



State of
New Hampshire

HOUSE RECORD

Second Year of the 163rd General Court

Calendar and Journal of the 2014 Session

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Concord, N.H.

Wednesday, May 14, 2014

No. 41

HOUSE JOURNAL No. 19 (Cont.)

Wednesday, May 7, 2014

Rep. Kaen moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 20

Wednesday, May 14, 2014

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

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

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

I ask for a moment of silence, keeping in mind two people. Let us pray for and keep in mind Marjorie Smith's husband, who is in the hospital with cancer and of course, let us honor the memory of Steve Arkell and his family and the entire community of Brentwood. Let us begin with a moment of silence. Perplexing and ever-present God, somehow You manage to be present in both sunshine and rain, in both past and future, in both constancy and change and in both light and darkness. Our prayer today is that You would continue to be present to us even when we are perplexed; to be our future when the past is gone and the present seems uncertain; our constancy in the midst of changing times; and that You would be the confounding darkness that scatters our own light so that our eyes might perceive anew the divine light of truth, hope and love that always comes from You. And, so today as we work and converse and talk over hot dogs and ice cream, bless us into places of grace and insight. Bless us into moments of unexpected humanity and humor. Stir us into places of still stronger leadership on behalf of the lives our work in this place touches. Turn what seem like shortages of money and time into feasts of creative thinking. And, while we do our work here today, hold in Your merciful care those in our lives and in our thoughts who are struggling with illness, have lost someone they love or who stand in need of Your blessing. In Your Holy name we pray. Amen.

Representative Leigh Webb, member from Franklin, led the Pledge of Allegiance.

The National Anthem was sung by Miss New Hampshire, Megan Cooley of Auburn.

LEAVES OF ABSENCE

Reps. Arsenault, Boisvert, Susan Emerson, Gladys Johnsen, Lundgren, McCloskey, Theberge and Young, the day, illness.

Reps. Rebecca Brown, Burns, Coulombe, DeSimone, Dumaine, Rebecca Emerson-Brown, Friel, Haefner, Hirsch, Hodgdon, Katsiantonis, Lerandau, Muns, Oigny, Pratt, Rhodes, St. James, Tamburello, Townsend, Thomas Walsh and Kenneth Ward, the day, important business.

Reps. Christopher Andrews, Itse, Marjorie Smith and Packard, the day, illness in the family.

INTRODUCTION OF GUESTS

Pam Gordon, guest of Rep. Wazlaw. Nancy Heath, guest of Rep. Frambach. Michelle Morabito and David Ahearn, daughter and husband of Rep. Andrews-Ahearn. Julie Steckbeck and Michael Steckbeck-Piper, family of Rep. Piper. Ben Tilton, guest of Rep. Weber. The Honorable Jackie Cilley, former member from Barrington, guest of Rep. Malloy. John Malkowski and Rod Paugh, guests of Rep. Nelson. George Saunderson, guest of

Rep. Moffett. Gale Taylor, guest of Rep. Levesque. Ben Tasker, guest of Rep. Joseph Sweeney. Fourth graders from Mast Way School in Lee, guests of Rep. Kaen. Sophomores participating in the Human Behavior in Organizations class from Southern New Hampshire University, students and guests of Rep. Danielson. Brittany, Rick, Doreen, Anthony and Benjamin Lopez, Liz and Steve Morgan, Ariel Velasquez and Angel Gaona, guests of Rep. Shannon Chandley.

Skye Morabito and Justin Roberts, students at Winnacunnet High School and grandchildren of Rep. Andrews-Ahearn, Pages for the day.

UNANIMOUS CONSENT

Reps. Comerford and Grace requested Unanimous Consent of the House in regards to memorial remarks for Officer Arkell of Brentwood.

Rep. Grace addressed the House.

MOTION TO PRINT REMARKS

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

REMARKS

Rep. Grace: Madam Speaker, thank you for the opportunity to address the House. We are certainly shocked and saddened by the death of Brentwood police officer Stephen Arkell, as a result of Monday's tragic events. His bravery, his sacrifice and his dedication to duty should inspire us and remind us that our law enforcement community, from local patrol officers to sheriff's deputies to state troopers put their lives on the line every day. They courageously and selflessly protect and serve the public. No task is too small, no risk too great in answering the call to duty. As a resident of Brentwood, I invite this august body to join me in honoring Officer Arkell's memory. I offer my heartfelt condolences to his wife, Heather, and two teenage daughters for their immeasurable loss. I salute the law enforcement community for their personal valor and unwavering commitment to public safety. Police officer Steve Arkell, may God watch over your family and may you rest in peace. Thank you.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of fallen officer, Stephen Arkell of Brentwood.

AMENDMENT TO HOUSE RULES

Reps. Shurtleff and Chandler moved the adoption of an amendment, as proposed by the Rules Committee, to House Rule 65 adding the following deadlines for legislative action for the 2015 Session:

Monday, September 15, 2014	First day for incumbents running for re-election to file LSRs with complete information.
Friday, September 26, 2014	Last day prior to the General Election for incumbents running for re-election to file LSRs with complete information.
Friday, October 31, 2014	Last day to file 2014 Interim Study reports.
Wednesday, November 12, 2014	First day for all Representatives to file LSRs with complete information. Ten (10) day sign-off period begins.
Friday, November 5, 2014 at 3:00 p.m.	Last day to file LSRs with complete information.
Friday, January 9, 2015 at 12:00 p.m.	Last day to sign-off on all LSRs.
Friday, February 6, 2015	Last day to introduce House Bills, etc. Last day to amend House Rules by majority vote.

On a division vote, with 307 members having voted in the affirmative and 8 in the negative, the motion was adopted by the necessary two-thirds vote.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 1478, relative to oversight of child day care agencies. (Amendment printed SJ 5-8-14)

Rep. Walz moved that the House concur and spoke in favor. Adopted.

HB 1624-FN, modernizing the juvenile justice system to ensure rehabilitation of juveniles and preservation of juvenile rights. (Amendment printed SJ 5-8-14)

Rep. Walz moved that the House concur and spoke in favor. Adopted.

HB 565, relative to the authority of the bank commissioner to investigate certain unfair or deceptive acts or practices. (Amendment printed SJ 5-8-14)

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

Adopted.

HB 1283, relative to revival of a charter by a voluntary corporation or association. (Amendment printed SJ 5-8-14)

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

Adopted.

HB 1353, relative to recovery under uninsured motorist coverage. (Amendment printed SJ 5-8-14)

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

Adopted.

HB 624-FN, waiving the residency requirement for in-state tuition rates for veterans attending the university system of New Hampshire. (Amendment printed SJ 1-30-14)

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

Adopted.

HB 657-FN, requiring state agencies to submit efficiency expenditure requests as part of the biennial budget process. (Amendment printed SJ 5-1-14)

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

Adopted.

HB 1146, establishing a committee to study the feasibility of funding a kindergarten to college/career ready program and a universal college savings account. (Amendment printed SJ 4-17-14)

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

Adopted.

HB 1489-FN-A-L, establishing a committee to study the establishment of a fund to reimburse costs associated with firefighters who have cancer. (Amendment printed SJ 4-17-14)

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

Adopted.

HB 1579-FN, relative to penalties for the injury or death of a domestic animal caused by trapping which is in violation of law or rules, and establishing a committee to study the administration of trapping laws and rules and the issuance of trapping licenses by the fish and game department including education requirements and penalties for violations. (Amendment printed SJ 4-17-14)

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

Adopted.

HB 1168, relative to employer documentation of worker eligibility to work in the United States. (Amendment printed SJ 5-8-14)

Rep. Andrew White moved that the House concur and spoke in favor.

Adopted.

HB 422, relative to the adoption, revision, and amendment of municipal charters. (Amendment printed SJ 4-24-14)

Rep. Porter moved that the House concur, spoke in favor and yielded to questions.

Reps. Vaillancourt and Jasper spoke against and yielded to questions.

Rep. Frederick Rice spoke in favor and yielded to questions.

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

YEAS 164 - NAYS 171

YEAS - 164

BELKNAP

Burchell, Richard
Raymond, Ian

DiMartino, Lisa
Worsman, Colette

Gulick, Ruth

Huot, David

CARROLL

Butler, Edward

Lavender, Tom

Ticehurst, Susan

White, Syndi

CHESHIRE

Ames, Richard
Eaton, Daniel
Phillips, Larry
Tatro, Bruce

Berch, Paul
Johnson, Jane
Robertson, Timothy
Weber, Lucy

Butynski, William
Ley, Douglas
Sad, Tara

Chase, Cynthia
Mann, John
Shepardson, Marjorie

COOS

Hammon, Marcia

Moynihan, Wayne

Thomas, Yvonne

GRAFTON

Aguiar, James
Ford, Susan
Mulholland, Catherine
Smith, Suzanne

Almy, Susan
Friedrich, Carol
Nordgren, Sharon
Sykes, George

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

Cooney, Mary
Higgins, Patricia
Shackett, Jeffrey

HILLSBOROUGH

Backus, Robert
Campbell, David
Connor, Evelyn
Eaton, Richard
Hackel, Paul
Heath, Mary
Kopka, Angeline
MacKay, Mariellen
O'Neil, William
Rosenwald, Cindy
Sullivan, Peter
Williams, Kermit

Beaulieu, Jane
Cebrowski, John
Cote, David
Gage, Ruth
Hammond, Jill
Jeudy, Jean
Leishman, Peter
Manley, Jonathan
Pellegrino, Tony
Schmidt, Janice
Takesian, Charlene
Woodbury, David

Booras, Efstathia
Chandley, Shannon
Danielson, David
Gargas, Carolyn
Hansberry, Daniel
Kelley, John
Levesque, Melanie
McNamara, Richard
Porter, Marjorie
Shattuck, Gilman
Vail, Suzanne

Brown, Pamela
Coffey, James
DiSilvestro, Linda
Grady, Brenda
Harriott-Gathright, Linda
Knowles, Mary Ann
Long, Patrick
Nelson, Mary
Ramsey, Peter
Stroud, Kathleen
Walsh, Robert

MERRIMACK

Alicea, Caroletta
Carson, Clyde
French, Barbara
Karrick, David
Moffett, Howard
Rogers, Katherine
Walz, Mary Beth

Bartlett, Christy
Davis, Frank
Gile, Mary
Kelly, Sally
Myler, Mel
Schamberg, Thomas

Bouchard, Candace
Ebel, Karen
Henle, Paul
Lockwood, Priscilla
Patten, Dick
Shurtleff, Stephen

Carey, Lorrie
Frambach, Mary
Hunt, Jane
MacKay, James
Rice, Chip
Turcotte, Alan

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cahill, Michael
Emerick, J. Tracy
Griffin, Mary
Mann, Maureen
Priestley, Anne
Tasker, Kyle

Borden, David
Cali-Pitts, Jacqueline
Flockhart, Eileen
Heffron, Frank
Moody, Marcia
Rice, Frederick
Till, Mary

Briden, Steven
Copeland, Timothy
Garcia, Bianca
Helmstetter, Barbara
Pantelakos, Laura
Schlachman, Donna
Ward, Gerald

Burtis, Elizabeth
Cushing, Robert
Garcia, Marilinda
Major, Norman
Perkins, Lawrence
Sherman, Thomas

STRAFFORD

Baber, William
Grossman, Kenneth
Ketel, Stephen
Pelletier, Marsha
Stevens, Audrey

Bickford, David
Hooper, Dorothea
Malloy, Dennis
Perry, Robert
Verschuere, James

Bixby, Peter
Hubbard, Pamela
Merrill, Amanda
Rogers, Rose Marie
Wall, Janet

Grassie, Anne
Kaen, Naida
Mullen, John
Schmidt, Peter

SULLIVAN

Gottling, Suzanne
Tanner, Linda

Lefebvre, Benjamin

O'Hearne, Andrew

Schmidt, Andrew

NAYS - 171**BELKNAP**

Comtois, Guy
Flanders, Donald
Sylvia, Michael

Cormier, Jane
Greemore, Robert
Tilton, Franklin

Fields, Dennis
Holmes, Stephen
Vadney, Herbert

Fink, Charles
Luther, Robert

CARROLL

Ahlgren, Christopher
McConkey, Mark
Umberger, Karen

Buco, Thomas
Morrow, Harry
Wright, Donald

Chandler, Gene
Nelson, Bill

Crawford, Karel
Schmidt, Stephen

CHESHIRE

Hunt, John

Parkhurst, Henry

Weed, Charles

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Lovett, Sid

Doolan, Ralph
Massimilla, Linda

Gionet, Edmond
Piper, Wendy

Ladd, Rick
Reilly, Harold

HILLSBOROUGH

Barry, Richard
Byron, Frank
Daniels, Gary
Gidge, Kenneth
Hansen, Peter
Hopper, Gary
Lambert, George
Marston, Dick
Murphy, Keith
O'Brien, William
Palmer, Stephen
Rokas, Ted
Shaw, Barbara
Spratt, Stephen
Vaillancourt, Steve
Winters, Joel

Belanger, James
Carroll, Douglas
Flanagan, Jack
Goley, Jeffrey
Heden, Ruth
Jack, Martin
LeBrun, Donald
Martel, Andre
Murphy, Kelleigh
O'Flaherty, Tim
Parison, James
Rowe, Robert
Smith, Timothy
Straight, Philip
Villeneuve, Moe

Boehm, Ralph
Christiansen, Lars
Gagne, Larry
Gorman, Mary
Hikel, John
Jasper, Shawn
LeVasseur, Richard
McCarthy, Michael
Notter, Jeanine
Ober, Lynne
Peterson, Lenette
Sanborn, Laurie
Soucy, Timothy
Sweeney, Shawn
Warden, Mark

Burt, John
Culbert, Patrick
Gale, Sylvia
Graham, John
Hinch, Richard
Kurk, Neal
Mangipudi, Latha
Murotake, David
O'Brien, Michael
Ober, Russell
Renzullo, Andrew
Sandblade, Emily
Souza, Kathleen
Ulery, Jordan
Willette, Robert

MERRIMACK

Frazer, June
McGuire, Carol
Schuett, Dianne

Hess, David
McGuire, Dan
Smith, Todd

Kidder, David
Ratzki, Mario
Webb, Leigh

Kotowski, Frank
Richardson, Gary

ROCKINGHAM

Abrami, Patrick
Bick, Patrick
Comerford, Timothy
Ferrante, Beverly
Hagan, Joseph
Introne, Robert
Lovejoy, Patricia
Nigrello, Robert
Sapareto, Frank
Tucker, Pamela
Weyler, Kenneth

Allen, Mary
Birdsell, Regina
Devine, James
Fesh, Robert
Harris, Jeffrey
Kappler, Lawrence
McKinney, Betsy
O'Connor, John
Sedensky, John
Waterhouse, Kevin
Whittemore, Lisa

Baldasaro, Alfred
Charron, Gene
Duarte, Joe
Gordon, Richard
Hayes, Jack
Khan, Aboul
McMahon, Charles
Peckham, Michele
Sweeney, Joe
Wazlaw, Brian

Belanger, Ronald
Chirichiello, Brian
Elliott, Robert
Grace, Curtis
Hoelzel, Kathleen
Kolodziej, Walter
Milz, David
Sanders, Elisabeth
Sytek, John
Webb, James

STRAFFORD

Beaudoin, Steven
Gray, James
Menear, H. Robert
Rollo, Deanna

Berube, Roger
Groen, Warren
Miller, David
Spang, Judith

Burke, Rachel
Horrigan, Timothy
Parsons, Robbie

Gardner, Janice
Jones, Laura
Pitre, Joseph

SULLIVAN

Cloutier, John
Osgood, Joe

Gagnon, Raymond
Rollins, Skip

Grenier, James
Smith, Steven

Irwin, Virginia
Sweeney, Cynthia

and the motion failed.

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

On a division vote, 312 members having voted in the affirmative and 24 in the negative, the motion was adopted.

The Speaker appointed Reps. Porter, Muns, Hooper and Verschueren.

HB 1196, relative to abatement of property taxes. (Amendment printed SJ 4-17-14)

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

Adopted.

HB 1371, relative to grading and improving subdivision streets. (Amendment printed SJ 4-17-14)

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

Adopted.

HB 1258, relative to fill and dredge permitting applications. (Amendment printed SJ 5-8-14)

Rep. Shannon Chandley moved that the House concur and spoke in favor.

Adopted.

HB 650-FN-A, relative to instituting a bus service between Claremont, New Hampshire and Lebanon, New Hampshire. (Amendment printed SJ 4-24-14)

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

Adopted.

HB 1183, relative to display of antique motor vehicle plates. (Amendment printed SJ 5-1-14)

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

Adopted.

HB 255-FN, establishing a commission to study medical costs and payments under workers' compensation law. (Amendment printed SJ 4-17-14)

Rep. Andrew White moved that the House nonconcur, spoke in favor and yielded to questions.

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

On a division vote, 272 members having voted in the affirmative and 49 in the negative, the motion was adopted.

HB 1308-FN, adding a member to the advisory council on workers' compensation. (Amendment printed SJ 4-24-14)

Rep. Andrew White moved that the House nonconcur and spoke in favor.

Adopted.

HB 1349, relative to the definition of employees for purposes of workers' compensation. (Amendment printed SJ 5-8-14)

Rep. Andrew White moved that the House nonconcur and spoke in favor.

Adopted.

HB 1128, establishing a committee to study issues related to students receiving special education services while attending a chartered public school. (Amendment printed SJ 5-8-14)

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

Adopted.

The Speaker appointed Reps. Shaw, Myler, Frazer and Grenier.

HB 1488-FN, establishing the New Hampshire program on educational support for military children. (Amendment printed SJ 5-8-14)

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

Adopted.

The Speaker appointed Reps. Grassie, Andrew Schmidt, Gile and Boehm.

HB 1534, establishing a commission to study fiscal disparities between public school districts. (Amendment printed SJ 5-8-14)

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

Adopted.

The Speaker appointed Reps. Ladd, Gorman, Spang and Burke.

HB 685, relative to state agency communication. (Amendment printed SJ 5-8-14)

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

Adopted.

The Speaker appointed Reps. Marjorie Smith, Woodbury, Heffron and Kappler.

HB 591, relative to an abusive work environment and the health and safety of public employees. (Amendment printed SJ 1-30-14)

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

Adopted.

The Speaker appointed Reps. Andrew White, Ley, Cahill and Herbert Richardson.

HB 1350, relative to prior public hearings for acceptance of unanticipated funds. (Amendment printed SJ 5-1-14)

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

Adopted.

The Speaker appointed Reps. Campbell, Cloutier, Porter and Graham.

HB 1203, repealing provisions relative to the sale of the former Laconia state school property. (Amendment printed SJ 5-8-14)

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

Adopted.

The Speaker appointed Reps. Campbell, Cloutier, Chandler and Graham.

HB 1359-FN, establishing a committee to study the feasibility of placing medal decals on special number plates for veterans. (Amendment printed SJ 5-1-14)

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

Adopted.

The Speaker appointed Reps. Bouchard, Michael O'Brien, Sykes and Baldasaro.

NONCONCURS WITH AMENDMENTS REQUESTS COMMITTEE OF CONFERENCE

SB 261, allowing the commissioner of administrative services to administer the health benefits of certain retirees of the State Employees' Association of New Hampshire.

The President appointed Sens. Odell, Forrester and D'Allesandro.

Rep. Weber moved that the House accede.

Adopted.

The Speaker appointed Reps. Weber, Schuett, Peter Schmidt and Sytek.

SB 385, relative to examination requirements for chiropractors.

The President appointed Sens. Reagan, Carson and Watters.

Rep. Weber moved that the House accede.

Adopted.

The Speaker appointed Reps. Schuett, Raymond Gagnon, Hansen and Weber.

CONSENT CALENDAR

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

SB 183-FN, relative to identification of voters, processing absentee ballots, and voluntary political expenditure limitations, removed by Rep. James Belanger.

SB 235, relative to the patients' trust fund and relative to a 10-bed psychiatric crisis unit, removed by Rep. Rosenwald.

CACR 19, relating to dedicated funds. Providing that dedicated funds shall be used solely for the purpose of the fund, removed by Rep. Steven Smith.

Consent Calendar adopted.

SB 271, relative to retention of voter affidavits and identity verification. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Shawn N. Jasper for Election Law. The bill, as amended, carries out the intent of the original legislation, which is relative to the time for mailing letters of identity verification. The bill makes the time period more uniform and understandable, while at the same time insuring that a loophole, which would have allowed for voter registration without verification at municipal elections was closed. While some members of the committee do not agree with the verification process, they do agree that as long as verification is part of the law, all new registrations should be verified. Vote 18-0.

Amendment (1561h)

Amend the bill by replacing sections 4-6 with the following:

4 Identity Verification. Amend RSA 654:12, V(b) to read as follows:

(b) The secretary of state shall cause a letter of identity verification to be mailed by first class mail to each voter identified at any election as a first-time election day registrant in New Hampshire who also did not verify his or her identity with an approved photo identification. The letter shall be mailed **by January 10 in every odd-numbered year in the case of persons registering at a state primary or general election**, or within [60] **90** days after [the] **any other** election[, except that if the election is a state primary election, the letter shall be mailed 60 days after the general election, and if the election is a regularly scheduled municipal election, the letter shall be mailed by the July 1 or January 1 next following the election]. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information. The letter shall notify the person that a person who was unable to present photo identification registered or registered and voted using his or her name and address and instruct the person to return the letter within 45 days with a written confirmation that the person registered and voted or to contact the attorney general immediately if he or she did not register and vote. Any voter under a protective order pursuant to RSA 173-B, and whose name does not appear on the checklist as provided under RSA 654:25, shall not be subject to the provisions of paragraph V.

5 Identity Verification. Amend RSA 659:13, IV(a) to read as follows:

IV.(a) The secretary of state shall cause a letter of identity verification to be mailed by first class mail to each voter who executed a challenged voter affidavit in accordance with paragraph I. The letter shall be mailed **by January 10 in every odd-numbered year in the case of persons executing challenged voter affidavits at a state primary or general election**, or within [60] **90** days after [the] **any other** election[, except that if the election is a state primary election, the letter shall be mailed 60 days after the general election, and if the election is a regularly scheduled municipal election, the letter shall be mailed by the July 1 or January 1 next following the election]. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information. The letter shall notify the person that a person who did not present valid photo identification voted using his or her name and address and instruct the person to return the letter within 90 days with a written confirmation that the person voted or to contact the attorney general immediately if he or she did not vote. The letter shall also inform the person of the procedure for obtaining a free nondriver's picture identification card for voting purposes.

6 Identity Verification; Prospective Version. Amend RSA 659:13, IV(a) to read as follows:

IV.(a) The secretary of state shall cause a letter of identity verification to be mailed by first class mail to each voter who executed a challenged voter affidavit or affidavit of religious exemption in accordance with paragraph I, unless the same person is sent letter of identity verification pursuant to RSA 654:12, V(b). The letter shall be mailed **by January 10 in every odd-numbered year in the case of persons executing challenged voter affidavits or affidavits of religious exemption at a state primary or general election, or** within [60] **90** days after [the] **any other** election[, except that if the election is a state primary election, the letter shall be mailed 60 days after the general election, and if the election is a regularly scheduled municipal election, the letter shall be mailed by the July 1 or January 1 next following the election]. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information. The letter shall notify the person that a person who did not present valid photo identification voted using his or her name and address and instruct the person to return the letter within 30 days with a written confirmation that the person voted or to contact the attorney general immediately if he or she did not vote. The letter shall also inform the person of the procedure for obtaining a free nondriver's picture identification card for voting purposes.

AMENDED ANALYSIS

This bill:

I. Requires that all voter challenge affidavits be retained for at least 22 months after the election.

II. Allows voters the option of providing a telephone number and email address on a qualified voter affidavit, domicile affidavit, or challenged voter affidavit.

III. Modifies when identity verification letters are to be mailed.

SB 294, relative to the deadline for requesting a recount of an election. **OUGHT TO PASS WITH AMENDMENT.** Rep. Gary B. Richardson for Election Law. This bill relates to the deadline for requesting a recount following an election. The committee amendment makes technical changes and adds a requirement that notice be provided to the person who applied for the recount. Notice must also be posted in two public places. In addition, the committee added a germane amendment that is identical to HB 1347. HB 1347, which passed the House earlier in the session, creates a study commission to study ways of ensuring that future House redistricting complies with the New Hampshire constitution. Vote 17-1.

Amendment (1658h)

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

AN ACT relative to the deadline for requesting a recount of an election and establishing a house committee to study apportionment of state representative districts.

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

1 Recount; Deadline. Amend RSA 40:4-c, I to read as follows:

I. If any 10 voters of a town shall, before the expiration of 7 days from the date of an annual meeting or special meeting, apply in writing to the town clerk for a recount of the ballots given in at said meeting on any question, affecting said town only, legally appearing on the official Australian or nonpartisan ballot used at said meeting, said clerk shall appoint a time and place for the recount not earlier than 5 days nor later than 10 days after the receipt of said application. **The clerk shall notify the first-named voter who applied for a recount on a question and a representative of other known interested parties, at least 3 days prior to the day appointed for the recount of ballots. Notice of the time and place of the recount shall be posted in 2 public places at least 24 hours prior to the recount.** The applicants for such recount shall pay to the town clerk, for the use of the town, a fee of \$10.

2 Recount; Deadline. Amend RSA 194-C:9-a, V to read as follows:

V. Any registered voter who resides in a school district within the school administrative unit may, in writing, petition the secretary of the school administrative unit for a recount of the vote no later than [the Friday] **7 days** following the latest chronological annual meeting of school districts in the school administrative unit. The secretary shall schedule a recount, to be conducted by the school administrative unit, not earlier than 5 days nor later than 10 days after the date the secretary receives the petition.

3 Recount; Deadline. Amend RSA 194-C:9-b, III to read as follows:

III. Any registered voter who resides in a school district within the school administrative unit may, in writing, petition the secretary of the school administrative unit for a recount of the vote no later than [the Friday] **7 days** following the latest chronological annual meeting of school districts in the school administrative unit. The secretary shall schedule a recount, to be conducted by the school administrative unit, not earlier than 5 days nor later than 10 days after the date the secretary receives the petition.

Amend the bill by replacing all after section 11 with the following:

12 Committee Established. There is established a house committee to study apportionment of state representative districts.

13 Membership and Compensation.

I. The members of the committee shall be 6 members of the house of representatives, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

14 Duties. The committee shall study the methods and conditions governing the apportionment of state representative districts. The committee shall propose such procedures and changes as may be required to assure compliance with New Hampshire constitutional requirements in future apportionment plans.

15 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

16 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2014.

17 Effective Date.

I. Sections 1-11 of this act shall take effect 60 days after its passage.

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

AMENDED ANALYSIS

This bill:

Changes deadlines for certain applications for a recount of an election.

II. Requires notice to voters requesting a recount on certain local questions and public posting of notice of the time and place of the recount.

III. Establishes a house committee to study apportionment of state representative districts.

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

Rep. Dianne E. Schuett for Executive Departments and Administration. This bill adds regulation of private postsecondary career schools to the list of entities regulated by the higher education commission. A new sentence was added to the existing licensing duties of the board of barbering, cosmetology, and esthetics allowing the board to license postsecondary programs. The committee members believed the rulemaking and licensing portion of the bill was simple and straightforward and heard no testimony in opposition. Vote 16-0.

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

Rep. Carol M. McGuire for Executive Departments and Administration. This bill regulates the use of restraint and seclusion on children in schools and facilities. At the hearing in ED&A, the second committee charged with reviewing the rulemaking provisions, it became apparent that the policy had not been fully settled as far as schools were concerned and that they had significant concerns about how schools would interpret this law, and how the new rules would affect teachers interacting with children. Since restraint and seclusion are used by very few schools, but have the potential to be very damaging, and some of the few places using them had used the loose language in the current statutes to avoid notifying parents, the committee was concerned that those provisions needed to go forward. The committee amendment deletes the most contentious and confusing sections from the bill, including language on the use of force, and strengthens the requirements to report incidents involving restraint and seclusion to parents as soon as possible. This language has been approved by the policy committee and advocates for the disabled, and is acceptable to the school community as a first step. The mention of "age 22" in the bill is an advisory, since some students reach age 21 without graduating, and school systems have the option of allowing them to finish the school year; in such cases, they should still be treated as children while attending school, which is current practice. Vote 16-0.

Amendment (1704h)

Amend RSA 126-U:1, IV(d)(1) as inserted by section 2 of the bill by replacing it with the following:

(1) ~~[Holding a child to calm or comfort the child, holding a child's hand or arm to escort the child safely from one area to another, or intervening in an ongoing assault or fight]~~ ***Brief touching or holding to calm, comfort, encourage, or guide a child, so long as limitation of freedom of movement of the child does not occur.***

Amend the bill by deleting section 4 and renumbering the original sections 5-12 to read as 4-11 respectively.

Amend the bill by replacing all after section 6 with the following:

7 New Section; Notice and Record-Keeping Requirements for Foster Family Homes. Amend RSA 126-U by inserting after section 7 the following new section:

126-U:7-a Notice and Record-Keeping Requirements for Foster Family Homes. Notwithstanding RSA 126-U:7, foster family homes, as defined in RSA 170-E:25, shall keep records and provide notice of incidents involving seclusion or restraint, according to rules adopted pursuant to RSA 541-A by the commissioner of the

department of human services. The rules shall provide for timely notice to parents or guardians, which may be provided through the department. In cases involving serious injury or death to a child subject to seclusion or restraint in a foster home, the rules shall provide for timely notification to the commissioner of the department of health and human services, the attorney general, and the state's federally-designated protection and advocacy agency for individuals with disabilities.

8 Notice and Record-Keeping Requirements; Investigations and Review. Amend RSA 126-U:7 through 126-U:10 to read as follows:

126-U:7 Notice and Record-Keeping Requirements.

I. Unless prohibited by court order, the facility or school shall, [~~within 24 hours,~~] make reasonable efforts to verbally notify the child's parent or guardian and guardian ad litem whenever **seclusion or** restraint has been used on the child. ***Such notification shall be made as soon as practicable and in no event later than the time of the return of the child to the parent or guardian or the end of the business day, whichever is earlier. Notification shall be made in a manner calculated to give the parent or guardian actual notice of the incident at the earliest practicable time.***

II. A facility employee or school employee who uses **seclusion or** restraint, or if the facility employee or school employee is unavailable, a supervisor of such employee, shall, within 5 business days after the occurrence, submit a written notification containing the following information to the director or his or her designee:

- (a) The date, time, and duration of the use of **seclusion or** restraint.
- (b) A description of the actions of the child before, during, and after the occurrence.
- (c) A description of any other relevant events preceding the use of **seclusion or** restraint, including the justification for initiating the use of restraint.
- (d) The names of the persons involved in the occurrence.
- (e) A description of the actions of the facility or school employees involved before, during, and after the occurrence.
- (f) A description of any interventions used prior to the use of the **seclusion or** restraint.
- (g) A description of the **seclusion or** restraint used, including any hold used and the reason the hold was necessary.
- (h) A description of any injuries sustained by, and any medical care administered to, the child, employees, or others before, during, or after the use of **seclusion or** restraint.
- (i) A description of any property damage associated with the occurrence.
- (j) A description of actions taken to address the emotional needs of the child during and following the [restraint] incident.
- (k) A description of future actions to be taken to control the child's problem behaviors.
- (l) The name and position of the employee completing the notification.
- (m) The anticipated date of the final report.

III. Unless prohibited by court order, the director or his or her designee shall, within 2 business days of receipt of the notification required in paragraph II, send or transmit by first class mail or electronic transmission to the child's parent or guardian and the guardian ad litem the information contained in the notification. Each notification prepared under this section shall be retained by the school or facility for review in accordance with rules adopted under RSA 541-A by the state board of education and the department of health and human services.

IV. Whenever a facility or school employee has intentional physical contact with a child which is in response to a child's aggression, misconduct, or disruptive behavior, a representative of the school or facility shall make reasonable efforts to promptly notify the child's parent or guardian. Such notification shall be made no later than the time of the return of the child to the parent or guardian or the end of the business day, whichever is earlier. Notification shall be made in a manner calculated to give the parent or guardian actual notice of the incident at the earliest practicable time.

V. In any case requiring notification under paragraph IV, the school or facility shall, within 5 business days of the occurrence, prepare a written description of the incident. Such description shall include at least the following information:

- (a) The date and time of the incident.***
- (b) A brief description of the actions of the child before, during, and after the occurrence.***
- (c) The names of the persons involved in the occurrence.***
- (d) A brief description of the actions of the facility or school employees involved before, during, and after the occurrence.***
- (e) A description of any injuries sustained by, and any medical care administered to, the child, employees, or others before, during, or after the incident.***

VI. The notification and record-keeping requirements of paragraphs IV and V shall not apply in the following circumstances:

- (a) When a child is escorted from an area by way of holding of the hand, wrist, arm, shoulder, or back to induce the child to walk to a safe location. However, if the child is actively combative, assaultive, or self-injurious while being escorted, the requirements of paragraphs IV and V shall apply.***

(b) When actions are taken such as separating children from each other, inducing a child to stand, or otherwise physically preparing a child to be escorted.

(c) When the contact with the child is incidental or minor, such as for the purpose of gaining a misbehaving child's attention. However, blocking of a blow, forcible release from a grasp, or other significant and intentional physical contact with a disruptive or assaultive child shall be subject to the requirements.

(d) When an incident is subject to the requirements of paragraphs I-III.

126-U:8 Review of Restraint Records by Department of Education.

I. The state board of education shall adopt rules, pursuant to RSA 541-A, *relative to:*

(a) [Establishing a process for] Periodic, regular review by the department of education of records [of restraint usage kept by schools and] maintained by schools relative to the use of seclusion and restraint.

(b) [Providing a process for complaints and investigations of reports] A process for the department of education's receipt of complaints and its conduct of investigations of improper use of seclusion and restraint in schools. The process shall provide for:

(1) Investigation of complaints regarding any violation of this chapter, regardless of whether injury results.

(2) Investigation by persons not affiliated with the school district which is the subject of the complaint.

(3) Resolution of complaints and completion of investigations within 30 days, with provision for limited extensions for good cause.

(4) Protection of children before and after completion of the investigation.

(5) Appropriate remedial measures to address physical and other injuries, protect against retaliation, and reduce the incidence of violations of this chapter.

