushing, Robert
DeSimone, Debra	Devine, James	Duarte, Joe	Elliott, Robert
Ferrante, Beverly	Griffin, Mary	Hagan, Joseph	Hayes, Jack
Helmstetter, Barbara	Khan, Aboul	Kolodziej, Walter	Lundgren, David
Mann, Maureen	McMahon, Charles	Milz, David	Muns, Chris
Nigrello, Robert	O'Connor, John	Pantelakos, Laura	Perkins, Lawrence
Priestley, Anne	Sanders, Elisabeth	Sapareto, Frank	Schroadter, Adam
Sedensky, John	St.James, Kevin	Sweeney, Joe	Sytek, John
Tasker, Kyle	Till, Mary	Waterhouse, Kevin	Webb, James
Weyler, Kenneth	Whittemore, Lisa		

STRAFFORD

Baber, William	Berube, Roger	Gardner, Janice	Horrigan, Timothy
Miller, David	Mullen, John	Rollo, Deanna	Stevens, Audrey
Verschueren, James	Ward, Kenneth		

SULLIVAN

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

and the majority committee report was adopted.

CLERK'S NOTE

The original vote was 172-172. Pursuant to House Rule 5, the Speaker voted "Yea" which adopted the majority committee report of Inexpedient to Legislate by a vote of 173-172.

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, May 7, 2014 at 10:00 a.m.

On a division vote, 184 members having voted in the affirmative and 155 in the negative, the motion was adopted.

LATE SESSION**Third reading and final passage**

SB 141-FN, establishing the Granite State farm to plate program.

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.

SB 335-FN, establishing a commission to study career and technical education centers.

SB 253, relative to grounds for termination of parental rights.

SB 292, relative to insurance company regulation.

SB 310-FN, authorizing tenant brewing.

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

SB 359, relative to coverage under motor vehicle liability policies.

SB 387, relative to exemptions from the land sales full disclosure act and relative to local land use citations.

SB 393, relative to the housing finance authority and surplus lands housing program.

SB 343, relative to the duties of the statewide education improvement and assessment program legislative oversight committee and repealing the school administrative unit legislative oversight committee.

SB 350, relative to the transfer of adequacy aid calculation data from the department of education to the department of revenue administration.

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

SB 206-FN, relative to proof of identity by voters.

SB 273, relative to information in the statewide centralized voter registration database.

SB 392, establishing a commission on rural affairs.

SB 385, relative to examination requirements for chiropractors.

SB 289, relative to validated wills and revising the uniform trust act.

SB 303-FN, relative to bad faith assertions of patent infringement.

SB 373-FN, relative to procedure and jurisdiction of the superior courts.

SB 419, establishing a medical malpractice panel and insurance oversight committee.

SB 372-FN-L, relative to a state infrastructure bank.

SB 381, relative to the membership of the joint legislative oversight committee on the emergency management system.

SB 211, relative to reporting requirements in fatal motor vehicle accident reports.

SB 205-FN, relative to the use of metal detection devices at supervised visitation centers and establishing a commission to study supervised visitation centers.

SB 293, establishing a committee to study open adoption agreements.

SB 91, relative to drug use not approved by the Food and Drug Administration.

SB 306, establishing a commission to study New Hampshire mortgage foreclosure law, new federal regulations, and fair foreclosure practices.

SB 361, relative to the licensing requirements for mortgage bankers and brokers.

SB 421, establishing a committee to study timely consumer access to prescription drugs under the managed care law.

SB 422, relative to the definition of pharmacy benefit manager.

SB 317-FN, relative to trafficking in persons.

SB 318-FN, establishing the crime of domestic violence.

SB 348, establishing a commission to study sexual abuse prevention education in elementary and secondary schools.

SB 394, relative to the recognition of out of state marriages, uniform marriage recognition law, civil union recognition, and gender neutral references.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Lambert moved that the House reconsider its action whereby, on a division vote of 184-155, the House adopted the Third Reading Motion.
Rep. Lambert requested a roll call; sufficiently seconded.

