



State of
New Hampshire

HOUSE RECORD

First Year of the 164th General Court

Calendar and Journal of the 2015 Session

Web Site Address: www.gencourt.state.nh.us

Vol. 37

Concord, N.H.

Wednesday, February 11, 2015

No. 16

HOUSE JOURNAL No. 4 (Cont.)

Wednesday, February 4, 2015

Rep. Chandler moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 5

Wednesday, February 11, 2015

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 Kate Atkinson, Rector of St. Paul's Church in Concord. O God of inspiration and energy, there are days when we wonder where our strength has gone, when we're not sure we can manage everything we're called upon to do. There are days when we despair of the burdens of responsibility that threaten to overwhelm us. As we set our minds and our hands to the work of these coming weeks, help us to use our time and resources effectively. Bless us with creativity, agile thinking, and a sense of proportion; help us to seek rest and restoration when our reserves are low and open our eyes to the many opportunities You give us to support, encourage, and learn from one another, as we strive together to serve the people of New Hampshire and to seek the common good. Amen.

Representative Jean Jeudy, member from Manchester, and Representative Kris Roberts, member from Keene, led the Pledge of Allegiance.

The National Anthem was sung by Leonard Bell, a teacher at Smyth Road Elementary School in Manchester.

LEAVES OF ABSENCE

Reps. Ronald Belanger, Francis Chase, Gladys Johnsen, Martel, McClarren, Milz, O'Hearne, Parkhurst, Russell, Sterling and Joe Sweeney, the day, illness.

Reps. Avellani, Beaulieu, Coffey, Crawford, DeSimone, Fromuth, Hess, Hurt, LeBreche, Martin, Nordgren, Priestley, Carol Roberts, Rokas, Sanborn, Silva, Gregory Smith, Sykes, Treleaven, Vann and Weber, the day, important business.

Rep. Marjorie Smith, the day, illness in the family.

INTRODUCTION OF GUESTS

Ojashwi Giri and Samuel Alicea, Students from Merrimack Valley High School, Pages for the day.

Dennis Green, guest of Reps. Weyler, Welch and Guthrie. Yvonne Dean-Bailey, guest of Rep. Spillane. Stephanie Alicea, daughter of Rep. Alicea. Fourth graders from Sant Bani School in Sanbornton, guests of Rep. Gallagher.

COMMUNICATION

February 5, 2015

To whom it may concern,

Due to increased demands in both my personal and professional life, I will be unable to complete my term as New Hampshire State Representative for Rockingham County – District 13. I therefore resign, effective immediately.

Sincerely,
Rep. Ann M. Howe

The Speaker accepted the resignation.

MOTION TO SUSPEND HOUSE RULES

Reps. Flanagan and Shurtleff moved that House Rules be so far suspended as to allow for late drafting and introduction of HB 1-A, HB 2-FN-A-L and HB 25-FN-A.

Adopted by the necessary two-thirds vote.

CONSENT CALENDAR

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

HB 492, relative to military and historic reenactments and commemorations, removed by Rep. Hoell.

HB 133, relative to recounts on questions, removed by Rep. Bates.

HB 101, relative to prescription refills, removed by Rep. Dan McGuire.

CACR 8, relating to the nomination and appointment of officers. Providing that judicial officers shall be confirmed by the legislature, removed by Rep. Hoell.

HB 246, relative to jury nullification, removed by Rep. Hoell.

HB 338, relative to nomination of candidates for United States senator, removed by Rep. Hoell.

HR 6, recognizing February 26, 2015, as the 23rd anniversary of the Khojaly Tragedy in Azerbaijan, removed by Rep. Tucker.

HR 8, commemorating the 50th anniversary of the Social Security Act of 1965, removed by Rep. Horrigan.

HB 145, allowing municipalities to dedicate a percentage of timber yield taxes to the conservation fund, removed by Rep. Porter.

Consent Calendar adopted.

HB 118, relative to vehicular assault. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Len DiSesa for Criminal Justice and Public Safety. The NH Department of Safety supports this bill, and the bill amends the vehicular assault statute in RSA 265:79-a in response to a ruling of the NH Supreme Court (*State v. Rollins-Ercolino*, 149 NH 336 (2003)) that the current wording violates Part I, Article 15 of the NH Constitution by shifting the burden of proof to the defendant and removing the evidence-weighting function of the jury regarding an element of the crime. The bill deletes the last line of the statute paragraph: "Evidence that the driver violated any of the rules of the road shall be prima facie evidence that the driver caused or materially contributed to the collision." The intent raised another concern of a potential language problem that the amendment to the bill eliminates: every misdemeanor or felony crime must have a mens rea (a culpable state of mind), and the criminal code itemizes four culpable states of mind, purposely, knowingly, recklessly, and negligently. This statute begins with the statement, "Whoever, without intent. . ." The department believes that the law would not survive a challenge on that portion of it and that police and prosecutors may be reluctant to bring charges under the statute for that reason. Therefore, the amendment removes the words "without intent" from the statute paragraph, and further amends it in this manner: the wording, "... where such person's unlawful operation of the propelled vehicle. . ." is changed by removing the word "unlawful" and substituting the word "negligent" to wit: "... where such person's negligent operation of the propelled vehicle." Vote 16-0.

Amendment (0056h)

Amend RSA 265:79-a as inserted by section 1 of the bill by replacing it with the following:

265:79-a Vehicular Assault. Any person who~~[-without intent,]~~ causes death or serious bodily injury as defined in RSA 625:11, VI to another while using a vessel or propelled vehicle as defined in RSA 637:9, III shall be guilty of a class A misdemeanor, where such person's ~~[unlawful]~~ **negligent** operation of the propelled vehicle or vessel causes or materially contributes to the collision. ~~[Evidence that the driver violated any of the rules of the road shall be prima facie evidence that the driver caused or materially contributed to the collision.]~~

AMENDED ANALYSIS

This bill deletes the last sentence of the vehicular assault statute pursuant to the New Hampshire supreme court ruling in *State v. Rollins-Ercolino*, 149 N.H. 336 (2003), which held that the last sentence of the statute violates part I, article 15 of the New Hampshire constitution by shifting the burden of proof to the defendant and removing the evidence-weighting function of the jury regarding an element of the crime. The bill also adds a more specific requirement of culpability for the operation of a vehicle or vessel.

HB 282, relative to removal or impoundment of a vehicle. **INEXPEDIENT TO LEGISLATE.**

Rep. John A. Burt for Criminal Justice and Public Safety. The majority of the committee saw some unintended issues with removing line 16 and 17 in RSA 262:32, "and the vehicle will be a menace to traffic if permitted to remain." In that case, the officer may tow the car even if parked in a non-menace area of the roadway. The owner that was arrested may not want the car towed. The majority feels the owner of the car should have a say and the current law allows that. If the car is parked in a menace area of a roadway the officer under the current law can have the car towed. The current law allows a balance which works well for the officer and person being arrested. Vote 13-3.

HB 152, establishing a state poem. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter B. Schmidt for Executive Departments and Administration. This bill, brought at the request of a NH citizen, proposed to adopt his favorite poem as the state poem. While the Committee recognized the heartfelt sentiments contained in the work, penned during WWII by an American serviceman deployed thousands of miles away from his deeply loved native land, we also plainly saw several problems, which rendered it unsuitable as the state poem. Vote 15-0.

HB 162, transferring authority for explosives and fireworks rules from the director of state police to the commissioner of safety. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Sytek for Executive Departments and Administration. This bill is a request from the Department of Safety. The bill transfers regulatory (rule making) authority over the purchase, storage and transportation of explosives and fireworks from the Director of the State Police to the Commissioner of Safety. The bill makes no changes in any rule. Future rule making responsibility would rest with the Commissioner. This will not cause any problems since all rules from the State Police already require the approval of the Commissioner. In fact, the motivation for this bill is a result from a study ("the LEAN process") conducted by the Department to improve efficiency and customer service. Vote 15-0.

Amendment (0067h)

Amend RSA 158:9-c, VI as inserted by section 3 of the bill by replacing it with the following:

VI. There shall be a fee of \$100 for any competency examination or renewal certificate ~~[given by the director of state police for any examination or certificate]~~ given under this subdivision.

HB 182, establishing a committee to study alternative public employee retirement plans. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter T. Hansen for Executive Departments and Administration. The sponsors requested the Committee vote this bill Inexpedient to Legislate as the subject matter will be studied by the Special Committee on Public Employee Pension Plans. Vote 15-0.

HB 217-FN, relative to fees for reinstatement of licenses, registrations, and certifications established by the pharmacy board. **OUGHT TO PASS.**

Rep. Mark L. Proulx for Executive Departments and Administration. This bill prevents the Pharmacy Board from charging the license renewal fee or any other assessments for the years the applicant's license had lapsed. The board is only allowed to charge a restoration fee and the current year's license fee. Vote 15-0.

HB 573-FN, relative to licensure of individuals as private investigators, bail enforcement agents, and security guards, requiring skills training courses for applicants for such licensure and license renewal, and relative to the certification of security officer instructors. **INEXPEDIENT TO LEGISLATE.**

Rep. John Sytek for Executive Departments and Administration. The sponsor requested that the Committee report this bill as Inexpedient to Legislate. He testified that due to deadline pressure the bill, as drafted, had too many problems for correction by an amendment. The sponsor plans to introduce the substance of the bill in a subsequent session. Vote 15-0.

CACR 7, relating to funding substance abuse treatment. Providing that all moneys received for the substance abuse treatment fund under RSA 172:14 and all the interest received on such moneys shall, after deducting the necessary costs of administration, be appropriated and used exclusively for the substance abuse treatment fund. Such moneys shall be used exclusively for the purpose of the substance abuse treatment fund and shall not be transferred or diverted to any other purpose. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank A. Byron for Finance. This constitutional amendment provides that all monies received under RSA 172:14, along with all interest received on such monies would, after deductions for administrative costs, be appropriated and used exclusively for the purpose of the substance abuse treatment fund and shall not be transferred or diverted to any other purpose. This CACR would appear on the 2016 state ballot. It was agreed that this amendment would take away all discretion from the legislature to determine the appropriate funding of the substance abuse program. We believe that the legislature is fully capable of assigning an appropriate funding level. Further, it was not clear to the committee how much money from the gross profits of the liquor commission or the substance abuse funds available through medicaid would be apportioned into the dedicated fund, which was the subject of CACR 7. For these reasons, a majority of the committee along with the prime sponsor agreed that inexpedient to legislate was appropriate. Vote 23-1.

HB 239-FN-A, establishing a statutory commission to study the creation of a state retirement security program and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. J. Tracy Emerick for Finance. This bill proposes to establish a study commission and fund it with \$100,000. The study commission would study a method to set up retirement savings accounts for workers in

NH without a company paid pension and to allow payroll deductions to fund the account, periodic reporting on monies in the account, be self-sustaining, allow employees to port this account from one employer to another, qualify for all federal tax deductions, and be professionally managed. During public hearings, the committee learned about a recently established federal program that meets all of the stated criteria. MyRA (My Retirement Account) is a federal program that has regular reporting, payroll deductions to make it easy for employees to save, is professionally managed by the US Treasury, allows portability and allows participants to move balances of \$15,000 or more into a ROTH account, which requires no minimum distribution when a participant reaches 70 and one half. The committee believes this program is not needed at the state level and that employees should begin setting up their accounts, which can be done on-line in about 10 minutes. Employer resources have already been developed for this plan. Vote 22-0.

HB 333, establishing a process for review and reporting of dedicated funds. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Karen C. Umberger for Finance. This bill provides a process for review and reporting of dedicated funds. The bill establishes a joint committee to review all dedicated funds over a five-year period with specific agencies identified in each of the five years. The joint committee may recommend legislation to modify or repeal certain funds or add newly discovered dedicated funds to RSA 6:12. The joint committee will consult with the standing committee responsible for the fund to determine if the fund or account no longer serves the statutory purpose for which it was created, or the purpose has become obsolete, and submit legislation to repeal or modify the fund. Systematic review of dedicated funds is long overdue and this bill will ensure that all dedicated funds are serving the purpose for which they were created. Vote 24-1.