II. Beginning November 1, 2010, and each November 1 thereafter, the state board of education shall provide an annual report to the ~~[chairperson of the children and family law committee of the]~~ **chairpersons of the education committees of the senate and** house of representatives regarding the use of **seclusion and** restraint in schools. The annual report shall be prepared from the periodic, regular review of such records, and shall include the number and location of reported incidents and the status of any outstanding investigations.

126-U:9 Review of Restraint Records by Department of Health and Human Services.

I. The commissioner of the department of health and human services shall adopt rules, pursuant to RSA 541-A, *relative to:*

(a) [Establishing a process for] Periodic, regular review [of] by the department of health and human services of records [of restraint usage kept] maintained by facilities regarding the use of seclusion and restraint. [and providing a process for complaints and investigations of reports]

(b) A process for the department's receipt of complaints and its conduct of investigations of reports of improper use of seclusion and restraint in facilities, which may be through the department of health and human services, office of the ombudsman, or otherwise. The process shall provide for:

(1) Investigation of complaints regarding any violation of this chapter, regardless of whether injury results.

(2) Investigation by persons not affiliated with the facility which is the subject of the complaint.

(3) Resolution of complaints and completion of investigations within 30 days, with provision for limited extensions for good cause.

(4) Protection of children before and after completion of the investigation.

(5) Appropriate remedial measures to address physical and other injuries, protect against retaliation, and reduce the incidence of violations of this chapter.

II. Beginning November 1, 2010, and each November 1 thereafter, the commissioner of the department of health and human services shall provide an annual report to the ~~[chairperson of the children and family law committee of the house of representatives]~~ **committees of the house of representatives and the senate with jurisdiction over health and human services and over children and family law,** regarding the use of **seclusion and** restraint in facilities. The annual report shall be based on the periodic, regular review of such records and shall include the number and location of reported incidents and the status of any outstanding investigations.

126-U:10 Injury or Death During Incidents of Restraint **or Seclusion.**

I. In cases involving serious injury or death to a child subject to restraint **or seclusion** in a facility, the facility shall, in addition to the provisions of RSA 126-U:7, notify the commissioner of the department of health and human services, the attorney general, and the state's federally-designated protection and advocacy agency for individuals with disabilities. Such notice shall include the notification required in RSA 126-U:7, II. **The department of health and human services shall annually notify facilities of their responsibilities under this section and provide contact information for the persons to be notified.**

II. In cases involving serious injury or death to a child subject to restraint **or seclusion** in a school, the school shall, in addition to the provisions of RSA 126-U:7, notify the commissioner of the department of

education, the attorney general, and the state's federally-designated protection and advocacy agency for individuals with disabilities. Such notice shall include the written notification required in RSA 126-U:7, II. ***The department of education shall annually notify schools of their responsibilities under this section and provide contact information for the persons to be notified.***

9 New Section; School Review of Restraint and Seclusion Incidents. Amend RSA 126-U by inserting after section 13 the following new section:

126-U:14 School Review Following the Use of Restraint or Seclusion. Upon information that restraint or seclusion has been used for the first time upon a child with a disability as defined in RSA 186-C:2, I or a child who is receiving services under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. section 701, and its implementing regulations, the school shall review the individual educational program and/or Section 504 plan and make such adjustments as are indicated to eliminate or reduce the future use of restraint or seclusion. A parent or guardian of a child with a disability may request such a review at any time following an instance of restraint or seclusion and such request shall be granted if there have been multiple instances of restraint or seclusion since the last review.

10 Rulemaking. The state board of education and department of health and human services shall commence rulemaking under RSA 541-A, as required by RSA 126-U:7-a, RSA 126-U:8, and RSA 126-U:9, no later than 60 days after the effective date of this act. Such rulemaking shall include the modification of existing rules to achieve compliance with this act.

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

AMENDED ANALYSIS

This bill revises the chapter limiting the use of child restraint practices in facilities and schools and further regulates the use of seclusion and restraint in such programs.

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

Rep. Robert M. Walsh for Finance. This bill provides for the reorganization of portions of the department of administrative services. It stipulates revision of the division of plant and property management into three divisions, namely the division of procurement and support services, the division of plant and property, and the division of public works design and construction. Contained in the bill are outlines of the duties and responsibilities for each of the three new divisions. Several sections of the bill are devoted to making changes to existing statutes in order to reflect the revisions to the organizational structure of the present division of plant and property management. This bill also allows for the transfer of authority from existing divisions and bureaus to the new divisions and bureaus. Provision was made in the bill for the position of a deputy commissioner, which was eliminated by the committee. Authorization is granted within the bill to the adjutant general to enter into the federal procurement process for the design and construction of the Littleton readiness center. An amendment to the bill authorizes the commissioner of administrative services to promptly notify the legislative budget assistant should a state agency experience an inability to generate any information that is required by generally accepted accounting principles to be included in the comprehensive annual financial report and the agency's stand-alone financial statements. Vote 21-1.

Amendment (1751h)

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

AN ACT restructuring the department of administrative services, division of plant and property management and relative to the authority of the adjutant general.

Amend the bill by replacing all after section 72 with the following:

73 Renovation of Littleton Readiness Center. Notwithstanding the provisions of RSA 21-I:85 or any provision of law to the contrary, in the event federal funds available to the adjutant general for project number 80731R for the renovation of the Littleton Readiness Center for project design and oversight are not sufficient to reimburse the department of administrative services, division of public works design and construction, the adjutant general may enter into the federal procurement process for the design and construction of said project.

74 Adjutant General's Department; Transfers Authorized. For the biennium ending June 30, 2015, notwithstanding the provisions of RSA 9:16-a, RSA 9:17, RSA 9:17-a, RSA 9:17-c, or any other law to the contrary, the commissioner of administrative services, upon the request of the adjutant general and with the approval of the fiscal committee of the general court, is authorized to transfer from any and all accounting units and class codes of the budget of the adjutant general into any utilities class line in the budget of the adjutant general, regardless of funding source or mix, sufficient funds to cover obligations for utilities.

75 Division of Accounting Services. Amend the introductory paragraph of RSA 21-I:8 to read as follows: There is hereby established within the department the division of accounting services under the supervision

of an unclassified director of accounting services, who shall also be known as the comptroller. The comptroller shall direct the state's accounting functions, using generally accepted accounting principles and taking full advantage of all benefits of automated data processing applications, to the end that the fiscal affairs of all state agencies and departments will be adequately and uniformly serviced and that periodic financial and management reports will be available to serve the various needs of all state agencies and the executive and legislative branches in their decision making processes. ~~[The commissioner of administrative services may authorize deviations from generally accepted accounting principles if the commissioner deems it is in the best interest of the state, provided that the explanation for the deviation is provided in the annual report required by subparagraph H(a).]~~ ***If the commissioner of administrative services and the respective state agencies are unable to generate any required information that, in accordance with generally accepted accounting principles, should be provided with the comprehensive annual financial report and any stand-alone financial statements identified in subparagraphs (b) and (c), the commissioner shall communicate this deviation in advance to the legislative budget assistant as soon as the deviation is known.*** The division shall include the following internal organizational units:

76 Division of Accounting Services; Reporting Requirements. Amend RSA 21-I:8, II(b) to read as follows:

(b) Assisting the department of transportation turnpike system, liquor commission, and lottery commission in the completion of separate, stand-alone financial statements for the preceding fiscal year that detail the financial condition and operation of each entity in a manner consistent with generally accepted accounting principles. The statements shall be available no later than 90 days after the close of the fiscal year, unless the governor and council for good cause shall extend such period. One or more of the statements may be subsequently audited by the legislative budget assistant, who may designate a certified public accountant not employed in state service to conduct the audit and may accept the findings and report of the certified public accountant as fulfilling the provisions of this subparagraph; provided that in either case the audits shall be conducted in accordance with prevailing standards and practices of governmental auditing specified by authoritative national standard setting bodies. Any audited statements shall be completed and available to the public by December 31 of each year unless for good cause the fiscal committee of the general court shall extend such period. If the department of transportation turnpike system, liquor commission, or lottery commission elect to use the statements as the basis for a comprehensive annual financial report, the report shall be reviewed and approved by the department of administrative services prior to issuance.

(c) Cooperating with the office of legislative budget assistant by assisting, as necessary, any state department, board, institution, commission, or agency, in the preparation of financial statements in a manner consistent with generally accepted accounting principles when such entity is subject to an audit performed by the audit division of the office of legislative budget assistant pursuant to RSA 14:31-a, I.

(d) Producing periodic reports and analysis of government revenues and expenditures.

77 Effective Date.

I. Sections 2 and 3 of this act shall take effect as provided in section 4 of this act.

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

AMENDED ANALYSIS

This bill:

I. Reorganizes the department of administrative services, division of plant and property management into 3 divisions: the division of procurement and support services, the division of plant and property, and the division of public works design and construction.

II. Permits the adjutant general to enter into the federal procurement process for the renovation of the Littleton Readiness Center even if federal funds available to the adjutant general are insufficient to reimburse the department of administrative services.

III. Permits the adjutant general to transfer funds among class lines to cover utility obligations.

IV. Requires the department of administrative services, bureau of financial reporting to assist the department of transportation turnpike system, the liquor commission, and lottery commission in the preparation of certain financial statements and to assist with audits conducted by the audit division of the legislative budget assistant.

SB 283-FN, relative to disposition of funds obtained by the attorney general. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bernard L. Benn for Finance. This bill addresses the disposition of moneys collected through settlements by the attorney general and the secretary of state. For the AG's office, the bill, as amended, requires that the Fiscal Committee of the General Court approve the expenditure or distribution of monetary settlements not otherwise provided for in statute and that the first 10% of any settlement in excess of \$1 million be deposited in the general fund. The amendment to the bill also requires the secretary of state to submit press releases

and a quarterly report describing the result of civil judgments, settlement of claims, suits, and threatened actions to the Fiscal Committee. In addition, the amendment includes authorization for the department of revenue administration to fund any shortfalls in fiscal year 2015 flood control payments. Vote 23-0.

Amendment (1665h)

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

AN ACT relative to settlements received by the attorney general and secretary of state and relative to flood control payments.

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

1 New Section; Disposition of Funds Obtained by the Attorney General. Amend RSA 7 by inserting after section 6-d the following new section:

7:6-e Disposition of Funds Obtained by the Attorney General.

I. No money received by the attorney general, on behalf of the state or its citizens as a result of any civil judgment, settlement of a claim, settlement of threatened litigation, suit, petition, or other action or threatened action, shall be expended or otherwise distributed until authorized by the fiscal committee of the general court, except in those instances where the disposition of money received by the attorney general is already provided for in statute. Additionally, whenever the department of justice receives judgment or settlement money in excess of \$1,000,000, the first 10 percent of those funds shall be transferred to the general fund.

II. Upon resolving a matter described in paragraph I, the attorney general shall promptly report to the fiscal committee of the general court any money received under this section. All reports under this paragraph shall include, but shall not be limited to:

- (a) The date of the judgment or settlement.
- (b) The purpose for which the judgment or settlement is to be used.
- (c) The amount of the judgment or settlement.
- (d) An accounting of the allocation of each judgment or settlement.

III. This section shall not apply to fines received by the attorney general in criminal cases, penalty assessment funds, drug forfeiture funds as provided in RSA 318-B:17-b through RSA 318-B:17-d, fines or civil penalties authorized by state law as a result of enforcement actions taken by state agencies or the attorney general, and money received on behalf of a victim or the state as restitution.

2 New Paragraphs; Securities; Press Release; Quarterly Reporting Requirement. Amend RSA 421-B:26 by inserting after paragraph VIII the following new paragraphs:

IX. Upon the issuance of a press release describing the result of a civil judgment, settlement of claim, settlement of threatened litigation, suit, petition, or other action or threatened action pursuant to RSA 421-B, the secretary of state shall submit the press release to the fiscal committee of the general court.

X. The secretary of state shall submit a quarterly report to the fiscal committee of the general court of all civil judgments, settlements of claims, settlements of threatened litigation, suits, petitions, or other actions or threatened actions pursuant to RSA 421-B. All reports under this paragraph shall include, but shall not be limited to:

- (a) The date of the judgment or settlement.
- (b) The purpose for which the judgment or settlement is to be used.
- (c) The amount of the judgment or settlement.
- (d) An accounting of the allocation of each judgment or settlement.

3 Fiscal Year 2015 Flood Control Payments. The department of revenue administration shall fund, under RSA 122:4, I, any shortfall in fiscal year 2015 flood control payments.

4 Repeal. 2013, 144:126, relative to flood control payments, is repealed.

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

AMENDED ANALYSIS

This bill:

I. Requires the fiscal committee of the general court to approve the expenditure or distribution of monetary settlements received by the state.

II. Requires the deposit of a portion of judgments over a specified amount in the general fund.

III. Requires the attorney general to submit a report to the fiscal committee of the general court relative to all legal settlements received by the state.

IV. Requires the secretary of state to submit press releases and quarterly reports of settlements received under RSA 421-B to the fiscal committee of the general court.

V. Directs the department of revenue administration to fund any shortfall in fiscal year 2015 flood control payments.

SB 230, relative to the definition of utility terrain vehicles. **OUGHT TO PASS.**

Rep. Betsy McKinney for Fish and Game and Marine Resources. This bill adds a new definition to the OHRV laws for the new types of vehicles that are currently being used in this up and coming sport, i.e. "side by side's" and the new wider-type machine that the new trails were constructed for. Vote 15-0.

SB 321, relative to motorist service signs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kevin K. Waterhouse for Public Works and Highways. This bill, as amended, would allow the commissioner of transportation to contract with a private entity to administer the motorist service sign program, thereby freeing up the department's limited resources to operate and maintain directional and traffic control signs across the entire state. The bill authorizes service signs indicating the location of an "attraction" in advance of an exit on limited access highways, but does not allow the expansion of other motorist service signs on highways. Fuel, restaurants and lodging are, and will continue to be, identified by a generic symbol on the highways, with specific vendors identified with direction arrows on the exit ramps. The committee looks for the department, under its rulemaking authority, to better define what constitutes an "attraction." The motorist service sign program, like the memorial sign program, will be "self-supporting" and operate at no cost to the state. Vote 17-1.

Amendment (1760h)

Amend the bill by replacing section 1 with the following:

1 Motorist Service Signing Program; Fees. Amend RSA 230:49 to read as follows:

230:49 Motorist Service Signing Program Established; Signs.

I. The location of essential motorist services, including food, fuel, lodging, camping, and attractions, on connecting service roads within 3 miles of the intersection with the limited access highway, within 5 miles for a campground, within 20 miles for an attraction, or within 1 mile of the intersection in urban compact areas, may be indicated to users of the limited access facility by appropriate signs, the specifications of which shall be determined by the commissioner of transportation. The distance specified shall be measured by computing the travel length from the terminal of an exit ramp to the nearest point along the public highway where the nearest existing driveway entrance to the service is reached. ***Motorist service signs indicating the location of an attraction, but not food, fuel, lodging, or camping, may be placed in advance of intersections on limited access highways.***

II. Signs permitted under paragraph I may be rented for a fee established by rules adopted by the commissioner of transportation pursuant to RSA 541-A. ***The cost of design, construction, maintenance, and installation of any signage or replacement signage authorized under paragraph I shall not be a charge to the state.*** [The amount of the fee charged to any participant shall be reasonable and equitable and not exceed a fair portion of the full cost of administering the motorist service signing program, including labor, equipment, maintenance, and material costs for state and contract services.] ***Alternatively, the commissioner may contract with a private entity to administer the program; fees shall be in accordance with the contract and forwarded to the commissioner by the administering entity.*** The sum of the fees collected shall be sufficient to ensure the motorist service sign program is self-supporting.

AMENDED ANALYSIS

This bill authorizes motorist service signs indicating the location of an attraction in advance of intersections on limited access highways. This bill also authorizes the commissioner of transportation to contract with a private entity to administer the motorist service signing program and eliminates restrictions on fees charged to participants.

SB 267, extending the effective date for integrated land development permits. **OUGHT TO PASS.**

Rep. Suzanne H. Gottling for Resources, Recreation and Development. This bill changes the implementation date for the department of environmental services's (DES) integrated land development program, a program that streamlines permitting for projects requiring more than one permit. It is a voluntary program. When implemented, the program will save time and money, improve environmental results, and emphasize early cooperation between contractor, DES, and municipalities. Two positions are authorized for this program but are not yet funded. Extending the date provides an opportunity for DES to find funds for these positions in the 2016-2017 budget. Vote 11-0.

SB 337, relative to the recovery of submerged vehicles by the department of environmental services. **OUGHT TO PASS.**

Rep. Shannon E. Chandley for Resources, Recreation and Development. When a vehicle or petroleum container becomes submerged in state waters, the owner must notify the department of environmental services (DES) and remove the vehicle or container. When the owner fails to act, DES is able to contract for removal services. The owner of the vehicle or container is liable for removal costs. Current law requires that the vehicle be impounded until all costs have been paid. This requirement becomes onerous to the state when the vehicle owner cannot be identified. This bill relieves the state of the financial and logistical burden of impounding the vehicle until all costs have been paid by allowing the state and its contractors to send these vehicles to a salvage yard when efforts to identify the vehicle owner have failed. Vote 11-0.

SB 268, relative to funding for certain energy efficiency programs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ian P. Raymond for Science, Technology and Energy. This bill permits the public utilities commission to allocate certain proceeds from the sale of allowances to entities currently managing certain comprehensive

energy efficiency programs, and requires them to file annual updates with the commission and the legislature, in order to assist in the ongoing evaluation of these programs. This bill will also ensure that these diverse programs, which offer various proven strategies, continue to serve the needs of businesses and municipalities in achieving their energy efficiency goals. Vote 18-0.

Amendment (1603h)

Amend the bill by replacing section 1 with the following:

1 Energy Efficiency Fund and Use of Auction Proceeds. Amend RSA 125-O::23, III to read as follows:

III. All remaining proceeds received by the state from the sale of allowances shall be allocated by the commission as an additional source of funding to electric distribution companies for core energy efficiency programs which are approved by the commission and funded by SBC funds *or to entities managing statewide, all-fuels, comprehensive energy efficiency programs that have been approved by the commission, as of January 1, 2014, through a competitive process. These entities and utilities shall file annual updates on the performance of the programs including program expenditures resulting projected energy savings from implemented measures, any measurement and verification data that corroborate projected savings, the number of customers served by the programs, and other data as directed by the commission in order to determine program effectiveness. The annual update reports shall be delivered to the governor, the president of the senate, the speaker of the house of representatives, the chairmen of the senate and house standing committees with jurisdiction over energy matters, and the chairman of the public utilities commission.* In allocating the proceeds, the commission shall first allocate at least 15 percent of the amount of the proceeds to the low-income core energy efficiency program. Beginning January 1, 2014, the core utilities shall dedicate up to \$2,000,000 of these remaining RGGI proceeds annually for municipal and local government energy efficiency projects, including projects by local governments that have their own municipal utilities. Funding elements shall include, but not be limited to, funding for direct technical and project management assistance to identify and encourage comprehensive projects and incentives structured to assist municipal and local governments funding energy efficiency projects. In calendar years 2014, 2015, and 2016, any unused funds allocated to municipal and local government projects under this paragraph remaining at the end of the year shall roll over and be added to the new calendar year program funds and continue to be made available exclusively for municipal and local government projects. Beginning in calendar year 2017, and all subsequent years, funds allocated to municipal and local government projects under this paragraph shall be offered first to municipal and local governments as described in this paragraph for no less than 4 full calendar months. If, at the end of this time, municipal and local governments have not submitted requests for eligible projects that will expend the funds allocated to municipal and local government projects under this paragraph within that program year, the funds shall be offered on a first-come, first-serve basis to business and municipal customers who fund the system benefits charge.

AMENDED ANALYSIS

This bill permits the public utilities commission to allocate certain proceeds from the sale of allowances to entities managing certain comprehensive energy efficiency programs.

This bill also requires entities receiving such proceeds to file annual updates with the public utilities commission.

SB 417, relative to information provided to electric utility customers. **OUGHT TO PASS.**

Rep. Amanda A. Merrill for Science, Technology and Energy. This bill requires the public utilities commission to work with representatives of the state's electric utilities in determining ways to increase customer knowledge and understanding of the system benefits charge, the renewable portfolio standard, and the regional greenhouse gas initiative, and to report its findings and recommendations to appropriate state officials by Nov. 1 of this year. Vote 18-0.

SB 212, relative to the Honor and Remember Flag as an official symbol to recognize and honor fallen members of the armed forces. **INEXPEDIENT TO LEGISLATE.**

Rep. Leon H. Rideout for State-Federal and Veterans Affairs. The committee felt trapped by compelling arguments on both sides of this issue. The committee passionately cares for the family groups and veterans groups and finds itself in a no-win situation. The deep divide that is being created between the two groups is unfortunate. It is incumbent on the family groups and veterans groups to come together and attempt to work out a compromise between them. Moving forward without an agreement will only serve to deepen this divide. If a compromise can be reached, the committee would support such compromise and move forward. Vote 13-0.

SB 213-FN, establishing a registry for physician orders for life-sustaining treatment. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick F. Abrami for Ways and Means. This bill establishes the New Hampshire POLST Registry Act. Under this bill, a patient may execute a form to be signed by the patient and his or her health care provider relative to life-sustaining treatment to ensure that the patient's preferences are known in the event of an

emergency. This bill also establishes a special fund to accept donations, gifts, and grants received for the purpose of this bill. Working with the department of health and human services the committee developed an amendment that changes the patient opt-out provision to a patient opt-in provision. In addition, the reference to "physician" was broadened to "provider." In addition, HIPPA language was added. Vote 19-0.

Amendment (1659h)

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

AN ACT establishing a registry for provider orders for life-sustaining treatment.

Amend RSA 137-L:3, I-III as inserted by section 1 of the bill by replacing them with the following:

I. Subject to sufficient funding, the department shall establish and operate a statewide registry for the collection and dissemination of provider orders for life-sustaining treatment to help ensure that medical treatment preferences for an individual nearing the end of his or her life are honored.

II. The commissioner shall adopt rules within 6 months of the effective date of this chapter, pursuant to RSA 541-A relative to:

(a) Requiring submission of the following documents to the registry, if the patient has requested to opt into the registry:

- (1) A copy of each POLST;
- (2) A copy of a revised POLST; and
- (3) Notice of any known revocation of a POLST;

(b) Prescribing the manner for submitting the information described in subparagraph (a);

(c) Requiring the release of registry information to authorized users for treatment purposes;

(d) Authorizing notification by the registry to specified persons of the receipt, revision, or revocation of a POLST; and

(e) Establishing procedures to protect the accuracy and confidentiality of information submitted to the registry.

III. To the extent allowed by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the department may permit qualified researchers to obtain registry data for research purposes conditioned upon removal by the department of any data that identifies a health care provider, a facility, or an individual patient, including his or her name, address, telephone number, and social security number. If the department intends to permit qualified researchers to obtain registry data, the department shall first adopt rules, pursuant to RSA 541-A, governing the process which shall include but not be limited to:

(a) The definition of a qualified researcher;

(b) The process for a qualified researcher to request and obtain registry data;

(c) The types of data that a qualified researcher may be provided from the registry; and

(d) The manner by which a qualified researcher shall protect registry data obtained under this provision.

AMENDED ANALYSIS

This bill establishes the New Hampshire POLST Registry Act. Under this bill, a patient may execute a form to be signed by the patient and his or her health care provider relative to life-sustaining treatment to ensure that the patient's preferences are known in the event of an emergency. This bill also establishes a special fund to accept donations, gifts, and grants received for the purposes of the bill.

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

Rep. David B. Karrick for Ways and Means. This allows non-residents to be issued temporary registrations for off highway recreational vehicles for a temporary 10 consecutive day period during the months of May through October. Temporary registrations are not transferable. The fee for this registration is \$34.00, which is lower than fees in the only other state offering similar opportunities, is acceptable to the fish and game commission, dept. of resources and economic development, and New Hampshire OHRV groups. This is expected to increase state restricted revenue by \$10,200 each year. Vote 19-0.

SB 405-FN, requiring the registration of radon mitigation system installers with the board of home inspectors. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia T. Lovejoy for Ways and Means. The amendment to this bill removed the registry requirement and the associated fee but keeps the requirement that any person engaged in the design and installation of airborne radon mitigation devices shall be certified by one of two national programs. The board of home inspectors website will indicate the certification requirement and provide links to the certification organizations. Vote 19-0.

Amendment (1664h)

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

AN ACT requiring the certification of airborne radon mitigation systems.

Amend the bill by replacing section 1 with the following:

1 New Section; Airborne Radon Mitigation Installer Certification Required. Amend RSA 310-A by inserting after section 189 the following new section:

310-A:189-a Airborne Radon Mitigation Installer Certification Required.

I.(a) Any person engaged in the design or installation of airborne radon mitigation devices in New Hampshire shall hold a current certification from either the National Radon Proficiency Program offered by the American Association of Radon Scientists and Technologists, Inc., or the National Radon Safety Board.

(b) A person certified under subparagraph (a) shall be responsible for all workers who, under his or her supervision, perform tasks necessary to install an airborne radon mitigation device. Workers performing such tasks under the supervision of a person so certified shall not be required to be certified under subparagraph (a).

II. The board of home inspectors shall inform the public through their website that persons engaged in designing or installing airborne radon mitigation devices shall be certified under paragraph I and shall provide links to the websites of the certifying organizations.

III. Whoever falsely claims to be certified under this section through advertising, signage, or other written or oral representation shall be guilty of a violation if a natural person or guilty of a class B misdemeanor if any other person.

AMENDED ANALYSIS

This bill requires the certification of airborne radon mitigation system installers.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 227, 469, 1224, 1249, 1290, 1555, 1572 and 1629.

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

The House recessed at 12:05 p.m.

RECESS

The House reconvened at 1:25 p.m.

(Speaker Norelli in the Chair)

REGULAR CALENDAR

SB 202, relative to the elements of the crime of burglary. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert R. Cushing for Criminal Justice and Public Safety. Pursuant to House Rule 45(b), the majority of the committee voted to amend SB 202 to include language repealing the death penalty. The amended bill is consistent with HB 1170, which the House passed on March 12 by a 225-104 margin. The committee discussed events that transpired since that House vote on the death penalty that provide additional information about use of the capital punishment and the need for our state to change its policy. In late March, Amnesty International reported the United States in the top 5 countries in the world in terms of the use of the death penalty last year, along with China, Iran, Iraq, and Saudi Arabia, and ahead of such countries as Somalia, Sudan, Yemen and Vietnam. Being in the company of countries that are such human rights violators is not a place where we as a state and nation want to be. Several weeks ago the prestigious National Academy of Sciences issued a report that concluded that more than 4% of those sentenced to death in the US from 1973-2004 were innocent, reinforcing the words of Former Chief Justice John Broderick that New Hampshire should not have a criminal sanction that does not come with an eraser. And last week, in what is a game changer for many, the botched execution in Oklahoma provided one more piece of evidence that we cannot have a society that bars cruel and unusual punishment and at the same time have a death penalty. The original bill is a minor adjustment to the current burglary statute, adding 3 words to clarify that someone who remains in a building where he or she is not authorized to be can be charged with burglary. The original bill remains. The language of the amendment is simple. It amends RSA 630:1, III of the homicide laws of the criminal code to read, "A person convicted of capital murder shall be sentenced to life imprisonment and shall not be eligible for parole." We know that the death penalty is a difficult topic, a matter of conscience for all legislators. As with any subject, as new information comes forward people sometimes change and evolve in their thinking. The majority believes that the death penalty is bad public policy, part of a system that makes mistakes, fails the families of murder victims, does not make society safer, and uses resources that would be better spent meeting the needs of victims and law enforcement. We respectfully urge members of the House to pass SB 202, as amended. New Hampshire can live without the death penalty. Vote 14-4.

Amendment (1708h)

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

AN ACT relative to the elements of the crime of burglary and relative to capital murder.

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

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

III. A person convicted of a capital murder ~~[may be punished by death]~~ ***shall be sentenced to life imprisonment and shall not be eligible for parole.***

3 Effective Date.

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

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

AMENDED ANALYSIS

This bill amends the burglary statute to include cases where a person remains unlawfully in a building or occupied structure. This bill also provides that the penalty for capital murder shall be life imprisonment without the possibility for parole.

Rep. Keith Murphy spoke against.

Rep. Souza spoke in favor.

Rep. Cushing spoke in favor and yielded to questions.

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

YEAS 218 - NAYS 117

YEAS - 218

BELKNAP

Comtois, Guy
Flanders, Donald
Raymond, Ian

Cormier, Jane
Gulick, Ruth
Sylvia, Michael

DiMartino, Lisa
Huot, David
Tilton, Franklin

Fields, Dennis
Luther, Robert
Vadney, Herbert

CARROLL

Butler, Edward
Ticehurst, Susan

Lavender, Tom
White, Syndi

Nelson, Bill

Schmidt, Stephen

CHESHIRE

Ames, Richard
Eaton, Daniel
Roberts, Kris
Tatro, Bruce

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

Butynski, William
Mann, John
Sad, Tara
Weed, Charles

Chase, Cynthia
Parkhurst, Henry
Shepardson, Marjorie

COOS

Hammon, Marcia
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

Rappaport, Laurence

GRAFTON

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

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

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

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

HILLSBOROUGH

Backus, Robert
Cebrowski, John
Connor, Evelyn
Gage, Ruth
Gorman, Mary
Hansberry, Daniel
Hopper, Gary
Kopka, Angeline
Mangipudi, Latha
Murotake, David
O'Neil, William
Rosenwald, Cindy
Shattuck, Gilman
Spratt, Stephen
Ulery, Jordan
Williams, Kermit

Brown, Pamela
Chandley, Shannon
Cote, David
Gale, Sylvia
Grady, Brenda
Harriott-Gathright, Linda
Jack, Martin
Leishman, Peter
Manley, Jonathan
Nelson, Mary
Parison, James
Rowe, Robert
Shaw, Barbara
Sullivan, Peter
Vail, Suzanne
Winters, Joel

Campbell, David
Christiansen, Lars
Danielson, David
Gargas, Carolyn
Hackel, Paul
Heath, Mary
Jeudy, Jean
Levesque, Melanie
Martel, Andre
O'Brien, Michael
Porter, Marjorie
Sandblade, Emily
Smith, Timothy
Sweeney, Shawn
Vaillancourt, Steve
Woodbury, David

Carroll, Douglas
Coffey, James
Eaton, Richard
Gidge, Kenneth
Hammond, Jill
Heden, Ruth
Knowles, Mary Ann
Long, Patrick
McNamara, Richard
O'Flaherty, Tim
Ramsey, Peter
Schmidt, Janice
Souza, Kathleen
Takesian, Charlene
Walsh, Robert

MERRIMACK

Alicea, Caroletta
Carson, Clyde
Frazer, June
Hoell, J.R.
Kidder, David
Myler, Mel

Bartlett, Christy
Davis, Frank
French, Barbara
Hunt, Jane
Kotowski, Frank
Patten, Dick

Bouchard, Candace
Ebel, Karen
Gile, Mary
Karrick, David
MacKay, James
Ratzki, Mario

Carey, Lorrie
Frambach, Mary
Henle, Paul
Kelly, Sally
McGuire, Carol
Rice, Chip

Richardson, Gary
Turcotte, Alan
Webb, Leigh

Rogers, Katherine
Wallner, Mary Jane

Schamberg, Thomas
Walz, Mary Beth

Shurtleff, Stephen
Watrous, Rick

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cahill, Michael
Emerick, J. Tracy
Heffron, Frank
Major, Norman
Pantelakos, Laura
Sherman, Thomas
Tucker, Pamela
Whittemore, Lisa

Borden, David
Cali-Pitts, Jacqueline
Fesh, Robert
Helmstetter, Barbara
Mann, Maureen
Schlachman, Donna
Sweeney, Joe
Ward, Gerald

Briden, Steven
Comerford, Timothy
Flockhart, Eileen
Kappler, Lawrence
Moody, Marcia
Schroadter, Adam
Tasker, Kyle
Waterhouse, Kevin

Burtis, Elizabeth
Cushing, Robert
Harris, Jeffrey
Lovejoy, Patricia
O'Connor, John
Sedensky, John
Till, Mary
Wazlaw, Brian

STRAFFORD

Baber, William
Burke, Rachel
Hooper, Dorothea
Ketel, Stephen
Miller, David
Perry, Robert
Spang, Judith

Berube, Roger
Gardner, Janice
Horrigan, Timothy
Malloy, Dennis
Mullen, John
Rogers, Rose Marie
Stevens, Audrey

Bickford, David
Grassie, Anne
Hubbard, Pamela
Menear, H. Robert
Parsons, Robbie
Rollo, Deanna
Verschueren, James

Bixby, Peter
Grossman, Kenneth
Kaen, Naida
Merrill, Amanda
Pelletier, Marsha
Schmidt, Peter
Wall, Janet

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond
Sweeney, Cynthia

Gottling, Suzanne
Tanner, Linda

Irwin, Virginia

NAYS - 117

BELKNAP

Burchell, Richard

Greemore, Robert

Holmes, Stephen

Worsman, Colette

CARROLL

Ahlgren, Christopher
McConkey, Mark

Buco, Thomas
Morrow, Harry

Chandler, Gene
Umberger, Karen

Crawford, Karel
Wright, Donald

CHESHIRE

Hunt, John

Johnson, Jane

Phillips, Larry

COOS

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Piper, Wendy

Doolan, Ralph
Reilly, Harold

Gionet, Edmond

Ladd, Rick

HILLSBOROUGH

Barry, Richard
Burt, John
DiSilvestro, Linda
Graham, John
Jasper, Shawn
LeBrun, Donald
Murphy, Keith
Ober, Lynne
Peterson, Lenette
Soucy, Timothy
Willette, Robert

Belanger, James
Byron, Frank
Flanagan, Jack
Hansen, Peter
Kelley, John
LeVasseur, Richard
Murphy, Kelleigh
Ober, Russell
Renzullo, Andrew
Straight, Philip

Boehm, Ralph
Culbert, Patrick
Gagne, Larry
Hikel, John
Kurk, Neal
MacKay, Mariellen
Notter, Jeanine
Palmer, Stephen
Rokas, Ted
Stroud, Kathleen

Booras, Efsthathia
Daniels, Gary
Goley, Jeffrey
Hinch, Richard
Lambert, George
McCarthy, Michael
O'Brien, William
Pellegrino, Tony
Sanborn, Laurie
Villeneuve, Moe

MERRIMACK

Hess, David
Schuett, Dianne

Lockwood, Priscilla

McGuire, Dan

Moffett, Howard

ROCKINGHAM

Abrami, Patrick
Bick, Patrick
Copeland, Timothy
Ferrante, Beverly
Grace, Curtis
Hoelzel, Kathleen
McKinney, Betsy

Allen, Mary
Birdsell, Regina
Devine, James
Garcia, Bianca
Griffin, Mary
Introne, Robert
McMahon, Charles

Baldasaro, Alfred
Charron, Gene
Duarte, Joe
Garcia, Marilinda
Hagan, Joseph
Khan, Aboul
Milz, David

Belanger, Ronald
Chirichiello, Brian
Elliott, Robert
Gordon, Richard
Hayes, Jack
Kolodziej, Walter
Nigrello, Robert

Peckham, Michele
Sanders, Elisabeth
Weyler, Kenneth

Perkins, Lawrence
Sapareto, Frank

Priestley, Anne
Sytek, John

Rice, Frederick
Webb, James

STRAFFORD

Beaudoin, Steven
Pitre, Joseph

Gray, James

Groen, Warren

Jones, Laura

SULLIVAN

Grenier, James
Rollins, Skip

Lefebvre, Benjamin
Smith, Steven

O'Hearne, Andrew

Osgood, Joe

and the committee amendment was adopted.