YEAS 133 – NAYS 202**YEAS - 133****BELKNAP**

Comtois, Guy	DiMartino, Lisa	Worsman, Colette
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CARROLL

Ahlgren, Christopher	McConkey, Mark	Schmidt, Stephen	Ticehurst, Susan
Umberger, Karen	White, Syndi	Wright, Donald	

CHESHIRE

Johnsen, Gladys	Johnson, Jane	Phillips, Larry
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COOS

Enman, Larry	Rideout, Leon	Theberge, Robert	Thomas, Yvonne
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GRAFTON

Bailey, Brad	Gionet, Edmond	Ladd, Rick	Massimilla, Linda
Piper, Wendy			

HILLSBOROUGH

Burt, John	Byron, Frank	Christiansen, Lars	Daniels, Gary
DiSilvestro, Linda	Gagne, Larry	Garcia, Michael	Gargas, Carolyn
Gidge, Kenneth	Gorman, Mary	Grady, Brenda	Hackel, Paul
Hansen, Peter	Judy, Jean	Kelley, John	Lambert, George
Long, Patrick	Manley, Jonathan	Martel, Andre	McCarthy, Michael
McCloskey, David	Murotake, David	Murphy, Keith	Murphy, Kelleigh
Notter, Jeanine	O'Brien, William	O'Flaherty, Tim	O'Neil, William
Ober, Lynne	Ober, Russell	Parison, James	Renzullo, Andrew
Rowe, Robert	Sanborn, Laurie	Sandblade, Emily	Shaw, Barbara
Smith, Timothy	Soucy, Timothy	Straight, Philip	Sullivan, Daniel
Ulery, Jordan	Villeneuve, Moe	Williams, Kermit	

MERRIMACK

Alicea, Caroletta	Burns, Scott	Hoell, J.R.	Karrick, David
McGuire, Carol	Moffett, Howard	Ratzki, Mario	Schamberg, Thomas
Walsh, Thomas			

ROCKINGHAM

Allen, Mary	Andrews-Ahearn, E. Elaine	Baldasaro, Alfred	Belanger, Ronald
Birdsell, Regina	Cahill, Michael	Cali-Pitts, Jacqueline	Charron, Gene
Chirichiello, Brian	Comerford, Timothy	DeSimone, Debra	Devine, James
Duarte, Joe	Elliott, Robert	Emerick, J. Tracy	Ferrante, Beverly
Garcia, Bianca	Gordon, Richard	Griffin, Mary	Hagan, Joseph
Hayes, Jack	Helmstetter, Barbara	Hodgdon, Bruce	Itse, Daniel
Khan, Aboul	Kolodziej, Walter	McMahon, Charles	Milz, David
Nigrello, Robert	O'Connor, John	Peckham, Michele	Perkins, Lawrence
Priestley, Anne	Sanders, Elisabeth	Schroadter, Adam	Sedensky, John
St.James, Kevin	Sweeney, Joe	Tamburello, Daniel	Tasker, Kyle
Till, Mary	Tucker, Pamela	Webb, James	Weyler, Kenneth

STRAFFORD

Gardner, Janice	Groen, Warren	Horrigan, Timothy	Jones, Laura
Ketel, Stephen	Miller, David	Mullen, John	Pelletier, Marsha
Spang, Judith	Stevens, Audrey	Ward, Kenneth	

SULLIVAN

Cloutier, John	Grenier, James	Irwin, Virginia	O'Hearne, Andrew
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NAYS - 202**BELKNAP**

Burchell, Richard	Fields, Dennis	Flanders, Donald	Gulick, Ruth
Huot, David	Luther, Robert	Raymond, Ian	Tilton, Franklin
Vadney, Herbert			