Amendment (0185h)

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

1 New Section; State Treasurer and Accounts; Joint Committee on Dedicated Funds; Agency Review and Reporting of Dedicated Funds. Amend RSA 6 by inserting after section 12-h the following new sections:

6:12-i Joint Committee on Dedicated Funds.

I. A joint committee on dedicated funds is hereby established to review the finances and purpose of all dedicated funds on a rotating basis every 5 years and recommend continuance, amendment, or repeal of relevant provisions. The joint committee shall be composed of 3 members of the house of representatives appointed by the speaker of the house of representatives, 2 from the ways and means committee and one from the finance committee, and 2 members of the senate appointed by the senate president, at least one of whom shall come from the ways and means committee. The speaker of the house of representatives also shall appoint 2 alternate members to the committee and the senate president shall appoint one alternate member. The first meeting shall be within 60 days after the effective date of this paragraph and called by the first-named house member.

II. The joint committee shall file reports with recommendations for legislation to modify or repeal certain funds and to add newly discovered dedicated funds to RSA 6:12, I, on or before November 1 of each year, with the speaker of the house, the senate president, the governor, and the commissioner of revenue administration. Reports required by this section shall be made available to the general public on the general court's website.

6:12-j Review and Reporting Requirement for Dedicated Funds.

I. Every 5 years, the agency responsible for administration of a fund or account listed in RSA 6:12 shall prepare a report that:

(a) In addition to the information contained in the report submitted under RSA 6:12-e, identifies all fund or account expenditures during the prior 4 fiscal years by accounting unit; and

(b) Demonstrates the continued need for the fund or account.

II. The report shall be submitted on or before August 15 of the reporting year to the ways and means committee in the house and senate, the finance committee in the house and senate, the joint committee on dedicated funds, the relevant policy committees in the house and senate, and the legislative budget assistant.

III. If the joint committee on dedicated funds, in consultation with the relevant policy committee, determines that the fund or account no longer serves the statutory purpose for which it was created, or that the purpose has become obsolete, the joint committee shall submit legislation to repeal, merge, or modify the fund or account in the next legislative session.

IV. The joint committee shall also annually request information of the department of administrative services as to dedicated funds which are not yet listed in RSA 6:12, I and submit legislation to add them to this list.

V. The reporting year for each agency responsible for a dedicated fund shall be as follows:

(a) Year 1, beginning November 1, 2015, and every 5 years thereafter:

(1) The department of safety.

(2) The police standards and training council.

- (3) The department of employment security.
- (4) The department of resources and economic development.
- (5) The department of state.
- (b) Year 2, beginning November 1, 2016, and every 5 years thereafter:
 - (1) The department of environmental services.
 - (2) The liquor commission.
 - (3) The department of justice.
 - (4) The lottery commission.
 - (5) The racing and charitable gaming commission.
 - (6) The judicial branch.
- (c) Year 3, beginning November 1, 2017, and every 5 years thereafter:
 - (1) The department of agriculture, markets and food.
 - (2) The labor department.
 - (3) The department of corrections.
 - (4) Pease development authority.
 - (5) The office of energy and planning.
 - (6) The adjutant general.
 - (7) The state treasurer.
 - (8) The insurance department.
 - (9) The department of transportation.
- (d) Year 4, beginning November 1, 2018, and every 5 years thereafter:
 - (1) The department of cultural resources.
 - (2) The department of education.
 - (3) The banking department.
 - (4) The public utilities commission.
 - (5) The retirement system.
- (e) Year 5, beginning November 1, 2019, and every 5 years thereafter:
 - (1) The department of administrative services.
 - (2) The general court.
 - (3) The department of health and human services.
 - (4) The fish and game department.

VI. The joint committee on dedicated funds may submit legislation at any time after the first review to exempt a fund or account from this section which receives adequate and periodic review elsewhere.

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

HB 117, relative to providers prescribing cannabis for therapeutic purposes. **INEXPEDIENT TO LEGISLATE.** Rep. James R. MacKay for Health, Human Services and Elderly Affairs. Legislation has been in place to initiate the highly complex process of establishing a medical cannabis treatment program. The department of health and human services has put a high priority on the important service. Considerable progress has been achieved including the development of required administrative rules. The committee felt that the current legislation should be put into place and future legislation should be considered after gaining experience from its evolution. Vote 16-0.

HB 129, relative to unused prescription drugs. **INEXPEDIENT TO LEGISLATE.** Rep. Joanne A. Ward for Health, Human Services and Elderly Affairs. This bill seeks to take unused prescription drugs out of medicine cabinets and homes. The bill's intent is to prevent these drugs from misuse or from "hitting the streets." As written, the intent of the bill could not be easily implemented. As a result of that, the substance of the bill will be referred to the Governor's Commission on Alcohol and Drug Abuse Prevention. Vote 16-0.

HB 164, relative to processing applications for the therapeutic use of cannabis. **INEXPEDIENT TO LEGISLATE.** Rep. Lucy M. Weber for Health, Human Services and Elderly Affairs. This bill would require the department of health and human services to begin processing applications for registry identification cards no later than July 25, 2015. Committee members were concerned that this requirement would produce inefficiency and extra work for the department, as the cards are to be issued for use at a specific facility, and cards would have to be re-issued when a final decision was made as to facility location. Additionally, there was concern that proponents of the bill believed that possession of the card would allow the possession of marijuana obtained prior to the opening of the NH dispensaries, but that is not the case. Vote 18-0.

HB 165, relative to the definition of "qualifying medical condition" for the therapeutic use of cannabis. **INEXPEDIENT TO LEGISLATE.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs. The Committee recognized that existing legislation is in place to initiate a medical cannabis treatment program. The department of health and

human services is in charge of implementing this complex program. It is recognized that additional legislation may be required after the department has the benefit of learning how the treatment program is initiated. It is recommended that most proposed legislation wait for the programs to be organized and evaluated. Vote 17-1.

HB 190, establishing a committee to study the standards for collaborative pharmacy practice. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs. This legislation, as amended, establishes a commission to study standards for collaborative pharmacy practice. A number of protocols have been established on a national level. The commission will give the various pharmaceutical organizations in New Hampshire the opportunity to resolve differences as to how collaborative pharmacy practices can be utilized. The commission is requested to provide legislative and non-legislative solutions. The commission will be repealed immediately after it's reported as submitted on November 1, 2015. Vote 17-0.

Amendment (0164h)

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

AN ACT establishing a statutory commission to study the standards for collaborative pharmacy practice.

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

1 Purpose. Today more and more Americans are suffering from chronic diseases, taking multiple medications, and struggling with higher and higher healthcare costs. The establishment of a commission to study standards for collaborative pharmacy practice is an important first step for the state of New Hampshire to move towards fully utilizing pharmacists to improve health outcomes and to lower healthcare costs. Pharmacists represent the third largest profession and consistently rank among the most accessible and trusted of healthcare professions. It is imperative the state of New Hampshire take this step in expanding access to team-based care and ensuring that pharmacists are allowed to be on the team when a physician deems it necessary.

2 New Section; Collaborative Pharmacy Practice; Commission Established. Amend RSA 318 by inserting after section 16-b the following new section:

318:16-c Commission to Study the Standards for Collaborative Pharmacy Practice. There is established a commission to study the standards for collaborative pharmacy practice.

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

- (a) One member of the senate, appointed by the president of the senate.
- (b) Three members of the house of representatives, appointed by the speaker of the house of representatives, 2 of whom shall be members of the health, human services and elderly affairs committee and one of whom shall be a member of the executive departments and administration committee.
- (c) A representative of the New Hampshire Society of Health-System Pharmacists, appointed by the society.
- (d) A representative of the New Hampshire Pharmacists Association, appointed by the association.
- (e) A representative of the New Hampshire board of pharmacy, appointed by the board.
- (f) A representative from the Coalition of New Hampshire Chain Drug Stores, appointed by the coalition.
- (g) A representative from the New Hampshire Independent Pharmacy Association, appointed by the association.
- (h) A provider from a healthcare facility that is currently participating in a collaborative practice agreement approved by the board of pharmacy, appointed by the board.
- (i) A pharmacist from a healthcare facility that is currently participating in a collaborative practice agreement approved by the board of pharmacy, appointed by the board.
- (j) A representative from the New Hampshire Hospital Association, appointed by the association.
- (k) A representative of the New Hampshire Medical Society, appointed by the society.
- (l) A representative of the board of nursing, appointed by the board.
- (m) A representative of the New Hampshire Nurse Practitioners Association, appointed by the association.

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

III. The commission's study shall include, but not be limited to:

- (a) Reviewing RSA 318:16-a and discussing of areas where it is working effectively and where there are areas for improvement in the current framework of regulatory oversight;
- (b) Studying the national standards for best practice of collaborative practice;
- (c) Defining the appropriate training required for a pharmacist to engage in different scopes of practice;
- (d) Discussing how to expand access to collaborative practice pharmacy services to New Hampshire citizens in order to provide greater access to cost-effective care;
- (e) Defining collaborative pharmacy practice environments to ensure safety;
- (f) Identifying recommended solutions, both legislative and non-legislative;
- (g) Reviewing any other matter the committee deems relevant to its objective.

IV. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 30 days of the effective date of this section. Five members of the commission shall constitute a quorum.

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

3 Repeal. RSA 318:16-c, relative to the commission to study the standards for collaborative pharmacy practice, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect November 2, 2015.

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

AMENDED ANALYSIS

This bill establishes a statutory commission to study the standards for collaborative pharmacy practice.

HB 219-FN, relative to the use of electronic benefit transfer (EBT) cards. **OUGHT TO PASS.**

Rep. Charles E. McMahon for Health, Human Services and Elderly Affairs. This bill is the product of the interim study committee charged in 2014 to address the management and oversight of cash and product benefits provided to qualifying NH citizens using the Electronic Benefits Transfer/EBT card. The EBT card is used for the SNAP (food stamp) benefit program and the four cash assistance programs known as TANF, APTD, OAA & ANB. In order to improve and enhance oversight and tighten management controls, the committee worked collaboratively with stakeholders and the department to address EBT card restrictions by location, technology enhancements and improved education outreach. The bill reflects the committee consensus to support a cost effective methodology to enhance EBT rule compliance and reduce the incidence of misuse of the cash benefit. We move towards this goal by increasing the management of ATM and point of sale store registers utilizing the department's new merchant category codes tool now in place. Vote 17-0.

HB 330, establishing an oversight commission for medical cost transparency. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles E. McMahon for Health, Human Services and Elderly Affairs. This bill provides for the establishment of a commission to provide active oversight of the development of the NH Health Cost website. The amendment adds two public members. This resource, when completed, shall provide a cohesive resource for medical cost transparency for NH citizens in search of knowing what a medical procedure will cost, what insurance will cover and what the out-of-pocket expenses will be. The goal of the commission is to ensure a timely completion of this effort as time is of the essence. To motivate a timely completion, the commission shall have strong stakeholder participation as detailed in the bill and a sunset of the commission to motivate timely completion of this important work. Vote 18-0.

Amendment (0158h)

Amend RSA 400-A:67, II(e)-(g) as inserted by section 1 of the bill by replacing it with the following:

- (e) Two public members who shall represent New Hampshire patients, appointed by the governor.
- (f) A representative of the New Hampshire Hospital Association, appointed by the association.
- (g) A representative of the New Hampshire Medical Society, appointed by the society.
- (h) One member representing the private health insurance industry, appointed by the governor.

HB 247, prohibiting the assignment and acceptance of recommendations of unauthorized judicial referees. **INEXPEDIENT TO LEGISLATE.**

Rep. Kurt F. Wuelper for Judiciary. This bill intended to correct deficiencies in the family courts' use of referees. The bill, however, addressed RSA 493-A:1 Judicial Referees and RSA 490-F:15 Referees and so would have no effect on family court referees. Vote 14-0.