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

YEAS 226 - NAYS 110

YEAS - 226

BELKNAP

Comtois, Guy
Flanders, Donald
Raymond, Ian

Cormier, Jane
Gulick, Ruth
Sylvia, Michael

DiMartino, Lisa
Huot, David
Tilton, Franklin

Fields, Dennis
Luther, Robert
Vadney, Herbert

CARROLL

Ahlgren, Christopher
Ticehurst, Susan

Butler, Edward
Umberger, Karen

Nelson, Bill
White, Syndi

Schmidt, Stephen
Wright, Donald

CHESHIRE

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

Berch, Paul
Ley, Douglas
Roberts, Kris
Tatro, Bruce

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

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

COOS

Hammon, Marcia
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

Rappaport, Laurence

GRAFTON

Aguiar, James
Ford, Susan
Higgins, Patricia
Nordgren, Sharon
White, Andrew

Almy, Susan
Friedrich, Carol
Lovett, Sid
Pastor, Beatriz

Benn, Bernard
Gionet, Edmond
Massimilla, Linda
Smith, Suzanne

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

HILLSBOROUGH

Backus, Robert
Carroll, Douglas
Coffey, James
Danielson, David
Gargas, Carolyn
Hackel, Paul
Heath, Mary
Knowles, Mary Ann
Leishman, Peter
Manley, Jonathan
O'Brien, Michael
Porter, Marjorie
Sandblade, Emily
Smith, Timothy
Sweeney, Shawn
Williams, Kermit

Booras, Efstathia
Cebrowski, John
Connor, Evelyn
Eaton, Richard
Gidge, Kenneth
Hammond, Jill
Heden, Ruth
Kopka, Angeline
Levesque, Melanie
McNamara, Richard
O'Flaherty, Tim
Ramsey, Peter
Schmidt, Janice
Souza, Kathleen
Vail, Suzanne
Winters, Joel

Brown, Pamela
Chandley, Shannon
Cote, David
Gage, Ruth
Gorman, Mary
Hansberry, Daniel
Hopper, Gary
Lambert, George
Long, Patrick
Murotake, David
O'Neil, William
Rosenwald, Cindy
Shattuck, Gilman
Spratt, Stephen
Vaillancourt, Steve
Woodbury, David

Campbell, David
Christiansen, Lars
Culbert, Patrick
Gale, Sylvia
Grady, Brenda
Harriott-Gathright, Linda
Jack, Martin
LeBrun, Donald
Mangipudi, Latha
Nelson, Mary
Parison, James
Rowe, Robert
Shaw, Barbara
Sullivan, Peter
Walsh, Robert

MERRIMACK

Alicea, Caroletta
Carson, Clyde
Frazer, June
Hoell, J.R.
Kidder, David
Moffett, Howard

Bartlett, Christy
Davis, Frank
French, Barbara
Hunt, Jane
Kotowski, Frank
Myler, Mel

Bouchard, Candace
Ebel, Karen
Gile, Mary
Karrick, David
MacKay, James
Patten, Dick

Carey, Lorrie
Frambach, Mary
Henle, Paul
Kelly, Sally
McGuire, Carol
Ratzki, Mario

Rice, Chip
Shurtleff, Stephen
Watrous, Rick

Richardson, Gary
Turcotte, Alan
Webb, Leigh

Rogers, Katherine
Wallner, Mary Jane

Schamberg, Thomas
Walz, Mary Beth

ROCKINGHAM

Abrami, Patrick
Burtis, Elizabeth
Cushing, Robert
Harris, Jeffrey
Lovejoy, Patricia
O'Connor, John
Sedensky, John
Till, Mary
Wazlaw, Brian

Andrews-Ahearn, E. Elaine
Cahill, Michael
Emerick, J. Tracy
Heffron, Frank
Major, Norman
Pantelakos, Laura
Sherman, Thomas
Tucker, Pamela
Whittemore, Lisa

Borden, David
Cali-Pitts, Jacqueline
Fesh, Robert
Helmstetter, Barbara
Mann, Maureen
Schlachman, Donna
Sweeney, Joe
Ward, Gerald

Briden, Steven
Comerford, Timothy
Flockhart, Eileen
Kappler, Lawrence
Moody, Marcia
Schroadter, Adam
Tasker, Kyle
Waterhouse, Kevin

STRAFFORD

Baber, William
Burke, Rachel
Hooper, Dorothea
Ketel, Stephen
Miller, David
Perry, Robert
Spang, Judith

Berube, Roger
Gardner, Janice
Horrigan, Timothy
Malloy, Dennis
Mullen, John
Rogers, Rose Marie
Stevens, Audrey

Bickford, David
Grassie, Anne
Hubbard, Pamela
Menear, H. Robert
Parsons, Robbie
Rollo, Deanna
Verschueren, James

Bixby, Peter
Grossman, Kenneth
Kaen, Naida
Merrill, Amanda
Pelletier, Marsha
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Irwin, Virginia
Tanner, Linda

Gagnon, Raymond
O'Hearne, Andrew

Gottling, Suzanne
Schmidt, Andrew

Grenier, James
Sweeney, Cynthia

NAYS - 110

BELKNAP

Burchell, Richard

Greemore, Robert

Holmes, Stephen

Worsman, Colette

CARROLL

Buco, Thomas
McConkey, Mark

Chandler, Gene
Morrow, Harry

Crawford, Karel

Lavender, Tom

CHESHIRE

Hunt, John

Johnson, Jane

COOS

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Reilly, Harold

Doolan, Ralph

Ladd, Rick

Piper, Wendy

HILLSBOROUGH

Barry, Richard
Byron, Frank
Gagne, Larry
Hikel, John
Kelley, John
Martel, Andre
Notter, Jeanine
Palmer, Stephen
Rokas, Ted
Stroud, Kathleen
Willette, Robert

Belanger, James
Daniels, Gary
Goley, Jeffrey
Hinch, Richard
Kurk, Neal
McCarthy, Michael
O'Brien, William
Pellegrino, Tony
Sanborn, Laurie
Takesian, Charlene

Boehm, Ralph
DiSilvestro, Linda
Graham, John
Jasper, Shawn
LeVasseur, Richard
Murphy, Keith
Ober, Lynne
Peterson, Lenette
Soucy, Timothy
Ulery, Jordan

Burt, John
Flanagan, Jack
Hansen, Peter
Judy, Jean
MacKay, Mariellen
Murphy, Kelleigh
Ober, Russell
Renzullo, Andrew
Straight, Philip
Villeneuve, Moe

MERRIMACK

Hess, David
Smith, Todd

Lockwood, Priscilla

McGuire, Dan

Schuett, Dianne

ROCKINGHAM

Allen, Mary
Birdsell, Regina
Devine, James
Garcia, Bianca
Griffin, Mary
Introne, Robert

Baldasaro, Alfred
Charron, Gene
Duarte, Joe
Garcia, Marilinda
Hagan, Joseph
Khan, Aboul

Belanger, Ronald
Chirichiello, Brian
Elliott, Robert
Gordon, Richard
Hayes, Jack
Kolodziej, Walter

Bick, Patrick
Copeland, Timothy
Ferrante, Beverly
Grace, Curtis
Hoelzel, Kathleen
McKinney, Betsy

McMahon, Charles
Perkins, Lawrence
Sapareto, Frank

Milz, David
Priestley, Anne
Sytek, John

Nigrello, Robert
Rice, Frederick
Webb, James

Peckham, Michele
Sanders, Elisabeth
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Pitre, Joseph

Gray, James

Groen, Warren

Jones, Laura

SULLIVAN

Lefebvre, Benjamin

Osgood, Joe

Rollins, Skip

Smith, Steven

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

(Rep. Bouchard in the Chair)

SB 207-FN, relative to paycheck equity. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Robert R. Cushing for the Majority of Criminal Justice and Public Safety. This bill addresses the issue of pay equity by clearing up the definition of equal pay, prohibiting retaliation against workers inquiring about wages and requiring the department of labor to post notices of pay equity laws. The House adopted the recommendation of the Labor committee and passed SB 207, recognizing the concept of equal pay for equal work as a fundamental right and requiring employers to pay their employees equally for equal work, irrespective of the employee's gender. In reviewing the penalty portion of SB 207, the committee found the fine of not more than \$2500 appropriate and consistent with other violations of our labor laws. By a narrow margin (10-8) the committee adopted an amendment to the bill that reduced the time limit from 3 years to one year that an employee who was not paid equal pay based upon his or her gender had to initiate action to recover unpaid wages. Vote 16-2.

Rep. Mark Warden for the Minority of Criminal Justice and Public Safety. The minority believes this bill as written leaves too much leeway in enforcement, giving the commissioner power to enforce provisions "through appropriate actions in response to complaints" which could lead to arbitrary and subjective enforcements. Such actions by the commissioner should be based on facts and proven actions, not simply on complaints. The minority believes interim study would correct flaws in the bill to avoid unintended negative consequences.

Majority Amendment (1629h)

Amend the bill by replacing section 8 with the following:

8 Limitations of Actions. Amend RSA 275:41 to read as follows:

275:41 Limitation of Actions. Any action to recover unpaid wages and liquidated damages based on violation of RSA 275:37, ~~[must]~~ **shall** be commenced within one year ~~[of the accrual thereof and not afterwards]~~ **of discovery of the violation. No action brought under this section shall include any violation that occurred more than 4 years prior to the commencement of such action.**

Rep. Andrew White spoke against.

Rep. Vaillancourt spoke in favor.

Rep. DiMartino requested a roll call; sufficiently seconded.

YEAS 152 - NAYS 184

YEAS - 152

BELKNAP

Burchell, Richard
Greemore, Robert
Tilton, Franklin

Comtois, Guy
Holmes, Stephen
Vadney, Herbert

Fields, Dennis
Luther, Robert
Worsman, Colette

Flanders, Donald
Sylvia, Michael

CARROLL

Ahlgren, Christopher
Morrow, Harry
Wright, Donald

Chandler, Gene
Nelson, Bill

Crawford, Karel
Schmidt, Stephen

McConkey, Mark
Umberger, Karen

CHESHIRE

Hunt, John

Johnson, Jane

Roberts, Kris

Robertson, Timothy

COOS

Rappaport, Laurence

Rideout, Leon

GRAFTON

Bailey, Brad
Ladd, Rick

Doolan, Ralph
Piper, Wendy

Friedrich, Carol
Reilly, Harold

Gionet, Edmond

HILLSBOROUGH

Barry, Richard
 Carroll, Douglas
 Daniels, Gary
 Gargas, Carolyn
 Hinch, Richard
 Kurk, Neal
 McCarthy, Michael
 Notter, Jeanine
 Ober, Russell
 Renzullo, Andrew
 Souza, Kathleen
 Ulery, Jordan

Belanger, James
 Cebrowski, John
 Danielson, David
 Graham, John
 Hopper, Gary
 Lambert, George
 Murotake, David
 O'Brien, William
 Palmer, Stephen
 Rowe, Robert
 Straight, Philip
 Vaillancourt, Steve

Boehm, Ralph
 Coffey, James
 Flanagan, Jack
 Hansen, Peter
 Jasper, Shawn
 LeBrun, Donald
 Murphy, Keith
 O'Flaherty, Tim
 Parison, James
 Sanborn, Laurie
 Sweeney, Shawn
 Villeneuve, Moe

Byron, Frank
 Culbert, Patrick
 Gagne, Larry
 Hikel, John
 Knowles, Mary Ann
 LeVasseur, Richard
 Murphy, Kelleigh
 Ober, Lynne
 Peterson, Lenette
 Sandblade, Emily
 Takesian, Charlene
 Willette, Robert

MERRIMACK

Hess, David
 Lockwood, Priscilla

Hoell, J.R.
 McGuire, Carol

Kidder, David
 McGuire, Dan

Kotowski, Frank
 Smith, Todd

ROCKINGHAM

Abrami, Patrick
 Bick, Patrick
 Comerford, Timothy
 Elliott, Robert
 Garcia, Marilinda
 Harris, Jeffrey
 Kappler, Lawrence
 Major, Norman
 Nigrello, Robert
 Priestley, Anne
 Schroadter, Adam
 Tasker, Kyle
 Webb, James

Allen, Mary
 Birdsell, Regina
 Copeland, Timothy
 Emerick, J. Tracy
 Grace, Curtis
 Hayes, Jack
 Khan, Aboul
 McKinney, Betsy
 O'Connor, John
 Rice, Frederick
 Sedensky, John
 Tucker, Pamela
 Weyler, Kenneth

Baldasaro, Alfred
 Charron, Gene
 Devine, James
 Ferrante, Beverly
 Griffin, Mary
 Hoelzel, Kathleen
 Kolodziej, Walter
 McMahon, Charles
 Peckham, Michele
 Sanders, Elisabeth
 Sweeney, Joe
 Waterhouse, Kevin

Belanger, Ronald
 Chirichiello, Brian
 Duarte, Joe
 Fesh, Robert
 Hagan, Joseph
 Introne, Robert
 Lovejoy, Patricia
 Milz, David
 Perkins, Lawrence
 Sapareto, Frank
 Sytek, John
 Wazlaw, Brian

STRAFFORD

Beaudoin, Steven
 Gray, James
 Pitre, Joseph

Bickford, David
 Groen, Warren

Burke, Rachel
 Jones, Laura

Gardner, Janice
 Mullen, John

SULLIVAN

Grenier, James

Osgood, Joe

Rollins, Skip

Smith, Steven

NAYS - 184**BELKNAP**

Cormier, Jane
 Raymond, Ian

DiMartino, Lisa

Gulick, Ruth

Huot, David

CARROLL

Buco, Thomas
 White, Syndi

Butler, Edward

Lavender, Tom

Ticehurst, Susan

CHESHIRE

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

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

Butynski, William
 Mann, John
 Shepardson, Marjorie

Chase, Cynthia
 Parkhurst, Henry
 Tatro, Bruce

COOS

Hammon, Marcia
 Thomas, Yvonne

Hatch, William

Moynihan, Wayne

Richardson, Herbert

GRAFTON

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

Almy, Susan
 Harding, Laurie
 Mulholland, Catherine
 Sykes, George

Benn, Bernard
 Higgins, Patricia
 Nordgren, Sharon
 White, Andrew

Cooney, Mary
 Lovett, Sid
 Pastor, Beatriz

HILLSBOROUGH

Backus, Robert
 Campbell, David
 Cote, David

Booras, Efstathia
 Chandley, Shannon
 DiSilvestro, Linda

Brown, Pamela
 Christiansen, Lars
 Eaton, Richard

Burt, John
 Connor, Evelyn
 Gage, Ruth

Gale, Sylvia
Grady, Brenda
Harriott-Gathright, Linda
Jeudy, Jean
Levesque, Melanie
Manley, Jonathan
O'Brien, Michael
Ramsey, Peter
Shattuck, Gilman
Spratt, Stephen
Walsh, Robert

Gidge, Kenneth
Hackel, Paul
Heath, Mary
Kelley, John
Long, Patrick
Martel, Andre
O'Neil, William
Rokas, Ted
Shaw, Barbara
Stroud, Kathleen
Williams, Kermit

Goley, Jeffrey
Hammond, Jill
Heden, Ruth
Kopka, Angeline
MacKay, Mariellen
McNamara, Richard
Pellegrino, Tony
Rosenwald, Cindy
Smith, Timothy
Sullivan, Peter
Winters, Joel

Gorman, Mary
Hansberry, Daniel
Jack, Martin
Leishman, Peter
Mangipudi, Latha
Nelson, Mary
Porter, Marjorie
Schmidt, Janice
Soucy, Timothy
Vail, Suzanne
Woodbury, David

MERRIMACK

Alicea, Caroletta
Davis, Frank
French, Barbara
Karrick, David
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

Bartlett, Christy
Ebel, Karen
Gile, Mary
Kelly, Sally
Patten, Dick
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

Carey, Lorrie
Frambach, Mary
Henle, Paul
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

Carson, Clyde
Frazer, June
Hunt, Jane
Moffett, Howard
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cahill, Michael
Garcia, Bianca
Mann, Maureen
Schlachman, Donna
Whittemore, Lisa

Borden, David
Cali-Pitts, Jacqueline
Gordon, Richard
Moody, Marcia
Sherman, Thomas

Briden, Steven
Cushing, Robert
Heffron, Frank
Norelli, Terie
Till, Mary

Burtis, Elizabeth
Flockhart, Eileen
Helmstetter, Barbara
Pantelakos, Laura
Ward, Gerald

STRAFFORD

Baber, William
Grossman, Kenneth
Kaen, Naida
Merrill, Amanda
Perry, Robert
Spang, Judith

Berube, Roger
Hooper, Dorothea
Ketel, Stephen
Miller, David
Rogers, Rose Marie
Stevens, Audrey

Bixby, Peter
Horrigan, Timothy
Malloy, Dennis
Parsons, Robbie
Rollo, Deanna
Verschueren, James

Grassie, Anne
Hubbard, Pamela
Menear, H. Robert
Pelletier, Marsha
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Lefebvre, Benjamin
Tanner, Linda

Gagnon, Raymond
O'Hearne, Andrew

Gottling, Suzanne
Schmidt, Andrew

Irwin, Virginia
Sweeney, Cynthia

and the majority committee amendment failed.

MOTION TO LAY ON THE TABLE

Rep. Vaillancourt moved that **SB 207-FN**, relative to paycheck equity, be laid on the table.

Rep. Daniel Eaton requested a roll call; sufficiently seconded.

YEAS 129 - NAYS 208

YEAS - 129

BELKNAP

Burchell, Richard
Greemore, Robert
Tilton, Franklin

Comtois, Guy
Holmes, Stephen
Vadney, Herbert

Cormier, Jane
Luther, Robert
Worsman, Colette

Flanders, Donald
Sylvia, Michael

CARROLL

Ahlgren, Christopher
Nelson, Bill

Chandler, Gene
Schmidt, Stephen

Crawford, Karel
Umberger, Karen

McConkey, Mark
Wright, Donald

CHESHIRE

Hunt, John

Roberts, Kris

COOS

Rappaport, Laurence

Rideout, Leon

GRAFTON

Bailey, Brad
Reilly, Harold

Doolan, Ralph

Gionet, Edmond

Ladd, Rick

HILLSBOROUGH

Belanger, James
Cebrowski, John
Danielson, David
Graham, John
Hopper, Gary
LeBrun, Donald
Murphy, Keith
O'Flaherty, Tim
Parison, James
Sanborn, Laurie
Straight, Philip
Willette, Robert

Boehm, Ralph
Coffey, James
Flanagan, Jack
Hansen, Peter
Jasper, Shawn
Martel, Andre
Murphy, Kelleigh
Ober, Lynne
Peterson, Lenette
Sandblade, Emily
Takesian, Charlene

Burt, John
Culbert, Patrick
Gagne, Larry
Hikel, John
Kurk, Neal
McCarthy, Michael
Notter, Jeanine
Ober, Russell
Renzullo, Andrew
Shaw, Barbara
Vaillancourt, Steve

Byron, Frank
Daniels, Gary
Gargas, Carolyn
Hinch, Richard
Lambert, George
Murotake, David
O'Brien, William
Palmer, Stephen
Rowe, Robert
Souza, Kathleen
Villeneuve, Moe

MERRIMACK

Hoell, J.R.
McGuire, Dan

Kotowski, Frank
Smith, Todd

Lockwood, Priscilla

McGuire, Carol

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Devine, James
Ferrante, Beverly
Gordon, Richard
Harris, Jeffrey
Kolodziej, Walter
Milz, David
Priestley, Anne
Schroadter, Adam
Tucker, Pamela

Allen, Mary
Chirichiello, Brian
Duarte, Joe
Fesh, Robert
Grace, Curtis
Hoelzel, Kathleen
Major, Norman
Nigrello, Robert
Rice, Frederick
Sedensky, John
Waterhouse, Kevin

Baldasaro, Alfred
Comerford, Timothy
Elliott, Robert
Garcia, Bianca
Griffin, Mary
Kappler, Lawrence
McKinney, Betsy
O'Connor, John
Sanders, Elisabeth
Sytek, John
Webb, James

Belanger, Ronald
Copeland, Timothy
Emerick, J. Tracy
Garcia, Marilinda
Hagan, Joseph
Khan, Aboul
McMahon, Charles
Perkins, Lawrence
Sapareto, Frank
Tasker, Kyle
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Parsons, Robbie

Groen, Warren
Pitre, Joseph

Jones, Laura

Mullen, John

NAYS - 208**BELKNAP**

DiMartino, Lisa
Raymond, Ian

Fields, Dennis

Gulick, Ruth

Huot, David

CARROLL

Buco, Thomas
Ticehurst, Susan

Butler, Edward
White, Syndi

Lavender, Tom

Morrow, Harry

CHESHIRE

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

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

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

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

COOS

Hammon, Marcia
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

Richardson, Herbert

GRAFTON

Aguiar, James
Ford, Susan
Lovett, Sid
Pastor, Beatriz
White, Andrew

Almy, Susan
Friedrich, Carol
Massimilla, Linda
Piper, Wendy

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

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

HILLSBOROUGH

Backus, Robert
Campbell, David
Connor, Evelyn
Gage, Ruth
Gorman, Mary
Hansberry, Daniel
Jack, Martin
Kopka, Angeline
Long, Patrick

Barry, Richard
Carroll, Douglas
Cote, David
Gale, Sylvia
Grady, Brenda
Harriott-Gathright, Linda
Judy, Jean
Leishman, Peter
MacKay, Mariellen

Booras, Efstathia
Chandley, Shannon
DiSilvestro, Linda
Gidge, Kenneth
Hackel, Paul
Heath, Mary
Kelley, John
LeVasseur, Richard
Mangipudi, Latha

Brown, Pamela
Christiansen, Lars
Eaton, Richard
Goley, Jeffrey
Hammond, Jill
Heden, Ruth
Knowles, Mary Ann
Levesque, Melanie
Manley, Jonathan

McNamara, Richard
Pellegrino, Tony
Rosenwald, Cindy
Soucy, Timothy
Sullivan, Peter
Walsh, Robert

Nelson, Mary
Porter, Marjorie
Schmidt, Janice
Spratt, Stephen
Sweeney, Shawn
Williams, Kermit

O'Brien, Michael
Ramsey, Peter
Shattuck, Gilman
Stroud, Kathleen
Ulery, Jordan
Winters, Joel

O'Neil, William
Rokas, Ted
Smith, Timothy
Sullivan, Daniel
Vail, Suzanne
Woodbury, David

MERRIMACK

Alicea, Caroletta
Davis, Frank
French, Barbara
Hunt, Jane
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

Bartlett, Christy
Ebel, Karen
Gile, Mary
Karrick, David
Moffett, Howard
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

Carey, Lorrie
Frambach, Mary
Henle, Paul
Kelly, Sally
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

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

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Burtis, Elizabeth
Cushing, Robert
Helmstetter, Barbara
Moody, Marcia
Schlachman, Donna
Ward, Gerald

Bick, Patrick
Cahill, Michael
Flockhart, Eileen
Introne, Robert
Norelli, Terie
Sherman, Thomas
Wazlaw, Brian

Borden, David
Cali-Pitts, Jacqueline
Hayes, Jack
Lovejoy, Patricia
Pantelakos, Laura
Sweeney, Joe
Whittemore, Lisa

Briden, Steven
Charron, Gene
Heffron, Frank
Mann, Maureen
Peckham, Michele
Till, Mary

STRAFFORD

Baber, William
Burke, Rachel
Grossman, Kenneth
Kaen, Naida
Merrill, Amanda
Rogers, Rose Marie
Stevens, Audrey

Berube, Roger
Gardner, Janice
Hooper, Dorothea
Ketel, Stephen
Miller, David
Rollo, Deanna
Verschueren, James

Bickford, David
Grassie, Anne
Horrigan, Timothy
Malloy, Dennis
Pelletier, Marsha
Schmidt, Peter
Wall, Janet

Bixby, Peter
Gray, James
Hubbard, Pamela
Menear, H. Robert
Perry, Robert
Spang, Judith

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

and the motion failed.

The question now being adoption of the motion of Ought to Pass.
Rep. Shannon Chandley spoke in favor.
Rep. Daniel Eaton requested a roll call; sufficiently seconded.

YEAS 233 - NAYS 103

YEAS - 233

BELKNAP

DiMartino, Lisa
Raymond, Ian

Fields, Dennis

Gulick, Ruth

Huot, David

CARROLL

Buco, Thomas
McConkey, Mark
Umberger, Karen

Butler, Edward
Morrow, Harry
White, Syndi

Crawford, Karel
Nelson, Bill
Wright, Donald

Lavender, Tom
Ticehurst, Susan

CHESHIRE

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

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

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

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

COOS

Hammon, Marcia
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

Richardson, Herbert

GRAFTON

Aguiar, James
Ford, Susan

Almy, Susan
Friedrich, Carol

Benn, Bernard
Gionet, Edmond

Cooney, Mary
Harding, Laurie

Higgins, Patricia
Nordgren, Sharon
Sykes, George

Lovett, Sid
Pastor, Beatriz
White, Andrew

Massimilla, Linda
Piper, Wendy

Mulholland, Catherine
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Carroll, Douglas
Connor, Evelyn
Gage, Ruth
Goley, Jeffrey
Hammond, Jill
Heden, Ruth
Knowles, Mary Ann
Levesque, Melanie
Manley, Jonathan
Nelson, Mary
Porter, Marjorie
Schmidt, Janice
Soucy, Timothy
Sullivan, Peter
Walsh, Robert

Barry, Richard
Chandley, Shannon
Cote, David
Gale, Sylvia
Gorman, Mary
Hansberry, Daniel
Jack, Martin
Kopka, Angeline
Long, Patrick
McNamara, Richard
O'Brien, Michael
Ramsey, Peter
Shattuck, Gilman
Spratt, Stephen
Sweeney, Shawn
Williams, Kermit

Booras, Efstathia
Christiansen, Lars
DiSilvestro, Linda
Gargas, Carolyn
Grady, Brenda
Harriott-Gathright, Linda
Judy, Jean
Leishman, Peter
MacKay, Mariellen
Murotake, David
O'Neil, William
Rokas, Ted
Shaw, Barbara
Stroud, Kathleen
Takesian, Charlene
Winters, Joel

Brown, Pamela
Coffey, James
Eaton, Richard
Gidge, Kenneth
Hackel, Paul
Heath, Mary
Kelley, John
LeVasseur, Richard
Mangipudi, Latha
Murphy, Kelleigh
Pellegrino, Tony
Rosenwald, Cindy
Smith, Timothy
Sullivan, Daniel
Vail, Suzanne
Woodbury, David

MERRIMACK

Alicea, Caroletta
Davis, Frank
French, Barbara
Karrick, David
Moffett, Howard
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

Bartlett, Christy
Ebel, Karen
Gile, Mary
Kelly, Sally
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

Carey, Lorrie
Frambach, Mary
Henle, Paul
Kidder, David
Patten, Dick
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

Carson, Clyde
Frazer, June
Hunt, Jane
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

ROCKINGHAM

Allen, Mary
Borden, David
Cali-Pitts, Jacqueline
Cushing, Robert
Fesh, Robert
Hayes, Jack
Lovejoy, Patricia
Milz, David
Pantelakos, Laura
Sapareto, Frank
Till, Mary
Whittemore, Lisa

Andrews-Ahearn, E. Elaine
Briden, Steven
Charron, Gene
Devine, James
Flockhart, Eileen
Heffron, Frank
Major, Norman
Moody, Marcia
Peckham, Michele
Schlachman, Donna
Ward, Gerald

Belanger, Ronald
Burtis, Elizabeth
Chirichiello, Brian
Elliott, Robert
Grace, Curtis
Helmstetter, Barbara
Mann, Maureen
Nigrello, Robert
Perkins, Lawrence
Sherman, Thomas
Wazlaw, Brian

Bick, Patrick
Cahill, Michael
Copeland, Timothy
Ferrante, Beverly
Harris, Jeffrey
Khan, Aboul
McKinney, Betsy
Norelli, Terie
Priestley, Anne
Sweeney, Joe
Weyler, Kenneth

STRAFFORD

Baber, William
Gardner, Janice
Horrigan, Timothy
Malloy, Dennis
Mullen, John
Rollo, Deanna
Verschuere, James

Berube, Roger
Grassie, Anne
Hubbard, Pamela
Meneer, H. Robert
Pelletier, Marsha
Schmidt, Peter
Wall, Janet

Bixby, Peter
Grossman, Kenneth
Kaen, Naida
Merrill, Amanda
Perry, Robert
Spang, Judith

Burke, Rachel
Hooper, Dorothea
Ketel, Stephen
Miller, David
Rogers, Rose Marie
Stevens, Audrey

SULLIVAN

Cloutier, John
Irwin, Virginia
Schmidt, Andrew

Gagnon, Raymond
Lefebvre, Benjamin
Smith, Steven

Gottling, Suzanne
O'Hearne, Andrew
Sweeney, Cynthia

Grenier, James
Rollins, Skip
Tanner, Linda

NAYS - 103

BELKNAP

Burchell, Richard
Greemore, Robert
Tilton, Franklin

Comtois, Guy
Holmes, Stephen
Vadney, Herbert

Cormier, Jane
Luther, Robert
Worsman, Colette

Flanders, Donald
Sylvia, Michael

CARROLL

Ahlgren, Christopher

Chandler, Gene

Schmidt, Stephen

CHESHIRE

Hunt, John

Roberts, Kris

COOS

Rappaport, Laurence

Rideout, Leon

GRAFTON

Bailey, Brad

Doolan, Ralph

Ladd, Rick

Reilly, Harold

HILLSBOROUGH

Belanger, James
Cebrowski, John
Flanagan, Jack
Hansen, Peter
Jasper, Shawn
Martel, Andre
O'Flaherty, Tim
Parison, James
Sanborn, Laurie
Ulery, Jordan

Boehm, Ralph
Culbert, Patrick
Gagne, Larry
Hikel, John
Kurk, Neal
Murphy, Keith
Ober, Lynne
Peterson, Lenette
Sandblade, Emily
Vaillancourt, Steve

Burt, John
Daniels, Gary
Garcia, Michael
Hinch, Richard
Lambert, George
Notter, Jeanine
Ober, Russell
Renzullo, Andrew
Souza, Kathleen
Villeneuve, Moe

Byron, Frank
Danielson, David
Graham, John
Hopper, Gary
LeBrun, Donald
O'Brien, William
Palmer, Stephen
Rowe, Robert
Straight, Philip
Willetta, Robert

MERRIMACK

Hess, David
McGuire, Carol

Hoell, J.R.
McGuire, Dan

Kotowski, Frank
Smith, Todd

Lockwood, Priscilla

ROCKINGHAM

Abrami, Patrick
Duarte, Joe
Gordon, Richard
Introne, Robert
O'Connor, John
Sedensky, John
Waterhouse, Kevin

Baldasaro, Alfred
Emerick, J. Tracy
Griffin, Mary
Kappler, Lawrence
Rice, Frederick
Sytek, John
Webb, James

Birdsell, Regina
Garcia, Bianca
Hagan, Joseph
Kolodziej, Walter
Sanders, Elisabeth
Tasker, Kyle

Comerford, Timothy
Garcia, Marilinda
Hoelzel, Kathleen
McMahon, Charles
Schroadter, Adam
Tucker, Pamela

STRAFFORD

Beaudoin, Steven
Jones, Laura

Bickford, David
Parsons, Robbie

Gray, James
Pitre, Joseph

Groen, Warren

SULLIVAN

Osgood, Joe

and the motion was adopted and ordered to third reading.

SB 390, prohibiting discrimination against employees who are victims of domestic violence and establishing a committee to study the protection of employees from domestic violence. **MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Brenda E. Grady for Criminal Justice and Public Safety. The criminal justice committee has recently dealt with the issue of domestic violence by establishing it, finally, as a separate statute. We know that domestic violence is, and has been, a serious issue in our society and the consequences of it are far reaching. This bill would help to keep victims of domestic violence from becoming victimized again, this time in the workplace. It helps victims to break free of further abuse by providing a protection from employer actions such as refusal to hire, discharge, demote, suspend, or in any manner discriminate or retaliate against a victim of domestic violence, harassment, sexual assault, or stalking. Vote 11-7.