CARROLL

Buco, Thomas
Crawford, Karel

Butler, Edward
Lavender, Tom

Chandler, Gene
Merrow, Harry

Cordelli, Glenn
Nelson, Bill

CHESHIRE

Ames, Richard
Hunt, John
Parkhurst, Henry
Weber, Lucy

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

Butynski, William
Ley, Douglas
Sad, Tara
Young, Harry

Chase, Cynthia
Mann, John
Tatro, Bruce

COOS

Hammon, Marcia
Richardson, Herbert

Hatch, William

Moynihn, Wayne

Rappaport, Laurence

GRAFTON

Aguiar, James
Cooney, Mary
Harding, Laurie
Nordgren, Sharon
Smith, Suzanne

Almy, Susan
Doolan, Ralph
Higgins, Patricia
Pastor, Beatriz
Sykes, George

Benn, Bernard
Ford, Susan
Lovett, Sid
Reilly, Harold
Townsend, Charles

Brown, Rebecca
Friedrich, Carol
Mulholland, Catherine
Shackett, Jeffrey

HILLSBOROUGH

Backus, Robert
Booras, Efstathia
Chandley, Shannon
Culbert, Patrick
Gage, Ruth
Haefner, Robert
Heden, Ruth
Infantine, William
Knowles, Mary Ann
Leishman, Peter
McNamara, Richard
Porter, Marjorie
Rosenwald, Cindy
Stroud, Kathleen
Vaillancourt, Steve
Winters, Joel

Barry, Richard
Brown, Pamela
Coffey, James
Danielson, David
Gale, Sylvia
Hammond, Jill
Hikel, John
Jack, Martin
Kopka, Angeline
LeVasseur, Richard
Nelson, Mary
Pratt, Calvin
Schmidt, Janice
Sullivan, Peter
Walsh, Robert
Woodbury, David

Belanger, James
Campbell, David
Connor, Evelyn
Dobson, Jeremy
Goley, Jeffrey
Harriott-Gathright, Linda
Hinch, Richard
Jasper, Shawn
Kurk, Neal
MacKay, Mariellen
Palmer, Stephen
Rhodes, Brian
Shattuck, Gilman
Takesian, Charlene
Warden, Mark

Boehm, Ralph
Cebrowski, John
Cote, David
Eaton, Richard
Graham, John
Heath, Mary
Hopper, Gary
Katsiantonis, Thomas
LeBrun, Donald
Mangipudi, Latha
Pellegrino, Tony
Rokas, Ted
Souza, Kathleen
Vail, Suzanne
Willette, Robert

MERRIMACK

Bouchard, Candace
Ebel, Karen
Gile, Mary
Kelly, Sally
Rice, Chip
Shurtleff, Stephen
Watrous, Rick

Carey, Lorrie
Frambach, Mary
Henle, Paul
Kotowski, Frank
Richardson, Gary
Turcotte, Alan
Webb, Leigh

Carson, Clyde
Frazer, June
Hess, David
Lockwood, Priscilla
Rogers, Katherine
Wallner, Mary Jane

Davis, Frank
French, Barbara
Hirsch, Geoffrey
MacKay, James
Schuett, Dianne
Walz, Mary Beth

ROCKINGHAM

Abrami, Patrick
Copeland, Timothy
Flockhart, Eileen
Heffron, Frank
Mann, Maureen
Packard, Sherman
Sytek, John
Whittemore, Lisa

Bick, Patrick
Cushing, Robert
Garcia, Marilinda
Hoelzel, Kathleen
McKinney, Betsy
Pantelakos, Laura
Ward, Gerald

Borden, David
Dumaine, Dudley
Grace, Curtis
Kappler, Lawrence
Moody, Marcia
Rice, Frederick
Waterhouse, Kevin

Briden, Steven
Fesh, Robert
Harris, Jeffrey
Lovejoy, Patricia
Muns, Chris
Schlachman, Donna
Wazlaw, Brian

STRAFFORD

Baber, William
Bixby, Peter
Hooper, Dorothea
Perry, Robert
Schmidt, Peter

Beaudoin, Steven
Burke, Rachel
Malloy, Dennis
Pitre, Joseph
Smith, Marjorie

Berube, Roger
Grassie, Anne
Merrill, Amanda
Rogers, Rose Marie
Verschueren, James

Bickford, David
Gray, James
Parsons, Robbie
Rollo, Deanna
Wall, Janet

SULLIVAN

Gagnon, Raymond
Rollins, Skip
Tanner, Linda

Gottling, Suzanne
Schmidt, Andrew

Lefebvre, Benjamin
Smith, Steven

Osgood, Joe
Sweeney, Cynthia

and the motion failed.