HB 107, relative to the retention of municipal trust fund bank statements. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ken S. Peterson for Municipal and County Government. This bill, as amended, serves to clarify the types of records that trust funds are required to retain or are permitted to dispose of, and specifies the length of time they must be retained. It codifies the ability to use electronic documents in addition to paper documents. This bill replaces RSA 33-A:3-a, CXXXVIII (Disposition of Municipal Records; Disposition and Retention Schedule CXXXVIII. Trust fund minutes, quarterly reports, and bank statements: permanently) with the requirement that Trust Fund minutes and quarterly reports be retained permanently in either paper or electronic format; and bank statements be retained for 6 years after audit in paper or electronic format. Vote 20-0.

Amendment (0052h)

Amend the bill by replacing section 1 with the following:

1 Disposition of Municipal Records; Disposition and Retention Schedule. RSA 33-A:3-a, CXXXVIII is repealed and reenacted to read as follows:

CXXXVIII. Trust fund:

- (a) Minutes and quarterly reports, in paper or electronic format: permanently.
- (b) Bank statements, in paper or electronic format: 6 years after audit.

HB 154, relative to the power of towns to adopt bylaws and ordinances. **INEXPEDIENT TO LEGISLATE.** Rep. James E. Coffey for Municipal and County Government. This legislation seeks to amend RSA 31:39, which lists the powers and duties of the towns to make regulations and bylaws, to add to it all the powers and duties of RSA 47:17, which regulates the power of city councils to enact bylaws and ordinances. During the testimony and in the ensuing discussion the committee found that most of the concerns the bill's supporters had were addressed in numerous other laws. The power to regulate roads was discussed at some length and seemed to be a major concern that could be easily handled by other existing laws. RSA 47:17 is a very old statute that addresses such things as artificial curiosities, destruction of gaming devices, stables, tanneries, clothing worn by bathers, geese, swine, and countless other items from earlier centuries. While much of this archaic language can be translated into a more modern parlance, it seemed better not to attach RSA 47:17 to RSA 31:39, but to amend RSA 31:39 in the future if necessary. Vote 18-0.

HB 155, relative to municipal contracts for police chief. **OUGHT TO PASS.**

Rep. David A. Bickford for Municipal and County Government. This bill codifies allowing municipalities to designate a police chief by contract for a fixed term. The New Hampshire Supreme Court decided in *Kassotis v. Fitzwilliam* 2014, Aug 28, that failure to renew a public employee contract was not the same as dismissal. Some municipalities would prefer to hire for a fixed period. This bill puts the court decision in statute that will be more visible to hiring communities. Vote 18-0.

HB 166-L, relative to records storage by municipalities. **OUGHT TO PASS.**

Rep. Bruce L. Tatro for Municipal and County Government. This bill allows storage of records in other than paper form. Electronic storage and other media format is added to RSA 31:132. Vote 20-0.

HB 186, enabling the department of environmental services and the town of New Ipswich to negotiate an agreement regarding the encroachment of the town cemetery on state land. **INEXPEDIENT TO LEGISLATE.** Rep. James E. Coffey for Municipal and County Government. This bill is no longer required since it has been replaced by HB 275. Vote 15-0.

HB 275, relative to the encroachment of a town cemetery on state-owned land. **OUGHT TO PASS.**

Rep. James E. Coffey for Municipal and County Government. This bill provides the framework to better facilitate the resolution of a problem caused by a New Ipswich town cemetery boundary being misunderstood by the town, which resulted in graves being located on state land managed by the New Hampshire Department of Environmental Services adjacent to a flood control dam on the West Branch of the Souhegan River. This bill will allow both parties to enter into a lot line adjustment and the town to move those graves that could interfere with maintenance of the flood control dam. It also allows the town to call a special town meeting, if needed. The New Ipswich selectmen and the Commissioner of DES support this legislation and both parties have already started work on resolving the problem. Vote 15-0

HB 344, relative to membership on advisory boards for municipal economic development and revitalization districts and relative to the financing plan of such districts. **OUGHT TO PASS.**

Rep. Franklin W. Sterling for Municipal and County Government. The purpose of this bill is to give the local legislative body the authority to raise or lower the financial plan submitted by the governing body. Currently the statute only allows the legislative body to accept or reject the financial plan as submitted. This bill would allow the legislative body to deliberate the proposal and to increase or decrease the plan. Second, the bill would allow for the appointment of members from the community at large to the advisory committees when the municipality is unable to find enough members from the economic zone. Vote 16-2.
Referred to the Committee on Ways and Means.

HB 201, relative to the acquisition of property rights at Back Lake dam in the town of Pittsburg, Lake Armington dam in the town of Piermont, Cass Pond dam in the town of Epsom, and Chesham Pond dam in the town of Harrisville by the department of environmental services. **OUGHT TO PASS.**

Rep. John A. Mullen for Resources, Recreation and Development. The bill allows the department of environmental services to acquire easements at the Back Lake dam in Pittsburg, Lake Armington dam in Piermont, Cass Pond dam in Epsom, and Chesham Pond dam in Harrisville, for the purpose of repairing the dams. All four dams are in need of repair and are scheduled to be repaired in the next biennium. However, while the dams are owned by the state agencies they do not own some of the immediate abutting land and require easements to access the dams to conduct the repairs. Therefore, they are seeking the authority to seek an easement. Under RSA 482:44, it requires an act by the legislature to authorize these agencies to be able to seek such easements. The committee felt that this was prudent to allow the acquisition of easements as required by statute to be able to repair the dams and keep them safe. Vote 19-0.

HB 254, relative to exceptions to restrictions on boating. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carolyn L. Matthews for Resources, Recreation and Development. According to RSA 270:75, only state employees are exempt from the prohibition against use of outboard motors or power boats in restricted waters, and only when an emergency or other extraordinary situation occurs. This bill extends that exemption to municipal employees engaged in emergency rescue operations or training. While exempting the restriction on municipal employees engaged in emergency rescue is critical, other public water bodies without restrictions are available for training. The Department of Safety recommended deleting "or training" due to the need to protect sensitive public waters, which the committee agreed to in the amendment. Vote 19-0.

Amendment (0180h)

Amend RSA 270:75, II as inserted by section 1 of the bill by replacing it with the following:

II. The provisions of this subdivision shall not apply to municipal employees engaged in emergency rescue operations.

HB 259, relative to the reporting date of the economic development strategy and plan. **OUGHT TO PASS.**

Rep. Carolyn L. Matthews for Resources, Recreation and Development. As requested by the Department of Resources and Economic Development, this bill amends RSA 12-A:66 to allow the department to use results and validation from the previous fiscal year instead of the closing calendar year when updating the department's strategy and plan. The department believes that an economic review at the end of the fiscal year is consistent with the data and will improve the quality and efficiency of the report. The annual report will continue to be due by December 31. Vote 19-0.

HB 281, defining "exotic aquatic species of wildlife" and relative to the duties of the exotic aquatic weeds and species committee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne H. Gottling for Resources, Recreation and Development. This bill addresses an additional threat to New Hampshire's water bodies, exotic aquatic animals. The existing Exotic Aquatic Weeds and Species Committee has been studying control and eradication of exotic aquatic weeds and plants such as milfoil, but was not charged with study of exotic aquatic animals such as Asian clams, zebra mussels or water fleas. This bill adds exotic aquatic animals to the committee's charge. The bill also includes a definition of these animals and asks the committee to study two additional areas: 1. best management practices in other states and 2. Development of an action plan, similar to that for exotic aquatic plants, if an infestation is discovered. The amendment changes the placement of and references to the definition of exotic aquatic animals. Vote 12-0.

Amendment (0135h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Pollution and Aquatic Growth; Definitions; Exotic Aquatic Species of Wildlife. Amend RSA 487:16 by inserting after paragraph I the following new paragraph:

I-a. "Exotic aquatic species of wildlife" means wildlife, as defined in RSA 207:1, XXXV, that:

(a) Depend on a freshwater aquatic environment; and

(b) Are not naturally occurring in New Hampshire or have not become established in New Hampshire.

Amend RSA 487:30, III(a) as inserted by section 3 of the bill by replacing it with the following:

(a) Study the spread of exotic aquatic weeds and exotic aquatic species **of wildlife, as defined in RSA 487:16, I-a**, in the waters of New Hampshire including education, management, and potential means to eliminate the spread of these weeds and ~~[species; and]~~ **wildlife**.

HB 394-FN, establishing an industrial heritage program within the department of cultural resources. **IN-EXPEDIENT TO LEGISLATE.**

Rep. Eric Johnson for Resources, Recreation and Development. This bill establishes an industrial heritage program within the Department of Cultural Resources, which shall be responsible for the preservation of the historic grist mill complex in Hampton. While the committee recognizes the value of the Hampton grist mill and recognizes the value of preserving New Hampshire's industrial heritage, this act may not be the most frugal and efficient way to accomplish this goal. Other means are available according to testimony. Vote 13-0.

HB 238, relative to the energy efficiency implementation plan. **INEXPEDIENT TO LEGISLATE.**

Rep. Herbert R. Vadney for Science, Technology and Energy. This bill would direct the Office of Energy and Planning to consider a variety of additional issues in its energy efficiency planning. The energy efficiency resource standard draft proposal that was released by the Public Utilities Commission on February 3, 2015 covers these topics, making this bill unnecessary. Vote 21-0.

HB 291, establishing a committee to study modernization of the energy grid in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Marjorie J. Shepardson for Science, Technology and Energy. The sponsor feels strongly that the State of New Hampshire should implement a goal in the new Ten-Year Energy Strategy which states New Hampshire

should modernize the electric grid. This bill would have created a study committee to do that but another bill, HB 614, directs the PUC to open a docket on grid modernization. Since HB 614 would accomplish the same thing more quickly than this bill, the sponsor proposed to ITL HB 291. Vote 21-0.

HB 130, relative to the use of blue lights on emergency vehicles. **OUGHT TO PASS WITH AMENDMENT.** Rep. Michael B. O'Brien for Transportation. This is an enabling bill, which will allow blue lights on fire, ambulances and rescue vehicles. This bill allows exceptions to current law where only sworn police officers are allowed blue lights to municipal, township or village-owned fire apparatus or ambulances. This bill does not allow blue lights on private vehicles except in accordance with current law for police officers. This bill has the support of the NH Police Chiefs' Association and the NH Fire Chiefs' Association. The intention of the bill is to enhance the safety of all emergency first responders operating in the field. The amendment adds relevant references to existing statutes regarding authorized use of blue lights to ensure compliance with existing laws. Vote 18-0.

Amendment (0108h)

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

1 Blue Lights Restricted. Amend RSA 266:78-b to read as follows:

266:78-b Blue Lights Restricted to Law Enforcement *and Emergency Response*.

I. No person other than a sworn law enforcement officer with power of arrest shall operate a vehicle equipped with blue colored lights, except in the case of a service technician driving the vehicle in connection with servicing or maintaining the vehicle *or as provided under paragraph II*.

II. No person other than a sworn law enforcement officer with power of arrest or an emergency response employee or volunteer of a city, town, or village district or the federal government or an employee of a private ambulance service contracted with a city, town, or village district shall operate a vehicle equipped with a rear-facing blue colored light, except in the case of a service technician driving the vehicle in connection with servicing or maintaining the vehicle.

[H-] *III. Blue colored lights are authorized only for vehicles owned or leased by state, county, municipal, or federal law enforcement agencies, fire marshal vehicles, emergency response vehicles owned or leased by city, town, village district, or federal fire departments, forestry departments, or emergency medical departments, or emergency response vehicles owned or leased by a private ambulance service contracted with a city, town, or village district and vehicles privately owned or leased by sworn law enforcement officers when authorized by their department heads. When blue colored lights are installed on a private vehicle owned by or leased to a law enforcement officer, such lights shall be covered when the vehicle is being driven by someone other than a law enforcement officer. A blue colored light installed on emergency response vehicles other than those vehicles used by a sworn law enforcement officer shall be limited to a single, rear-facing blue colored emergency light on each vehicle. A private ambulance service that is no longer contracted with a city, town, or village district shall remove the single rear-facing blue colored light upon the expiration of the contract.*

2 Use of Blue Lights. Amend RSA 266:78-f to read as follows:

266:78-f Use of Lights by Law Enforcement. Law enforcement officers shall only illuminate emergency lights and warning lights when in pursuit or stopping a violator, when responding to but not returning from an emergency call for service, when conducting an escort, or when parked on or adjacent to the highway to warn other traffic of a hazard or obstruction. *Except as provided for under RSA 266:78-b, II* no person other than a sworn law enforcement officer shall drive a vehicle with a blue light or lights in operation.