Rep. Steve Vaillancourt for the Minority of Criminal Justice and Public Safety. The minority amendment, in recognition of a potential problem in regard to discrimination against victims of domestic violence in the workplace, would retain the study portion of this bill. However, note the word "potential" problem. The committee heard absolutely no evidence that such a problem exists, and until evidence is produced in the form of a study committee, the minority is convinced this bill is simply a solution looking for a problem that does not exist. When we passed Joshua's law a few weeks ago, we set in motion an ability to discover instances of domestic violence. In fact, no one would deny that domestic violence is real and must be dealt with. However, we should not mix the very real concern over domestic violence with an imagined concern that people are discriminated against at the work place. When asked to provide evidence, any evidence at all, one of the bill's supporters could only site a fear by a 26-year old woman he had spoken with. If we begin to legislate out of concern for "fears," there would be no end of bills, which might come forward. Many such bills would do no good but would also do no harm. This bill, however, has the potential for harm in two very important instances. Should this pass prior to any appropriate study, we could be encouraging the filing of any number of lawsuits. For example, let's say a person is fired for inability to perform on the job. That person could simply claim he or she has been the victim of domestic violence and was fired for that reason. A study committee could explore ways of tightening up language so this would not happen. Even more significantly, this bill, as an unintended consequence, could actually lead to a dramatic and horrifying increase of workplace

violence. We hear of all too many episodes of a disgruntled employee opening fire at random in the workplace and killing innocent people. Employers have become cognizant of such episodes and are taking precautions. However, were this bill to pass, employers, out of fear of being sued if they take such precautions, might slack off leading to a true tragedy. One member of the committee suggested it would be a crime not to vote for this bill. The minority is convinced that the true crime would be if a mass killing were to occur at a workplace because an employer was more concerned about the legal ramifications of this bill and relaxed security at the establishment. Until we get some data as to whether a problem really exists, it would be irresponsible for us to jeopardize everyone on the workplace in search of a solution to a problem that may not exist. The minority sadly notes that some in favor of this bill choose to demagogue it by saying that "you're either in favor of the victim or of the perpetrator." That may be a good talking point for some campaign, but it's an irresponsible way to legislate. Nothing in this bill would allow a potential victim to sue the employer to be made whole. If proponents of this bill were really concerned about potential victims, they would have included such a provision. Until then, we sadly conclude that they are more concerned about making noise than helping people. The minority is convinced that a study committee would deal with these concerns and that until data is available, this bill has far more potential for harm than good.

The question before the House is the adoption of the majority committee report of Ought to Pass. Rep. Vaillancourt offered Minority committee amendment (1701h).

Minority Amendment (1701h)

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

AN ACT establishing a committee to study the protection of employees from domestic violence.

Amend the bill by deleting section 1 and renumbering the original sections 2-3 to read as 1-2, respectively.

Amend the bill by replacing section 2 with the following:

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

AMENDED ANALYSIS

The bill establishes a committee to study the protection of employees from domestic violence.

Rep. Vaillancourt spoke in favor and yielded to questions.

Rep. Cushing spoke against.

Rep. Daniel Eaton requested a roll call; sufficiently seconded.

YEAS 144 - NAYS 188

YEAS - 144

BELKNAP

Burchell, Richard
Greemore, Robert
Tilton, Franklin

Comtois, Guy
Holmes, Stephen
Vadney, Herbert

Fields, Dennis
Luther, Robert
Worsman, Colette

Flanders, Donald
Sylvia, Michael

CARROLL

Chandler, Gene
Schmidt, Stephen

Lavender, Tom
Umberger, Karen

McConkey, Mark
Wright, Donald

Nelson, Bill

CHESHIRE

Hunt, John

Roberts, Kris

COOS

Rappaport, Laurence

Rideout, Leon

GRAFTON

Aguiar, James
Ladd, Rick
Reilly, Harold

Bailey, Brad
Lovett, Sid

Friedrich, Carol
Massimilla, Linda

Gionet, Edmond
Piper, Wendy

HILLSBOROUGH

Belanger, James
Coffey, James
Flanagan, Jack
Hansen, Peter
Jasper, Shawn
LeVasseur, Richard
Murphy, Keith
O'Flaherty, Tim
Peterson, Lenette
Sandblade, Emily
Sweeney, Shawn
Villeneuve, Moe

Boehm, Ralph
Culbert, Patrick
Gagne, Larry
Hikel, John
Kurk, Neal
Martel, Andre
Murphy, Kelleigh
Ober, Russell
Renzullo, Andrew
Souza, Kathleen
Takesian, Charlene
Willette, Robert

Burt, John
Daniels, Gary
Garcia, Michael
Hinch, Richard
Lambert, George
McCarthy, Michael
Notter, Jeanine
Palmer, Stephen
Rowe, Robert
Straight, Philip
Ulery, Jordan
Winters, Joel

Byron, Frank
Danielson, David
Graham, John
Hopper, Gary
LeBrun, Donald
Murotake, David
O'Brien, William
Parison, James
Sanborn, Laurie
Stroud, Kathleen
Vaillancourt, Steve

MERRIMACK

Hess, David
Lockwood, Priscilla

Hoell, J.R.
McGuire, Carol

Kidder, David
McGuire, Dan

Kotowski, Frank
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Bick, Patrick
Chirichiello, Brian
Elliott, Robert
Grace, Curtis
Introne, Robert
Lovejoy, Patricia
Nigrello, Robert
Rice, Frederick
Sedensky, John
Tucker, Pamela

Allen, Mary
Birdsell, Regina
Comerford, Timothy
Emerick, J. Tracy
Hagan, Joseph
Kappler, Lawrence
McKinney, Betsy
O'Connor, John
Sanders, Elisabeth
Sweeney, Joe
Waterhouse, Kevin

Baldasaro, Alfred
Cali-Pitts, Jacqueline
Copeland, Timothy
Ferrante, Beverly
Harris, Jeffrey
Khan, Aboul
McMahon, Charles
Peckham, Michele
Sapareto, Frank
Sytek, John
Webb, James

Belanger, Ronald
Charron, Gene
Duarte, Joe
Fesh, Robert
Hoelzel, Kathleen
Kolodziej, Walter
Milz, David
Perkins, Lawrence
Schroadter, Adam
Tasker, Kyle
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Jones, Laura
Pitre, Joseph

Bickford, David
Menear, H. Robert
Spang, Judith

Gray, James
Mullen, John

Groen, Warren
Parsons, Robbie

SULLIVAN

Grenier, James

Osgood, Joe

Rollins, Skip

Smith, Steven

NAYS - 188**BELKNAP**

Cormier, Jane
Raymond, Ian

DiMartino, Lisa

Gulick, Ruth

Huot, David

CARROLL

Buco, Thomas
White, Syndi

Butler, Edward

Crawford, Karel

Ticehurst, Susan

CHESHIRE

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

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

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

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

COOS

Hammon, Marcia
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

Richardson, Herbert

GRAFTON

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Higgins, Patricia
Sykes, George

Cooney, Mary
Mulholland, Catherine
White, Andrew

Ford, Susan
Pastor, Beatriz

HILLSBOROUGH

Backus, Robert
Campbell, David
Christiansen, Lars
Eaton, Richard
Gidge, Kenneth
Hackel, Paul
Heath, Mary
Kelley, John
Levesque, Melanie
Manley, Jonathan
O'Neil, William
Ramsey, Peter
Shattuck, Gilman
Spratt, Stephen
Walsh, Robert

Barry, Richard
Carroll, Douglas
Connor, Evelyn
Gage, Ruth
Goley, Jeffrey
Hammond, Jill
Heden, Ruth
Knowles, Mary Ann
Long, Patrick
McNamara, Richard
Ober, Lynne
Rokas, Ted
Shaw, Barbara
Sullivan, Daniel
Williams, Kermit

Booras, Efstathia
Cebrowski, John
Cote, David
Gale, Sylvia
Gorman, Mary
Hansberry, Daniel
Jack, Martin
Kopka, Angeline
MacKay, Mariellen
Nelson, Mary
Pellegrino, Tony
Rosenwald, Cindy
Smith, Timothy
Sullivan, Peter
Woodbury, David

Brown, Pamela
Chandley, Shannon
DiSilvestro, Linda
Gargas, Carolyn
Grady, Brenda
Harriott-Gathright, Linda
Judy, Jean
Leishman, Peter
Mangipudi, Latha
O'Brien, Michael
Porter, Marjorie
Schmidt, Janice
Soucy, Timothy
Vail, Suzanne

MERRIMACK

Alicea, Caroletta
Davis, Frank
French, Barbara

Bartlett, Christy
Ebel, Karen
Gile, Mary

Carey, Lorrie
Frambach, Mary
Henle, Paul

Carson, Clyde
Frazer, June
Hunt, Jane

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

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

MacKay, James
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

Moffett, Howard
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cahill, Michael
Garcia, Bianca
Hayes, Jack
Mann, Maureen
Schlachman, Donna
Wazlaw, Brian

Borden, David
Cushing, Robert
Garcia, Marilinda
Heffron, Frank
Moody, Marcia
Sherman, Thomas
Whittemore, Lisa

Briden, Steven
Devine, James
Gordon, Richard
Helmstetter, Barbara
Pantelakos, Laura
Till, Mary

Burtis, Elizabeth
Flockhart, Eileen
Griffin, Mary
Major, Norman
Priestley, Anne
Ward, Gerald

STRAFFORD

Baber, William
Gardner, Janice
Horrigan, Timothy
Malloy, Dennis
Perry, Robert
Stevens, Audrey

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

Bixby, Peter
Grossman, Kenneth
Kaen, Naida
Miller, David
Rollo, Deanna
Wall, Janet

Burke, Rachel
Hooper, Dorothea
Ketel, Stephen
Pelletier, Marsha
Schmidt, Peter

SULLIVAN

Cloutier, John
Lefebvre, Benjamin

Gagnon, Raymond
O'Hearne, Andrew

Gottling, Suzanne
Schmidt, Andrew

Irwin, Virginia
Tanner, Linda

and the minority committee amendment failed.

The question now being adoption of the majority committee report of Ought to Pass.
Rep. Grady spoke in favor and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Vaillancourt moved that **SB 390**, prohibiting discrimination against employees who are victims of domestic violence and establishing a committee to study the protection of employees from domestic violence, be laid on the table.

Rep. Daniel Eaton requested a roll call; sufficiently seconded.

YEAS 141 - NAYS 187

YEAS - 141 BELKNAP

Burchell, Richard
Greemore, Robert
Tilton, Franklin

Comtois, Guy
Holmes, Stephen
Vadney, Herbert

Cormier, Jane
Luther, Robert
Worsman, Colette

Flanders, Donald
Sylvia, Michael

CARROLL

Chandler, Gene
Wright, Donald

McConkey, Mark

Nelson, Bill

Schmidt, Stephen

CHESHIRE

Hunt, John

Johnson, Jane

COOS

Rappaport, Laurence

Rideout, Leon

GRAFTON

Bailey, Brad
Reilly, Harold

Gionet, Edmond

Ladd, Rick

Piper, Wendy

HILLSBOROUGH

Barry, Richard
Byron, Frank
Daniels, Gary
Garcia, Michael
Hikel, John
Kurk, Neal
McCarthy, Michael
Notter, Jeanine
Ober, Russell

Belanger, James
Cebrowski, John
Danielson, David
Gorman, Mary
Hinch, Richard
Lambert, George
Murotake, David
O'Brien, William
Palmer, Stephen

Boehm, Ralph
Coffey, James
Flanagan, Jack
Graham, John
Hopper, Gary
LeBrun, Donald
Murphy, Keith
O'Flaherty, Tim
Parison, James

Burt, John
Culbert, Patrick
Gagne, Larry
Hansen, Peter
Jasper, Shawn
LeVasseur, Richard
Murphy, Kelleigh
Ober, Lynne
Pellegrino, Tony

Peterson, Lenette
Shaw, Barbara
Sweeney, Shawn
Villeneuve, Moe

Renzullo, Andrew
Souza, Kathleen
Takesian, Charlene
Willette, Robert

Rowe, Robert
Straight, Philip
Ulery, Jordan

Sanborn, Laurie
Stroud, Kathleen
Vaillancourt, Steve

MERRIMACK

Hess, David
Lockwood, Priscilla

Hoell, J.R.
McGuire, Carol

Kidder, David
McGuire, Dan

Kotowski, Frank
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Bick, Patrick
Comerford, Timothy
Elliott, Robert
Garcia, Bianca
Griffin, Mary
Introne, Robert
Major, Norman
Nigrello, Robert
Priestley, Anne
Sytek, John
Webb, James

Allen, Mary
Birdsell, Regina
Copeland, Timothy
Emerick, J. Tracy
Garcia, Marilinda
Hagan, Joseph
Kappler, Lawrence
McKinney, Betsy
O'Connor, John
Rice, Frederick
Tasker, Kyle
Weyler, Kenneth

Baldasaro, Alfred
Charron, Gene
Devine, James
Ferrante, Beverly
Gordon, Richard
Harris, Jeffrey
Khan, Aboul
McMahon, Charles
Peckham, Michele
Sanders, Elisabeth
Tucker, Pamela

Belanger, Ronald
Chirichiello, Brian
Duarte, Joe
Fesh, Robert
Grace, Curtis
Hoelzel, Kathleen
Kolodziej, Walter
Milz, David
Perkins, Lawrence
Sedensky, John
Waterhouse, Kevin

STRAFFORD

Beaudoin, Steven
Jones, Laura
Spang, Judith

Bickford, David
Mullen, John

Gray, James
Parsons, Robbie

Groen, Warren
Pitre, Joseph

SULLIVAN

Osgood, Joe

Rollins, Skip

Smith, Steven

NAYS - 187

BELKNAP

DiMartino, Lisa
Raymond, Ian

Fields, Dennis

Gulick, Ruth

Huot, David

CARROLL

Buco, Thomas
Ticehurst, Susan

Butler, Edward
Umberger, Karen

Crawford, Karel
White, Syndi

Lavender, Tom

CHESHIRE

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

Berch, Paul
Ley, Douglas
Roberts, Kris
Tatro, Bruce

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

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

COOS

Hammon, Marcia
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

Richardson, Herbert

GRAFTON

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

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

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

Doolan, Ralph
Higgins, Patricia
Nordgren, Sharon
White, Andrew

HILLSBOROUGH

Backus, Robert
Carroll, Douglas
Cote, David
Gale, Sylvia
Grady, Brenda
Harriott-Gathright, Linda
Jeudy, Jean
Leishman, Peter
Mangipudi, Latha
O'Neil, William
Schmidt, Janice
Spratt, Stephen
Walsh, Robert

Booras, Efsthathia
Chandley, Shannon
DiSilvestro, Linda
Gargas, Carolyn
Hackel, Paul
Heath, Mary
Kelley, John
Levesque, Melanie
Manley, Jonathan
Porter, Marjorie
Shattuck, Gilman
Sullivan, Daniel
Williams, Kermit

Brown, Pamela
Christiansen, Lars
Eaton, Richard
Gidge, Kenneth
Hammond, Jill
Heden, Ruth
Knowles, Mary Ann
Long, Patrick
McNamara, Richard
Rokas, Ted
Smith, Timothy
Sullivan, Peter
Winters, Joel

Campbell, David
Connor, Evelyn
Gage, Ruth
Goley, Jeffrey
Hansberry, Daniel
Jack, Martin
Kopka, Angeline
MacKay, Mariellen
O'Brien, Michael
Rosenwald, Cindy
Soucy, Timothy
Vail, Suzanne
Woodbury, David

MERRIMACK

Alicea, Caroletta
Davis, Frank
French, Barbara
Karrick, David
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

Bartlett, Christy
Ebel, Karen
Gile, Mary
Kelly, Sally
Patten, Dick
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

Carey, Lorrie
Frambach, Mary
Henle, Paul
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

Carson, Clyde
Frazer, June
Hunt, Jane
Moffett, Howard
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cahill, Michael
Hayes, Jack
Mann, Maureen
Sherman, Thomas
Wazlaw, Brian

Borden, David
Cali-Pitts, Jacqueline
Heffron, Frank
Moody, Marcia
Sweeney, Joe
Whittemore, Lisa

Briden, Steven
Cushing, Robert
Helmstetter, Barbara
Pantelakos, Laura
Till, Mary

Burtis, Elizabeth
Flockhart, Eileen
Lovejoy, Patricia
Schlachman, Donna
Ward, Gerald

STRAFFORD

Baber, William
Gardner, Janice
Horrigan, Timothy
Malloy, Dennis
Pelletier, Marsha
Schmidt, Peter

Berube, Roger
Grassie, Anne
Hubbard, Pamela
Menear, H. Robert
Perry, Robert
Stevens, Audrey

Bixby, Peter
Grossman, Kenneth
Kaen, Naida
Merrill, Amanda
Rogers, Rose Marie
Verschueren, James

Burke, Rachel
Hooper, Dorothea
Ketel, Stephen
Miller, David
Rollo, Deanna
Wall, Janet

SULLIVAN

Cloutier, John
Irwin, Virginia
Sweeney, Cynthia

Gagnon, Raymond
Lefebvre, Benjamin
Tanner, Linda

Gottling, Suzanne
O'Hearne, Andrew

Grenier, James
Schmidt, Andrew

and the motion failed.

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

Rep. Daniel Eaton requested a roll call; sufficiently seconded.

YEAS 190 - NAYS 137**YEAS - 190****BELKNAP**

DiMartino, Lisa
Raymond, Ian

Fields, Dennis

Gulick, Ruth

Huot, David

CARROLL

Buco, Thomas
Ticehurst, Susan

Butler, Edward
Umberger, Karen

Crawford, Karel
White, Syndi

Lavender, Tom

CHESHIRE

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

Berch, Paul
Ley, Douglas
Roberts, Kris
Tatro, Bruce

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

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

COOS

Hammon, Marcia
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

Richardson, Herbert

GRAFTON

Almy, Susan
Doolan, Ralph
Higgins, Patricia
Nordgren, Sharon
White, Andrew

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

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

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

HILLSBOROUGH

Backus, Robert
Carroll, Douglas
DiSilvestro, Linda
Gidge, Kenneth
Hackel, Paul
Heath, Mary
Kelley, John

Booras, Efstathia
Chandley, Shannon
Eaton, Richard
Goley, Jeffrey
Hammond, Jill
Heden, Ruth
Knowles, Mary Ann

Brown, Pamela
Connor, Evelyn
Gage, Ruth
Gorman, Mary
Hansberry, Daniel
Jack, Martin
Kopka, Angeline

Campbell, David
Cote, David
Gale, Sylvia
Grady, Brenda
Harriott-Gathright, Linda
Judy, Jean
Leishman, Peter

Levesque, Melanie
Manley, Jonathan
Porter, Marjorie
Shattuck, Gilman
Spratt, Stephen
Walsh, Robert

Long, Patrick
McNamara, Richard
Rokas, Ted
Shaw, Barbara
Sullivan, Daniel
Williams, Kermit

MacKay, Mariellen
O'Brien, Michael
Rosenwald, Cindy
Smith, Timothy
Sullivan, Peter
Woodbury, David

Mangipudi, Latha
O'Neil, William
Schmidt, Janice
Soucy, Timothy
Vail, Suzanne

MERRIMACK

Alicea, Caroletta
Davis, Frank
French, Barbara
Karrick, David
Moffett, Howard
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

Bartlett, Christy
Ebel, Karen
Gile, Mary
Kelly, Sally
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

Carey, Lorrie
Frambach, Mary
Henle, Paul
Kidder, David
Patten, Dick
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

Carson, Clyde
Frazer, June
Hunt, Jane
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cahill, Michael
Flockhart, Eileen
Lovejoy, Patricia
Pantelakos, Laura
Till, Mary

Borden, David
Cali-Pitts, Jacqueline
Hayes, Jack
Mann, Maureen
Schlachman, Donna
Ward, Gerald

Briden, Steven
Cushing, Robert
Heffron, Frank
Moody, Marcia
Sherman, Thomas
Wazlaw, Brian

Burtis, Elizabeth
Elliott, Robert
Helmstetter, Barbara
Nigrello, Robert
Sweeney, Joe
Whittemore, Lisa

STRAFFORD

Baber, William
Gardner, Janice
Horrigan, Timothy
Malloy, Dennis
Pelletier, Marsha
Schmidt, Peter

Berube, Roger
Grassie, Anne
Hubbard, Pamela
Menear, H. Robert
Perry, Robert
Stevens, Audrey

Bixby, Peter
Grossman, Kenneth
Kaen, Naida
Merrill, Amanda
Rogers, Rose Marie
Verschueren, James

Burke, Rachel
Hooper, Dorothea
Ketel, Stephen
Miller, David
Rollo, Deanna
Wall, Janet

SULLIVAN

Cloutier, John
Irwin, Virginia
Sweeney, Cynthia

Gagnon, Raymond
Lefebvre, Benjamin
Tanner, Linda

Gottling, Suzanne
O'Hearne, Andrew

Grenier, James
Schmidt, Andrew

NAYS - 137

BELKNAP

Burchell, Richard
Greemore, Robert
Tilton, Franklin

Comtois, Guy
Holmes, Stephen
Vadney, Herbert

Cormier, Jane
Luther, Robert
Worsman, Colette

Flanders, Donald
Sylvia, Michael

CARROLL

Chandler, Gene
Wright, Donald

McConkey, Mark

Nelson, Bill

Schmidt, Stephen

CHESHIRE

Hunt, John

Johnson, Jane

COOS

Rappaport, Laurence

Rideout, Leon

GRAFTON

Gionet, Edmond

Ladd, Rick

Piper, Wendy

Reilly, Harold

HILLSBOROUGH

Barry, Richard
Byron, Frank
Culbert, Patrick
Gagne, Larry
Hansen, Peter
Jasper, Shawn
LeVasseur, Richard
Murphy, Kelleigh
Ober, Lynne
Pellegrino, Tony
Sanborn, Laurie
Sweeney, Shawn
Villeneuve, Moe

Belanger, James
Cebrowski, John
Daniels, Gary
Garcia, Michael
Hikel, John
Kurk, Neal
McCarthy, Michael
Notter, Jeanine
Ober, Russell
Peterson, Lenette
Souza, Kathleen
Takesian, Charlene
Willette, Robert

Boehm, Ralph
Christiansen, Lars
Danielson, David
Gargas, Carolyn
Hinch, Richard
Lambert, George
Murotake, David
O'Brien, William
Palmer, Stephen
Renzullo, Andrew
Straight, Philip
Ulery, Jordan
Winters, Joel

Burt, John
Coffey, James
Flanagan, Jack
Graham, John
Hopper, Gary
LeBrun, Donald
Murphy, Keith
O'Flaherty, Tim
Parison, James
Rowe, Robert
Stroud, Kathleen
Vaillancourt, Steve

MERRIMACK

Hess, David
McGuire, Carol

Hoell, J.R.
McGuire, Dan

Kotowski, Frank
Smith, Todd

Lockwood, Priscilla

ROCKINGHAM

Abrami, Patrick
Bick, Patrick
Comerford, Timothy
Emerick, J. Tracy
Garcia, Marilinda
Hagan, Joseph
Kappler, Lawrence
McMahon, Charles
Perkins, Lawrence
Sedensky, John
Waterhouse, Kevin

Allen, Mary
Birdsell, Regina
Copeland, Timothy
Ferrante, Beverly
Gordon, Richard
Harris, Jeffrey
Khan, Aboul
Milz, David
Priestley, Anne
Sytek, John
Webb, James

Baldasaro, Alfred
Charron, Gene
Devine, James
Fesh, Robert
Grace, Curtis
Hoelzel, Kathleen
Major, Norman
O'Connor, John
Rice, Frederick
Tasker, Kyle
Weyler, Kenneth

Belanger, Ronald
Chirichiello, Brian
Duarte, Joe
Garcia, Bianca
Griffin, Mary
Introne, Robert
McKinney, Betsy
Peckham, Michele
Sanders, Elisabeth
Tucker, Pamela

STRAFFORD

Beaudoin, Steven
Jones, Laura
Spang, Judith

Bickford, David
Mullen, John

Gray, James
Parsons, Robbie

Groen, Warren
Pitre, Joseph

SULLIVAN

Osgood, Joe

Rollins, Skip

Smith, Steven

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

Rep. Schroadter declared a conflict of interest and did not participate.

SB 400-FN, relative to the penalty for violations of the taking of American eels. **REFER FOR INTERIM STUDY.**

Rep. Steve Vaillancourt for Criminal Justice and Public Safety. After being split 9-9 (a bipartisan vote) on a motion of Inexpedient to legislate the committee voted 10-8 (again a bipartisan vote) to interim study this bill. Some were concerned that, contrary to the intent of this bill to protect American eels, passage could cause more harm. For example, Fish and Game personnel testified that some of their officers have been assaulted trying to apprehend "eelers." They hope that an increased penalty would protect their officers, but indications are that just the opposite could be true – officers could be placed in greater jeopardy as "eelers" fear a three-year jail sentence if caught. The committee believes the penalties are inappropriate in that they are out of line with other aquatic creatures. If this bill is not studied, the penalties need to be amended downward. However, there are other reasons for study. The committee learned that eels must be presented in court when charges are brought. Thus, even if the eels are "saved" by the arresting officer, they die in judicial proceedings. A study committee could focus on a way of saving the eels rather than adding a penalty out of line with current practice for no productive purpose. Vote 10-8.

Committee report adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Shurtleff moved that the House reconsider its actions whereby, on a voice vote, the House adopted the committee report of Refer for Interim Study on **SB 400-FN**, relative to the penalty for violations of the taking of American eels.

Reps. Shurtleff and Chandler spoke in favor.

Motion adopted.

The question now being adoption of the committee report of Refer for Interim Study.

Rep. Lefebvre spoke against.

Rep. Vaillancourt spoke in favor.

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

YEAS 136 - NAYS 181**YEAS - 136****BELKNAP**

Burchell, Richard
Holmes, Stephen
Worsman, Colette

Cormier, Jane
Sylvia, Michael

Fields, Dennis
Tilton, Franklin

Greemore, Robert
Vadney, Herbert

CARROLL

Lavender, Tom
Umberger, Karen

McConkey, Mark
White, Syndi

Nelson, Bill
Wright, Donald

Schmidt, Stephen

CHESHIRE

Hunt, John	Parkhurst, Henry	Roberts, Kris
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COOS

Rappaport, Laurence	Rideout, Leon
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GRAFTON

Bailey, Brad	Doolan, Ralph	Friedrich, Carol	Gionet, Edmond
Ladd, Rick	Lovett, Sid	Massimilla, Linda	Reilly, Harold

HILLSBOROUGH

Barry, Richard	Belanger, James	Boehm, Ralph	Burt, John
Byron, Frank	Cebrowski, John	Christiansen, Lars	Culbert, Patrick
Daniels, Gary	Danielson, David	Flanagan, Jack	Gage, Ruth
Gagne, Larry	Garcia, Michael	Gidge, Kenneth	Gorman, Mary
Hansberry, Daniel	Hansen, Peter	Hikel, John	Hinch, Richard
Jasper, Shawn	Jeudy, Jean	Lambert, George	LeBrun, Donald
LeVasseur, Richard	Mangipudi, Latha	Murotake, David	Murphy, Keith
Murphy, Kelleigh	Notter, Jeanine	O'Brien, William	O'Flaherty, Tim
Ober, Lynne	Ober, Russell	Palmer, Stephen	Parison, James
Pellegrino, Tony	Peterson, Lenette	Rowe, Robert	Sanborn, Laurie
Sandblade, Emily	Shaw, Barbara	Straight, Philip	Takesian, Charlene
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe	Willette, Robert
Winters, Joel			

MERRIMACK

Hoell, J.R.	Karrick, David	Kotowski, Frank	McGuire, Carol
McGuire, Dan	Schamberg, Thomas	Smith, Todd	

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Baldasaro, Alfred	Bick, Patrick
Birdsell, Regina	Chirichiello, Brian	Comerford, Timothy	Copeland, Timothy
Cushing, Robert	Devine, James	Elliott, Robert	Emerick, J. Tracy
Ferrante, Beverly	Fesh, Robert	Garcia, Bianca	Garcia, Marilinda
Gordon, Richard	Grace, Curtis	Griffin, Mary	Hagan, Joseph
Harris, Jeffrey	Heffron, Frank	Hoelzel, Kathleen	Introne, Robert
Kolodziej, Walter	Lovejoy, Patricia	Major, Norman	McMahon, Charles
Milz, David	Nigrello, Robert	O'Connor, John	Peckham, Michele
Perkins, Lawrence	Priestley, Anne	Rice, Frederick	Schroadter, Adam
Sweeney, Joe	Tucker, Pamela	Waterhouse, Kevin	Webb, James
Weyler, Kenneth			

STRAFFORD

Bickford, David	Gardner, Janice	Groen, Warren	Horrigan, Timothy
Jones, Laura	Parsons, Robbie	Pitre, Joseph	

SULLIVAN

Grenier, James	Osgood, Joe	Smith, Steven
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NAYS - 181**BELKNAP**

DiMartino, Lisa	Gulick, Ruth	Huot, David	Luther, Robert
Raymond, Ian			

CARROLL

Buco, Thomas	Butler, Edward	Chandler, Gene	Crawford, Karel
Ticehurst, Susan			

CHESHIRE

Ames, Richard	Berch, Paul	Butynski, William	Chase, Cynthia
Eaton, Daniel	Johnson, Jane	Ley, Douglas	Mann, John
Robertson, Timothy	Sad, Tara	Shepardson, Marjorie	Tatro, Bruce
Weber, Lucy	Weed, Charles		

COOS

Hammon, Marcia	Hatch, William	Moynihan, Wayne	Richardson, Herbert
Thomas, Yvonne			

GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Ford, Susan
Harding, Laurie	Higgins, Patricia	Mulholland, Catherine	Nordgren, Sharon
Pastor, Beatriz	Piper, Wendy	Smith, Suzanne	Sykes, George
White, Andrew			

HILLSBOROUGH

Backus, Robert
 Chandley, Shannon
 DiSilvestro, Linda
 Goley, Jeffrey
 Hammond, Jill
 Hopper, Gary
 Kopka, Angeline
 Long, Patrick
 McNamara, Richard
 Rokas, Ted
 Smith, Timothy
 Sullivan, Daniel
 Williams, Kermit

Booras, Efsthathia
 Coffey, James
 Eaton, Richard
 Grady, Brenda
 Harriott-Gathright, Linda
 Jack, Martin
 Kurk, Neal
 MacKay, Mariellen
 Nelson, Mary
 Rosenwald, Cindy
 Soucy, Timothy
 Sullivan, Peter
 Woodbury, David

Brown, Pamela
 Connor, Evelyn
 Gale, Sylvia
 Graham, John
 Heath, Mary
 Kelley, John
 Leishman, Peter
 Manley, Jonathan
 O'Brien, Michael
 Schmidt, Janice
 Souza, Kathleen
 Vail, Suzanne

Campbell, David
 Cote, David
 Gargas, Carolyn
 Hackel, Paul
 Heden, Ruth
 Knowles, Mary Ann
 Levesque, Melanie
 McCarthy, Michael
 Porter, Marjorie
 Shattuck, Gilman
 Spratt, Stephen
 Walsh, Robert

MERRIMACK

Alicea, Caroletta
 Davis, Frank
 French, Barbara
 Hunt, Jane
 Moffett, Howard
 Rice, Chip
 Shurtleff, Stephen
 Watrous, Rick

Bartlett, Christy
 Ebel, Karen
 Gile, Mary
 Kelly, Sally
 Myler, Mel
 Richardson, Gary
 Turcotte, Alan
 Webb, Leigh

Carey, Lorrie
 Frambach, Mary
 Henle, Paul
 Kidder, David
 Patten, Dick
 Rogers, Katherine
 Wallner, Mary Jane

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

ROCKINGHAM

Andrews-Ahearn, E. Elaine
 Burtis, Elizabeth
 Duarte, Joe
 Khan, Aboul
 Pantelakos, Laura
 Sherman, Thomas
 Wazlaw, Brian

Belanger, Ronald
 Cahill, Michael
 Flockhart, Eileen
 Mann, Maureen
 Sanders, Elisabeth
 Sytek, John
 Whittemore, Lisa

Borden, David
 Cali-Pitts, Jacqueline
 Helmstetter, Barbara
 McKinney, Betsy
 Schlachman, Donna
 Till, Mary

Briden, Steven
 Charron, Gene
 Kappler, Lawrence
 Moody, Marcia
 Sedensky, John
 Ward, Gerald

STRAFFORD

Baber, William
 Grassie, Anne
 Kaen, Naida
 Merrill, Amanda
 Perry, Robert
 Spang, Judith

Berube, Roger
 Gray, James
 Ketel, Stephen
 Miller, David
 Rogers, Rose Marie
 Stevens, Audrey

Bixby, Peter
 Grossman, Kenneth
 Malloy, Dennis
 Mullen, John
 Rollo, Deanna
 Verschuere, James

Burke, Rachel
 Hubbard, Pamela
 Menear, H. Robert
 Pelletier, Marsha
 Schmidt, Peter
 Wall, Janet

SULLIVAN

Cloutier, John
 Lefebvre, Benjamin
 Tanner, Linda

Gagnon, Raymond
 O'Hearne, Andrew

Gottling, Suzanne
 Rollins, Skip

Irwin, Virginia
 Schmidt, Andrew

and the committee report failed.

Rep. Lefebvre moved Ought to Pass.

Rep. Lambert requested a roll call; sufficiently seconded.