UNANIMOUS CONSENT

Rep. Gale requested Unanimous Consent of the House regarding Representative Angeline Kopka.

Rep. Gale addressed the House.

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

Rep. Lambert addressed the House.

MOTION TO PRINT REMARKS

Rep. Gary Richardson moved that the remarks made by Rep. Gale be printed in the Permanent Journal. Without objection, the Speaker ordered.

REMARKS

Rep. Gale: Thank you, Madam Speaker. If the Nashua Delegation members would please join me at the podium. Thank you. Thank you, colleagues in the House. We ask for Unanimous Consent today in order to honor a living legend, Angeline Kopka. Angie was born Angeline Landry in 1916. That was actually four years before women in this country had the right to vote. Angie was born in the middle of the birth order of ten children to a Nashua working-class family. She attributed her ongoing, and still to this day, sense of adventure and, "Sure, why not" attitude about most everything to the older boys in her family who taught her marvelous and new ways to get into trouble endlessly. She often got caught, they didn't. She recently recalled a tale of when she was about nine years old when the older boys suggested that she climb inside a big truck tire and rolled her down the hill on Bowers Street in Nashua. She thought that was quite fine and "Sure, why not." That can-do attitude and that sense of adventure prevail to this day. Angie recalls how after she completed high school, having a series of retail and bookkeeping jobs. She got really good at numbers and bookkeeping, but she recalls one particular job that she loved, hanging curtains in the Landry Department Store on Main Street in Nashua, \$9.00 a week, a lot of money. I'm not sure if that was before or after her big fat raise that came from President Franklin Delano Roosevelt's implementation of minimum wage laws. Then, sometime later, married and with a newly minted Business Degree from the Nashua Business College, and with two young children, she heard about Mr. Royden Sanders. Mr. Royden Sanders was talking about building a new industry in Nashua and she speculated recruiting families from across the country to come and work in Nashua at Sanders Associates. Those families were going to need places to live and places for their families to grow up. She took it upon herself to become the first female licensed real estate agent in the State of New Hampshire and set up Angie Kopka Real Estate in Nashua, NH, an institution that thrived and grew and remains quite a respectable business, though the office is closed, for more than 60 years. Not only did she run her own real estate office, but she trained many, many individuals, primarily women, which is quite unusual, and quite a breakthrough and quite an adventure for her still, to also become real estate agents. There is not a contractor, a developer, a real estate house, buyer or seller, financial institution or lender throughout the greater Nashua area that doesn't always recognize Ms. Angeline Kopka and hold her in great and high esteem. Having sat at the polls with this woman or watched her operate at the polls before I knew her quite so closely. Watching her operate at the polls, my first experience with Angie was at another poll when she was running. I was holding a sign for somebody else and I could not imagine where the well of energy came from this petite woman, who was then in her mid-eighties. Every voter who approached the polling place, she briskly walked forward and extended her hand and said, "I'm Angie Kopka and I want your vote." She is unbelievable. Today, when we are at the polls in Ward 1 in Nashua, it's amazing to me, and to those who are near us, that the number of people that come up and say, "Hi Mrs. Kopka, do you remember, you sold us our first house in 1962 and we are still in it. Thank you. Thank you." It wasn't until her mid-eighties that someone suggested that Angie run for a seat in the New Hampshire House and with her interminable spirit of adventure, curiosity and "Sure, why not," she did. So now, it is that she has just surpassed her 98th birthday, which is a remarkable feat in and of itself, and we are here today to honor and acknowledge this most amazing woman. Thank you.

Rep. Kopka: I don't know what I can say outside of what she has said already, but I'm glad I'm here. I do not like the idea I have to wear this cap all the time, but that is not something I can do anything about. So you take life, you take what it gives you and you meet some very nice people. Thank you.

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 3:30 p.m.