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

AMENDED ANALYSIS

This bill authorizes the use of blue lights on vehicles operated by local and federal emergency response employees and volunteers and employees of an ambulance service contracted with a city, town, or village district.

HB 156, relative to the 70 mile per hour speed limit on a portion of I-93. **INEXPEDIENT TO LEGISLATE.** Rep. Thomas C. Walsh for Transportation. This bill would eliminate the 70 mile per hour speed limit from mile marker 45 to mile marker 58 (north of Tilton) on I-93. In 2013, HB 146, which changed the speed limit to 70 mph, passed the House 292-65, passed the Senate by a voice vote and was signed into law. The committee was not provided any data or incidents related to the speed change. In fact, the Department of Safety testified that it would take three to five years to compile such data. Considering the support HB 146 had, and no evidence to support a change, the majority of the committee voted ITL. Vote 17-1.

HB 178, relative to exclusions from seasonal highway weight limit regulations. **OUGHT TO PASS.** Rep. Russell Dumais for Transportation. The intent of this bill is to support our maple sugar industry, which can be hurt by seasonal weight limits. This bill does not remove department of transportation oversight and approval of granting waivers. Vote 18-0.

HB 314, establishing a commission to study the charitable status of certain nonprofit organizations for purposes of state and local taxation. **INEXPEDIENT TO LEGISLATE.**

Rep. Patrick F. Abrami for Ways and Means. This bill is based on one possibly fraudulent charity said to be operating in New Hampshire, but the sponsor has not yet been able to contact the attorney general's office of charitable trusts, which is responsible for oversight of such cases, to learn whether this case or others present a problem that would be correctable by further legislation. We invite the sponsor to bring forth a later bill on the subject if such inquiry shows a need. Vote 19-0.

HB 657-FN-A-L, relative to video lottery. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary S. Azarian for Ways and Means. This bill authorizes up to 300 slot machines at each location authorized for charitable gaming. The committee feels that such a major expansion is contrary to the intent of the law authorizing low stakes charitable gaming. Public testimony indicated strong opposition, with only card rooms supporting it. Vote 19-0.

REGULAR CALENDAR

HB 168, relative to grounds for divorce for persons with minor children. **INEXPEDIENT TO LEGISLATE.**

Rep. Cynthia L. Chase for Children and Family Law. This bill would not allow irreconcilable differences as a ground for divorce for couples with minor children. The committee felt that the bill was a step backward because it re-introduces the necessity for a determination of fault into the divorce process. It would also raise the cost of divorce to both the divorcing individuals and to the state. Forcing couples to stay married until their youngest child attains majority status could allow for the perpetuation of a stressful living situation, which can have as stressful an impact on the child as going through a parental divorce. Vote 13-4.

Rep. Gargasz corrected the committee report.

Rep. Groen spoke against.

Committee report adopted.

HB 245, establishing a committee to study state and county departments of corrections. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Laura C. Pantelakos for the Majority of Criminal Justice and Public Safety. This bill calls for a study on county jails and the state department of correction. This bill comes in every session. As representatives, we can make our own correction to our county jails. The committee believes this bill is not necessary. If we want changes in our county jails, we have the power to make those changes within the counties. Vote 10-6.

Rep. John A. Burt for the Minority of Criminal Justice and Public Safety. This bill simply creates a study committee to examine New Hampshire's system of state and county jails, to determine if this structure is the best way to provide incarceration and rehabilitation at the lowest cost to state and local taxpayers. County jails frequently house persons awaiting trial, or required to be separated from other inmates in the state system, or even temporary overflows. The functions of county jails and state prisons largely overlap after an inmate is discharged, so it is reasonable to look at the post incarceration system as a whole. Vermont, for example, has an integrated prison system that incorporates the opportunities to reduce recidivism. In NH recidivism is 43% at the state level and around 60% for counties. The minority believes that a study committee on this subject has the potential to identify significant opportunities for cost savings without affecting performance. Majority committee report adopted.

HB 597-FN, relative to penalties for indecent exposure and lewdness. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Laura C. Pantelakos for the Majority of Criminal Justice and Public Safety. This bill changes the penalty for exposing one's genitals from misdemeanor to a class B felony. This change makes the law the same penalty that it is if you take a picture of your genitals and send it out. The committee felt it should be the same in person as a picture. Vote 11-5.

Rep. Ed Comeau for the Minority of Criminal Justice and Public Safety. It is the minority opinion that the following language within HB 597 will have unintended results when interpreting the following verbiage, section 2. (a) A person is guilty of a class B felony if : (a) Such person purposely fornicates, exposes his or her genitals, or performs any other act of gross lewdness in the presence of a child who is less than 16 years of age. The condition whereby genitals may be exposed may occur during nude sunbathing on ones own private property; attendance to a nudist camp; a family practicing a naturalist lifestyle. Section (a) begins with (a) Such person purposely fornicates, then attempts to list; "exposes his or her genitals." It is the minority opinion that this can be misinterpreted, if the intent was to simply be "purposely naked" without the intent of harm to a child less than 16 years of age.

Rep. Tholl moved Recommit and spoke in favor.

Adopted.

Recommitted to the Committee on Criminal Justice and Public Safety.

HB 119, establishing the John G. Winant Memorial Commission. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Raymond G. Gagnon for the Majority of Executive Departments and Administration. Governor John G. Winant was among the most accomplished and respected New Hampshire citizens of the 20th Century,

attaining national and international recognition during the 1930s and World War II. This bill establishes a commission to raise private sector funds for the erection and maintenance of a statue, as well as a scholarship fund for New Hampshire students of government. This public/private initiative will be funded solely from non-government sources and will have no fiscal impact on state finances. The intent of the commission is to erect the statue on the grounds of the NH State Library facing the capital and the governor's office. In addition to serving as Governor (1925-27; 1931-35), he was also a member of both the NH House & Senate. A life-long republican, Governor Winant was appointed by President Franklin Roosevelt to be the first head of the Social Security Board in 1935, a position he held until 1937. In 1941, Roosevelt appointed Winant ambassador to Great Britain, a post he remained in until March 1946. In a 2010 book, *Citizens of London: The Americans Who Stood with Britain in Its Darkest, Finest Hour*, author Lynne Olson described Winant as dramatically changing the U.S. stance in regards to Great Britain. The establishment of this commission in no way diminishes the accomplishments of other New Hampshire men and women, but continues the NH tradition of preserving a sense of history and recognizing the accomplishments of its citizens. We encourage members of the House to support the committee's bi-partisan vote. Vote 10-3.

Rep. J.R. Hoell for the Minority of Executive Departments and Administration. The committee heard only from the sponsor in favor of this commission. Testimony included that the commission is planning to put the statue in the front lawn at the State Library across the street from the State House. While there have been numerous other Governors that have contributed to the state, very few have received the recognition to have a statue so prominently located near the State House. The family did donate 85 acres for a park in the City of Concord and the minority felt that an amendment specifying the location of the statue within the Winant Park would be appropriate.

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

Rep. Hoell offered floor amendment (0295h).

Floor Amendment (0295h)

Amend RSA 4:9-1 as inserted by section 1 of the bill by replacing it with the following:

4:9-1 Commission Established; Special Account.

I. A commission is established to oversee the location, design, construction, and maintenance of a John G. Winant memorial and to privately raise and expend all the funds necessary for its construction and maintenance. The governor and council are authorized to accept for the commission, in the name of the state, the gifts of money, which are donated to construct and maintain the memorial. Notwithstanding any other provision of law, the commission may accept donated in-kind services, goods, and materials for the construction and maintenance of the memorial with the approval of the governor and council.

II. The gifts of money, which are donated to contract, construct, and maintain the memorial, shall be placed in a special nonlapsing account in the state treasury, to be expended for the purposes of the John G. Winant memorial. Any money remaining in the special account after construction of the memorial is completed shall be used for the care, maintenance, repair, and additions to the memorial, or for any other purpose deemed appropriate by the commission. Notwithstanding any other provision of law, the commission may expend the money raised or accepted as a gift with the approval of governor and council, to contract for the construction and perpetual maintenance of the memorial.

III. The commission shall remain in existence upon the completion of the John G. Winant memorial for the purpose of overseeing maintenance and approving any change to the memorial. Any site change for the memorial shall be made under the supervision of the director of operations of the department of transportation. Amend RSA 4:9-m as inserted by section 1 of the bill by replacing it with the following:

III. The commission shall select the location within Winant Park and design for the John G. Winant memorial and oversee the construction and maintenance of the memorial.

Rep. Hoell spoke in favor.

Rep. Sytek spoke against and yielded to questions.

Floor amendment (0295h) failed.

Majority committee report adopted and ordered to third reading.

HB 642-FN-L, allowing gold and silver as lawful mediums of exchange. **INEXPEDIENT TO LEGISLATE.**

Rep. John Sytek for Executive Departments and Administration. This bill would make gold and silver as lawful mediums of exchange in NH. The committee found several problems with the bill - some of which would take significant legal research to resolve. For example, it was not clear that this is permissible under the US Constitution, which reserves coinage powers to the federal government. There was the sense that there were symbolic aspects to the bill that could reflect poorly on NH's sense of purpose among the community of states. Nor did the sponsor establish any cogent need for this bill. There were practical considerations also. Exactly what mechanism would determine the dollar value of particular precious metals? Finally, it was pointed out that the bill is unnecessary. Any mutually agreeing individuals could exchange goods and services for precious metals without the agency of state law. Vote 13-3.

Committee report adopted.

HB 176-FN-A-L, relative to towns affected by the Merrimack River flood control compact and the Connecticut River flood control compact and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter R. Leishman for Finance. After several devastating floods in the 1930s, the Merrimack River Flood Control Compact was created in 1957 and the Connecticut River Flood Control Compact was created in 1953. The terms of the compacts are contained in RSA 484. During the late 1950s, the federal government through outright purchase and eminent domain acquired land in 18 New Hampshire communities to construct flood control structures (dams) to restrict water flow and prevent downstream flooding in New Hampshire, Massachusetts, Vermont and Connecticut. Under the compacts, a formula was developed to pay the 18 communities for the loss of land taken for flood prevention. The state of New Hampshire, the Commonwealth of Massachusetts and the state of Connecticut are each required to pay a portion of the lost tax revenue for land taken as determined by the NH Department of Revenue Administration. Regrettably, the Commonwealth has failed to make timely payments and when payments have been received or negotiated, the payments have fallen short of the anticipated reimbursements. Recently, on December 5, 2014, the NH Department of Justice and the commonwealth agreed to settle the outstanding liability for FY13 and FY14 for \$658,000. This figure being \$427,344 short of the funds the DRA believes the commonwealth owes the 18 communities. During FY14 and FY15, the legislature again provided the full amount of lost tax revenue as determined by the DRA and as required by RSA 122:4. The FY14/FY15 total reimbursement was \$1,575,796.86 in general funds. Despite the commonwealth's delinquencies and since 1969, New Hampshire has reimbursed the impacted communities for the full amount of lost tax revenue with the exception of FY13. However, under the terms of the compacts, New Hampshire is under no obligation to pay the commonwealth's share of the reimbursement. Additionally, any modification of the language contained in the compacts would require Congressional approval. The majority of the Finance Committee believes that New Hampshire can no longer subsidize the Commonwealth's portion of these two compacts. Furthermore, the majority believes the Legislature, the Department of Justice, DRA and the New Hampshire Compact Commissioners must review the terms of the compacts and re-examine New Hampshire's obligations and options. Until then, the majority cannot support this appropriation of \$542,672 from the state general fund for FY13. Vote 13-9.

Reps. Ratzki, Myler, Luneau, Karrick and Shattuck spoke against.

Rep. Leishman spoke in favor and yielded to questions.