YEAS 227 - NAYS 93**YEAS - 227****BELKNAP**

DiMartino, Lisa
 Luther, Robert

Greemore, Robert
 Raymond, Ian

Gulick, Ruth

Huot, David

CARROLL

Buco, Thomas
 Lavender, Tom

Butler, Edward
 McConkey, Mark

Chandler, Gene
 Ticehurst, Susan

Crawford, Karel
 Umberger, Karen

CHESHIRE

Ames, Richard
 Eaton, Daniel
 Parkhurst, Henry
 Tatrow, Bruce

Berch, Paul
 Johnson, Jane
 Robertson, Timothy
 Weber, Lucy

Butynski, William
 Ley, Douglas
 Sad, Tara
 Weed, Charles

Chase, Cynthia
 Mann, John
 Shepardson, Marjorie

COOS

Hammon, Marcia
 Thomas, Yvonne

Hatch, William

Moynihan, Wayne

Richardson, Herbert

GRAFTON

Almy, Susan
Friedrich, Carol
Lovett, Sid
Pastor, Beatriz
Sykes, George

Benn, Bernard
Harding, Laurie
Massimilla, Linda
Piper, Wendy
White, Andrew

Cooney, Mary
Higgins, Patricia
Mulholland, Catherine
Reilly, Harold

Ford, Susan
Ladd, Rick
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Byron, Frank
Christiansen, Lars
Danielson, David
Gage, Ruth
Graham, John
Hansen, Peter
Hinch, Richard
Judy, Jean
Kurk, Neal
MacKay, Mariellen
McNamara, Richard
Pellegrino, Tony
Schmidt, Janice
Souza, Kathleen
Sullivan, Peter
Williams, Kermit

Barry, Richard
Campbell, David
Coffey, James
DiSilvestro, Linda
Gargas, Carolyn
Hackel, Paul
Harriott-Gathright, Linda
Hopper, Gary
Kelley, John
Leishman, Peter
Mangipudi, Latha
Murotake, David
Porter, Marjorie
Shattuck, Gilman
Spratt, Stephen
Takesian, Charlene
Winters, Joel

Booras, Efstathia
Cebrowski, John
Connor, Evelyn
Eaton, Richard
Goley, Jeffrey
Hammond, Jill
Heath, Mary
Jack, Martin
Knowles, Mary Ann
Levesque, Melanie
Manley, Jonathan
Nelson, Mary
Rokas, Ted
Smith, Timothy
Stroud, Kathleen
Vail, Suzanne
Woodbury, David

Brown, Pamela
Chandlee, Shannon
Cote, David
Flanagan, Jack
Grady, Brenda
Hansberry, Daniel
Heden, Ruth
Jasper, Shawn
Kopka, Angeline
Long, Patrick
McCarthy, Michael
O'Brien, Michael
Rosenwald, Cindy
Soucy, Timothy
Sullivan, Daniel
Walsh, Robert

MERRIMACK

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

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

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

Carson, Clyde
Frazer, June
Hess, David
Kidder, David
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Borden, David
Cali-Pitts, Jacqueline
Elliott, Robert
Grace, Curtis
Khan, Aboul
McMahon, Charles
Priestley, Anne
Sedensky, John
Ward, Gerald

Belanger, Ronald
Briden, Steven
Charron, Gene
Flockhart, Eileen
Griffin, Mary
Lovejoy, Patricia
Moody, Marcia
Rice, Frederick
Sherman, Thomas
Wazlaw, Brian

Bick, Patrick
Burtis, Elizabeth
Cushing, Robert
Garcia, Bianca
Helmstetter, Barbara
Mann, Maureen
Nigrello, Robert
Sanders, Elisabeth
Sytek, John
Webb, James

Birdsell, Regina
Cahill, Michael
Duarte, Joe
Garcia, Marilinda
Kappler, Lawrence
McKinney, Betsy
Pantelakos, Laura
Schlachman, Donna
Till, Mary
Whittemore, Lisa

STRAFFORD

Baber, William
Gardner, Janice
Kaen, Naida
Merrill, Amanda
Perry, Robert
Spang, Judith

Berube, Roger
Grassie, Anne
Ketel, Stephen
Miller, David
Rogers, Rose Marie
Stevens, Audrey

Bixby, Peter
Grossman, Kenneth
Malloy, Dennis
Mullen, John
Rollo, Deanna
Verschueren, James

Burke, Rachel
Hubbard, Pamela
Menear, H. Robert
Pelletier, Marsha
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Irwin, Virginia
Schmidt, Andrew

Gagnon, Raymond
Lefebvre, Benjamin
Sweeney, Cynthia

Gottling, Suzanne
O'Hearne, Andrew
Tanner, Linda

Grenier, James
Rollins, Skip

NAYS - 93**BELKNAP**

Burchell, Richard
Holmes, Stephen
Worsman, Colette

Comtois, Guy
Sylvia, Michael

Cormier, Jane
Tilton, Franklin

Fields, Dennis
Vadney, Herbert

CARROLL

Nelson, Bill

Schmidt, Stephen

White, Syndi

Wright, Donald

Hunt, John	Roberts, Kris
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Rappaport, Laurence Rideout, Leon

Bailey, Brad Doolan, Ralph Gionet, Edmond

Belanger, James	Boehm, Ralph	Burt, John	Culbert, Patrick
Daniels, Gary	Gagne, Larry	Garcia, Michael	Gidge, Kenneth
Gorman, Mary	Hikel, John	Lambert, George	LeBrun, Donald
LeVasseur, Richard	Murphy, Keith	Murphy, Kelleigh	Notter, Jeanine
O'Brien, William	O'Flaherty, Tim	Ober, Lynne	Ober, Russell
Palmer, Stephen	Parison, James	Peterson, Lenette	Rowe, Robert
Sanborn, Laurie	Sandblade, Emily	Shaw, Barbara	Straight, Philip
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe	Willette, Robert

Hoell, J.R.	Kotowski, Frank	McGuire, Carol	McGuire, Dan
Smith, Todd			

Abrami, Patrick	Allen, Mary	Baldasaro, Alfred	Chirichiello, Brian
Comerford, Timothy	Copeland, Timothy	Devine, James	Emerick, J. Tracy
Ferrante, Beverly	Fesh, Robert	Gordon, Richard	Hagan, Joseph
Harris, Jeffrey	Heffron, Frank	Hoelzel, Kathleen	Introne, Robert
Kolodziej, Walter	Major, Norman	Milz, David	O'Connor, John
Peckham, Michele	Perkins, Lawrence	Schroadter, Adam	Sweeney, Joe
Tucker, Pamela	Waterhouse, Kevin	Weyler, Kenneth	

Bickford, David	Gray, James	Groen, Warren	Horrigan, Timothy
Jones, Laura	Parsons, Robbie	Pitre, Joseph	

Osgood, Joe Smith, Steven

SB 355, relative to access to social media by educational institutions. **OUGHT TO PASS WITH AMENDMENT.** Rep. Ralph G. Boehm for Education. This bill, as amended, makes this bill identical to HB 1200 which we passed earlier this session and will protect students from educational institution access to their private social media accounts. School administration cannot force students to show their accounts without their permission, supply their account information, or force student to add school personnel to their social media. This does not apply to school created social media accounts, whereby students and faculty may be members. The amendment was done to protect students' 4th and 5th amendment rights. This bill would apply to public, or private schools, colleges, universities, or other institutions that offers students, participants, or trainees an organized course of study or training that is academic, technical, vocational, trade-oriented, or designed to prepare a person for employment. This bill and amendment were approved by Cornerstone, the NH Liberty Alliance and the NH ACLU. Vote 19-0.

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

AN ACT relative to student social media policies by educational institutions.

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

1 New Subdivision; Educational Institution Policies on Social Media. Amend RSA 189 by inserting after section 64 the following new subdivision:

Educational Institution Policies on Social Media

189:65 Educational Institution Policies on Social Media.

I. An educational institution shall not:

(a) Require or request a student or prospective student to disclose or to provide access to a personal social media account through the student's or prospective student's user name, password, or other means of authentication that provides access.

(b) Require or request a student or prospective student to access a personal social media account in the presence of any employee of the educational institution in a manner that enables the employee to observe the contents of the personal social media account.

(c) Compel a student or prospective student to add anyone to his or her list of contacts associated with a personal social media account or require, request, suggest, or cause a student or prospective student to change the privacy settings associated with a personal social media account.

(d) Take or threaten to take any action against a student or prospective student to discipline or prohibit such student or prospective student from participation in curricular or extracurricular activities for refusal to disclose information or to take actions specified in subparagraphs (a)-(c).

(e) Fail or refuse to admit a prospective student as a result of the refusal by the prospective student to disclose information or to take actions specified in subparagraphs (a)-(c).

II. Nothing in this subdivision shall prohibit an educational institution from adopting a policy which permits:

(a) Conducting an investigation, without requiring or requesting access to a personal social media account through username, password, or other means of authentication, for the purpose of ensuring compliance with applicable law or educational institution's policies against student misconduct based on the receipt of specific information about activity associated with a student's social media account.

(b) Revoking a student's access, in whole or in part, to equipment or computer networks owned or operated by the educational institution.

(c) Monitoring the usage of the educational institution's computer network.

III. This subdivision shall not apply to personal social media accounts that are created or provided by the educational institution if the student has been provided advance notice that the account may be monitored at any time by employees of the educational institution.

IV. In this section:

(a) "Educational institution" means a public or private school, college, university, or other institution that offers students, participants, or trainees an organized course of study or training that is academic, technical, vocational, trade-oriented, or designed to prepare a person for employment.

(b) "Social media account" means an account, service, or profile on a social networking website that is used by a current or prospective student primarily for personal communications. This definition shall not apply to an account opened or provided by an educational institution and intended to be used solely on behalf of the educational institution.

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

AMENDED ANALYSIS

This bill specifies permissible conduct by an educational institution regarding access to a student's social media account.

Amendment adopted.

Committee report adopted and ordered to third reading.

SB 120-FN, relative to political contributions and expenditures and relative to reporting by political committees. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Gary B. Richardson for the Majority of Election Law. This bill relates to reporting of political contributions and expenditures and reporting by political committees. The bill modifies the definitions of "political committee," "expenditure," "independent expenditure," and establishes a definition of "receipts." It also clarifies the registration and reporting requirements for political committees. The committee amendment creates a new category of "political advocacy organization" to distinguish between organizations that are required to just report expenditures from those that are required to report receipts and expenditures and provides separate expenditure reports for those non-express advocacy ads that are usually the most negative. The bill exempts 501(c)(4), 501(c)(5) and 501(c)(6) organizations from reporting names of donors, but requires them to report expenditures. SB 120 significantly increases the transparency of our elections by requiring full disclosure of electioneering spending by independent groups. By updating, clarifying, and making more specific the definitions in RSA 664 covering election finance, SB 120 requires every independent special interest group that spends more than \$5,000 to elect or defeat candidates for state offices to file the same expenditure reports that we as candidates and our political parties now have to file with the secretary of state. SB 120 also requires these outside groups to report their receipts as we do as candidates. But because of legal issues, it does provide them with the option of not listing the names of their donors. SB 120 does not change any of the reporting requirements for any groups that are currently filing under existing law. It also makes no changes in what candidates, parties or the outside groups can and cannot do. It does make changes needed to require that outside groups report their campaign expenditures just as is required of candidates. Vote 13-5.

Rep. Kathleen F. Souza for the Minority of Election Law. This bill has the laudable goal of trying to make more transparent the role of large groups in campaign financing. However, it is problematic in several areas important to New Hampshire citizens. By requiring political committee status for individuals and organizations choosing to engage in political speech on ballot measures, the free speech guaranteed by our federal and state constitutions will be compromised. The committee heard testimony from small groups concerned that by spending as little as \$5,000 – perhaps one mailing – they may run afoul of this proposed law. These

groups already have “PACS” for the purpose of working for candidates. By limiting their core organizations’ ability to speak on ballot measures, this bill would stifle their free speech. They cited the *FEC v. Wisconsin Right to Life, Inc.*, 551 U.S. 449 (2007) and *Buckley v. Valeo* Supreme Court decisions re free speech. Other concerns included the scope of voter guides that would be allowed under this legislation and no definitive answers were provided by those who had worked on the bill. To further the cause of campaign finance transparency while not causing unnecessary problems for our own small groups, and to ensure the preservation of our constitutionally guaranteed free speech, the minority recommends more work on this bill and would ask that it be voted for Interim Study.

Majority Amendment (1654h)

Amend the bill by replacing sections 2 and 3 with the following:

2 Definitions; Expenditure. Amend RSA 664:2, IX to read as follows:

IX. “Expenditure” shall mean the disbursement of money or thing of value or the making of a legally binding commitment to make such a disbursement in the future ***or the transfer of funds by a political committee to another political committee or to a candidate*** for the purpose of ~~[influencing the nomination for election or election of any candidate]~~ ***promoting the success or defeat of a candidate or candidates or measure or measures. “Expenditures” includes disbursements constituting independent expenditures, as defined in paragraph XI.*** It does not include:

(a) The candidate’s filing fee or his ***or her*** expenses for personal travel and subsistence;

(b) ***Activity designed to encourage individuals to register to vote or to vote, if that activity or communication does not mention a clearly identified candidate;***

(c) ***Any communication by any membership organization or corporation to its members or stockholders, if the primary purpose of that membership organization or corporation is not for the purpose of promoting the success or defeat of a candidate or candidates and measure or measures; or***

(d) ***Any communication by any political committee member that is not made for the purpose of promoting the success or defeat of a candidate or candidates or measure or measures.***

3 Definitions; Independent Expenditures. Amend RSA 664:2, XI to read as follows:

XI. “Independent expenditures” means expenditures ~~[by a person, political committee, or other entity]~~ ***that pay for the development and distribution of a communication that*** expressly ~~[advocating]~~ ***advocates*** the election or defeat of a clearly identified candidate ***or candidates or the success or defeat of a measure or measures***, which are made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which are not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate. ~~[As used in this paragraph, “clearly identified” means that the name of the candidate involved appears; a photograph or drawing of the candidate appears; or the identity of the candidate is apparent by unambiguous reference.]~~

Amend RSA 664:2, XX as inserted by section 4 of the bill by replacing it with the following:

XX. “Clearly identified candidate” means that the name of the candidate involved appears; a photograph or drawing of the candidate appears; or the identity of the candidate is otherwise apparent.

XXI. “Political advocacy organization” means any entity that spends \$5,000 or more in a calendar year to pay for a communication that is functionally equivalent to express advocacy because, when taken as a whole, such communication is likely to be interpreted by a reasonable person only as advocating the election or defeat of a clearly identified candidate or candidates or the success or defeat of a measure or measures, taking into account whether the communication involved mentions a candidacy or a political party, or takes a position on a candidate’s character, qualifications, or fitness for office.

Amend the bill by replacing section 6 with the following:

6 New Paragraph; Registration of Political Committees. Amend RSA 664:3 by inserting after paragraph IV the following new paragraph:

V. Any political committee or political advocacy organization that is exempt from taxation under sections 501(c)(4), 501(c)(5), or 501(c)(6) of the United States Internal Revenue Code of 1986 may disclose, but shall not be required to disclose in its itemized statement of receipts, the identity of its donors.

Amend the bill by replacing section 10 with the following:

10 New Paragraph; Reporting by Political Committee. Amend RSA 664:6 by inserting after paragraph VIII the following new paragraph:

IX. Any political committee or political advocacy organization that is exempt from taxation under sections 501(c)(4), 501(c)(5), or 501(c)(6) of the United States Internal Revenue Code of 1986 may disclose, but shall not be required to disclose in its itemized statement of receipts, the identity of its donors.

Amend the bill by inserting after section 11 the following and renumbering the original section 12 to read as 14:

12 New Section; Registration of Political Advocacy Organizations. Amend RSA 664 by inserting after section 3 the following new section:

664:3-a Registration of Political Advocacy Organizations. Political advocacy organizations shall register with the secretary of state under the same deadlines and in the same general form required of political committees under RSA 664:3.

13 New Section; Reporting by Political Advocacy Organizations. Amend RSA 664 by inserting after section 6 the following new section:

664:6-a Reporting by Political Advocacy Organizations. Political advocacy organizations shall report with the secretary of state any funds received or expenses incurred in connection with communications described in RSA 664:2, VII, under the same deadlines and in the same general form required of political committees under RSA 664:6, IV-a.

AMENDED ANALYSIS

This bill:

I. Modifies the definitions of "political committee," "expenditure," and "independent expenditure" and establishes a definition of "receipts."

II. Modifies registration and reporting requirements for political committees.

III. Requires registration of and reporting by political advocacy organizations, as defined in the bill.

Rep. Hoell spoke against.

Rep. Gary Richardson spoke in favor.

(Speaker Norelli in the Chair)

On a division vote, 223 members having voted in the affirmative and 77 in the negative, the majority committee amendment was adopted.

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

Rep. Hoell offered floor amendment (1812h).

Floor Amendment (1812h)

Amend RSA 664:2, III(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Any organization of 2 or more persons who are not married to each other nor a parent and child that promotes the success or defeat of a candidate or candidates or measure or measures, including the political committee of a political party;

Rep. Gary Richardson spoke against.

Rep. Hoell spoke in favor and requested a roll call; sufficiently seconded.

YEAS 110 - NAYS 205

YEAS - 110

BELKNAP

Burchell, Richard
Greemore, Robert
Vadney, Herbert

Comtois, Guy
Holmes, Stephen
Worsman, Colette

Cormier, Jane
Luther, Robert

Fields, Dennis
Sylvia, Michael

CARROLL

Lavender, Tom
Wright, Donald

McConkey, Mark

Nelson, Bill

Schmidt, Stephen

CHESHIRE

Hunt, John

Phillips, Larry

Roberts, Kris

COOS

Rappaport, Laurence

Rideout, Leon

HILLSBOROUGH

Belanger, James
Christiansen, Lars
Danielson, David
Hansen, Peter
Lambert, George
Murphy, Keith
O'Flaherty, Tim
Pellegrino, Tony
Sanborn, Laurie
Stroud, Kathleen
Willette, Robert

Boehm, Ralph
Coffey, James
Flanagan, Jack
Hikel, John
LeBrun, Donald
Murphy, Kelleigh
Ober, Russell
Peterson, Lenette
Sandblade, Emily
Ulery, Jordan

Burt, John
Culbert, Patrick
Gagne, Larry
Hopper, Gary
McCarthy, Michael
Notter, Jeanine
Palmer, Stephen
Renzullo, Andrew
Souza, Kathleen
Vaillancourt, Steve

Byron, Frank
Daniels, Gary
Garcia, Michael
Kurk, Neal
Murotake, David
O'Brien, William
Parison, James
Rowe, Robert
Straight, Philip
Villeneuve, Moe

MERRIMACK

Carey, Lorrie
McGuire, Dan

Hoell, J.R.

Kotowski, Frank

McGuire, Carol

ROCKINGHAM

Abrami, Patrick
Chirichiello, Brian
Emerick, J. Tracy
Grace, Curtis
Kappler, Lawrence
Nigrello, Robert
Priestley, Anne
Tasker, Kyle
Weyler, Kenneth

Allen, Mary
Comerford, Timothy
Ferrante, Beverly
Griffin, Mary
Khan, Aboul
O'Connor, John
Rice, Frederick
Tucker, Pamela

Baldasaro, Alfred
Devine, James
Fesh, Robert
Hagan, Joseph
McKinney, Betsy
Peckham, Michele
Sedensky, John
Waterhouse, Kevin

Bick, Patrick
Duarte, Joe
Gordon, Richard
Harris, Jeffrey
McMahon, Charles
Perkins, Lawrence
Sweeney, Joe
Webb, James

STRAFFORD

Beaudoin, Steven
Jones, Laura

Bickford, David
Mullen, John

Gray, James
Pitre, Joseph

Groen, Warren

SULLIVAN

Grenier, James

Osgood, Joe

Rollins, Skip

Smith, Steven

NAYS - 205**BELKNAP**

DiMartino, Lisa
Tilton, Franklin

Gulick, Ruth

Huot, David

Raymond, Ian

CARROLL

Buco, Thomas
Umberger, Karen

Chandler, Gene
White, Syndi

Crawford, Karel

Ticehurst, Susan

CHESHIRE

Ames, Richard
Eaton, Daniel
Parkhurst, Henry
Tatro, Bruce

Berch, Paul
Johnson, Jane
Robertson, Timothy
Weber, Lucy

Butynski, William
Ley, Douglas
Sad, Tara
Weed, Charles

Chase, Cynthia
Mann, John
Shepardson, Marjorie

COOS

Hammon, Marcia
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

Richardson, Herbert

GRAFTON

Almy, Susan
Ford, Susan
Higgins, Patricia
Mulholland, Catherine
Reilly, Harold

Benn, Bernard
Friedrich, Carol
Ladd, Rick
Nordgren, Sharon
Smith, Suzanne

Cooney, Mary
Gionet, Edmond
Lovett, Sid
Pastor, Beatriz
Sykes, George

Doolan, Ralph
Harding, Laurie
Massimilla, Linda
Piper, Wendy
White, Andrew

HILLSBOROUGH

Backus, Robert
Campbell, David
Cote, David
Gale, Sylvia
Grady, Brenda
Hansberry, Daniel
Hinck, Richard
Kelley, John
LeVasseur, Richard
Mangipudi, Latha
O'Brien, Michael
Rosenwald, Cindy
Smith, Timothy
Sullivan, Peter
Williams, Kermit

Barry, Richard
Cebrowski, John
DiSilvestro, Linda
Gargas, Carolyn
Graham, John
Harriott-Gathright, Linda
Jack, Martin
Knowles, Mary Ann
Levesque, Melanie
Manley, Jonathan
Ober, Lynne
Schmidt, Janice
Soucy, Timothy
Takesian, Charlene
Winters, Joel

Booras, Efstathia
Chandley, Shannon
Eaton, Richard
Goley, Jeffrey
Hackel, Paul
Heath, Mary
Jasper, Shawn
Kopka, Angeline
Long, Patrick
McNamara, Richard
Porter, Marjorie
Shattuck, Gilman
Spratt, Stephen
Vail, Suzanne
Woodbury, David

Brown, Pamela
Connor, Evelyn
Gage, Ruth
Gorman, Mary
Hammond, Jill
Heden, Ruth
Judy, Jean
Leishman, Peter
MacKay, Mariellen
Nelson, Mary
Rokas, Ted
Shaw, Barbara
Sullivan, Daniel
Walsh, Robert

MERRIMACK

Alicea, Caroletta
Davis, Frank
French, Barbara
Karrick, David
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

Bartlett, Christy
Ebel, Karen
Gile, Mary
Kelly, Sally
Moffett, Howard
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

Bouchard, Candace
Frambach, Mary
Henle, Paul
Kidder, David
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

Carson, Clyde
Frazer, June
Hunt, Jane
Lockwood, Priscilla
Patten, Dick
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

ROCKINGHAM

Birdsell, Regina
Cali-Pitts, Jacqueline
Elliott, Robert
Heffron, Frank
Kolodziej, Walter
Moody, Marcia
Sherman, Thomas
Wazlaw, Brian

Borden, David
Charron, Gene
Flockhart, Eileen
Helmstetter, Barbara
Lovejoy, Patricia
Pantelakos, Laura
Sytek, John
Whittemore, Lisa

Briden, Steven
Copeland, Timothy
Garcia, Bianca
Hoelzel, Kathleen
Mann, Maureen
Sanders, Elisabeth
Till, Mary

Cahill, Michael
Cushing, Robert
Garcia, Marilinda
Introne, Robert
Milz, David
Schlachman, Donna
Ward, Gerald

STRAFFORD

Baber, William
Gardner, Janice
Hubbard, Pamela
Menear, H. Robert
Perry, Robert
Spang, Judith

Berube, Roger
Grassie, Anne
Kaen, Naida
Merrill, Amanda
Rogers, Rose Marie
Stevens, Audrey

Bixby, Peter
Grossman, Kenneth
Ketel, Stephen
Miller, David
Rollo, Deanna
Verschueren, James

Burke, Rachel
Horrigan, Timothy
Malloy, Dennis
Pelletier, Marsha
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Lefebvre, Benjamin
Tanner, Linda

Gagnon, Raymond
O'Hearne, Andrew

Gottling, Suzanne
Schmidt, Andrew

Irwin, Virginia
Sweeney, Cynthia

and floor amendment (1812h) failed.

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

Reps. Birdsell, Joseph Sweeney and Lambert spoke against.

Rep. Perry spoke in favor.

Reps. Jasper and Gary Richardson spoke in favor and yielded to questions.

MOTION TO INDEFINITELY POSTPONE

Rep. William O'Brien moved that **SB 120-FN**, relative to political contributions and expenditures and relative to reporting by political committees, be Indefinitely Postponed.

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

Rep. Jasper spoke against.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 114 - NAYS 191**YEAS - 114****BELKNAP**

Burchell, Richard
Greemore, Robert
Tilton, Franklin

Comtois, Guy
Holmes, Stephen
Vadney, Herbert

Cormier, Jane
Luther, Robert
Worsman, Colette

Fields, Dennis
Syvia, Michael

CARROLL

Chandler, Gene

Nelson, Bill

Schmidt, Stephen

Wright, Donald

CHESHIRE

Hunt, John

Johnson, Jane

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Doolan, Ralph

Gionet, Edmond

Reilly, Harold

HILLSBOROUGH

Barry, Richard
Cebrowski, John
Danielson, David
Hansen, Peter
LeBrun, Donald
Murphy, Keith
O'Flaherty, Tim
Parison, James
Rowe, Robert
Straight, Philip
Villeneuve, Moe

Boehm, Ralph
Coffey, James
Gagne, Larry
Hikel, John
LeVasseur, Richard
Murphy, Kelleigh
Ober, Lynne
Pellegrino, Tony
Sanborn, Laurie
Stroud, Kathleen
Willette, Robert

Burt, John
Culbert, Patrick
Garcia, Michael
Hinch, Richard
McCarthy, Michael
Notter, Jeanine
Ober, Russell
Peterson, Lenette
Sandblade, Emily
Ulery, Jordan
Winters, Joel

Byron, Frank
Daniels, Gary
Graham, John
Lambert, George
Murotake, David
O'Brien, William
Palmer, Stephen
Renzullo, Andrew
Souza, Kathleen
Vaillancourt, Steve

MERRIMACK

Hoell, J.R.

Kotowski, Frank

McGuire, Carol

McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Duarte, Joe
Garcia, Marilinda
Harris, Jeffrey
McKinney, Betsy
Peckham, Michele
Sweeney, Joe
Webb, James

Allen, Mary
Chirichiello, Brian
Emerick, J. Tracy
Gordon, Richard
Introne, Robert
McMahon, Charles
Priestley, Anne
Tasker, Kyle
Weyler, Kenneth

Baldasaro, Alfred
Comerford, Timothy
Fesh, Robert
Griffin, Mary
Kappler, Lawrence
Milz, David
Sanders, Elisabeth
Tucker, Pamela

Belanger, Ronald
Devine, James
Garcia, Bianca
Hagan, Joseph
Kolodziej, Walter
O'Connor, John
Sedensky, John
Waterhouse, Kevin

STRAFFORD

Beaudoin, Steven
Jones, Laura

Bickford, David
Mullen, John

Gray, James
Pitre, Joseph

Groen, Warren

SULLIVAN

Osgood, Joe

Rollins, Skip

Smith, Steven

**NAYS - 191
BELKNAP**

DiMartino, Lisa

Gulick, Ruth

Huot, David

Raymond, Ian

CARROLL

Buco, Thomas
Ticehurst, Susan

Crawford, Karel
Umberger, Karen

Lavender, Tom
White, Syndi

McConkey, Mark

CHESHIRE

Ames, Richard
Eaton, Daniel
Roberts, Kris
Tatro, Bruce

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

Butynski, William
Mann, John
Sad, Tara

Chase, Cynthia
Phillips, Larry
Shepardson, Marjorie

COOS

Hammon, Marcia

Hatch, William

Moynihan, Wayne

Thomas, Yvonne

GRAFTON

Almy, Susan
Friedrich, Carol
Lovett, Sid
Pastor, Beatriz
White, Andrew

Benn, Bernard
Harding, Laurie
Massimilla, Linda
Piper, Wendy

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

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

HILLSBOROUGH

Backus, Robert
Campbell, David
DiSilvestro, Linda
Gale, Sylvia
Gorman, Mary
Hansberry, Daniel
Jasper, Shawn
Kopka, Angeline
Long, Patrick
McNamara, Richard
Rokas, Ted
Shaw, Barbara
Sullivan, Daniel
Walsh, Robert

Belanger, James
Chandley, Shannon
Eaton, Richard
Gargas, Carolyn
Grady, Brenda
Harriott-Gathright, Linda
Judy, Jean
Kurk, Neal
MacKay, Mariellen
Nelson, Mary
Rosenwald, Cindy
Smith, Timothy
Sullivan, Peter
Williams, Kermit

Booras, Efstathia
Connor, Evelyn
Flanagan, Jack
Gidge, Kenneth
Hackel, Paul
Heden, Ruth
Kelley, John
Leishman, Peter
Mangipudi, Latha
O'Brien, Michael
Schmidt, Janice
Soucy, Timothy
Takesian, Charlene
Woodbury, David

Brown, Pamela
Cote, David
Gage, Ruth
Goley, Jeffrey
Hammond, Jill
Jack, Martin
Knowles, Mary Ann
Levesque, Melanie
Manley, Jonathan
Porter, Marjorie
Shattuck, Gilman
Spratt, Stephen
Vail, Suzanne

MERRIMACK

Bartlett, Christy
Ebel, Karen
Gile, Mary
Karrick, David
Moffett, Howard
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

Bouchard, Candace
Frambach, Mary
Henle, Paul
Kelly, Sally
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

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

Davis, Frank
French, Barbara
Hunt, Jane
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

ROCKINGHAM

Bick, Patrick
Cahill, Michael
Elliott, Robert
Helmstetter, Barbara
Mann, Maureen
Schlachman, Donna
Ward, Gerald

Borden, David
Cali-Pitts, Jacqueline
Ferrante, Beverly
Hoelzel, Kathleen
Moody, Marcia
Sherman, Thomas
Wazlaw, Brian

Briden, Steven
Copeland, Timothy
Flockhart, Eileen
Lovejoy, Patricia
Nigrello, Robert
Sytek, John
Whitemore, Lisa

Burtis, Elizabeth
Cushing, Robert
Heffron, Frank
Major, Norman
Pantelakos, Laura
Till, Mary

STRAFFORD

Baber, William
Gardner, Janice
Hubbard, Pamela
Menear, H. Robert
Perry, Robert
Spang, Judith

Berube, Roger
Grassie, Anne
Kaen, Naida
Merrill, Amanda
Rogers, Rose Marie
Stevens, Audrey

Bixby, Peter
Grossman, Kenneth
Ketel, Stephen
Miller, David
Rollo, Deanna
Verschueren, James

Burke, Rachel
Horrigan, Timothy
Malloy, Dennis
Pelletier, Marsha
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Irwin, Virginia

Gagnon, Raymond
O'Hearne, Andrew

Gottling, Suzanne
Sweeney, Cynthia

Grenier, James
Tanner, Linda

and the motion failed.

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

YEAS 186 - NAYS 119**YEAS - 186****BELKNAP**

DiMartino, Lisa

Gulick, Ruth

Huot, David

Raymond, Ian

CARROLL

Buco, Thomas
Umberger, Karen

Crawford, Karel
White, Syndi

Lavender, Tom

Ticehurst, Susan

CHESHIRE

Ames, Richard
Eaton, Daniel
Roberts, Kris
Tatro, Bruce

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

Butynski, William
Mann, John
Sad, Tara

Chase, Cynthia
Phillips, Larry
Shepardson, Marjorie

COOS

Hammon, Marcia

Hatch, William

Moynihan, Wayne

Thomas, Yvonne

GRAFTON

Almy, Susan
Friedrich, Carol
Lovett, Sid
Pastor, Beatriz
White, Andrew

Benn, Bernard
Harding, Laurie
Massimilla, Linda
Piper, Wendy

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

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

HILLSBOROUGH

Backus, Robert
Campbell, David
DiSilvestro, Linda
Gale, Sylvia
Gorman, Mary
Hansberry, Daniel
Jasper, Shawn
Kopka, Angeline
Long, Patrick
McNamara, Richard
Rokas, Ted
Shaw, Barbara
Sullivan, Daniel
Walsh, Robert

Belanger, James
Chandley, Shannon
Eaton, Richard
Gargas, Carolyn
Grady, Brenda
Harriott-Gathright, Linda
Judy, Jean
Kurk, Neal
MacKay, Mariellen
Nelson, Mary
Rosenwald, Cindy
Smith, Timothy
Sullivan, Peter
Williams, Kermit

Booras, Efstathia
Connor, Evelyn
Flanagan, Jack
Gidge, Kenneth
Hackel, Paul
Heden, Ruth
Kelley, John
Leishman, Peter
Mangipudi, Latha
O'Brien, Michael
Schmidt, Janice
Soucy, Timothy
Takesian, Charlene
Woodbury, David

Brown, Pamela
Cote, David
Gage, Ruth
Goley, Jeffrey
Hammond, Jill
Jack, Martin
Knowles, Mary Ann
Levesque, Melanie
Manley, Jonathan
Porter, Marjorie
Shattuck, Gilman
Spratt, Stephen
Vail, Suzanne

MERRIMACK

Bartlett, Christy
Ebel, Karen

Bouchard, Candace
Frambach, Mary

Carson, Clyde
Frazer, June

Davis, Frank
French, Barbara

1954

14 MAY 2014 HOUSE RECORD

Gile, Mary
Karrick, David
Moffett, Howard
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

Henle, Paul
Kelly, Sally
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

Hess, David
Kidder, David
Patten, Dick
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

Hunt, Jane
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

ROCKINGHAM

Abrami, Patrick
Cahill, Michael
Elliott, Robert
Hoelzel, Kathleen
Pantelakos, Laura
Till, Mary

Borden, David
Cali-Pitts, Jacqueline
Flockhart, Eileen
Lovejoy, Patricia
Schlachman, Donna
Ward, Gerald

Briden, Steven
Copeland, Timothy
Heffron, Frank
Mann, Maureen
Sherman, Thomas
Wazlaw, Brian

Burtis, Elizabeth
Cushing, Robert
Helmstetter, Barbara
Moody, Marcia
Sytek, John
Whittemore, Lisa

STRAFFORD

Baber, William
Gardner, Janice
Kaen, Naida
Merrill, Amanda
Rogers, Rose Marie
Stevens, Audrey

Berube, Roger
Grassie, Anne
Ketel, Stephen
Miller, David
Rollo, Deanna
Verschueren, James

Bixby, Peter
Grossman, Kenneth
Malloy, Dennis
Pelletier, Marsha
Schmidt, Peter
Wall, Janet

Burke, Rachel
Hubbard, Pamela
Menear, H. Robert
Perry, Robert
Spang, Judith

SULLIVAN

Cloutier, John
Irwin, Virginia

Gagnon, Raymond
O'Hearne, Andrew

Gottling, Suzanne
Sweeney, Cynthia

Grenier, James
Tanner, Linda

NAYS - 119

BELKNAP

Burchell, Richard
Greemore, Robert
Tilton, Franklin

Comtois, Guy
Holmes, Stephen
Vadney, Herbert

Cormier, Jane
Luther, Robert
Worsman, Colette

Fields, Dennis
Sylvia, Michael

CARROLL

Chandler, Gene
Wright, Donald

McConkey, Mark

Nelson, Bill

Schmidt, Stephen

CHESHIRE

Hunt, John

Johnson, Jane

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Doolan, Ralph

Gionet, Edmond

Reilly, Harold

HILLSBOROUGH

Barry, Richard
Cebrowski, John
Danielson, David
Hansen, Peter
LeBrun, Donald
Murphy, Keith
O'Flaherty, Tim
Parison, James
Rowe, Robert
Straight, Philip
Villeneuve, Moe

Boehm, Ralph
Coffey, James
Gagne, Larry
Hikel, John
LeVasseur, Richard
Murphy, Kelleigh
Ober, Lynne
Pellegrino, Tony
Sanborn, Laurie
Stroud, Kathleen
Willette, Robert

Burt, John
Culbert, Patrick
Garcia, Michael
Hinch, Richard
McCarthy, Michael
Notter, Jeanine
Ober, Russell
Peterson, Lenette
Sandblade, Emily
Ulery, Jordan
Winters, Joel

Byron, Frank
Daniels, Gary
Graham, John
Lambert, George
Murotake, David
O'Brien, William
Palmer, Stephen
Renzullo, Andrew
Souza, Kathleen
Vaillancourt, Steve

MERRIMACK

Hoell, J.R.