RECESS

(Rep. Shurtleff in the Chair)
ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 297, 461, 587, 597, 684, 1102, 1104, 1108, 1109, 1111, 1113, 1121, 1125, 1130, 1139, 1152, 1169, 1174, 1190, 1197, 1222, 1243, 1245, 1246, 1260, 1274, 1289, 1300, 1309, 1327, 1334, 1367, 1384, 1386, 1389, 1392, 1398, 1406, 1439, 1460, 1484, 1531, 1542, 1544, 1568, 1587 and 1617 and Senate Bills numbered 201, 226, 254, 263, 282, 285, 357, 358, 376 and 418.

Rep. Gary Richardson, Sen. Prescott for the Committee.

RECESS

(Rep. Mangipudi in the Chair)
SENATE MESSAGES
CONCURRENCE

HB 366-FN, relative to showing a ballot.

HB 495-FN, relative to titles for motor vehicles.

HB 584, relative to covered prescription drugs.

HB 1116, relative to the membership of the advanced manufacturing education advisory council.

HB 1149-FN, relative to motor vehicle registrations.

HB 1150-FN, relative to motor vehicle dealer and inspection station licenses.

HB 1193, relative to flood coverage notification.

HB 1217, allowing wholesale distributors to purchase beverages from nano brewery licensees.

HB 1244, relative to the disclosure of the names of lottery winners.

HB 1249, relative to refunds of the road toll paid by an exempt governmental entity using a credit or fuel card.

HB 1280, permitting physician assistants to authorize walking disability plates and placards.

HB 1296, relative to membership of the therapeutic use of cannabis advisory council.

HB 1431, relative to the membership of the developmental services quality council.

HB 1447, prohibiting discrimination in educational standards for certain students.

HB 1555-FN, relative to the neglect of elderly, disabled, or impaired adults and relative to financial exploitation.

HB 1558-FN, relative to prevention of motor vehicle title fraud.

HB 1606, relative to assignment of legal costs in suits between condominium associations and condominium members.

HB 1629, adding duties and extending the reporting date of the committee to study options for mitigating damages associated with highway noise and relative to the department of transportation policy and procedural guidelines for the assessment and abatement of traffic noise for type I highway projects.

NONCONCURRENCE

HB 1156-FN, making certain changes to the right-to-know law and establishing the right-to-know oversight commission.

HB 1301, relative to transportation of alcoholic beverages by a minor.

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

HB 1618-FN, relative to review hearings in involuntary admission cases

REFER FOR INTERIM STUDY

HB 1241, relative to the sale of consumer fireworks.

HB 1276, relative to alcoholic beverage advertising restrictions.

HB 1330-FN, relative to the protection from disclosure of privileged individual medical records.

HB 1548-FN, eliminating separate penalties for crack cocaine.

HB 1567-FN, requiring a warrant to obtain electronic device location information.

HB 1620-FN, relative to the use of drones.

LAID ON THE TABLE

HB 1503-FN, relative to the penalties for negligent homicide and manslaughter causing a miscarriage or stillbirth and relative to miscarriage or stillbirth in second degree murder cases.

HB 1619-FN, prohibiting the acquisition, collection, or retention of certain information.

RECESS

(Rep. Cloutier in the Chair)
ENROLLED BILL AMENDMENT

SB 326-L, relative to procedural requirements for certain residents of nursing and assisted living facilities. (Amendment printed SJ 5-1-14).

Adopted.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 366, 495, 584, 1116, 1124, 1149, 1150, 1193, 1217, 1244, 1280, 1296, 1431, 1447, 1558 and 1606 and Senate Bills numbered 216, 219, 234, 257, 265, 275, 276, 277, 278, 280, 290, 291, 300, 309, 325, 347, 363 and 386.

Rep. Gary Richardson, Sen. Prescott for the Committee.

RECESS

(Rep. Shurtleff in the Chair)

ENROLLED BILL AMENDMENTS

HB 227, relative to property and casualty insurance.

Amendment (1579-EBA)

Amend RSA 407:15 as inserted by section 6 of the bill by replacing line 2 with the following: of coverage. The notice shall inform the insured that any action based upon the denial shall be Adopted.

HB 469, relative to time limits for certain regulatory boards and commissions to hold hearings on disciplinary proceedings, and establishing a statute of limitations for the initiation of disciplinary actions against an occupational licensee.