Rep. Lynne Ober spoke in favor.

Rep. Myler requested a roll call; sufficiently seconded.

YEAS 221 - NAYS 127

YEAS - 221

BELKNAP

Aldrich, Glen
Fisher, Robert
Howard, Jr., Raymond
Tilton, Franklin

Comtois, Guy
Flanders, Donald
Luther, Robert
Vadney, Herbert

Dumais, Russell
Fraser, Valerie
Spanos, Peter
Varney, Peter

Fields, Dennis
Gallagher, Brian
Sylvia, Michael

CARROLL

Buco, Thomas
Cordelli, Glenn
Parker, Harold

Butler, Edward
McCarthy, Frank
Schmidt, Stephen

Chandler, Gene
McConkey, Mark
Umberger, Karen

Comeau, Ed
Nelson, Bill
Wright, Ted

CHESHIRE

Abbott, Michael
Phillips, Larry

Emerson, Susan

Hunt, John

McConnell, Jim

COOS

Fothergill, John
Rideout, Leon

Froburg, Alethea
Tholl, John

Rappaport, Laurence
Thomas, Yvonne

Richardson, Herbert

GRAFTON

Bailey, Brad
Gionet, Edmond
Shackett, Jeffrey

Brown, Duane
Hull, Robert
Townsend, Charles

Brown, Rebecca
Johnson, Eric

Darrow, Stephen
Piper, Wendy

HILLSBOROUGH

Adams, Christopher
Barry, Richard
Booras, Efsthathia
Christie, Rick
Donovan, Daniel
Estevez, Eric
Gargas, Carolyn
Goulette, William
Halstead, Carolyn

Ammon, Keith
Belanger, James
Burt, John
Cohen, Alan
Eastman, Eric
Ferreira, Elizabeth
Gidge, Kenneth
Griffin, Barbara
Hinch, Richard

Backus, Robert
Biggie, Barbara
Byron, Frank
Cornell, Patricia
Edelblut, Frank
Flanagan, Jack
Gonzalez, Carlos
Guerette, C. Lee
Hogan, Edith

Balcom, John
Boehm, Ralph
Christiansen, Lars
Danielson, David
Edwards, Elizabeth
Gagne, Larry
Gould, Linda
Haefner, Robert
Kurk, Neal

Lachance, Joseph
 McCarthy, Peggy
 Notter, Jeanine
 Ohm, Bill
 Proulx, Mark
 Schleien, Eric
 Stepanek, Stephen
 Takesian, Charlene
 Wolf, Terry

LeBrun, Donald
 McLean, Mark
 O'Brien, William
 Palmer, Barry
 Rice, Kimberly
 Scontsas, Lisa
 Straight, Phillip
 Twombly, Timothy
 Zaricki, Nick

Leishman, Peter
 Moore, Josh
 Ober, Lynne
 Pellegrino, Anthony
 Rouillard, Claire
 Simmons, Tammy
 Sullivan, Victoria
 Ulery, Jordan

Marston, Dick
 Murotake, David
 Ober, Russell
 Pierce, David
 Rowe, Robert
 Souza, Kathleen
 Sweeney, Shawn
 Walsh, Robert

Bartlett, Christy
 Kuch, Bill
 McGuire, Carol
 Walsh, Thomas

Bradley, Paula
 Long, Douglas
 McGuire, Dan

French, Harold
 MacKay, James
 Moffett, Howard

Kotowski, Frank
 Marple, Richard
 Seaworth, Brian

MERRIMACK

Abrami, Patrick
 Bush, Carol
 Cook, Allen
 Emerick, J. Tracy
 Gannon, William
 Hagan, Joseph
 Hoelzel, Kathleen
 Katsakiores, Phyllis
 Lundgren, David
 McMahon, Charles
 Osborne, Jason
 Prudhomme-O'Brien, Katherine
 Sytek, John
 Vose, Michael
 Welch, David

Allen, Mary
 Cardon, G. Thomas
 Doucette, Fred
 Ferrante, Beverly
 Gordon, Richard
 Harris, Jeffrey
 Introne, Robert
 Kellogg, Shem
 Major, Norman
 Nigrello, Robert
 Packard, Sherman
 Rice, Frederick
 Thomas, Douglas
 Ward, Gerald
 Weyler, Kenneth

Azarian, Gary
 Chirichiello, Brian
 Duarte, Joe
 Fesh, Robert
 Griffin, Mary
 Heffron, Frank
 Itse, Daniel
 Kolodziej, Walter
 Matthews, Carolyn
 O'Connor, John
 Peckham, Michele
 Sanders, Elisabeth
 True, Chris
 Ward, Joanne
 Woitkun, Steven

Bates, David
 Christie, Andrew
 Elliott, Robert
 Friel, William
 Guthrie, Joseph
 Hodgdon, Bruce
 Kappler, Lawrence
 Lovejoy, Patricia
 McKinney, Betsy
 Oligny, Jeffrey
 Potucek, John
 Spillane, James
 Tucker, Pamela
 Webb, James

ROCKINGHAM

Beaudoin, Steven
 DiSesa, Len
 Jones, Laura
 Leeman, Don
 Schmidt, Peter
 Ward, Kenneth

Berube, Roger
 Gardner, Janice
 Kaczynski, Jr., Thomas
 Mullen, John
 Sprague, Dale
 Whitehouse, Joshua

Bickford, David
 Gray, James
 Kaen, Naida
 Parsons, Robbie
 Turcotte, Leonard
 Wuelper, Kurt

Bixby, Peter
 Hannon, Joseph
 Knowles, Robert
 Pitre, Joseph
 Verschueren, James

STRAFFORD

Bridge, Ernest
 Rollins, Skip

Gagnon, Raymond
 Schmidt, Andrew

Grenier, James
 Smith, Steven

Laware, Thomas

NAYS - 127

CARROLL

Ticehurst, Susan

CHESHIRE

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

Berch, Paul
 Ley, Douglas
 Robertson, Timothy
 Tilton, Benjamin

Bordenet, John
 Mann, John
 Sad, Tara

Chase, Cynthia
 Pearson, William
 Shepardson, Marjorie

COOS

Moynihan, Wayne

Theberge, Robert

GRAFTON

Abel, Richard
 Ford, Susan
 Maes, Kevin

Almy, Susan
 Hennessey, Erin
 Massimilla, Linda

Brown, Chris
 Hennessey, Martha
 Smith, Suzanne

Cooney, Mary
 Higgins, Patricia
 White, Andrew

HILLSBOROUGH

Bouldin, Amanda
 Forest, Armand
 Hansberry, Daniel
 Herbert, Christopher
 Katsiantonis, Thomas
 McNamara, Richard
 Peterson, Ken
 Shattuck, Gilman
 Soucy, Timothy

Brown, Pamela
 Freitas, Mary
 Hansen, Peter
 Hopper, Gary
 Long, Patrick
 Murphy, Keith
 Porter, Marjorie
 Shaw, Barbara
 Sullivan, Daniel

Cote, David
 Goley, Jeffrey
 Harvey, Suzanne
 Jack, Martin
 Mangipudi, Latha
 O'Brien, Michael
 Rosenwald, Cindy
 Smith, Timothy
 Williams, Kermit

DiSilvestro, Linda
 Gorman, Mary
 Heath, Mary
 Jeudy, Jean
 Manley, Jonathan
 O'Neil, William
 Seidel, Carl
 Snow, Kendall
 Woodbury, David

MERRIMACK

Alicea, Caroletta
Doherty, David
Gile, Mary
Hoell, J.R.
Kidder, David
Patten, Dick
Schuett, Dianne
Wheeler, Deborah

Brewster, Michael
Ebel, Karen
Henle, Paul
Horn, Werner
Luneau, David
Ratzki, Mario
Shurtleff, Stephen

Carson, Clyde
Frazer, June
Hill, Gregory
Karrick, David
Myler, Mel
Rogers, Katherine
Turcotte, Alan

Deloge, Helen
French, Barbara
Hirsch, Geoffrey
Kenison, Linda
Parent, Jason
Saunderson, George
Wallner, Mary Jane

ROCKINGHAM

Abramson, Max
Borden, David
DiFranco, Debbie
McBeath, Rebecca
Simpson, Alexis

Baldasaro, Alfred
Cahill, Michael
Francesca, Paula
Moody, Marcia
Tamburello, Daniel

Barnes, Arthur
Cali-Pitts, Jacqueline
Gordon, Pamela
Pantelakos, Laura
Tasker, Kyle

Berrien, Skip
Cushing, Robert
Manning, John
Sherman, Thomas

STRAFFORD

Baber, William
Groen, Warren
Stevens, Audrey

Burton, Wayne
Horrigan, Timothy
Wall, Janet

Cilley, Jacalyn
Rollo, Deanna

DeLemus, Susan
Southworth, Thomas

SULLIVAN

Cloutier, John

Converse, Larry

Gottling, Suzanne

Oxenham, Lee

and the committee report was adopted.

HB 194, providing that life begins at conception. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**

Rep. Claire A. Rouillard for the Majority of Judiciary. House Bill 194 seeks to create an act, which provides that “The state of New Hampshire declares that the right to life guaranteed by the United States Constitution is vested in each human being, therefore it is the policy of the state of New Hampshire that human life is deemed to exist from conception.” It also states that “nothing in this subdivision shall be construed to authorize the prosecution of any woman for the death of her unborn child.” Additionally, it states “human being includes... every member of the species homo sapiens at all stages of life, including the moment of fertilization, cloning or other...” The statement of findings and intent, contained in this bill, addresses issues of aborting pre-born humans and their right to life. It does not matter whether we are pro-life supporters, or pro-choice supporters, HB 194, as written, is unconstitutional. The Ninth Amendment, reservation of rights to the people, and Fourteenth Amendment, concept of personal liberty, as explained in the United States Supreme Court Decision, *Roe v. Wade*, 410 U.S. 113 (1973), encompass a woman’s decision whether or not to terminate her pregnancy. The Court further stated that a “person” as used in the Fourteenth Amendment, does not include the unborn. Also, the language of the bill is vague, as the sentence contained in HB 194, which does not authorize the prosecution of any woman for the death of her unborn child, does not “prohibit” her prosecution. It also does not prohibit the prosecution of others, including a physician who performs an abortion, even in instances that could save the woman’s life, or the prevent prosecution of a boyfriend who supplies his girlfriend with the morning after pill. This bill could have other unknown criminal and civil consequences. Lastly, this bill as worded, may take away rights of families who need medical assistance to have children. Specialists, who provide in vitro fertilization (IVF) currently available in New Hampshire, may not be able to do so if this bill were passed. The freezing of embryos have an 85-95% chance of survival. This means some of them do not survive. Testimony from physicians who performed IVF indicated that they would be unwilling to perform embryo freezing on the chance the embryos do not survive, as criminal prosecution and other claims could be brought against them. Additionally, liability in the disposal of unwanted fertilized embryos, has unknown consequences, which could effectively eliminate the practice of IVF in New Hampshire. We are trusted with the responsibility to pass good laws for the citizens of New Hampshire. This bill as worded, violates the US Constitution, is vague and has known and unknown consequences that would make its passage hurt the citizens of our state. Vote 10-4.

Rep. Kurt F. Wuelper for the Minority of Judiciary. The minority believes the right to life is the most fundamental human right. The right to life inheres to every person from the very beginning of life until death, and that NH law should recognize that right as did the US Supreme Court when it ruled in *Gonzales v. Carhart*, “by common understanding and scientific terminology, a fetus is a living organism while within the womb, whether or not it is viable outside the womb”. The court also ruled that [obviously human] life is worthy of protection “both pre-viability and post-viability.”

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

Reps. Wuelper, Murotake, Leeman and Moore spoke against.

Rep. Hoell spoke against and yielded to questions.

Reps. Rowe and Rouillard spoke in favor.

Rep. Tamburello requested a roll call; sufficiently seconded.