Kotowski, Frank

McGuire, Carol

McGuire, Dan

ROCKINGHAM

Allen, Mary
Birdsell, Regina
Duarte, Joe
Garcia, Bianca
Hagan, Joseph
Kolodziej, Walter
Milz, David

Baldasaro, Alfred
Chirichiello, Brian
Emerick, J. Tracy
Garcia, Marilinda
Harris, Jeffrey
Major, Norman
Nigrello, Robert

Belanger, Ronald
Comerford, Timothy
Ferrante, Beverly
Gordon, Richard
Introne, Robert
McKinney, Betsy
O'Connor, John

Bick, Patrick
Devine, James
Fesh, Robert
Griffin, Mary
Kappler, Lawrence
McMahon, Charles
Peckham, Michele

Priestley, Anne
Tasker, Kyle
Weyler, Kenneth

Sanders, Elisabeth
Tucker, Pamela

Sedensky, John
Waterhouse, Kevin

Sweeney, Joe
Webb, James

STRAFFORD

Beaudoin, Steven
Horrigan, Timothy

Bickford, David
Jones, Laura

Gray, James
Mullen, John

Groen, Warren
Pitre, Joseph

SULLIVAN

Osgood, Joe

Rollins, Skip

Smith, Steven

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

SB 374, establishing a commission to review and make recommendations to standardize and make uniform the definitions of “domicile” and “residency” in state statutes. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gary B. Richardson for the Majority of Election Law. This bill, as introduced, would have created a study committee “to make uniform” the definitions of “domicile” and “residency.” Domicile and residency are two different terms, but the words are often used interchangeably. Domicile usually refers to where someone is allowed to vote pursuant to the constitution, whereas residency refers to where someone has a residence. Testimony at the public hearing focused primarily on concerns expressed by the city and town clerks relating to motor vehicle registration. Accordingly, the committee amendment creates a study commission to clarify residency requirements to register a motor vehicle in New Hampshire. The committee amendment also clarifies the definition of residency contained in RSA 21:6 by eliminating reference to domicile, which has led to some of the confusion referred to above. Vote 10-7.

Rep. Shawn N Jasper for the Minority of Election Law. While the minority agrees with the basic concept of SB 374, which is to study the definition of residence and domicile, there are issues with the bill and rather than propose an amendment our focus is on the bill, as amended. There is no question that there are issues with how we define resident, inhabitant, and domicile in our statutes. The minority would prefer that we engage in a thoughtful and complete study of the use of those words and how they could be properly defined. The majority has decided to remove, without the benefit of a public hearing, the words “inhabitant” and “domicile” from RSA 21:6 and 21:6-a. We do not know, with any certainty, if that change has any negative effect or not. A more comprehensive definition may be necessary to properly define domicile so that it can have a uniform meaning, as it is found in 189 sections and sub-sections of law. The word inhabitant is found in 64 sections and sub-sections of law and will, if the amendment is adopted, be without statutory construction. The minority knows all too well the law of unintended consequences and we believe that SB 374, as amended, will have such consequences.

Majority Amendment (1694h)

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

AN ACT relative to defining residence and establishing a commission to review and make recommendations to clarify the residency requirements to register a motor vehicle in New Hampshire.

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

1 Statutory Construction; Resident; Residence. Amend RSA 21:6 and RSA 21:6-a to read as follows:

21:6 Resident[; ~~Inhabitant~~]. A resident [~~or inhabitant or both~~] of this state and of any city, town, or other political subdivision of this state shall be a person who [~~is domiciled or~~] has a place of abode [~~or both in this state and~~] in any city, town, or other political subdivision of this state, and who has, through all of his **or her** actions, demonstrated a current intent to designate that place of abode as his **or her** principal place of physical presence for the indefinite future to the exclusion of all others.

21:6-a Residence. Residence or residency shall mean a person’s place of abode [~~or domicile~~]. The place of abode [~~or domicile~~] is that designated by a person as his **or her** principal place of physical presence for the indefinite future to the exclusion of all others. Such residence or residency shall not be interrupted or lost by a temporary absence from it, if there is an intent to return to such residence or residency as the principal place of physical presence.

2 New Chapter; Commission to Review and Make Recommendations to Clarify the Residency Requirements to Register a Motor Vehicle in New Hampshire. Amend RSA by inserting after chapter 19-N the following new chapter:

CHAPTER 19-O

COMMISSION TO REVIEW AND MAKE RECOMMENDATIONS TO CLARIFY THE RESIDENCY REQUIREMENTS

TO REGISTER A MOTOR VEHICLE IN NEW HAMPSHIRE

19-O:1 Commission to Review and Make Recommendations to Clarify the Residency Requirements to Register a Motor Vehicle in New Hampshire.

I. There is established a commission to review and make recommendations to clarify the residency requirements to register a motor vehicle in New Hampshire.

II. 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 senate, appointed by the minority leader of the senate.
- (c) One member of the house of representatives, appointed by the speaker of the house of representatives.
- (d) One member of the house of representatives, appointed by the minority leader of the house of representatives.
- (e) The director of the division of motor vehicles, department of safety, or designee.
- (f) A city clerk or designee appointed by the New Hampshire City and Town Clerks' Association.
- (g) A town clerk appointed by the New Hampshire City and Town Clerks' Association.

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

IV. The commission shall review the various references to resident and residency in state statutes relating to motor vehicles and make recommendations on changes needed to make the rules and regulations easier to understand and interpret for the benefit of the public and public officials.

V. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member appointed by the president of the senate. The first meeting of the commission shall be held within 45 days of the effective date of this section. Four members of the commission shall constitute a quorum.

VI. The commission shall report its findings and any recommendations for proposed legislative action in the 2015 session to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 30, 2014.

3 Repeal. RSA 19-O, relative to the commission to review and make recommendations to clarify the residency requirements to register a motor vehicle in New Hampshire, is repealed.

4 Effective Date.

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

II. Section 3 of this act shall take effect November 30, 2014.

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

AMENDED ANALYSIS

This bill deletes inhabitant from the definition of resident for purposes of statutory construction. This bill also establishes a commission to review and make recommendations to clarify the residency requirements to register a motor vehicle in New Hampshire.

On a division vote, 176 members having voted in the affirmative and 112 in the negative, the majority committee amendment was adopted.

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

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 164 - NAYS 124

YEAS - 164

BELKNAP

DiMartino, Lisa
Raymond, Ian

Greemore, Robert

Gulick, Ruth

Huot, David

CARROLL

Buco, Thomas

Lavender, Tom

Ticehurst, Susan

White, Syndi

CHESHIRE

Ames, Richard
Eaton, Daniel
Robertson, Timothy

Berch, Paul
Ley, Douglas
Sad, Tara

Butynski, William
Mann, John
Tatro, Bruce

Chase, Cynthia
Phillips, Larry
Weber, Lucy

COOS

Hatch, William

Moynihan, Wayne

Thomas, Yvonne

GRAFTON

Almy, Susan
Friedrich, Carol
Massimilla, Linda
Piper, Wendy

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

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

Ford, Susan
Lovett, Sid
Pastor, Beatriz

HILLSBOROUGH

Backus, Robert
 Chandley, Shannon
 Eaton, Richard
 Gorman, Mary
 Harriott-Gathright, Linda
 Kelley, John
 Levesque, Melanie
 Manley, Jonathan
 Porter, Marjorie
 Shattuck, Gilman
 Spratt, Stephen
 Walsh, Robert

Booras, Efstathia
 Connor, Evelyn
 Gage, Ruth
 Hackel, Paul
 Heden, Ruth
 Knowles, Mary Ann
 Long, Patrick
 McNamara, Richard
 Rokas, Ted
 Shaw, Barbara
 Sullivan, Daniel
 Williams, Kermit

Brown, Pamela
 Cote, David
 Gale, Sylvia
 Hammond, Jill
 Jack, Martin
 Kopka, Angeline
 MacKay, Mariellen
 Nelson, Mary
 Rosenwald, Cindy
 Smith, Timothy
 Sullivan, Peter
 Winters, Joel

Campbell, David
 DiSilvestro, Linda
 Goley, Jeffrey
 Hansberry, Daniel
 Jeudy, Jean
 Leishman, Peter
 Mangipudi, Latha
 O'Brien, Michael
 Schmidt, Janice
 Soucy, Timothy
 Vail, Suzanne
 Woodbury, David

MERRIMACK

Bartlett, Christy
 Ebel, Karen
 Gile, Mary
 Kelly, Sally
 Patten, Dick
 Rogers, Katherine
 Turcotte, Alan
 Webb, Leigh

Bouchard, Candace
 Frambach, Mary
 Henle, Paul
 MacKay, James
 Ratzki, Mario
 Schamberg, Thomas
 Wallner, Mary Jane

Carson, Clyde
 Frazer, June
 Hunt, Jane
 Moffett, Howard
 Rice, Chip
 Schuett, Dianne
 Walz, Mary Beth

Davis, Frank
 French, Barbara
 Karrick, David
 Myler, Mel
 Richardson, Gary
 Shurtleff, Stephen
 Watrous, Rick

ROCKINGHAM

Belanger, Ronald
 Cahill, Michael
 Flockhart, Eileen
 Mann, Maureen
 Sherman, Thomas
 Whittemore, Lisa

Borden, David
 Cali-Pitts, Jacqueline
 Heffron, Frank
 Moody, Marcia
 Till, Mary

Briden, Steven
 Cushing, Robert
 Helmstetter, Barbara
 Pantelakos, Laura
 Ward, Gerald

Burtis, Elizabeth
 Elliott, Robert
 Lovejoy, Patricia
 Schlachman, Donna
 Wazlaw, Brian

STRAFFORD

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

Bixby, Peter
 Hubbard, Pamela
 Merrill, Amanda
 Rogers, Rose Marie
 Stevens, Audrey

Burke, Rachel
 Kaen, Naida
 Miller, David
 Rollo, Deanna
 Verschueren, James

Grassie, Anne
 Ketel, Stephen
 Pelletier, Marsha
 Schmidt, Peter
 Wall, Janet

SULLIVAN

Cloutier, John
 O'Hearne, Andrew

Gagnon, Raymond
 Sweeney, Cynthia

Gottling, Suzanne
 Tanner, Linda

Irwin, Virginia

NAYS - 124**BELKNAP**

Burchell, Richard
 Luther, Robert
 Worsman, Colette

Cormier, Jane
 Sylvia, Michael

Fields, Dennis
 Tilton, Franklin

Holmes, Stephen
 Vadney, Herbert

CARROLL

Chandler, Gene
 Umberger, Karen

Crawford, Karel
 Wright, Donald

McConkey, Mark

Nelson, Bill

CHESHIRE

Hunt, John

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Doolan, Ralph

Gionet, Edmond

Ladd, Rick

Reilly, Harold

HILLSBOROUGH

Barry, Richard
 Byron, Frank
 Daniels, Gary
 Garcia, Michael
 Hansen, Peter
 Lambert, George
 Murotake, David

Belanger, James
 Cebrowski, John
 Danielson, David
 Gargas, Carolyn
 Hikel, John
 LeBrun, Donald
 Murphy, Keith

Boehm, Ralph
 Coffey, James
 Flanagan, Jack
 Gidge, Kenneth
 Jasper, Shawn
 LeVasseur, Richard
 Murphy, Kelleigh

Burt, John
 Culbert, Patrick
 Gagne, Larry
 Graham, John
 Kurk, Neal
 McCarthy, Michael
 Notter, Jeanine

O'Brien, William
Pellegrino, Tony
Sanborn, Laurie
Stroud, Kathleen
Villeneuve, Moe

O'Flaherty, Tim
Peterson, Lenette
Sandblade, Emily
Takesian, Charlene
Willette, Robert

Palmer, Stephen
Renzullo, Andrew
Souza, Kathleen
Ulery, Jordan

Parison, James
Rowe, Robert
Straight, Philip
Vaillancourt, Steve

MERRIMACK

Hess, David
McGuire, Dan

Hoell, J.R.

Kotowski, Frank

McGuire, Carol

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Devine, James
Garcia, Bianca
Hagan, Joseph
Kappler, Lawrence
Milz, David
Priestley, Anne
Sytek, John
Webb, James

Allen, Mary
Chirichiello, Brian
Duarte, Joe
Garcia, Marilinda
Harris, Jeffrey
Kolodziej, Walter
Nigrello, Robert
Sanders, Elisabeth
Tasker, Kyle
Weyler, Kenneth

Baldasaro, Alfred
Comerford, Timothy
Emerick, J. Tracy
Gordon, Richard
Hoelzel, Kathleen
McKinney, Betsy
O'Connor, John
Sedensky, John
Tucker, Pamela

Bick, Patrick
Copeland, Timothy
Fesh, Robert
Griffin, Mary
Introne, Robert
McMahon, Charles
Peckham, Michele
Sweeney, Joe
Waterhouse, Kevin

STRAFFORD

Beaudoin, Steven
Horrigan, Timothy

Bickford, David
Jones, Laura

Gray, James
Mullen, John

Groen, Warren
Pitre, Joseph

SULLIVAN

Grenier, James

Osgood, Joe

Rollins, Skip

Smith, Steven

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

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

Rep. Bernard L. Benn for Finance. This bill restructures the site evaluation committee, which reviews applications for new energy facilities (generation units, transmission lines, etc.) and acts on amendments or enforcement of projects already certificated. The SEC's workload has increased tremendously in recent years and shows no sign of abating, resulting in an unreasonable burden on the state agency members. The restructured SEC will be more efficient by having fewer state agency members and will include public members appointed by the Governor and confirmed by the Executive Council. The SEC will be administratively attached to the public utilities commission and for the first time will have a budget established for its operations. The chair of the PUC will serve as Chair of the SEC; the current chair of the SEC, the commissioner of the department of environmental services, will serve as Vice-Chair. Administrative duties are now shared between DES and the PUC but under SB 245 will be managed by an unclassified Administrator and other such support as needed, under the supervision of the SEC Chair. Funding for the SEC will initially be through a one-time grant of up to \$500,000, transferred in smaller increments, as needed, from the renewable energy fund into a non-lapsing fund. The SEC chair shall submit a proposed budget to the Fiscal Committee before July 01, 2014 for FY 15; upon approval of the interim budget, the first transfer from the REF will be made. By December 01, 2014, the SEC shall submit a long-term funding plan for consideration by the Governor and Legislature. The long-term funding plan will propose application fees and other possible funding sources. There will be a transitional period as the "old SEC" winds down matters that have commenced adjudicative hearings before the "new SEC" ramps up. Vote 23-0.

Amendment (1795h)

Amend RSA 162-H:3, VIII as inserted by section 6 of the bill by replacing it with the following:

VIII. Public members of the committee shall be compensated on a pro rata basis, based upon the daily salary rate of an unclassified position at the initial step in grade FF as determined in RSA 94:1-a, I(a). Such members shall keep detailed time records which shall be submitted to the committee and used to determine the amount of compensation. Said compensation shall be a charge against the site evaluation committee fund. Amend RSA 162-h:3-a as inserted by section 7 of the bill by replacing it with the following:

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

Amend RSA 162-H:10, VII as inserted by section 16 of the bill by replacing it with the following:

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

Amend the bill by replacing all after section 22 with the following:

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

162-H:21 Fund Established; Funding Plan.

I. There is hereby established in the office of the state treasurer a nonlapsing fund to be known as the site evaluation committee fund. All moneys in the fund shall be continually appropriated to the site evaluation committee and shall only be used to pay for operating costs of the committee, including costs incurred under RSA 162-H:3-a and the compensation paid to the public members of the committee under RSA 162-H:3, VIII.

II. The site evaluation fund shall be funded upon request of the committee by a one-time grant, not to exceed \$500,000, which may be received in installments, from the renewable energy fund established in RSA 362-F:10. The initial transfer to the fund shall occur following approval by the fiscal committee of the general court of a proposed budget plan for fiscal year 2015 as provided in paragraph III. Any subsequent transfer requests of the one-time grant from the renewable energy fund shall require prior approval of the fiscal committee.

III. Prior to July 1, 2014, the site evaluation committee shall submit a proposed budget plan for fiscal year 2015 to the fiscal committee of the general court for approval. The site evaluation committee shall be entitled to reimbursement from each applicant for reasonable administrative expenses directly associated with processing the applicant's application during fiscal year 2015. Such expenses shall include the compensation paid to the public members of the committee, the administrator's time processing the application, and any other reasonable administrative cost directly associated with the application, but shall exclude state agency review and hearing time. All reimbursements paid by applicants to the site evaluation committee under this paragraph shall be deposited in the fund.

IV. Prior to December 1, 2014, the site evaluation committee shall submit a permanent funding plan, including recommendations for legislative action, to the governor, speaker of the house, and senate president covering the long term operations of the committee. When developing the permanent funding plan, the site evaluation committee shall consider potential funding sources, including but not limited to the imposition of reasonable application fees and the use of general funds. The site evaluation committee shall consider whether a dedicated fund is necessary as part of a permanent funding plan. The plan shall describe the costs of the ongoing administration of the site evaluation committee's duties, including state agency expenses associated with processing an application under this chapter. The plan shall include recommendations for the ongoing funding of the site evaluation committee's operations, including reimbursement for the hearing and review time of members of the committee and state agency staff. The plan shall make recommendations for funding sources to meet those needs, except that such funding sources shall not include annual operating fees imposed on energy facilities or further use of the renewable energy fund. The plan shall provide an estimate of revenues from application fees and additional funding sources.

24 Applicability.

I. The provisions of this act shall apply to any application received by the site evaluation committee on or after July 1, 2014 and to any matter for which an adjudicative hearing has not commenced before July 1, 2014. The parties in any pending matter for which an adjudicative hearing has not commenced before July 1, 2014 shall have a reasonable opportunity to supplement filings under provisions of this chapter.

II. Any method of collecting fees or other assessments from applicants for the ongoing operations of the site evaluation committee established by the legislature during the 2015 legislative session shall apply to all matters subject to the provisions of RSA 162-H as amended by this act. An applicant in a matter subject to the provisions of RSA 162-H as amended by this act shall be entitled, as applicable, to an appropriate credit or adjustment for expenses paid by the applicant under RSA 162-H:10, V or RSA 162-H:21, III prior to when the method of collecting fees or other assessments goes into effect. The purpose of this provision is to ensure that all matters subject to this act, whenever filed, are subject to such enactment, while also preventing the over collection of fees and payments from the applicant.

III. Pending matters before the site evaluation committee for which an adjudicative hearing was commenced prior to July 1, 2014 shall be governed by the law in effect prior to the effective date of this act.

25 Transitional Responsibilities; Site Evaluation Committee.

I. The site evaluation committee as amended by section 6 of this act may act when the second public member is appointed by the governor with the consent of the council under RSA 162-H:3, I(f). Such appointment shall occur no later than October 1, 2014. The committee as amended under this act shall be responsible for all matters under RSA 162-H, except as provided in paragraph II.

II. The site evaluation committee in existence prior to the effective date of this act shall continue to have authority to act on matters before it until all such matters for which it is responsible have been resolved, through rulings on requests for rehearing or reconsideration. The committee in existence prior to the effective date of this act shall be responsible for any matter for which an adjudicative hearing was commenced prior to the date on which the committee as amended under this act is authorized to act pursuant to paragraph I.

III. Notwithstanding any other provision of RSA 162-H, until such time as the site evaluation committee as amended by section 6 of this act is authorized to act, the committee in existence prior to the effective date of this act shall continue to process all matters before the committee; shall seek to hire the administrator and other support as needed as provided in RSA 162-H:3-a; and shall continue the rulemaking process pursuant to RSA 162-H:10, VII. The actions of the committee in existence prior to this act shall be deemed the actions of the site evaluation committee, as amended, for all such purposes. The administrator shall be empowered to act in all matters under the supervision of the chairperson of the committee in existence prior to this act. Supervision shall transfer to the chairperson of the committee as amended under this act when the second public member is appointed pursuant to paragraph I.

26 Site Evaluation Committee; Reimbursement for Agency Time. If subsequent legislation provides for reimbursement for the hearing or review time of members of the site evaluation committee or state agency staff, then reimbursement shall also be made in the same manner for such time spent prior to the effective date of such subsequent legislation on matters that are subject to this act.

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

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

28 Repeal. The following are repealed:

I. RSA 4-C:6, II(e), relative to energy facility evaluation committee.

II. RSA 162-H:6-a, relative to time frames for review of renewable energy facilities.

III. RSA 162-H:7, VI-e, relative to time frames for applications for certificates.

IV. RSA 162-H:15, relative to informational meetings.

29 Effective Date.

I. Sections 24, 25 and RSA 162-H:21, III as inserted by section 23 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 2014.

Amendment adopted.

Committee report adopted and ordered to third reading.

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

Rep. David O. Huot for Finance. Because the NH Supreme Court declared RSA 100-C unconstitutional as applied to full time judges appointed before January 1, 2005 (the effective date of the act), the affected judges are required to elect whether to receive benefits under RSA 100-C or under the system in effect before the effective date of the act. This bill requires them to make an irrevocable election between the two systems. The committee amendment makes the election necessary no more than 90 days after the judicial retirement plan has notified the affected judges, and beneficiaries of retired judges who are deceased, of this legislation, and provides an explanation of how retirement benefits are calculated under each system. The election is needed so the Judicial Retirement Plan's actuary can accurately calculate the plan's current unfunded accrued liability. Neither the original bill nor the amendment affects state revenue or expense. Vote 22-1.

Amendment (1735h)

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

AN ACT requiring the election of benefits by certain members of the judicial retirement plan or their beneficiaries.

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

1 New Section; Judicial Retirement Plan; Notice of Election. Amend RSA 100-C by inserting after section 17 the following new section:

100-C:18 Notice of Election. Each full-time judge who was appointed prior to January 1, 2005, or an eligible beneficiary of such judge who retired after attaining age 65, shall notify the plan in writing no later than 90 days after the plan mails to each affected person a statement of the method by which retirement benefits are calculated under RSA 100-C as well as under the provisions of the former judicial retirement statutes, RSA

490:2, RSA 491:2, RSA 502-A:6-a, or RSA 547:2-a, as to whether the member or beneficiary intends to claim retirement benefits pursuant to one of the former judicial retirement statutes instead of the retirement benefits paid pursuant to RSA 100-C. Such election, once made, shall be irrevocable. If an election is not made within 90 days after the plan mails such statement, the member or beneficiary shall only receive benefits under the provisions of RSA 100-C. In the event that a member or beneficiary elects to claim retirement benefits pursuant to one of the former judicial retirement statutes, he or she shall not be entitled to reimbursement for any contributions made pursuant to RSA 100-C:13 or RSA 100-C:14.

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

AMENDED ANALYSIS

This bill requires certain eligible judges or their beneficiary under the judicial retirement plan to give notice of their election to receive benefits under the former judicial retirement statutes or retirement benefits paid pursuant to RSA 100-C.

Amendment adopted.

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

Rep. Kurk offered floor amendment (1843h).

Floor Amendment (1843h)

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

AN ACT requiring the election of benefits by certain members of the judicial retirement plan or their beneficiaries and relative to the use of drones.

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

2 New Chapter; Drones. Amend RSA by inserting after chapter 644 the following new chapter:

CHAPTER 644-A DRONES

644-A:1 Definitions. In this chapter:

I. "Airspace" means the space above the ground in New Hampshire.

II. "Drone" means an aerial vehicle, excluding a geosynchronous satellite, that:

- (a) Does not carry a human operator;
- (b) Uses aerodynamic forces to provide vehicle lift;
- (c) Can fly autonomously or be piloted remotely; and
- (d) Can be expendable or recoverable.

III. "Government" means federal, state, and local agencies and departments and any political subdivisions thereof, including employees, agents, and contractors.

IV. "Individual" means a living human being.

V. "Information" means any evidence, images, sounds, or data gathered by a drone.

VI. "Person" means individuals, corporations, organizations, and for-profit and not-for-profit entities, excluding the government.

VII.(a) "Surveillance" means:

(1) The willful act of tracking or following, while photographing, taking images of, listening to, or making a recording of a recognizable individual or a group of individuals, including their movements, activities, or communications; or

(2) Photographing, taking images of, listening in, or making a recording in the interior of a building or structure in which there is a reasonable expectation of privacy.

(b) "Surveillance" shall not apply to a newsworthy event or an event to which the public is invited.

644-A:2 Government Use of Drones Limited; Exceptions.

I.(a) A government may use a drone for law enforcement purposes only under the following conditions:

(1) If a government first obtains a search warrant signed by a judge and based on probable cause or the use is pursuant to a legally-recognized exception to the warrant requirement.

(2) If a government possesses reasonable suspicion that, under particular circumstances, swift action is needed to prevent imminent harm to life or serious damage to property, or to forestall the imminent escape of a suspect, or the destruction of evidence. The use of a drone under this subparagraph shall be limited to a period of 48 hours of its initial use. Within 24 hours of the initiation of the use of a drone under this subparagraph, the government shall report in writing the use of a drone to the attorney general who shall annually post such reports on the department of justice website in a searchable format.

(3) If a government obtains the prior consent of the person who is the subject of the surveillance and the owner or lessee of the property which is the subject of the surveillance.

(b) If a government uses a drone under this paragraph, it shall within 24 hours permanently destroy all information gathered by the drone other than that relating directly to the purpose for which the drone was used or any evidence of another crime discovered inadvertently, and only such information may be retained or disclosed to another government.

(c) Evidence obtained by a government through the use of a drone in violation of this paragraph shall not be admissible in any judicial or administrative proceeding and shall not be used to establish reasonable suspicion or probable cause to believe that an offense has been committed.

II. No government shall own, use, or exercise control over a drone that is equipped with any kind of lethal or non-lethal weapon.

III. Except as provided in paragraph I, no government shall use a drone for surveillance.

IV. A government that owns, uses, or exercises control over a drone in this state that causes injury to a person or a person's property shall be strictly liable for such injury.

V. A government that owns, uses, or exercises control over one or more drones shall annually on July 1 submit a written report to the attorney general containing information on the number of such drones and the number of times each such drone was used during the prior year. The attorney general shall annually post such reports on the department of justice website in a searchable format.

644-A:3 Non-government Use of Drones Limited; Exceptions.

I. No person shall use a drone to conduct surveillance without the prior consent of each affected person and each owner or possessor of affected buildings or structures or parts thereof. It shall not be a defense to a charge of violating this chapter that the buildings or structures were not marked with a no-trespassing sign or similar notice.

II. No person shall own, use, or exercise control over a drone that is equipped with any kind of lethal or non-lethal weapon.

III. Any person that owns, uses, or exercises control over a drone in this state that causes injury to a person or such person's property shall be strictly liable for the injury.

IV. No person shall use a drone to harass or stalk another person.

644-A:4 Federal Preemption. If federal law preempts any provision of this chapter, that provision shall not apply.

644-A:5 Construction. This chapter, as civilly applied, shall be construed to provide the greatest possible protection of the privacy of the people of this state.

644-A:6 Penalties.

I. An individual, including a government employee, agent, and contractor, who violates RSA 644-A:2 shall be guilty of a class A misdemeanor.

II. A government that violates RSA 644-A:2 shall be subject to a civil penalty of up to \$10,000 which shall be deposited in the general fund of the state.

III. A person who violates RSA 644-A:3 shall be guilty of a class B misdemeanor.

IV. Any person who suffers injury caused by a drone operated in violation of this chapter shall be entitled to damages from the person or government that committed the violation of not less than \$1,000 and an award of reasonable attorney fees.

V. In addition to any other remedies allowed by law, a person who willfully gains unauthorized control over a drone shall be liable to the owner of the drone in an amount of not less than \$1,000 and an award of reasonable attorney fees.

3 Effective Date.

I. Section 2 of this act shall take effect January 1, 2015.

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

AMENDED ANALYSIS

This bill requires certain eligible judges or their beneficiary under the judicial retirement plan to give notice of their election to receive benefits under the former judicial retirement statutes or retirement benefits paid pursuant to RSA 100-C.

This bill also regulates the use of drones by government agencies and individuals. It establishes criminal penalties and civil remedies for violations of the law.

Rep. Kurk spoke in favor.

Floor amendment (1843h) adopted.

Committee report adopted and ordered to third reading.

SB 308-FN, relative to innovation in the delivery of health care. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Cindy Rosenwald for the Majority of Finance. This bill established a process for the state to confer anti-trust immunity to hospitals and other health care providers that want to merge or collaborate by contract or other affiliation. The committee heard conflicting testimony as to whether or not such state action immunity is necessary under current federal trade commission regulations or even desirable as a less competitive provider environment could lead to higher prices. The amendment replaces the bill with a study committee to examine the issue, its potential impact on cost, quality and access, similar actions taken by other states, and the scope of projects that would be considered by NH providers. The report is due November 1, 2014. In

addition, the original bill included a one-time assessment on hospitals to fund promulgation of rules by the department of justice; the amendment shifts the funds to the health services planning and review board to finish the state health plan by June 30, 2015. Vote 13-10.

Rep. Richard W. Barry for the Minority of Finance. While the minority agrees with the concept of establishing a study committee, the disagreement involves paying \$300k for the development of a state health plan. The health services planning and review board (also known as the C.O.N. Board) was tasked to develop this plan, now is saying that they do not have the expertise, and need about \$300k to hire consultants. We also believe that the newly established study committee should be able to incorporate at least the parameters of such a plan, within its report.

Majority Amendment (1715h)

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

AN ACT establishing a committee to study innovation in the delivery of health care and relative to an assessment for purposes of the state health plan.

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

1 Committee Established. There is established a committee to study innovation in the delivery of health care.

2 Membership and Compensation.

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

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

(b) Two members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties.

I. The committee shall study innovation in the delivery of health care. The committee shall determine the appropriate process for review of the potential costs and benefits of cooperative agreements between health care providers through a certificate of public advantage. The committee's study may include, but not be limited to:

(a) Reviewing New Hampshire rules and regulations currently applicable to health care provider innovations, including current review by the attorney general's office, the consumer protection and antitrust bureau and the charitable trust unit, and certificate of need review.

(b) Investigating the type of health care cooperative agreements in the state, including integrated arrangements, mergers, consolidations and payment reform consolidations, which are being reviewed, planned, or discussed.

(c) Seeking input from health providers across the state to determine what type of arrangements are being proposed or considered given the changing health care landscape.

(d) Reviewing what other states are doing with regard to review of health care payment reform and innovation models and why.

(e) Reviewing research and analysis performed and commissioned by the insurance department with respect to the factors affecting health insurance premiums, the operation of health care and health insurance markets, and possible models for innovation that could help lower health care costs.

(f) Seeking input from state agencies with expertise in the area of health care and health insurance markets to determine how existing state resources could be incorporated into a regulatory review process for cooperative agreements.

(g) Making recommendations regarding whether further review of health care transactions in New Hampshire is necessary to ensure New Hampshire's health plan needs are met, health care can be more affordable in New Hampshire, and providers are able to engage in innovation without over-burdensome regulatory barriers and in a way which promotes quality, access, and price transparency.

II. The committee may solicit input from any person or entity the committee deems relevant to its study.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 30 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Staffing. The department of insurance shall provide staff services to the committee.

6 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2014.

7 New Paragraph; Certificate of Need; Assessment on Hospitals for Development of the State Health Plan. Amend RSA 151-C:4-a by inserting after paragraph II the following new paragraph:

III. Notwithstanding any provision of law to the contrary, hospitals, as defined in RSA 151-C:2, XX, shall pay a one-time special assessment the aggregate of which shall total \$300,000 to the health services planning and review board, established in RSA 151-C:3, which shall be used for the purposes of develop-

ing the state health plan as required under this section. Moneys collected from the assessment under this paragraph shall not lapse until June 30, 2015. Contracts for administrative support or consulting services for the purposes of this paragraph shall not require governor and council approval. The state health plan shall be delivered to the speaker of the house of representatives, the president of the senate, and the governor on or before June 30, 2015.

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

AMENDED ANALYSIS

This bill establishes a committee to study innovation in the delivery of health care.

This bill also requires hospitals to pay a one-time special assessment to the health services and planning review board for the purposes of developing the state health plan.
Majority committee amendment adopted.