Amendment (1565-EBA)

Amend RSA 332-G:9, II as inserted by section 1 of the bill by replacing line 2 with the following: during which a criminal action on the matter is pending in a trial court of this state, or of another Amend RSA 541-A:31, II(b) as inserted by section 2 of the bill by replacing line 3 with the following: ***of this state, or of another state, or of the United States, (2) during the time in which a*** Adopted.

HB 1224-FN, relative to pipeline operation safety.

Amendment (1563-EBA)

Amend RSA 363:22-a, I as inserted by section 2 of the bill by replacing line 1 with the following: I. The commission shall apply annually to the Pipeline and Hazardous Materials Safety Adopted.

HB 1249, relative to refunds of the road toll paid by an exempt governmental entity using a credit or fuel card.

Amendment (1620-EBA)

Amend RSA 260:52-g, I as inserted by section 1 of the bill by replacing line 3 with the following: general public, and the price of the motor fuel including the road toll is charged to a credit or Adopted.

HB 1290-FN, allowing nonresident full-time students to purchase licenses for hunting and fishing.

Amendment (1577-EBA)

Amend RSA 214:5-b as inserted by section 1 of the bill by replacing line 3 with the following: purchase a nonresident student license for hunting or fishing issued under the provisions of title XVIII, if Adopted.

HB 1555-FN, relative to the neglect of elderly, disabled, or impaired adults and relative to financial exploitation.

Amendment (1649-EBA)

Amend section 4 of the bill by replacing line 3 with the following:

631:9 Financial Exploitation of an Elderly, Disabled, or Impaired Adult.

Amend section 4 of the bill by replacing line 6 with the following:

RSA 631:10 if:

Amend section 4 of the bill by replacing line 32 with the following:

services, or his or her designees, relative to investigating reports of abuse, neglect, self-neglect, or

Amend section 4 of the bill by replacing line 42 with the following:

631:10 Penalties.

Adopted.

HB 1572-FN, establishing a permanent subcommittee of the health and human services oversight committee relative to Alzheimer's disease and other related dementia and requiring certain training and education programs regarding Alzheimer's disease and other related dementia.

Amendment (1566-EBA)

Amend RSA 126-A:15-a, IV as inserted by section 1 of the bill by replacing line 3 with the following: services and elderly affairs committee, the speaker of the house of representatives, the president of Amend section 2 of the bill by replacing lines 2-4 with the following:

Related Dementia. Amend RSA 126-A:5 by inserting after paragraph XXVI the following new paragraph:

XXVII. The commissioner, in collaboration with the commissioner of the department of

Amend RSA 188-F:28-a as inserted by section 3 of the bill by replacing line 5 with the following: under RSA 126-A:5, XXVII and may include such additional components as may be appropriate to Adopted.

HB 1629, adding duties and extending the reporting date of the committee to study options for mitigating damages associated with highway noise and relative to the department of transportation policy and procedural guidelines for the assessment and abatement of traffic noise for type I highway projects.

Amendment (1650-EBA)

Amend section 1 of the bill by replacing lines 1-2 with the following:

1 New Subparagraphs; Committee to Study Options for Mitigating Damages Associated with Highway Noise; Duties of Committee. Amend 2013, 122:1, IV by inserting after subparagraph (c) the Amend section 3 of the bill by replacing line 3 with the following:

Options for Mitigating Damages Associated with Highway Noise.

Amend paragraph II of section 3 of the bill by replacing line 2 with the following:

committee to study options for mitigating damages associated with highway noise the cost of any Adopted.

SB 215-FN, authorizing benefit corporations. (Amendment printed SJ 5-1-14)
Adopted.

SB 298, establishing a permanent commission on post-traumatic stress disorder and traumatic brain injury. (Amendment printed SJ 5-1-14)
Adopted.

SB 351, relative to the requirement for notice of non-compete agreements prior to the start of employment. (Amendment printed SJ 5-1-14)
Adopted.

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. (Amendment printed SJ 5-1-14)
Adopted.

RECESS