YEAS 246 - NAYS 104**YEAS - 246
BELKNAP**

Aldrich, Glen
Flanders, Donald
Varney, Peter

Dumais, Russell
Fraser, Valerie

Fields, Dennis
Sylvia, Michael

Fisher, Robert
Vadney, Herbert

CARROLL

Buco, Thomas
Parker, Harold
Wright, Ted

Butler, Edward
Schmidt, Stephen

Chandler, Gene
Ticehurst, Susan

McConkey, Mark
Umberger, Karen

CHESHIRE

Abbott, Michael
Chase, Cynthia
Ley, Douglas
Phillips, Larry
Shepardson, Marjorie

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

Berch, Paul
Emerson, Susan
McConnell, Jim
Robertson, Timothy
Tilton, Benjamin

Bordenet, John
Hunt, John
Pearson, William
Sad, Tara

COOS

Fothergill, John
Theberge, Robert

Froburg, Alethea
Tholl, John

Hatch, William
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

Abel, Richard
Cooney, Mary
Hennessey, Erin
Ladd, Rick
Smith, Suzanne

Almy, Susan
Darrow, Stephen
Hennessey, Martha
Maes, Kevin
Townsend, Charles

Brown, Chris
Ford, Susan
Higgins, Patricia
Massimilla, Linda
White, Andrew

Brown, Rebecca
Gionet, Edmond
Hull, Robert
Piper, Wendy

HILLSBOROUGH

Adams, Christopher
Belanger, James
Brown, Pamela
Christie, Rick
DiSilvestro, Linda
Ferreira, Elizabeth
Gargas, Carolyn
Gorman, Mary
Halstead, Carolyn
Herbert, Christopher
Leishman, Peter
McNamara, Richard
Ober, Russell
Proulx, Mark
Rowe, Robert
Shaw, Barbara
Sullivan, Daniel
Wolf, Terry

Ammon, Keith
Biggie, Barbara
Byron, Frank
Cohen, Alan
Donovan, Daniel
Flanagan, Jack
Gidge, Kenneth
Griffin, Barbara
Hansen, Peter
Hinch, Richard
Long, Patrick
O'Brien, Michael
Peterson, Ken
Rice, Kimberly
Schleien, Eric
Smith, Timothy
Takesian, Charlene
Woodbury, David

Backus, Robert
Booras, Efstathia
Christensen, Chris
Cornell, Patricia
Edwards, Elizabeth
Forest, Armand
Goley, Jeffrey
Guerette, C. Lee
Harvey, Suzanne
Jack, Martin
Mangipudi, Latha
O'Neil, William
Pierce, David
Rosenwald, Cindy
Scoutsas, Lisa
Snow, Kendall
Walsh, Robert
Zaricki, Nick

Barry, Richard
Bouldin, Amanda
Christiansen, Lars
Cote, David
Estevez, Eric
Freitas, Mary
Gonzalez, Carlos
Haefner, Robert
Heath, Mary
Kurk, Neal
Manley, Jonathan
Ober, Lynne
Porter, Marjorie
Rouillard, Claire
Shattuck, Gilman
Soucy, Timothy
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Deloge, Helen
French, Barbara
Hirsch, Geoffrey
Kidder, David
MacKay, James
Parent, Jason
Saunderson, George
Wallner, Mary Jane

Bartlett, Christy
Doherty, David
Gile, Mary
Horn, Werner
Kuch, Bill
Marple, Richard
Patten, Dick
Schuett, Dianne
Wheeler, Deborah

Bradley, Paula
Ebel, Karen
Henle, Paul
Karrick, David
Long, Douglas
Moffett, Howard
Ratzki, Mario
Shurtleff, Stephen

Carson, Clyde
Frazer, June
Hill, Gregory
Kenison, Linda
Luneau, David
Myler, Mel
Rogers, Katherine
Turcotte, Alan

ROCKINGHAM

Abrami, Patrick
Borden, David
Christie, Andrew
Elliott, Robert
Friel, William
Hoelzel, Kathleen
McBeath, Rebecca
Nigrello, Robert

Allen, Mary
Cahill, Michael
Cushing, Robert
Ferrante, Beverly
Gordon, Pamela
Kellogg, Shem
McKinney, Betsy
Oigny, Jeffrey

Azarian, Gary
Cali-Pitts, Jacqueline
DiFranco, Debbie
Fesh, Robert
Guthrie, Joseph
Lovejoy, Patricia
McMahon, Charles
Osborne, Jason

Berrien, Skip
Cardon, G. Thomas
Doucette, Fred
Francese, Paula
Heffron, Frank
Major, Norman
Moody, Marcia
Pantelakos, Laura

Peckham, Michele
Simpson, Alexis
Vose, Michael
Welch, David

Potucek, John
Tasker, Kyle
Ward, Gerald
Weyler, Kenneth

Sanders, Elisabeth
Thomas, Douglas
Ward, Joanne

Sherman, Thomas
Tucker, Pamela
Webb, James

STRAFFORD

Baber, William
Cilley, Jacalyn
Horrigan, Timothy
Parsons, Robbie
Spang, Judith
Wall, Janet

Bickford, David
DiSesa, Len
Jones, Laura
Rollo, Deanna
Sprague, Dale
Ward, Kenneth

Bixby, Peter
Gardner, Janice
Kaen, Naida
Schmidt, Peter
Stevens, Audrey

Burton, Wayne
Hannon, Joseph
Mullen, John
Southworth, Thomas
Verschueren, James

SULLIVAN

Bridge, Ernest
Gottling, Suzanne
Schmidt, Andrew

Cloutier, John
Grenier, James
Smith, Steven

Converse, Larry
Oxenham, Lee

Gagnon, Raymond
Rollins, Skip

NAYS - 104

BELKNAP

Comtois, Guy
Spanos, Peter

Gallagher, Brian
Tilton, Franklin

Howard, Jr., Raymond

Luther, Robert

CARROLL

Comeau, Ed

Cordelli, Glenn

McCarthy, Frank

Nelson, Bill

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Shackett, Jeffrey

Brown, Duane

Ingbretson, Paul

Johnson, Eric

HILLSBOROUGH

Boehm, Ralph
Gagne, Larry
Hopper, Gary
LeBrun, Donald
Moore, Josh
O'Brien, William
Pellegrino, Anthony
Straight, Phillip
Ulery, Jordan

Burt, John
Gould, Linda
Jeudy, Jean
Marston, Dick
Murotake, David
Ohm, Bill
Seidel, Carl
Sullivan, Victoria

Danielson, David
Goulette, William
Katsiantonis, Thomas
McCarthy, Peggy
Murphy, Keith
Palmer, Barry
Souza, Kathleen
Sweeney, Shawn

Edelblut, Frank
Hogan, Edith
Lachance, Joseph
McLean, Mark
Notter, Jeanine
Parison, James
Stepanek, Stephen
Twombly, Timothy

MERRIMACK

Brewster, Michael
McGuire, Carol

French, Harold
McGuire, Dan

Hoell, J.R.
Seaworth, Brian

Kotowski, Frank
Walsh, Thomas

ROCKINGHAM

Abramson, Max
Bush, Carol
Duarte, Joe
Griffin, Mary
Introne, Robert
Kolodziej, Walter
O'Connor, John
Spillane, James

Baldasaro, Alfred
Chirichiello, Brian
Emerick, J. Tracy
Hagan, Joseph
Itse, Daniel
Lundgren, David
Packard, Sherman
Sytek, John

Barnes, Arthur
Cook, Allen
Gannon, William
Harris, Jeffrey
Kappler, Lawrence
Manning, John
Prudhomme-O'Brien, Katherine
Tamburello, Daniel

Bates, David
Devine, James
Gordon, Richard
Hodgdon, Bruce
Katsakiores, Phyllis
Matthews, Carolyn
Rice, Frederick
True, Chris

STRAFFORD

Beaudoin, Steven
Groen, Warren
Pitre, Joseph

Berube, Roger
Kaczynski, Jr., Thomas
Turcotte, Leonard

DeLemus, Susan
Knowles, Robert
Whitehouse, Joshua

Gray, James
Leeman, Don
Wuelper, Kurt

SULLIVAN

Laware, Thomas

and the majority committee report was adopted.

HB 269, allowing a landlord to collect first and last month's rent in addition to a security deposit. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Linda B. Kenison for the Majority of Judiciary. This bill proposes an amendment to 540-a:6. The amendment would allow landlords to charge the equivalent of three month's rent prior to tenancy. The religious community, charities and nonprofit organizations were unanimous in opposing this bill. Local welfare

administrators expressed extreme concern passage of this bill would increase welfare budgets and raise property taxes. To require prospective tenants to pay first and last month's rent in addition to a security deposit will create an undue hardship on families already struggling to access affordable housing. For a family to obtain a modest two-bedroom apartment they would have to raise about \$2,600. This financial barrier to obtaining affordable housing will exacerbate the problem of homelessness. Middle and low-income families need affordable housing. To attract and keep young people in the state, affordable housing is essential. Vote 13-2. Rep. Kurt F. Wuelper for the Minority of Judiciary. The minority believes it is the landlord's property right to set the rental terms, including the amount of security required and that the state shouldn't restrict that right. The shortage of rental property available might be partially alleviated by allowing landlords to collect more security and landlords dealing with low income tenants would most likely keep the current security conditions.

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

Rep. Sylvia spoke against.

Rep. Kenison spoke in favor and yielded to questions.

On a division vote, 187 members having voted in the affirmative and 167 in the negative, the majority committee report was adopted.

HB 371, relative to assessing the consequences of the Citizens United decision. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jack B. Flanagan for the Majority of Legislative Administration. The bill assumes from its beginning that the supreme court has made several "wrong" decisions with respect to campaign finance. That issue alone is one of considerable debate and one that will undoubtedly continue. The mechanisms put in place in this bill require standing committees of the House and Senate to travel around the state to take public input on the issue; it then even requires those committees to submit draft language to the US Constitution on how to fix this perceived problem! Additionally, this bill calls on the Congressional delegation to act on this perceived problem by working towards a constitutional amendment. A more apt approach would be a constitutional convention to address whatever perceived issues may exist at large; but the majority of the committee believes the inferences supposed in this bill are without merit to begin with. Vote 5-4.

Rep. Lucy M. Weber for the Minority of Legislative Administration. HB 371 requires hearings to be held in four separate sites around the state so that testimony may be heard from NH citizens about the effects of the Citizens United decision. The results of those hearings were to be communicated to the NH congressional delegation, as well as to various NH state officials. For those of us who support amending the US Constitution to make it clear that Citizens United was wrongly decided, but who are also concerned about using Article V to amend the US Constitution, this bill presented an excellent opportunity to further communicate our concerns to our Congressional delegation.

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

Reps. Elliott and Bixby spoke against.

Rep. Stephen Schmidt spoke in favor.

Rep. Rosenwald requested a roll call; sufficiently seconded.