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

YEAS 164 - NAYS 122

YEAS - 164

BELKNAP

DiMartino, Lisa	Gulick, Ruth	Huot, David	Raymond, Ian
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CARROLL

Buco, Thomas	Lavender, Tom	Ticehurst, Susan	White, Syndi
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CHESHIRE

Ames, Richard	Berch, Paul	Butynski, William	Chase, Cynthia
Eaton, Daniel	Ley, Douglas	Mann, John	Phillips, Larry
Robertson, Timothy	Sad, Tara	Tatro, Bruce	Weber, Lucy

COOS

Hatch, William	Moynihan, Wayne	Richardson, Herbert	Thomas, Yvonne
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GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Ford, Susan
Friedrich, Carol	Harding, Laurie	Higgins, Patricia	Massimilla, Linda
Mulholland, Catherine	Nordgren, Sharon	Pastor, Beatriz	Piper, Wendy
Smith, Suzanne	Sykes, George		

HILLSBOROUGH

Backus, Robert	Booras, Efstathia	Brown, Pamela	Campbell, David
Chandley, Shannon	Connor, Evelyn	Cote, David	DiSilvestro, Linda
Eaton, Richard	Gage, Ruth	Gale, Sylvia	Gargas, Carolyn
Gidge, Kenneth	Goley, Jeffrey	Gorman, Mary	Grady, Brenda
Hackel, Paul	Hammond, Jill	Hansberry, Daniel	Harriott-Gathright, Linda
Heden, Ruth	Jack, Martin	Jeady, Jean	Kelley, John
Knowles, Mary Ann	Kopka, Angeline	Leishman, Peter	Long, Patrick
MacKay, Mariellen	Mangipudi, Latha	Manley, Jonathan	McNamara, Richard
Nelson, Mary	O'Brien, Michael	Porter, Marjorie	Rokas, Ted
Rosenwald, Cindy	Schmidt, Janice	Shattuck, Gilman	Shaw, Barbara
Smith, Timothy	Soucy, Timothy	Spratt, Stephen	Sullivan, Daniel
Sullivan, Peter	Vail, Suzanne	Walsh, Robert	Williams, Kermit
Woodbury, David			

MERRIMACK

Bouchard, Candace	Carson, Clyde	Davis, Frank	Frambach, Mary
Frazer, June	French, Barbara	Gile, Mary	Henle, Paul
Hunt, Jane	Karrick, David	Kelly, Sally	Kotowski, Frank
MacKay, James	Moffett, Howard	Myler, Mel	Patten, Dick
Ratzki, Mario	Rice, Chip	Richardson, Gary	Rogers, Katherine
Schamberg, Thomas	Schuetz, Dianne	Shurtleff, Stephen	Turcotte, Alan
Wallner, Mary Jane	Walz, Mary Beth	Watrous, Rick	

ROCKINGHAM

Abrami, Patrick	Belanger, Ronald	Borden, David	Briden, Steven
Burtis, Elizabeth	Cahill, Michael	Cali-Pitts, Jacqueline	Copeland, Timothy
Cushing, Robert	Flockhart, Eileen	Heffron, Frank	Helmstetter, Barbara
Lovejoy, Patricia	Mann, Maureen	Moody, Marcia	Pantelakos, Laura
Schlachman, Donna	Sherman, Thomas	Till, Mary	Ward, Gerald
Wazlaw, Brian	Whittemore, Lisa		

STRAFFORD

Baber, William
Grossman, Kenneth
Ketel, Stephen
Pelletier, Marsha
Schmidt, Peter
Wall, Janet

Bixby, Peter
Horrigan, Timothy
Malloy, Dennis
Perry, Robert
Spang, Judith

Burke, Rachel
Hubbard, Pamela
Merrill, Amanda
Rogers, Rose Marie
Stevens, Audrey

Grassie, Anne
Kaen, Naida
Miller, David
Rollo, Deanna
Verschueren, James

SULLIVAN

Cloutier, John
O'Hearne, Andrew

Gagnon, Raymond
Sweeney, Cynthia

Gottling, Suzanne
Tanner, Linda

Irwin, Virginia

NAYS - 122**BELKNAP**

Burchell, Richard
Greemore, Robert
Tilton, Franklin

Comtois, Guy
Holmes, Stephen
Vadney, Herbert

Cormier, Jane
Luther, Robert
Worsman, Colette

Fields, Dennis
Sylvia, Michael

CARROLL

Chandler, Gene
Umberger, Karen

Crawford, Karel
Wright, Donald

McConkey, Mark

Nelson, Bill

CHESHIRE**COOS**

Rappaport, Laurence

Rideout, Leon

GRAFTON

Doolan, Ralph

Gionet, Edmond

Ladd, Rick

Reilly, Harold

HILLSBOROUGH

Barry, Richard
Byron, Frank
Daniels, Gary
Garcia, Michael
Jasper, Shawn
LeVasseur, Richard
Murphy, Kelleigh
Palmer, Stephen
Renzullo, Andrew
Souza, Kathleen
Ulery, Jordan
Winters, Joel

Belanger, James
Cebrowski, John
Danielson, David
Graham, John
Kurk, Neal
McCarthy, Michael
Notter, Jeanine
Parison, James
Rowe, Robert
Straight, Philip
Vaillancourt, Steve

Boehm, Ralph
Coffey, James
Flanagan, Jack
Hansen, Peter
Lambert, George
Murotake, David
O'Brien, William
Pellegrino, Tony
Sanborn, Laurie
Stroud, Kathleen
Villeneuve, Moe

Burt, John
Culbert, Patrick
Gagne, Larry
Hikel, John
LeBrun, Donald
Murphy, Keith
O'Flaherty, Tim
Peterson, Lenette
Sandblade, Emily
Takesian, Charlene
Willette, Robert

MERRIMACK

Hess, David
Webb, Leigh

Hoell, J.R.

McGuire, Carol

McGuire, Dan

ROCKINGHAM

Allen, Mary
Chirichiello, Brian
Elliott, Robert
Garcia, Marilinda
Harris, Jeffrey
Kolodziej, Walter
Nigrello, Robert
Sanders, Elisabeth
Tucker, Pamela

Baldasaro, Alfred
Comerford, Timothy
Emerick, J. Tracy
Gordon, Richard
Hoelzel, Kathleen
McKinney, Betsy
O'Connor, John
Sedensky, John
Waterhouse, Kevin

Bick, Patrick
Devine, James
Fesh, Robert
Griffin, Mary
Introne, Robert
McMahon, Charles
Peckham, Michele
Sweeney, Joe
Webb, James

Birdsell, Regina
Duarte, Joe
Garcia, Bianca
Hagan, Joseph
Kappler, Lawrence
Milz, David
Priestley, Anne
Sytek, John
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Jones, Laura

Bickford, David
Mullen, John

Gray, James
Pitre, Joseph

Groen, Warren

SULLIVAN

Grenier, James

Osgood, Joe

Rollins, Skip

Smith, Steven

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

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

Rep. William A. Hatch for the Majority of Finance. This bill provides for continued Group II membership of the director of the division of forest and lands if he or she was a member of Group II for at least 10 years prior to appointment as director. The majority considered this as writing legislation to have the details of a position, i.e. pay, retirement benefits, etc. for the person in the position, as opposed to having the person meet the position requirements. The majority recommends that the department change the job description to meet the requirement needed and the details such as which group the person is in would be determined from the job description. Vote 18-5.

Rep. Katherine D. Rogers for the Minority of Finance. The minority believes that this bill's underlying policy is already in place for several other appointed positions within state government agencies that have both Group I and Group II employees. This bill would provide that if the director of the division of forests and lands has been a member of Group II for at least 10 years prior to appointment and continues to meet all the qualifications of a permanent firefighter that director will continue to be in Group II. The minority believes that if SB 395 is not passed there will be an economic disincentive for promotion in this division and will therefore be a substantial obstacle towards recruitment of the most qualified individuals.

Majority committee report adopted.

SB 409-FN-A-L, making an appropriation to the department of safety for disaster assistance grants. **OUGHT TO PASS.**

Rep. Thomas L. Buco for Finance. Senate Bill 409 appropriates \$ 4.9 million as the State match for federal disaster assistance grants from the federal emergency management agency (FEMA). FEMA disaster assistance grants provide 75% of the cost of the declared disaster and require a 25% match from the affected municipalities. Historically the state has assisted municipalities by paying one-half of the required match or 12.5%. However, for the disasters listed in this bill, which occurred between February 2010 and July 2013, the state has not contributed its historic 12.5%. The \$ 4.9 million appropriation in this bill represents the 12.5% state contribution to the affected municipalities for the declared disasters listed in this bill. Vote 23-0. Committee report adopted and ordered to third reading.

SB 415-FN, transferring surplus revenues to the revenue stabilization reserve account. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Stephen P. Spratt for the Majority of Finance. This bill could set a potential precedent by directing the treasurer to transfer \$15 million of FY 13 surplus revenues to the rainy day fund in the middle of the biennium, thereby creating potential restrictions on the use of such funds to meet current obligations. As such, the majority believes this policy requires further study as it relates to both the budget process and current policy, which already directs surplus to the rainy day fund at the end of the biennium. Vote 12-10.

Rep. Neal M. Kurk for the Minority of Finance. This bill transfers \$15 million of unanticipated surplus from the 2012/13 biennium to the state's rainy day fund. The 2014/15 budget suspended the law requiring surplus to be deposited in the rainy day fund at the end of each biennium in order to use the estimated \$57 million of surplus from the 2012/13 budget to help balance the 2014/15 budget. As it turned out the actual surplus was not \$57 million but \$72 million. This bill takes that \$15 million of unanticipated surplus, which is not necessary to balance the 2014/15 budget, and returns it to the rainy day fund. Not only is this prudent fiscal policy, but it will further demonstrate to bond-rating agencies that the outlook for New Hampshire's fiscal condition is favorable.

The question being adoption of the majority committee report of Refer for Interim Study.

Rep. Kurk spoke against.

Reps. Spratt and Huot spoke in favor.

Rep. Sanborn spoke against and yielded to questions.

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

YEAS 151 - NAYS 127

YEAS - 151

BELKNAP

DiMartino, Lisa

Gulick, Ruth

Huot, David

Raymond, Ian

CARROLL

Buco, Thomas

Lavender, Tom

Ticehurst, Susan

CHESHIRE

Ames, Richard
Ley, Douglas
Tatro, Bruce

Berch, Paul
Mann, John
Weber, Lucy

Butynski, William
Phillips, Larry

Chase, Cynthia
Sad, Tara

COOS

Hatch, William

Moynihan, Wayne

Thomas, Yvonne

GRAFTON

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

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

Cooney, Mary
Higgins, Patricia
Nordgren, Sharon

Ford, Susan
Lovett, Sid
Pastor, Beatriz

HILLSBOROUGH

Backus, Robert
Connor, Evelyn
Gage, Ruth
Gorman, Mary
Harriott-Gathright, Linda
Kelley, John
Long, Patrick
McNamara, Richard
Rokas, Ted
Shaw, Barbara
Sullivan, Daniel
Williams, Kermit

Brown, Pamela
Cote, David
Gale, Sylvia
Grady, Brenda
Heden, Ruth
Knowles, Mary Ann
MacKay, Mariellen
Nelson, Mary
Rosenwald, Cindy
Smith, Timothy
Sullivan, Peter
Woodbury, David

Campbell, David
DiSilvestro, Linda
Gidge, Kenneth
Hackel, Paul
Jack, Martin
Kopka, Angeline
Mangipudi, Latha
O'Brien, Michael
Schmidt, Janice
Soucy, Timothy
Vail, Suzanne

Chandley, Shannon
Eaton, Richard
Goley, Jeffrey
Hammond, Jill
Judy, Jean
Leishman, Peter
Manley, Jonathan
Porter, Marjorie
Shattuck, Gilman
Spratt, Stephen
Walsh, Robert

MERRIMACK

Bouchard, Candace
Frazer, June
Hunt, Jane
Moffett, Howard
Richardson, Gary
Turcotte, Alan
Webb, Leigh

Carson, Clyde
French, Barbara
Karrick, David
Myler, Mel
Rogers, Katherine
Wallner, Mary Jane

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

Frambach, Mary
Henle, Paul
MacKay, James
Rice, Chip
Shurtleff, Stephen
Watrous, Rick

ROCKINGHAM

Borden, David
Cali-Pitts, Jacqueline
Helmstetter, Barbara
Pantelakos, Laura
Ward, Gerald

Briden, Steven
Cushing, Robert
Lovejoy, Patricia
Schlachman, Donna
Wazlaw, Brian

Burtis, Elizabeth
Flockhart, Eileen
Mann, Maureen
Sherman, Thomas
Whittemore, Lisa

Cahill, Michael
Heffron, Frank
Moody, Marcia
Till, Mary

STRAFFORD

Baber, William
Horriggan, Timothy
Malloy, Dennis
Perry, Robert
Spang, Judith

Bixby, Peter
Hubbard, Pamela
Merrill, Amanda
Rogers, Rose Marie
Stevens, Audrey

Grassie, Anne
Kaen, Naida
Miller, David
Rollo, Deanna
Verschueren, James

Grossman, Kenneth
Ketel, Stephen
Pelletier, Marsha
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
O'Hearne, Andrew

Gagnon, Raymond
Sweeney, Cynthia

Gottling, Suzanne
Tanner, Linda

Irwin, Virginia

NAYS - 127**BELKNAP**

Burchell, Richard
Holmes, Stephen
Vadney, Herbert

Cormier, Jane
Luther, Robert
Worsman, Colette

Fields, Dennis
Sylvia, Michael

Greemore, Robert
Tilton, Franklin

CARROLL

Chandler, Gene
Umberger, Karen

Crawford, Karel
White, Syndi

McConkey, Mark
Wright, Donald

Nelson, Bill

CHESHIRE**COOS**

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Doolan, Ralph
Reilly, Harold

Gionet, Edmond

Ladd, Rick

Piper, Wendy

HILLSBOROUGH

Barry, Richard
Byron, Frank

Belanger, James
Cebrowski, John

Boehm, Ralph
Coffey, James

Burt, John
Culbert, Patrick

Daniels, Gary
Garcia, Michael
Jasper, Shawn
LeVasseur, Richard
Murphy, Kelleigh
Palmer, Stephen
Renzullo, Andrew
Souza, Kathleen
Ulery, Jordan
Winters, Joel

Danielson, David
Gargas, Carolyn
Kurk, Neal
McCarthy, Michael
Notter, Jeanine
Parison, James
Rowe, Robert
Straight, Philip
Vaillancourt, Steve

Flanagan, Jack
Graham, John
Lambert, George
Murotake, David
O'Brien, William
Pellegrino, Tony
Sanborn, Laurie
Stroud, Kathleen
Villeneuve, Moe

Gagne, Larry
Hansen, Peter
LeBrun, Donald
Murphy, Keith
O'Flaherty, Tim
Peterson, Lenette
Sandblade, Emily
Takesian, Charlene
Willette, Robert

MERRIMACK

Hess, David
McGuire, Dan

Hoell, J.R.
Ratzki, Mario

Kotowski, Frank
Schamberg, Thomas

McGuire, Carol

ROCKINGHAM

Abrami, Patrick
Bick, Patrick
Copeland, Timothy
Emerick, J. Tracy
Hagan, Joseph
Kappler, Lawrence
Milz, David
Priestley, Anne
Sytek, John
Weyler, Kenneth

Allen, Mary
Birdsell, Regina
Devine, James
Fesh, Robert
Harris, Jeffrey
Kolodziej, Walter
Nigrello, Robert
Sanders, Elisabeth
Tucker, Pamela

Baldasaro, Alfred
Chirichiello, Brian
Duarte, Joe
Gordon, Richard
Hoelzel, Kathleen
McKinney, Betsy
O'Connor, John
Sedensky, John
Waterhouse, Kevin

Belanger, Ronald
Comerford, Timothy
Elliott, Robert
Griffin, Mary
Introne, Robert
McMahon, Charles
Peckham, Michele
Sweeney, Joe
Webb, James

STRAFFORD

Beaudoin, Steven
Jones, Laura

Bickford, David
Mullen, John

Gray, James
Pitre, Joseph

Groen, Warren

SULLIVAN

Grenier, James

Osgood, Joe

Rollins, Skip

Smith, Steven

and the majority committee report was adopted.

SB 416-FN-A, relative to highway fund appropriations and establishing a committee to study the effectiveness and efficiency of the department of transportation. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John W. Cebrowski for the Majority of Finance. This bill seeks to establish two study committees. The intent of the first study committee is to study methods of maintaining highway fund integrity. Since the legislature has authorized a performance audit of DOT the committee believes that the audit, as a matter of management sequence, must precede this study committee. The second subcommittee established by this bill, to study the effectiveness and efficiency of DOT is identical to a section of SB 367, which has already passed the legislature. Beyond this, DOT has already initiated development of a transportation asset management plan, which focuses on business and engineering practices for maximizing resource allocation and utilization. Vote 20-3.

Rep. Dan McGuire for the Minority of Finance. While some of SB 416 is similar to parts of SB 367 (the bill that increased the road toll), this bill also contains a prohibition on spending highway fund money on the judicial branch, department of justice, the safety commissioner and safety's division of administration. These areas have a very minor connection to the highway fund whose primary purpose is to maintain our roads. Passage of SB 416 would add over \$20 million annually to that road maintenance and construction budget. Majority committee report adopted.

MOTION TO SUSPEND HOUSE RULES

Rep. Winters moved that House Rules be so far suspended as to allow the House to consider Senate Bills numbered 388, 220-FN, 308-FN and 369-FN-A, at the present time.

Rep. Vaillancourt spoke against.

On a division vote, 203 members having voted in the affirmative and 73 in the negative, the motion was adopted by the necessary two-thirds vote.

REGULAR CALENDAR (CONT'D)

SB 388, establishing a committee to study the current status of land conservation in New Hampshire and the state's role in encouraging voluntary protection of land in the future. **OUGHT TO PASS.**

Rep. Suzanne J. Smith for Resources, Recreation and Development. Since the Land and Community Heritage Commission's final report in 1999 and the creation of the Land and Community Heritage Investment Program (LCHIP), there has not been a statewide comprehensive study of land conservation in New Hampshire. This bill forms a committee, which will identify NH lands in conservation and determine how many acres have been

put into conservation, which entities hold the conservation easements, and the geographic distribution of these lands. The committee will solicit input from state agencies and non-profits, compare New Hampshire's land conservation with other states and make recommendations for effective voluntary land conservation for the next decade. Since 1999, landowners and municipalities have chosen to voluntarily conserve over 400,000 acres. Most of this land is in north and central NH. Since land conservation serves to protect the state's drinking water supply, it is important to note, that in our highly populated southern tier, almost 20,000 acres of aquifers were developed between 2002-2010. The committee believes that a thorough study of public and private conservation lands will help NH meet future challenges to drinking water supply, maintain a land base for farming and forestry, protect fish and wildlife habitat, and provide outdoor recreation opportunities. Vote 9-2. Rep. DiMartino requested a roll call; sufficiently seconded.

YEAS 216 - NAYS 60**YEAS - 216****BELKNAP**

DiMartino, Lisa
Luther, Robert

Fields, Dennis
Raymond, Ian

Gulick, Ruth
Tilton, Franklin

Huot, David

CARROLL

Buco, Thomas
McConkey, Mark
White, Syndi

Chandler, Gene
Nelson, Bill

Crawford, Karel
Ticehurst, Susan

Lavender, Tom
Umberger, Karen

CHESHIRE

Ames, Richard
Johnson, Jane
Robertson, Timothy

Berch, Paul
Ley, Douglas
Sad, Tara

Butynski, William
Mann, John
Tatro, Bruce

Chase, Cynthia
Phillips, Larry
Weber, Lucy

COOS

Hatch, William
Thomas, Yvonne

Moynihan, Wayne

Rappaport, Laurence

Richardson, Herbert

GRAFTON

Almy, Susan
Ford, Susan
Lovett, Sid
Reilly, Harold

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

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

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Pastor, Beatriz

HILLSBOROUGH

Backus, Robert
Byron, Frank
Connor, Evelyn
Eaton, Richard
Gargas, Carolyn
Grady, Brenda
Harriott-Gathright, Linda
Judy, Jean
Kurk, Neal
MacKay, Mariellen
Murotake, David
Pellegrino, Tony
Rowe, Robert
Smith, Timothy
Straight, Philip
Vail, Suzanne
Winters, Joel

Belanger, James
Campbell, David
Cote, David
Gage, Ruth
Gidge, Kenneth
Graham, John
Heden, Ruth
Kelley, John
Leishman, Peter
Mangipudi, Latha
Murphy, Kelleigh
Porter, Marjorie
Schmidt, Janice
Soucy, Timothy
Stroud, Kathleen
Walsh, Robert
Woodbury, David

Boehm, Ralph
Chandley, Shannon
Danielson, David
Gagne, Larry
Goley, Jeffrey
Hackel, Paul
Jack, Martin
Knowles, Mary Ann
LeVasseur, Richard
Manley, Jonathan
Nelson, Mary
Rokas, Ted
Shattuck, Gilman
Souza, Kathleen
Sullivan, Peter
Willette, Robert

Brown, Pamela
Coffey, James
DiSilvestro, Linda
Gale, Sylvia
Gorman, Mary
Hammond, Jill
Jasper, Shawn
Kopka, Angeline
Long, Patrick
McNamara, Richard
O'Brien, Michael
Rosenwald, Cindy
Shaw, Barbara
Spratt, Stephen
Takesian, Charlene
Williams, Kermit

MERRIMACK

Bouchard, Candace
Frazer, June
Hess, David
Kotowski, Frank
Patten, Dick
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

Carson, Clyde
French, Barbara
Hunt, Jane
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

Davis, Frank
Gile, Mary
Karrick, David
Moffett, Howard
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

Frambach, Mary
Henle, Paul
Kelly, Sally
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

ROCKINGHAM

Abrami, Patrick
Borden, David

Allen, Mary
Briden, Steven

Bick, Patrick
Burtis, Elizabeth

Birdsell, Regina
Cahill, Michael

Cali-Pitts, Jacqueline
Devine, James
Flockhart, Eileen
Hoelzel, Kathleen
McMahon, Charles
O'Connor, John
Schlachman, Donna
Till, Mary
Webb, James

Chirichiello, Brian
Elliott, Robert
Griffin, Mary
Introne, Robert
Milz, David
Pantelakos, Laura
Sedensky, John
Ward, Gerald
Weyler, Kenneth

Copeland, Timothy
Emerick, J. Tracy
Heffron, Frank
Lovejoy, Patricia
Moody, Marcia
Peckham, Michele
Sherman, Thomas
Waterhouse, Kevin
Whittemore, Lisa

Cushing, Robert
Fesh, Robert
Helmstetter, Barbara
Mann, Maureen
Nigrello, Robert
Priestley, Anne
Sytek, John
Wazlaw, Brian

STRAFFORD

Baber, William
Grassie, Anne
Kaen, Naida
Miller, David
Rogers, Rose Marie
Verschueren, James

Bickford, David
Grossman, Kenneth
Ketel, Stephen
Mullen, John
Rollo, Deanna
Wall, Janet

Bixby, Peter
Horrigan, Timothy
Malloy, Dennis
Pelletier, Marsha
Schmidt, Peter

Burke, Rachel
Hubbard, Pamela
Merrill, Amanda
Perry, Robert
Stevens, Audrey

SULLIVAN

Cloutier, John
Irwin, Virginia

Gagnon, Raymond
O'Hearne, Andrew

Gottling, Suzanne
Smith, Steven

Grenier, James
Tanner, Linda

NAYS - 60 BELKNAP

Burchell, Richard
Holmes, Stephen

Comtois, Guy
Sylvia, Michael

Cormier, Jane
Vadney, Herbert

Greemore, Robert
Worsman, Colette

CARROLL

Wright, Donald

CHESHIRE

Hunt, John

COOS

Rideout, Leon

GRAFTON

Gionet, Edmond

Ladd, Rick

Piper, Wendy

HILLSBOROUGH

Barry, Richard
Flanagan, Jack
LeBrun, Donald
O'Brien, William
Peterson, Lenette
Ulery, Jordan

Burt, John
Garcia, Michael
McCarthy, Michael
O'Flaherty, Tim
Renzullo, Andrew
Vaillancourt, Steve

Culbert, Patrick
Hansen, Peter
Murphy, Keith
Palmer, Stephen
Sanborn, Laurie
Villeneuve, Moe

Daniels, Gary
Lambert, George
Notter, Jeanine
Parison, James
Sandblade, Emily

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McGuire, Carol

McGuire, Dan

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Belanger, Ronald
Hagan, Joseph
Sanders, Elisabeth

Comerford, Timothy
Harris, Jeffrey
Sweeney, Joe

Duarte, Joe
Kappler, Lawrence
Tucker, Pamela

STRAFFORD

Beaudoin, Steven
Pitre, Joseph

Gray, James
Spang, Judith

Groen, Warren

Jones, Laura

SULLIVAN

Osgood, Joe

Rollins, Skip

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

SB 220-FN, relative to the regulation of electricians by the electricians' board. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mary R. Cooney for the Majority of Ways and Means. The electricians' board conducts examinations of applicants and regular inspections of work done by its licensees. In addition, on rare occasions the board is requested to conduct inspections of specific installations by public groups such as a county fair. This bill as amended allows the board to charge for these inspections, which are requested by members of the general public. Vote 11-8.

Rep. Joe Osgood for the Minority of Ways and Means. During discussion, we found that this bill institutes a new fee on all non-profit organizations requesting electrical inspections. These inspections are currently performed at no charge. These non-profits are trying to raise funds that they use for community purposes. We did not feel this is good practice being these organizations tend to already struggle to get by.

Majority Amendment (1721h)

Amend RSA 319-C:6-b as inserted by section 1 of the bill by replacing it with the following:

319-C:6-b Fees. The board shall establish application fees for examination of applicants, *fees for inspections performed upon request of the general public done pursuant to RSA 319-C:5*, fees for licensure, for renewal, and for late renewal of licenses to practice under this chapter, and for transcribing and transferring records and other services. The fee for examination shall not include fees charged by and paid to an examination entity approved by the board. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board [~~for the previous fiscal year~~]. Fees collected shall be deposited in the general fund as unrestricted revenue.

Rep. Almy spoke against.

Majority committee amendment failed.

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

Rep. Almy offered floor amendment (1825h).

Floor Amendment (1825h)

Amend RSA 319-C:6-b as inserted by section 1 of the bill by replacing it with the following:

319-C:6-b Fees. The board shall establish application fees for examination of applicants, *fees for inspections performed upon request of the general public done pursuant to RSA 319-C:5*, fees for licensure, for renewal, and for late renewal of licenses to practice under this chapter, and for transcribing and transferring records and other services. The fee for examination shall not include fees charged by and paid to an examination entity approved by the board. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board [~~for the previous fiscal year~~] *budgeted for the biennium in which they will apply*. Fees collected shall be deposited in the general fund as unrestricted revenue.

Rep. Almy spoke in favor.

Floor amendment (1825h) 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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YEAS - 163

BELKNAP

Burchell, Richard
Raymond, Ian

DiMartino, Lisa
Worsman, Colette

Gulick, Ruth

Huot, David

CARROLL

Buco, Thomas

Lavender, Tom

Ticehurst, Susan

White, Syndi

CHESHIRE

Ames, Richard
Johnson, Jane
Robertson, Timothy

Berch, Paul
Ley, Douglas
Sad, Tara

Butynski, William
Mann, John
Tatro, Bruce

Chase, Cynthia
Phillips, Larry
Weber, Lucy

COOS

Hatch, William

Moynihan, Wayne

Thomas, Yvonne

GRAFTON

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

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

Cooney, Mary
Higgins, Patricia
Pastor, Beatriz

Ford, Susan
Lovett, Sid
Piper, Wendy

HILLSBOROUGH

Backus, Robert
Coffey, James
Eaton, Richard
Goley, Jeffrey
Hammond, Jill
Kelley, John
Long, Patrick
McNamara, Richard

Brown, Pamela
Connor, Evelyn
Gage, Ruth
Gorman, Mary
Harriott-Gathright, Linda
Knowles, Mary Ann
MacKay, Mariellen
Nelson, Mary

Campbell, David
Cote, David
Gale, Sylvia
Grady, Brenda
Heden, Ruth
Kopka, Angeline
Mangipudi, Latha
O'Brien, Michael

Chandley, Shannon
DiSilvestro, Linda
Gidge, Kenneth
Hackel, Paul
Jack, Martin
Leishman, Peter
Manley, Jonathan
O'Flaherty, Tim

Porter, Marjorie
Shattuck, Gilman
Spratt, Stephen
Williams, Kermit

Rokas, Ted
Shaw, Barbara
Takesian, Charlene
Winters, Joel

Rosenwald, Cindy
Smith, Timothy
Vail, Suzanne
Woodbury, David

Schmidt, Janice
Soucy, Timothy
Walsh, Robert

MERRIMACK

Bouchard, Candace
Frazer, June
Hunt, Jane
Moffett, Howard
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

Carson, Clyde
French, Barbara
Karrick, David
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Webb, Leigh

Davis, Frank
Gile, Mary
Kelly, Sally
Patten, Dick
Rogers, Katherine
Turcotte, Alan

Frambach, Mary
Henle, Paul
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

ROCKINGHAM

Belanger, Ronald
Cahill, Michael
Flockhart, Eileen
Mann, Maureen
Pantelakos, Laura
Till, Mary

Borden, David
Cali-Pitts, Jacqueline
Heffron, Frank
Milz, David
Schlachman, Donna
Ward, Gerald

Briden, Steven
Copeland, Timothy
Helmstetter, Barbara
Moody, Marcia
Sherman, Thomas
Wazlaw, Brian

Burtis, Elizabeth
Cushing, Robert
Lovejoy, Patricia
O'Connor, John
Sytek, John
Whitemore, Lisa

STRAFFORD

Baber, William
Grassie, Anne
Hubbard, Pamela
Merrill, Amanda
Rollo, Deanna

Beaudoin, Steven
Gray, James
Kaen, Naida
Pelletier, Marsha
Schmidt, Peter

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

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

SULLIVAN

Cloutier, John
O'Hearne, Andrew

Gagnon, Raymond
Sweeney, Cynthia

Gottling, Suzanne
Tanner, Linda

Irwin, Virginia

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BELKNAP

Comtois, Guy
Luther, Robert

Fields, Dennis
Sylvia, Michael

Greemore, Robert
Tilton, Franklin

Holmes, Stephen
Vadney, Herbert

CARROLL

Chandler, Gene
Umberger, Karen

Crawford, Karel
Wright, Donald

McConkey, Mark

Nelson, Bill

CHESHIRE

Hunt, John

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Doolan, Ralph

Gionet, Edmond

Ladd, Rick

Reilly, Harold

HILLSBOROUGH

Barry, Richard
Byron, Frank
Flanagan, Jack
Graham, John
Kurk, Neal
McCarthy, Michael
Notter, Jeanine
Pellegrino, Tony
Sanborn, Laurie
Stroud, Kathleen
Villeneuve, Moe

Belanger, James
Culbert, Patrick
Gagne, Larry
Hansen, Peter
Lambert, George
Murotake, David
O'Brien, William
Peterson, Lenette
Sandblade, Emily
Sullivan, Peter
Willette, Robert

Boehm, Ralph
Daniels, Gary
Garcia, Michael
Jasper, Shawn
LeBrun, Donald
Murphy, Keith
Palmer, Stephen
Renzullo, Andrew
Souza, Kathleen
Ulery, Jordan

Burt, John
Danielson, David
Gargas, Carolyn
Judy, Jean
LeVasseur, Richard
Murphy, Kelleigh
Parison, James
Rowe, Robert
Straight, Philip
Vaillancourt, Steve

MERRIMACK

Hess, David
McGuire, Dan

Hoell, J.R.

Kotowski, Frank

McGuire, Carol

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina

Allen, Mary
Chirichiello, Brian

Baldasaro, Alfred
Comerford, Timothy

Bick, Patrick
Devine, James

Duarte, Joe
Gordon, Richard
Hoelzel, Kathleen
McMahon, Charles
Sanders, Elisabeth
Waterhouse, Kevin

Elliott, Robert
Griffin, Mary
Introne, Robert
Nigrello, Robert
Sedensky, John
Webb, James

Emerick, J. Tracy
Hagan, Joseph
Kappler, Lawrence
Peckham, Michele
Sweeney, Joe
Weyler, Kenneth

Fesh, Robert
Harris, Jeffrey
Kolodziej, Walter
Priestley, Anne
Tucker, Pamela

STRAFFORD

Bickford, David
Pitre, Joseph

Groen, Warren
Spang, Judith

Jones, Laura
Stevens, Audrey

Mullen, John

SULLIVAN

Grenier, James

Osgood, Joe

Rollins, Skip

Smith, Steven

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

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

Rep. Richard Ames for Ways and Means. This bill raises the maximum fine for violation of lead remediation rules from \$2000 to \$5000 per violation. The increase is necessary to meet federal EPA standards. Failure to comply with the federal standards risks loss of about \$150,000 in EPA funds per year and about \$12 million in HUD funding. The EPA funds support the state's healthy homes and lead poisoning prevention program and the HUD funds support other state lead abatement programs, including removal of lead hazards from older homes occupied by low-income families. The division of public health services reports that these programs have been successful in preventing childhood lead poisonings. The maximum fine assessment is reserved to exceptional situations involving, for example, serious risk to public health or repeat violations. The Division of Public Health Services expects, based on past practice, that the maximum fine will be infrequently applied, about 0-2 times per year. Vote 11-8.

Committee report adopted and ordered to third reading.

SB 369-FN-A, relative to the Medicaid enhancement tax. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David W. Hess for the Majority of Ways and Means. This bill, as amended, is intended as a first step to address concerns recently raised by two superior court decisions, which found the Medicaid enhancement tax (MET) as currently assessed is unconstitutional. The amendment recommended by the Majority of the committee incorporates two separate amendments independently offered which take two different approaches to address those concerns. While the committee fully believes that the current tax structure is constitutional and will be upheld by the Supreme Court, this bill, first, seeks to provide the Courts and the public with clarification of the legislative findings and intent that constitute the basis of the decision to tax the hospital inpatient and outpatient services, so as to provide for the consistent, equitable and rational taxation of revenue from these two separate and distinct classes of property as permitted under federal law. These services are distinct in many important ways from other classes of health care services including the following: a) They are provided differently; b) The services are subject to a different reimbursement methodology by public payors and even private payors; c) The services are subject to different licensing requirements under state law; d) The services are subject to different payment certification requirements under state and federal law; e) The services are accredited differently for all purposes; f) Inpatient and outpatient hospital services are potentially eligible for reimbursement of uncompensated care, and g) Inpatient and outpatient services are separate permissible classes under the federal law which regulates state health programs. Sections 1 – 12 of the bill basically retain the MET in its current form but add a critical “Declaration of [legislative] Intent.” Consistent with that legislative intent, the bill specifies that all funds raised by the MET are appropriated to the uncompensated care fund, and it repeals a provision in existing law, which allows monies in the uncompensated care fund to lapse into the general fund at the end of each fiscal year. This portion of the bill is to take effect upon passage. The bill also contains both a severability clause and a contingency clause such that if the continuation of the MET in its current form is found to be unconstitutional despite the stated legislative intent and appropriation of MET funds contained here, then the alternative approach set forth in sections 13 – 18 automatically replaces the earlier approach. The latter approach, should it ever become effective, would expand the MET tax base to specifically include the four categories of out patient health care services which the Superior Court decisions cited in finding the MET unconstitutional. It also exempts from that tax twelve categories of health care entities and activities; establishes a threshold of \$500,000 of net patient services revenue received for the four categories of services, which must be exceeded before the tax is imposed; and specifies that the net effect of these changes is to keep the MET revenue neutral. Revenue neutrality is assured by immediately dropping the MET from 5.5% to 5%, and by requiring DRA to calculate the appropriate tax rate for each subsequent year based upon the revenue received from the tax the previous fiscal year. Finally, the committee's action may best be described by the words of Winston Churchill when he described the Battle of Britain in World War II by saying: “This is not the end. This is not even the beginning of the end. But perhaps, it is the end of the beginning.” Vote 12-4.