YEAS 194 - NAYS 157

YEAS - 194

BELKNAP

Aldrich, Glen
Flanders, Donald
Spanos, Peter
Varney, Peter

Comtois, Guy
Fraser, Valerie
Sylvia, Michael

Fields, Dennis
Howard, Jr., Raymond
Tilton, Franklin

Fisher, Robert
Luther, Robert
Vadney, Herbert

CARROLL

Chandler, Gene
McConkey, Mark
Wright, Ted

Comeau, Ed
Nelson, Bill

Cordelli, Glenn
Schmidt, Stephen

McCarthy, Frank
Umberger, Karen

CHESHIRE

Hunt, John

McConnell, Jim

Tilton, Benjamin

COOS

Fothergill, John
Tholl, John

Rappaport, Laurence
Thomas, Yvonne

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Hennessey, Erin
Piper, Wendy

Brown, Duane
Ingretson, Paul
Shackett, Jeffrey

Darrow, Stephen
Johnson, Eric

Gionet, Edmond
Ladd, Rick

HILLSBOROUGH

Adams, Christopher
Biggie, Barbara
Christensen, Chris
Eastman, Eric
Flanagan, Jack
Gould, Linda
Halstead, Carolyn
Hopper, Gary
Marston, Dick
Murotake, David
Ober, Lynne
Parison, James
Proulx, Mark
Schleien, Eric
Souza, Kathleen
Sweeney, Shawn
Zaricki, Nick

Ammon, Keith
Boehm, Ralph
Christie, Rick
Edelblut, Frank
Forest, Armand
Goulette, William
Hansen, Peter
Kurk, Neal
McCarthy, Peggy
Murphy, Keith
Ober, Russell
Pellegrino, Anthony
Rice, Kimberly
Scotsas, Lisa
Stepanek, Stephen
Twombly, Timothy

Balcom, John
Burt, John
Danielson, David
Edwards, Elizabeth
Gagne, Larry
Griffin, Barbara
Hinch, Richard
Lachance, Joseph
McLean, Mark
Notter, Jeanine
Ohm, Bill
Peterson, Ken
Rouillard, Claire
Seidel, Carl
Straight, Phillip
Ulery, Jordan

Barry, Richard
Byron, Frank
Donovan, Daniel
Ferreira, Elizabeth
Gonzalez, Carlos
Haefner, Robert
Hogan, Edith
LeBrun, Donald
Moore, Josh
O'Brien, William
Palmer, Barry
Pierce, David
Rowe, Robert
Simmons, Tammy
Sullivan, Victoria
Wolf, Terry

MERRIMACK

Bradley, Paula
Hoell, J.R.
Long, Douglas
Parent, Jason

Brewster, Michael
Horn, Werner
Marple, Richard
Seaworth, Brian

French, Harold
Kotowski, Frank
McGuire, Carol
Walsh, Thomas

Hill, Gregory
Kuch, Bill
McGuire, Dan
Wheeler, Deborah

ROCKINGHAM

Abrami, Patrick
Barnes, Arthur
Christie, Andrew
Ferrante, Beverly
Griffin, Mary
Hodgdon, Bruce
Kolodziej, Walter
McKinney, Betsy
Oligny, Jeffrey
Potucek, John
Spillane, James
Thomas, Douglas
Ward, Joanne

Allen, Mary
Bates, David
Cook, Allen
Fesh, Robert
Guthrie, Joseph
Hoelzel, Kathleen
Lundgren, David
McMahon, Charles
Osborne, Jason
Prudhomme-O'Brien, Katherine
Sytek, John
True, Chris
Webb, James

Azarian, Gary
Bush, Carol
Duarte, Joe
Friel, William
Hagan, Joseph
Introne, Robert
Major, Norman
Nigrello, Robert
Packard, Sherman
Rice, Frederick
Tamburello, Daniel
Tucker, Pamela
Weyler, Kenneth

Baldasaro, Alfred
Chirichiello, Brian
Emerick, J. Tracy
Gannon, William
Harris, Jeffrey
Kappler, Lawrence
Matthews, Carolyn
O'Connor, John
Peckham, Michele
Schroadter, Adam
Tasker, Kyle
Vose, Michael
Woitkun, Steven

STRAFFORD

Beaudoin, Steven
Groen, Warren
Knowles, Robert
Pitre, Joseph

Cheney, Catherine
Hannon, Joseph
Leeman, Don
Turcotte, Leonard

DeLemus, Susan
Jones, Laura
Mullen, John
Whitehouse, Joshua

Gray, James
Kaczynski, Jr., Thomas
Parsons, Robbie
Wuelper, Kurt

SULLIVAN

Bridge, Ernest

Laware, Thomas

Rollins, Skip

Smith, Steven

NAYS - 157**BELKNAP**

Gallagher, Brian

CARROLL

Buco, Thomas

Butler, Edward

Ticehurst, Susan

CHESHIRE

Abbott, Michael
Chase, Cynthia
Mann, John
Robertson, Timothy

Ames, Richard
Eaton, Daniel
Pearson, William
Sad, Tara

Berch, Paul
Emerson, Susan
Phillips, Larry
Shepardson, Marjorie

Bordenet, John
Ley, Douglas
Roberts, Kris
Tatro, Bruce

COOS

Froburg, Alethea

Hatch, William

Moynihan, Wayne

Theberge, Robert

GRAFTON

Abel, Richard
Cooney, Mary
Hull, Robert
Townsend, Charles

Almy, Susan
Ford, Susan
Maes, Kevin
White, Andrew

Brown, Chris
Hennessey, Martha
Massimilla, Linda

Brown, Rebecca
Higgins, Patricia
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Cote, David
Gidge, Kenneth
Hansberry, Daniel
Jack, Martin
Long, Patrick
O'Brien, Michael
Shattuck, Gilman
Soucy, Timothy
Williams, Kermit

Belanger, James
Christiansen, Lars
DiSilvestro, Linda
Goley, Jeffrey
Harvey, Suzanne
Judy, Jean
Mangipudi, Latha
O'Neil, William
Shaw, Barbara
Sullivan, Daniel
Woodbury, David

Booras, Efstathia
Cohen, Alan
Freitas, Mary
Gorman, Mary
Heath, Mary
Katsiantonis, Thomas
Manley, Jonathan
Porter, Marjorie
Smith, Timothy
Takesian, Charlene

Bouldin, Amanda
Cornell, Patricia
Gargas, Carolyn
Guerette, C. Lee
Herbert, Christopher
Leishman, Peter
McNamara, Richard
Rosenwald, Cindy
Snow, Kendall
Walsh, Robert

MERRIMACK

Alicea, Caroletta
Doherty, David
Gile, Mary
Kenison, Linda
Moffett, Howard
Saunderson, George
Wallner, Mary Jane

Bartlett, Christy
Ebel, Karen
Henle, Paul
Kidder, David
Myler, Mel
Schuett, Dianne

Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Luneau, David
Ratzki, Mario
Shurtleff, Stephen

Deloge, Helen
French, Barbara
Karrick, David
MacKay, James
Rogers, Katherine
Turcotte, Alan

ROCKINGHAM

Abramson, Max
Cali-Pitts, Jacqueline
DiFranco, Debbie
Gordon, Richard
Kellogg, Shem
Moody, Marcia
Simpson, Alexis

Berrien, Skip
Cardon, G. Thomas
Elliott, Robert
Heffron, Frank
Lovejoy, Patricia
Pantelakos, Laura
Ward, Gerald

Borden, David
Cushing, Robert
Francese, Paula
Itse, Daniel
Manning, John
Sanders, Elisabeth

Cahill, Michael
Devine, James
Gordon, Pamela
Katsakiores, Phyllis
McBeath, Rebecca
Sherman, Thomas

STRAFFORD

Baber, William
Burton, Wayne
Horrigan, Timothy
Southworth, Thomas
Verschueren, James

Berube, Roger
Cilley, Jacalyn
Kaen, Naida
Spang, Judith
Wall, Janet

Bickford, David
DiSesa, Len
Rollo, Deanna
Sprague, Dale
Ward, Kenneth

Bixby, Peter
Gardner, Janice
Schmidt, Peter
Stevens, Audrey

SULLIVAN

Cloutier, John
Grenier, James

Converse, Larry
Oxenham, Lee

Gagnon, Raymond
Schmidt, Andrew

Gottling, Suzanne

and the majority committee report was adopted.

MOTION TO PRINT REMARKS

Rep. Dan McGuire moved that the remarks made by Rep. Elliott on **HB 371**, relative to assessing the consequences of the Citizens United decision, be printed in the Permanent Journal.

On a division vote, 178 members having voted in the affirmative and 173 in the negative, the motion was adopted.

REMARKS

Rep. Elliott: Thank you, Mister Speaker. Originally, this controversial bill was about the constitutional meaning of freedom of speech and the fear of political, financial corruption. It started in 2002, when Senator McCain and Senator Feingold sponsored the famous, bipartisan campaign reform act. It had to do with what they call electioneering communication. In that bill, they defined electioneering communication as any broadcast, any cable, any satellite communication that mentions a candidate within 30 to 60 days of a general election. Their bill also said that such communication being funded by corporations or unions was unconstitutional. Two years later, during the presidential campaign, 2004, Citizens United, a conservative 501c group, took Michael Moore to court saying his movie, "Fahrenheit 9/11" was a severe criticism on George Bush and his response to the 9/11 terrorist attack. That constituted political advertising and the case went before the Federal Election Commission that promptly dismissed the suit and Citizens United lost their case. In 2007, Citizens United produced their own film called "Hillary" and it was a severe criticism of Hillary Clinton and they tried to get it on to national television, but they were called into court. In 2008, the district court for the District of Columbia ruled that the movie "Hillary" "violated the bipartisan campaign reform act" and Citizens United lost that case as well, but then they got lucky, because they appealed it to the supreme court. On March 28, 2009, the United States Supreme Court reversed that decision and said it is constitutional to make a film critical of any president or candidate during any campaign. This was a major victory for free speech, so everyone thought. Citizens United won that case, or did they? The first part of the ruling of the supreme court said from now

on, all corporations, all unions or any individual will be sheltered and treated just like an individual citizen when it comes to the issue of freedom of speech. From now on, corporations and unions will be treated as a person. Then something went wrong. There was an unintended consequence given by the supreme court that day when Supreme Court Chief Justice John Roberts went on further to conclude that from now on, any citizen of the United States of America could contribute as much money as he wished and keep his name anonymous by donating all of his money to what we now call, Super PACs. Now, this bill today has nothing to do with the rightness or the wrongness of that decision. Listen to me. This bill today has to do with offering a solution to a possible consequence of that decision and help to avoid further political corruption. Now, the majority would have us believe that this is a perceived problem. In fact, if you read the blurb, you'll see the phrase doesn't occur not once, but three times as if to accent the belief that political corruption does not even exist. I think it does and I think it has had a strange effect on the citizens and the voters all across America. They no longer have an interest in politics that they once had because they feel they no longer have an affect on much of the income and they have strong opinions even though they are not able to express them. Deep, deep down, this bill today, this bill, HB 371 is about the silent majority, as Nixon used to say. Those thousands of people in New Hampshire and those millions of people in the United States of America have lost their voice. This bill today is really about the common man. This bill today is about thousands and thousands of voters from all over our country who feel that they are not only shut out from any major decision process, but who also feel that their politicians have lost touch with the common man who works for minimum wages sometimes, who struggles everyday to make ends meet and as many a stranger has said to me, "I don't like politicians anymore because they don't care about me and they don't care about my family. They are all a bunch of crooks anyway. The only thing they care about is the next election." Now, the legislative committee is thinking just the opposite of what this bill intends to do. They feel that they do not need to hear the voices of the people on this issue and this is how they think. They might be saying to themselves and many of you too, the people have voted for me to represent them so I don't need their input. Well, if that's true, why are we having all these public meetings this month in order for us to hear the public and get their input before we vote in executive session? This bill does the same thing, only the public hearing is not limited to ten or twenty people; it's limited to thousands of people all over the state of New Hampshire. All this bill does, really, is it makes it possible for two committees, one from the House and one from the Senate, to go to four different sections of our beloved state, North, East, South and West, whatever, and listen to the voice of the people, to take that feedback, refine it, condense it, if necessary, and put it into more simple language how the voters of New Hampshire feel about one of the most controversial issues in America today, namely the corruption of our entire political system. What could be fairer than that? Isn't that what we do on every public hearing? Remember this, it is only if we take steps one and two in this bill, sending them out, the committee, that step three even becomes possible. It may be that at the end of their investigation, the group may come to the conclusion that the legislative committee was correct, this is not really an issue; it is only a perceived problem. On the other hand, if the committee of Reps. and Senators hear a roar of discontent, if they hear a cockamamie of disagreement, if they hear angry voices by thousands, then and only then, will they be motivated to contact our Representatives in Washington and make some reasonable suggestions arrived at by both parties. This cannot be achieved by one party. This has to be a bipartisan effort. If we do not at least attempt to do this, you and I both know that the common man will still retain his right to freedom of speech. That is not the issue, but it will be a much quieter voice because he has lost his political influence because of his limited financial resources and we will all lose our ability as common men and women to pick our own candidates here in New Hampshire and throughout America. Not because of the influence of wealthy people. I'm not opposed to that. We can accept that as a political way of life already. It's been with us a long time. We'll always have it. We always will, but what we cannot compete with is the growing corrupting influence and recent emergence of an entirely new group of powerful politicians. We call them the 1%. The 1% who control 90% of America's resources. We call them billionaires - billionaires. One of the fastest growing groups in our country. Let me conclude by asking you this, just let the public know that we will, we in New Hampshire, we in this Session, yes we will listen to you on this highly controversial issue. We haven't forgotten you. We realize that this is not a perceived problem, this is a real problem. We, like them, will know that this is one of the biggest issues of our time. Maybe not by some in the New Hampshire Session, but certainly by millions and millions of Americans all over our country, ordinary, common, hard working people who live their lives from paycheck to paycheck, paying the rent or paying the mortgage on their house or paying the latest car payment. We call that the middle class and you and I are the middle class and we don't contribute millions to our political candidates. Below our level of income are the poor and the poor have no voice at all. Let's give them a voice today. Now. Press the red button. Thank you.