Rep. Jordan G. Ulery for the Minority of Ways and Means. MET, a sales tax on medical services, requires essential medical providers pay a tax to the state for the money to be put in a fund to be paid back to the same entity that paid the tax. Some of that money is paid by “the fed” yet it is still tax dollars, still increasing the cost of medicine. The majority argues this bill gives the House tools for a committee of conference. The minority argues this bill expands a tax, increases the cost of medicine. Progressive forward-looking thought sees this as an opportunity to reduce paperwork, reduce tax burden and the cost of medical care by eliminating the MET.

Majority Amendment (1803h)

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

AN ACT relative to the Medicaid enhancement tax.

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

1 New Paragraph: Medicaid Enhancement Tax; Definition; Inpatient Hospital Services. Amend RSA 84-A:1 by inserting after paragraph III the following new paragraph:

III-a. “Inpatient hospital services” means those services that are classified as inpatient hospital services for purposes of section 1903(w) of the Social Security Act, and are defined in 42 C.F.R section 440.10, regardless of the patient receiving the service or the payor for that service.

2 New Paragraph; Medicaid Enhancement Tax; Definition; Outpatient Hospital Services. Amend RSA 84-A:1 by inserting after paragraph IV-a the following new paragraph:

IV-b. “Outpatient hospital services” means those services that are classified as outpatient hospital services for purposes of section 1903(w) of the Social Security Act, and are defined in 42 C.F.R. section 440.20, regardless of the patient receiving the service or the payor for that service.

3 Medicaid Enhancement Tax; Definition; Net Patient Services Revenue. Amend RSA 84-A:1, IV-a to read as follows:

IV-a. “Net patient services revenue” means the gross charges of the hospital *for inpatient and outpatient hospital services* less any deducted amounts for bad debts, charity care, and payor discounts. “Net patient services revenue” shall include revenues received from the state’s uncompensated care account and revenues received from all payers of inpatient and outpatient ~~[patient care]~~ *hospital services*.

4 Imposition of Tax. Amend RSA 84-A:2 to read as follows:

84-A:2 Imposition of Tax. A *health care-related* tax is imposed at a rate of 5.5 percent upon the net patient services revenue of every hospital for the hospital’s fiscal year ending during the first full calendar year preceding the taxable period.

5 Tax Due. RSA 84-A:3 is repealed and reenacted to read as follows:

84-A:3 Tax Due.

I. For the taxable period beginning July 1, 2014, and for every taxable period thereafter, each hospital shall pay 25 percent of its Medicaid enhancement tax due and payable for the taxable period no later than the fifteenth day of October, January, March, and June of the taxable period. Notwithstanding any provision of this chapter or any other law, no penalty or interest shall be imposed for failure to make payment of tax when due if such payment is made on or before the last day of the month in which such payment is due.

II. If the return required by RSA 84-A:4 shows an additional amount of tax to be due, such additional amount is due and payable at the time the return is due.

6 Returns. Amend RSA 84-A:4 to read as follows:

84-A:4 Returns. Every hospital shall on or before the ~~[tenth]~~ *fifteenth* day of ~~[the month following the expiration of]~~ *June in* the taxable period make a return to the commissioner. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the form of such return and the data which it must contain for the correct computation of net patient services revenue and the tax assessed upon such amount. All returns shall be signed by the taxpayer or by its authorized representative, subject to the pains and penalties of perjury. If such return shows an overpayment of the tax due, the commissioner shall refund or credit the overpayment to the hospital in accordance with RSA 21-J:28-a.

7 Method of Payment; Reference Corrected. Amend RSA 84-A:5, I to read as follows:

I. The payments required by RSA 84-A:3~~[-H-a]~~ shall be made by electronic transfer of moneys to the state treasurer and deposited to the uncompensated care fund established by RSA 167:64.

8 New Sections; Medicaid Enhancement Taxes; Declaration of Intent; Severability. Amend RSA 84-A by inserting after section 13 the following new sections:

84-A:14 Declaration of Intent. It is the declared intent of this chapter to provide for the consistent, equitable, and rational taxation of revenue received from inpatient hospital services and outpatient hospital services, which are 2 separate and distinct classes of property and are permissible classes of health care-related services which may be taxed in accordance with federal law to ensure access to Federal Financial Participation. In addition, it is the declared intent of this chapter to enact a health care-related tax, as permitted under section 1903(w) of the Social Security Act, upon the revenue derived from inpatient and outpatient hospital services, which are distinct from other classes of health care services, are subject to a different reimburse-

ment methodology for public payors, are subject to different licensing and certification requirements, are potentially eligible for uncompensated care payments under the disproportionate share hospital program, and which provide a necessary, rational, and demonstrated public health benefit.

84-A:15 Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable. This severability clause shall apply to the application of this chapter to revenue from inpatient hospital services and outpatient hospital services, such that the invalidity of either shall not affect the application of the statute to the other.

9 Uncompensated Care Fund. Amend RSA 167:64 to read as follows:

167:64 Uncompensated Care Fund.

I. There is hereby established in the state treasury an uncompensated care fund which shall consist of the moneys collected pursuant to RSA 84-A. Investment earnings of the fund shall be credited to the fund. Moneys paid into the fund shall be exempt from any state budget reductions, and the commissioner is authorized to expend these funds, together with matching federal funds, as follows:

(a)(1) The commissioner may provide reimbursement for uncompensated care costs in accordance with the approved schedule of payments through either Medicaid rate adjustments or disproportionate share hospital payment adjustments, or a combination thereof, provided however that no hospital shall receive any such reimbursement for uncompensated care costs unless it is a qualified hospital as defined in subparagraph (b)(1). Funds available under this section shall also be used to make medical provider payments and to support ~~[the state's Medicaid enhancement tax unrestricted revenue account]~~, **public assistance programs administered by the department pursuant to this chapter** in amounts directed by the budget in each year of the biennium. Expenditure of revenues deposited to the uncompensated care fund shall be made for the following purposes in the following order of priority:

(A) To support medical provider payments as budgeted in each year of the biennium;

(B) ~~[To support the state's Medicaid enhancement tax unrestricted revenue account as budgeted in each year of the biennium;~~

~~(C)~~ To make disproportionate share hospital payments to support up to 75 percent of the uncompensated care costs of New Hampshire's hospitals with critical access designation as available funding allows, to be shared among such hospitals in proportion to the amount of uncompensated care provided;

~~[(D)]~~ (C) To make a disproportionate share hospital payment to each hospital that meets the criteria set forth for "deemed disproportionate share hospitals" as that term is defined under 42 U.S.C. section 1396r-4 ~~[in]~~ **up to** an amount as budgeted in each year of the biennium **based on available funding**;

~~[(E)]~~ (D) To support the uncompensated care costs of New Hampshire's hospitals without critical access designation **up to an amount as budgeted in each year of the biennium based on available funding** in proportion to the amount of uncompensated care provided by each hospital consistent with the requirements of 42 U.S.C. section 1396r-4(g) and any relevant federal regulations promulgated thereunder; and

~~[(F) Any remaining funds produced from the Medicaid enhancement tax shall be used]~~ (E) To reduce hospital losses associated with providing services to Medicaid recipients through an increase in provider reimbursement rates **up to an amount as budgeted in each year of the biennium based on available funding**; and

(F) Any remaining funds produced from the Medicaid enhancement tax shall be used to support public assistance programs administered by the department pursuant to this chapter.

(2) Should funds be inadequate to make a disproportionate share hospital payment to hospitals within either of the groups identified in subparagraph ~~[(1)(C)]~~ **(1)(B)** or ~~[(1)(E)]~~ **(1)(D)**, an amount of \$1,000,000 shall be designated to make payments in accordance with 42 U.S.C. section 1396r-4(b) and distributed as follows:

(A) Equally to each group of hospitals should both groups be impacted, and distributed among each of the hospitals within each group in proportion to the amount of uncompensated care provided; or

(B) If only hospitals in subparagraph ~~[(1)(E)]~~ **(1)(D)** are impacted, distributed to those hospitals in proportion to the amount of uncompensated care provided.

(b)(1) The commissioner is hereby authorized and directed to develop and implement a schedule of payments for reimbursement of the uncompensated care costs consistent with the level of funding made available for such payments in each year of the biennium, incurred by those hospitals that are qualified as follows:

(A) The hospital is a "deemed disproportionate share hospital" as defined by criteria set forth under 42 U.S.C. section 1396r-4 and is not otherwise receiving a disproportionate share hospital payment, or

(B) The hospital participates in the provider network of the state Medicaid Care Management program ~~[which shall be evidenced by written proof of an agreement in principle by July 1, 2013 with a final agreement by August 1, 2013].~~

(2) The reimbursement of uncompensated care costs paid in state fiscal year 2014 and state fiscal year 2015 *and thereafter* shall be in accordance with the schedule of payments to hospitals that takes effect on or after July 1, 2013, subject to the prior review and approval of the federal Centers for Medicare and Medicaid Services, and shall be structured in a manner that is consistent with all federal laws and regulations governing (i) Title XIX disproportionate share hospital payment adjustments and other rate payments, (ii) conditions for receiving federal financial participation, and (iii) permissible sources of state financial participation as provided for under 42 C.F.R. part 433 and all other applicable federal regulations.

(c) For purposes of this section, uncompensated care costs shall include: any charity care cost, and any portion of Medicaid-covered patient care costs unreimbursed by Medicaid payments, that the commissioner determines would meet the criteria under 42 U.S.C. section 1396r-4(g) governing hospital-specific limits on disproportionate share hospital payments under Title XIX of the Social Security Act and the provisions of all federal regulations promulgated thereunder.

(d) One percent of the funds made available for uncompensated care payments shall be placed in a separate class line reserved for the expenses of the department in administering this subdivision.

II. Moneys in the uncompensated care fund shall be continually appropriated to the department for the purposes of this subdivision.

~~[III. The balance of the moneys remaining in the fund at the end of each fiscal year shall lapse into the general fund.]~~

10 Operating Budget; Department of Health and Human Services; Provider Payments. Amend 2013, 143.1, 05, 95, 47, 470010, 7940, estimated source of funds for provider payments, to read as follows:

ESTIMATED SOURCE OF FUNDS FOR PROVIDER PAYMENTS

007 Agency Income	18,601,359	19,078,123
009 Agency Income	[81,691,149] 153,891,149	[90,291,149] 163,991,149
FEDERAL FUNDS	229,814,212	219,781,567
GENERAL FUNDS	[115,098,935] 42,898,935	[95,750,212] 22,050,212
TOTAL SOURCE OF FUNDS	445,205,655	424,901,051

11 Estimates Revenues. Amend 2013, 143:17 to read as follows:

143:17 Estimates of Unrestricted Revenue.

GENERAL FUND	FY 2014	FY 2015
BUSINESS PROFITS TAX	\$276,010,000	\$281,700,000
BUSINESS ENTERPRISE TAX	<u>73,600,000</u>	<u>75,100,000</u>
SUBTOTAL BUSINESS TAXES	349,610,000	356,800,000
MEALS AND ROOMS TAX	242,400,000	247,360,000
TOBACCO TAX	127,000,000	121,900,000
TRANSFER FROM LIQUOR	133,400,000	136,800,000
INTEREST AND DIVIDENDS TAX	96,100,000	98,000,000
INSURANCE 86,900,000	109,500,000	
COMMUNICATIONS TAX	62,500,000	62,500,000
REAL ESTATE TRANSFER TAX	63,575,000	64,835,000
COURT FINES & FEES	13,000,000	13,000,000
SECURITIES REVENUE	37,600,000	37,600,000
UTILITY CONSUMPTION TAX	6,000,000	6,000,000
BOARD AND CARE	27,500,000	28,200,000
BEER TAX 13,200,000	13,200,000	
OTHER REVENUES	77,200,000	77,500,000
TOBACCO SETTLEMENT	2,400,000	1,900,000
SUBTOTAL 1,338,385,000	1,375,095,000	
~~[MEDICAID ENHANCEMENT TAX]~~	~~72,200,000~~	~~73,700,000]~~
MEDICAID RECOVERIES	5,400,000	5,400,000
TOTAL GENERAL FUND	1,343,785,000	~~[1,381,995,000]~~ 1,380,495,000
EDUCATION FUND	FY 2014	FY 2015
BUSINESS PROFITS TAX	58,550,000	59,800,000
BUSINESS ENTERPRISE TAX	<u>149,440,000</u>	<u>152,600,000</u>
SUBTOTAL BUSINESS TAXES	207,990,000	212,400,000
MEALS AND ROOMS TAX	7,800,000	7,840,000
TOBACCO TAX	74,600,000	71,600,000
REAL ESTATE TRANSFER TAX	31,325,000	31,925,000
TRANSFER FROM LOTTERY	73,100,000	75,000,000
TRANSFER FROM RACING & CHARITABLE GAMING	3,400,000	3,400,000

TOBACCO SETTLEMENT	40,000,000	40,000,000
UTILITY PROPERTY TAX	34,500,000	35,400,000
STATEWIDE PROPERTY TAX	<u>363,600,000</u>	<u>363,600,000</u>
TOTAL EDUCATION FUND	<u>836,315,000</u>	<u>841,165,000</u>
HIGHWAY FUND	<u>FY 2014</u>	<u>FY 2015</u>
GASOLINE ROAD TOLL	122,750,000	122,050,000
MOTOR VEHICLE FEES	109,473,000	109,873,000
MISCELLANEOUS	<u>15,800,000</u>	<u>15,000,000</u>
TOTAL HIGHWAY FUND	<u>248,023,000</u>	<u>246,923,000</u>
FISH AND GAME FUND	<u>FY 2014</u>	<u>FY 2015</u>
FISH AND GAME LICENSES	8,500,000	8,500,000
FINES AND MISCELLANEOUS	<u>1,644,000</u>	<u>1,644,000</u>
TOTAL FISH AND GAME FUND	<u>10,144,000</u>	<u>10,144,000</u>

12 Applicability. Sections 1-4, 8, and 9 of this act shall take effect upon its passage and shall apply to taxable periods beginning on or after July 1, 2013.

13 Medicaid Enhancement Tax; Definition; Hospital Changed to Health Care Provider. RSA 84-A:1, III is repealed and reenacted to read as follows:

III. "Health care provider" shall mean any person or entity which provides health care services set forth in 42 C.F.R. section 433.56 (a) (1), (2), (9), (15), (17) and (18) and which has a net patient services revenue in excess of \$500,000.

14 Medicaid Enhancement Tax; Definition; Net Patient Services Revenue. RSA 84-A:1, IV-a is repealed and reenacted to read as follows:

IV-a. "Net patient services revenue" means the gross charges of any health care provider not specifically exempted from the provisions of this chapter for health care services set forth in 42 C.F.R. section 433.56(a) (1), (2), (9), (15), (17), and (18) less any deducted amounts for bad debts, charity care, and payor discounts. "Net patient services revenue" shall include revenues received from the state's uncompensated care account and revenues received from all payers of health care services set forth in 42 C.F.R. section 433.56(a)(1), (2), (9), 15, 17, and 18.

15 Imposition of Tax. RSA 84-A:2 is repealed and reenacted to read as follows:

84-A:2 Imposition of Tax.

I. For the taxable period beginning July 1, 2014 and ending June 30, 2015, a tax is imposed at a rate of 5 percent upon the net patient services revenue of every health care provider for the health care provider's fiscal year ending during the first full calendar year preceding the taxable period.

II. For each taxable period beginning July 1, 2015 and every taxable period thereafter, the commissioner of revenue administration shall calculate the tax rate for such taxable period. The rate shall be a maximum of 5 percent but shall be reduced in order to produce the same amount of revenue received in the taxable period ending June 30, 2015. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The certification of the tax rate to be applied in each taxable period beginning with the taxable period ending June 30, 2016; and

(b) The forms and any information that shall be furnished to the department from health care provider's for certification of the tax rate.

16 New Section; Medicaid Enhancement Tax; Exemptions. Amend RSA 84-A by inserting after section 2 the following new section:

84-A:2-a Exemptions. The tax and reporting duties imposed pursuant to this chapter shall not apply to the following entities and activities:

I. Nursing homes and other residential care facilities, such as board and care homes, adult foster homes, boarding care homes, and adult day care centers.

II. Home health agencies.

III. Providers of personal care services.

IV. Providers of private duty nursing services.

V. An entity that employs health care providers to service only their employees.

VI. An educational institution that provides services to its students, if it does not charge for extended coverage.

VII. Services provided to nursing homes and in connection with assisted living and congregate housing programs.

VIII. Examinations for insurance, employment, and litigation.

IX. Mental health services.

X. Hospice services.

XI. Residential services for the developmentally disabled.

XII. Any ambulance services paid for or furnished by the federal government or any state or municipal public body pursuant to 42 C.F.R. section 433.68(c).

17 Change From "Hospital" to "Health Care Provider." Amend the following RSA provisions by replacing "hospital" or "hospitals" with "health care provider" or "health care providers:" 84-A:1, VI, 84-A:6, 84-A:7, 84-A:8.

18 Repeal. The following are repealed:

I. 84-A:1, III-a, relative to the definition of inpatient hospital services.

II. 84-A:1, IV-b, relative to the definition of outpatient hospital services.

19 Contingency. If the provisions inserted by section 1-4 of this act are found unconstitutional, then sections 13-18 of this act shall take effect on the date on which the commissioner of revenue administration certifies to the secretary of state and the director of legislative services that sections 1-4 have been found to be unconstitutional.

20 Effective Date.

I. Sections 5-7 of this act shall take effect July 1, 2014.

II. Sections 13-18 of this act shall take effect as provided in section 19 of this act.

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

AMENDED ANALYSIS

This bill revises services taxable under the Medicaid enhancement tax and clarifies that the Medicaid enhancement tax is a health care-related tax. The bill inserts certain contingency provisions, including a provision changing the rate of the tax, which will take effect if the original revisions made by the bill are found unconstitutional. The bill also changes payment of the tax to 4 times per year.

Majority committee amendment adopted.

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

Reps. Hess and Rosenwald spoke in favor.

Rep. Ulery spoke against and yielded to questions.

Rep. Comerford requested a roll call; sufficiently seconded.

YEAS 247 - NAYS 28

YEAS - 247

BELKNAP

Burchell, Richard
Huot, David
Vadney, Herbert

DiMartino, Lisa
Luther, Robert
Worsman, Colette

Fields, Dennis
Raymond, Ian

Gulick, Ruth
Tilton, Franklin

CARROLL

Buco, Thomas
McConkey, Mark
White, Syndi

Chandler, Gene
Nelson, Bill

Crawford, Karel
Ticehurst, Susan

Lavender, Tom
Umberger, Karen

CHESHIRE

Ames, Richard
Hunt, John
Phillips, Larry
Weber, Lucy

Berch, Paul
Johnson, Jane
Robertson, Timothy

Butynski, William
Ley, Douglas
Sad, Tara

Chase, Cynthia
Mann, John
Tatro, Bruce

COOS

Hatch, William
Rideout, Leon

Moynihan, Wayne
Thomas, Yvonne

Rappaport, Laurence

Richardson, Herbert

GRAFTON

Almy, Susan
Ford, Susan
Higgins, Patricia
Nordgren, Sharon
Sykes, George

Benn, Bernard
Friedrich, Carol
Ladd, Rick
Pastor, Beatriz

Cooney, Mary
Gionet, Edmond
Lovett, Sid
Reilly, Harold

Doolan, Ralph
Harding, Laurie
Massimilla, Linda
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Coffey, James
Daniels, Gary
Flanagan, Jack
Gargas, Carolyn
Grady, Brenda
Hansen, Peter
Jack, Martin

Barry, Richard
Byron, Frank
Connor, Evelyn
Danielson, David
Gage, Ruth
Gidge, Kenneth
Graham, John
Harriott-Gathright, Linda
Jasper, Shawn

Belanger, James
Campbell, David
Cote, David
DiSilvestro, Linda
Gagne, Larry
Goley, Jeffrey
Hackel, Paul
Heath, Mary
Judy, Jean

Boehm, Ralph
Chandley, Shannon
Culbert, Patrick
Eaton, Richard
Gale, Sylvia
Gorman, Mary
Hammond, Jill
Heden, Ruth
Kelley, John

Knowles, Mary Ann
Leishman, Peter
Manley, Jonathan
Murphy, Keith
Parison, James
Renzullo, Andrew
Sanborn, Laurie
Shaw, Barbara
Straight, Philip
Vail, Suzanne
Winters, Joel

Kopka, Angeline
Long, Patrick
McCarthy, Michael
Murphy, Kelleigh
Pellegrino, Tony
Rokas, Ted
Sandblade, Emily
Smith, Timothy
Stroud, Kathleen
Walsh, Robert
Woodbury, David

Kurk, Neal
MacKay, Mariellen
McNamara, Richard
Nelson, Mary
Peterson, Lenette
Rosenwald, Cindy
Schmidt, Janice
Soucy, Timothy
Sullivan, Peter
Willette, Robert

LeBrun, Donald
Mangipudi, Latha
Murotake, David
O'Brien, Michael
Porter, Marjorie
Rowe, Robert
Shattuck, Gilman
Spratt, Stephen
Takesian, Charlene
Williams, Kermit

Bouchard, Candace
Frazer, June
Hess, David
Kotowski, Frank
Myler, Mel
Richardson, Gary
Turcotte, Alan

Carson, Clyde
French, Barbara
Hunt, Jane
MacKay, James
Patten, Dick
Rogers, Katherine
Wallner, Mary Jane

Davis, Frank
Gile, Mary
Karrick, David
McGuire, Dan
Ratzki, Mario
Schuett, Dianne
Walz, Mary Beth

Frambach, Mary
Henle, Paul
Kelly, Sally
Moffett, Howard
Rice, Chip
Shurtleff, Stephen
Webb, Leigh

MERRIMACK

Abrami, Patrick
Borden, David
Cali-Pitts, Jacqueline
Elliott, Robert
Gordon, Richard
Heffron, Frank
Kappler, Lawrence
McMahon, Charles
O'Connor, John
Sanders, Elisabeth
Sweeney, Joe
Ward, Gerald
Whittemore, Lisa

Allen, Mary
Briden, Steven
Copeland, Timothy
Emerick, J. Tracy
Griffin, Mary
Helmstetter, Barbara
Kolodziej, Walter
Milz, David
Pantelakos, Laura
Schlachman, Donna
Sytek, John
Waterhouse, Kevin

Bick, Patrick
Burtis, Elizabeth
Cushing, Robert
Fesh, Robert
Hagan, Joseph
Hoelzel, Kathleen
Lovejoy, Patricia
Moody, Marcia
Peckham, Michele
Sedensky, John
Till, Mary
Wazlaw, Brian

Birdsell, Regina
Cahill, Michael
Devine, James
Flockhart, Eileen
Harris, Jeffrey
Introne, Robert
Mann, Maureen
Nigrello, Robert
Priestley, Anne
Sherman, Thomas
Tucker, Pamela
Weyler, Kenneth

ROCKINGHAM

Baber, William
Burke, Rachel
Horrigan, Timothy
Malloy, Dennis
Pelletier, Marsha
Rollo, Deanna
Verschuere, James

Beaudoin, Steven
Grassie, Anne
Hubbard, Pamela
Merrill, Amanda
Perry, Robert
Schmidt, Peter
Wall, Janet

Bickford, David
Gray, James
Jones, Laura
Miller, David
Pitre, Joseph
Spang, Judith

Bixby, Peter
Grossman, Kenneth
Kaen, Naida
Mullen, John
Rogers, Rose Marie
Stevens, Audrey

STRAFFORD

Cloutier, John
Irwin, Virginia
Smith, Steven

Gagnon, Raymond
O'Hearne, Andrew
Sweeney, Cynthia

Gottling, Suzanne
Osgood, Joe
Tanner, Linda

Grenier, James
Rollins, Skip

SULLIVAN

NAYS - 28

BELKNAP

Comtois, Guy

Greemore, Robert

Holmes, Stephen

Sylvia, Michael

Wright, Donald

CARROLL

Piper, Wendy

GRAFTON

Burt, John
Notter, Jeanine
Souza, Kathleen

Garcia, Michael
O'Brien, William
Ulery, Jordan

Lambert, George
O'Flaherty, Tim
Vaillancourt, Steve

LeVasseur, Richard
Palmer, Stephen
Villeneuve, Moe

MERRIMACK

Hoell, J.R.

McGuire, Carol

Schamberg, Thomas

ROCKINGHAM

Baldasaro, Alfred
Duarte, Joe

Belanger, Ronald
Webb, James

Chirichiello, Brian

Comerford, Timothy

STRAFFORD

Groen, Warren

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

RESOLUTION

Rep. Shurtleff offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, May 15, 2014 at 9:30 a.m.
Adopted.

LATE SESSION**Third reading and final passage**

SB 271, relative to retention of voter affidavits and identity verification.

SB 294, relative to the deadline for requesting a recount of an election.

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

SB 396, relative to child restraint practices.

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

SB 283-FN, relative to disposition of funds obtained by the attorney general.

SB 230, relative to the definition of utility terrain vehicles.

SB 321, relative to motorist service signs.

SB 267, extending the effective date for integrated land development permits.

SB 337, relative to the recovery of submerged vehicles by the department of environmental services.

SB 268, relative to funding for certain energy efficiency programs.

SB 417, relative to information provided to electric utility customers.

SB 213-FN, establishing a registry for physician orders for life-sustaining treatment.

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

SB 405-FN, requiring the registration of radon mitigation system installers with the board of home inspectors.

SB 202, relative to the elements of the crime of burglary.

SB 207-FN, relative to paycheck equity.

SB 390, prohibiting discrimination against employees who are victims of domestic violence and establishing a committee to study the protection of employees from domestic violence.

SB 400-FN, relative to the penalty for violations of the taking of American eels.

SB 355, relative to access to social media by educational institutions.

SB 120-FN, relative to political contributions and expenditures and relative to reporting by political committees.

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

SB 245-FN, relative to the siting of energy facilities.

SB 264-FN, requiring the election of benefits by certain members of the judicial retirement plan.

SB 308-FN, relative to innovation in the delivery of health care.

SB 409-FN-A-L, making an appropriation to the department of safety for disaster assistance grants.

SB 388, establishing a committee to study the current status of land conservation in New Hampshire and the state's role in encouraging voluntary protection of land in the future.

SB 220-FN, relative to the regulation of electricians by the electricians' board.

SB 368-FN, increasing the maximum fine for lead remediation.

SB 369-FN-A, relative to the Medicaid enhancement tax.

(Rep. Kaen in the Chair)

MOTION TO PRINT DEBATE

Rep. Hess moved that the debate on **SB 369-FN-A**, relative to the Medicaid enhancement tax, be printed in the Permanent Journal.

Motion adopted.

DEBATE ON SB 369-FN-A

Majority committee amendment adopted.

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

Rep. Hess: Thank you, Madam Speaker. I will be very brief. Most of you either attended the symposium describing this bill yesterday or heard about it extensively in your caucuses this morning. This bill basically does

three things. 1) It addresses the issues raised by two Superior Court decisions that have declared Medicaid Enhancement Tax (MET) unconstitutional. To address those concerns, not to agree with the court decisions, but to address those concerns, two amendments were introduced into Ways and Means. This amendment collapses both of them together. They provide two alternative ways to solve those, address those issues. Neither one of the alternatives raises more revenue, increases taxes, etc. What the amendment does is this. It sets forth the rational basis for deciding that there are different classes of property that can be taxed by the Medicaid Enhancement Tax contrary to what those judges said in those decisions. 2) It clarifies and makes absolutely clear what our legislative intent is in re-enacting the MET at the present time after it has gone through two different iterations substantially as a result of changes in federal regulations. One of the lower Superior Court decisions spent three pages quoting the Senate debate in 1991 as to our nefarious purposes and objectives in passing the MET. This bill, in a specific Section 8, clarifies our intent and in the blurb, we set forth seven specific reasons why we think the classifications of property are legal and rational. Finally, this bill takes us to the table. If I may use a metaphor that you might find surprising, it puts more cards on the table from the House of Representatives. If you have more cards on the table, you can play more cards and if you play more cards, you have a better chance of winning. This brings us to the I'm being distracted by nefarious comments. This brings us to the Committee of Conference with cards on the table. I urge you to support the vote and press the green button. Thank you.

Speaker Norelli: The question before the House is the majority committee report of Ought to Pass with Amendment on SB 369. The Chair recognizes the member from Nashua, Representative Rosenwald to speak in support of the committee report.

Rep. Rosenwald: Thank you, Madam Speaker. This legislation clarifies the legislature's intent to tax inpatient and outpatient hospital services as two separate and distinct classes of property in a manner that federal law permits and in support of our Medicaid program. These two classes of services are recognized as distinct under federal and state law. First, federal provider tax law and regulations as adopted by New Hampshire, establishes inpatient and outpatient hospital services as distinct classes of healthcare services. Chiefly, their distinctions lie in that hospital services are provided differently, reimbursed differently, licensed, certified and accredited differently. Additionally, they are classified separately under federal law and can be reimbursed by the federal government for the purpose of funding uncompensated care. By taxing inpatient and outpatient services as separate and distinct classes of property, therefore, our Medical Enhancement Tax meets the constitutional requirement of consistent, equitable and rational taxation. I hope the House will adopt it. Thank you.

Speaker Norelli: The question before the House is the majority committee report of Ought to Pass with Amendment on SB 369. The Chair recognizes Representative Ulery to speak in opposition.

Rep. Ulery: Well, you have heard of why we need this bill in order to have more cards on the table. Excuse me Representative, I have to question that since you were against another bill dealing with cards, but that's neither here nor there. The MET tax, as it currently exists, is in fact a sales tax, but it is, as one Representative from Manchester likes to talk about, a hat game because we're taxing it first here, then it's going to the state, then it's going over here to go back over to the person that we took the tax from, with maybe a little federal money coming in, if we feel like it and if the feds feel like giving it to us. The whole thing is this is a shell game. Money comes from one side, it goes to another and it increases by 5.5%, the cost of medical care, across the board for in-hospital services. The MET tax, as proposed in these two amendments, will give us more cards on the table, it will give a better chance to play a game, but the entire concept needs to be examined, which the courts have given us. I would urge voting against this amendment. I would urge voting to eliminate the MET tax entirely and help reduce the cost of medicine for all of our citizens and better identify those who need help. Thank you.

Speaker Norelli: Will the member yield to a question? The member yields. Representative Baldasaro, you may inquire.

Rep. Baldasaro: Thank you, Madam Speaker. Thank you, Representative, for taking my question. Under this here under the projected revenues that there, it looks like under the operating budget, they're taking out the Medicaid Enhancement Taxes, \$72.2 million. It looks like that is going to be taken out of the budget that we passed. What is going to be replaced to take care of what that money was supposed to cover that's not in here?

Rep. Ulery: The MET tax is being reintroduced in another form. It supposed to be revenue neutral.

Speaker Norelli: Will the member yield to another question? The member yields. Representative Lambert, you may inquire.

Rep. Lambert: I appreciate the member taking my question. I'm a little confused, though, because if I were to vote in favor of this, would I be violating my oath not to support any new taxation?

Rep. Ulery: I don't know if you took that oath or not, sir.

Speaker Norelli: Will the member yield to a follow up? The member yields.

Rep. Lambert: I did take such an oath and I am quite concerned that I might violate it by voting in favor of this and so just for clarification, would I be right that voting no would make it so that I was in compliance with my pledge to not support any new taxes?

Rep. Ulery: It's not a new tax. It's an existing tax, but the base has been expanded. It could be reduced depending on how the Committee of Conference works out. Is that fair Dave? It's revenue neutral, sir.

Speaker Norelli: Will the member yield to a follow up? The member yields.

Rep. Lambert: Do we know that by the time it comes out of the Committee of Conference that it will be revenue neutral?

Rep. Ulery: No.

Rep. Lambert: Thank you.

Speaker Norelli: I would remind all members that any bill that comes back from Committee of Conference will get another vote. The question before the House is the majority committee report of Ought to Pass with Amendment on SB 369. This will be a division vote. Representative Comerford has requested a roll call. Is that sufficiently seconded? It is sufficiently seconded. This will be a roll call vote. Will members please take their seats? The question before the House is the majority committee report of Ought to Pass with Amendment on SB 369. This is a roll call vote. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. The Chair recognizes Representative Chandler for a Parliamentary Inquiry.

Rep. Chandler: Thank you, Madam Speaker. Madam Speaker, if I know that the court decision has put us in a possible precarious position financially and I also know that the other body has passed a bill and taken a position and it is very important, if I further know, that this House have a position and if I know we can't have a position if we don't take a position, would I now press the green button.

Speaker Norelli: The question before the House is the majority committee report of Ought to Pass with Amendment on SB 369. This is a roll call vote. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations are open for 30 seconds. Have all members voted who were here when the question was put? The House will be attentive to the state of the vote. 247 having voted in the affirmative, 28 in the negative, the majority committee report is adopted.

MOTION TO PRINT DEBATE

Rep. Lambert moved that the debate on **SB 120-FN**, relative to political contributions and expenditures and relative to reporting by political committees, be printed in the Permanent Journal.

Motion failed.

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 and forming Committees of Conference. Adopted.

The House recessed at 6:15 p.m.

RECESS