REFERRAL DECLINED

Rep. Kurk, Chairman of the Committee on Finance, under the provisions of House Rule 46 (f), declined the referral of **HB 330**, establishing an oversight commission for medical cost transparency.

The House recessed at 12:20 p.m.

RECESS

The House reconvened at 1:20 p.m.

(Speaker Jasper in the Chair)

REGULAR CALENDAR CONT'D

HB 147, relative to the homestead exemption amount. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susan C. DeLemus for Municipal and County Government. This bill, as amended, would raise the homestead exemption from \$100,000.00 to \$120,000.00. The majority of the committee felt that this modest increase would match the increase in valuations of property in the last 10+ years. Vote 14-5

Amendment (0119h)

Amend RSA 480:1 as inserted by section 1 of the bill by replacing it with the following:

480:1 Amount. Every person is entitled to \$[100,000] **120,000** worth of his or her homestead, or of his or her interest therein, as a homestead. The homestead right created by this chapter shall exist in manufactured housing, as defined by RSA 674:31, which is owned and occupied as a dwelling by the same person but shall not exist in the land upon which the manufactured housing is situated if that land is not also owned by the owner of the manufactured housing.

Amend RSA 529:20-a as inserted by section 2 of the bill by replacing it with the following:

529:20-a Notice of Homestead Exemption. Along with the notice required under RSA 529:20, the party in whose name the execution has issued shall provide to any person who resides or appears to reside on the real estate to be sold, the following notice by certified mail:

NOTICE

IF YOU OR YOUR SPOUSE OWNS AND RESIDES IN THIS PROPERTY, YOU AND/OR YOUR SPOUSE MAY BE ENTITLED TO A HOMESTEAD EXEMPTION PURSUANT TO RSA 480:1. THIS EXEMPTS \$[100,000] **120,000** FOR A SINGLE PERSON AND \$[200,000] **240,000** FOR A MARRIED COUPLE.

IN ORDER TO CLAIM THIS EXEMPTION, YOU MUST NOTIFY THE SHERIFF OF THE COUNTY IN WHICH THE REAL ESTATE IS SITUATED AND THE JUDGMENT CREDITOR OF THE AMOUNT OF YOUR HOMESTEAD CLAIM IN WRITING. IF YOU DO SO BEFORE THE SALE, THE SHERIFF MUST PAY YOU THE AMOUNT OF YOUR HOMESTEAD EXEMPTION BEFORE PAYING THE JUDGMENT CREDITOR FROM THE PROCEEDS OF THE SALE. IF, HOWEVER, THE JUDGMENT CREDITOR FILES A MOTION IN COURT CHALLENGING YOUR ENTITLEMENT TO OR THE AMOUNT OF THE HOMESTEAD EXEMPTION, THE SHERIFF SHALL NOT DISTRIBUTE THE PROCEEDS FROM THE SALE UNTIL FURTHER ORDER OF THE COURT.

IF YOU DO NOT NOTIFY THE SHERIFF AND THE CREDITOR OF YOUR EXEMPTION UNTIL AFTER THE SALE, THE CREDITOR NEED NOT PAY YOU THE AMOUNT OF YOUR HOMESTEAD EXEMPTION UNTIL THE EXPIRATION OF THE ONE-YEAR PERIOD DURING WHICH YOU MAY REDEEM THE PROPERTY PURSUANT TO RSA 529:26.

IF THE SHERIFF RECEIVES YOUR NOTICE OF HOMESTEAD EXEMPTION PRIOR TO THE SALE, THE SHERIFF MAY NOT SELL THE PROPERTY FOR LESS THAN THE AMOUNT OF THE CLAIMED HOMESTEAD EXEMPTION WITHOUT FURTHER ORDER OF THE COURT.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 153, relative to the telecommunications planning and development advisory committee. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne Harvey for the Majority of Science, Technology and Energy. The Telecommunications Planning and Development Advisory Committee (TAB) is primarily tasked with issues relating to broadband infrastructure in the state. It is also concerned with the use of broadband for educational opportunities and for medical related services. HB 153 adds to the committee's membership the commissioners of DHHS and DOE (or their designees) for their counsel on telemedicine and education, plus the state libraries since libraries offer computer access. The majority believes these additions will enhance the work of the committee. Vote 12-9.

Rep. Michael Vose for the Minority of Science, Technology and Energy. This bill would increase the Telecommunications & Planning Advisory committee from 23 to 27 members. The current number seems sufficient. Testimony indicated that the quorum number is nine, which would subject the committee to being dominated by a small minority of members. No provision was made to make the committee bipartisan. Majority committee report adopted and ordered to third reading.

HB 362, relative to the reliability of the electric grid. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David K. Murotake for Science, Technology and Energy. It is easier and less costly to prune or cut trees, than to clean up damage and restore power after a tree or branch falls. This bill removes the word "unreasonable" from the conditions under which a tree can be designated a "danger" from RSA 231, enhancing the ability of public utilities to pro-actively identify trees for pruning or removal to help protect the electric grid from power failures. The bill also allows electric utilities to identify trees that may offer a danger, in

properties abutting the right of way, to have a dangerous tree to be removed at no cost or compensation to the property owner. The bill preserves all other rights of due process, privacy and appeal currently embodied in legislation. HB 362 also directs the PUC to investigate electric utility programs designed to ensure a more reliable and resilient grid to prevent or minimize power outages, including but not limited to, infrastructure automation and technologies. The amendment is simply a grammatical fix. Vote 18-3.

Amendment (0183h)

Amend RSA 231:172, I as inserted by section 2 of the bill by replacing it with the following:

I. No licensee shall have the right to cut, prune, or remove any shade or ornamental tree, for the purpose of erecting or maintaining poles or structures or installing wires or other attachments or appurtenances thereto, without obtaining the consent of the owner of the land on which such tree grows. The receipt of a license to erect and maintain such equipment pursuant to RSA 231:160 and RSA 231:160-a includes consent to cut, prune, or remove shade or ornamental trees growing on land located within the public right-of-way, ***or which may fall upon the right-of-way***, that pose [an unreasonable] ***a*** danger to the reliability of equipment installed at or upon licensed utility facilities. Nothing in this section shall affect the right of the landowner to the cordwood or timber that results from the activities of a licensee under this subdivision.

Rep. Murotake yielded to questions.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Horn moved that the House reconsider its action whereby, on a division vote of 187-167, the House adopted the majority committee report of Inexpedient to Legislate on ***HB 269***, allowing a landlord to collect first and last month's rent in addition to a security deposit.

Rep. Baldasaro spoke in favor.

Rep. Rowe spoke against.

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

YEAS 145 - NAYS 204

YEAS - 145 BELKNAP

Aldrich, Glen
Gallagher, Brian
Sylvia, Michael

Comtois, Guy
Howard, Jr., Raymond
Vadney, Herbert

Fisher, Robert
Luther, Robert

Fraser, Valerie
Spanos, Peter

CARROLL

Chandler, Gene
McConkey, Mark

Comeau, Ed
Parker, Harold

Cordelli, Glenn
Wright, Ted

McCarthy, Frank

CHESHIRE

Hunt, John

McConnell, Jim

Roberts, Kris

Tilton, Benjamin

COOS

Fothergill, John

Rideout, Leon

GRAFTON

Bailey, Brad
Hull, Robert

Brown, Duane
Ingretson, Paul

Gionet, Edmond
Johnson, Eric

Hennessey, Erin

HILLSBOROUGH

Ammon, Keith
Booras, Efstathia
Christie, Rick
Edelblut, Frank
Gonzalez, Carlos
Hogan, Edith
Manley, Jonathan
Murphy, Keith
Parison, James
Seidel, Carl
Sullivan, Victoria
Zaricki, Nick

Balcom, John
Burt, John
Danielson, David
Edwards, Elizabeth
Gould, Linda
Katsiantonis, Thomas
Marston, Dick
Notter, Jeanine
Peterson, Ken
Simmons, Tammy
Twombly, Timothy

Biggie, Barbara
Byron, Frank
Donovan, Daniel
Ferreira, Elizabeth
Goulette, William
Lachance, Joseph
Moore, Josh
O'Brien, William
Rice, Kimberly
Souza, Kathleen
Ulery, Jordan

Boehm, Ralph
Christiansen, Lars
Eastman, Eric
Gagne, Larry
Halstead, Carolyn
LeBrun, Donald
Murotake, David
Ohm, Bill
Schleien, Eric
Stepanek, Stephen
Wolf, Terry

MERRIMACK

Brewster, Michael
Karrick, David
McGuire, Carol
Walsh, Thomas

French, Harold
Kuch, Bill
McGuire, Dan

Hill, Gregory
Long, Douglas
Ratzki, Mario

Hoell, J.R.
Marple, Richard
Seaworth, Brian

ROCKINGHAM

Abrami, Patrick
 Bush, Carol
 Emerick, J. Tracy
 Griffin, Mary
 Introne, Robert
 Kolodziej, Walter
 Packard, Sherman
 Schroadter, Adam
 Thomas, Douglas
 Weyler, Kenneth

Abramson, Max
 Cook, Allen
 Ferrante, Beverly
 Hagan, Joseph
 Itse, Daniel
 Matthews, Carolyn
 Potucek, John
 Spillane, James
 True, Chris

Baldasaro, Alfred
 Duarte, Joe
 Gannon, William
 Harris, Jeffrey
 Kappler, Lawrence
 Oligny, Jeffrey
 Prudhomme-O'Brien, Katherine
 Tamburello, Daniel
 Tucker, Pamela

Bates, David
 Elliott, Robert
 Gordon, Richard
 Hodgdon, Bruce
 Kellogg, Shem
 Osborne, Jason
 Rice, Frederick
 Tasker, Kyle
 Vose, Michael

STRAFFORD

Beaudoin, Steven
 Gray, James
 Kaczynski, Jr., Thomas
 Mullen, John
 Whitehouse, Joshua

Bickford, David
 Groen, Warren
 Kaen, Naida
 Pitre, Joseph
 Wuelper, Kurt

Cheney, Catherine
 Hannon, Joseph
 Knowles, Robert
 Sprague, Dale

DeLemus, Susan
 Jones, Laura
 Leeman, Don
 Turcotte, Leonard

SULLIVAN

Bridge, Ernest

Laware, Thomas

**NAYS - 204
BELKNAP**

Fields, Dennis

Flanders, Donald

Tilton, Franklin

CARROLL

Buco, Thomas
 Ticehurst, Susan

Butler, Edward
 Umberger, Karen

Nelson, Bill

Schmidt, Stephen

CHESHIRE

Abbott, Michael
 Chase, Cynthia
 Mann, John
 Sad, Tara

Ames, Richard
 Eaton, Daniel
 Pearson, William
 Shepardson, Marjorie

Berch, Paul
 Emerson, Susan
 Phillips, Larry
 Tatro, Bruce

Bordenet, John
 Ley, Douglas
 Robertson, Timothy

COOS

Froburg, Alethea
 Richardson, Herbert

Hatch, William
 Theberge, Robert

Moynihan, Wayne
 Tholl, John

Rappaport, Laurence
 Thomas, Yvonne

GRAFTON

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

Almy, Susan
 Darrow, Stephen
 Ladd, Rick
 Shackett, Jeffrey

Brown, Chris
 Ford, Susan
 Maes, Kevin
 Smith, Suzanne

Brown, Rebecca
 Hennessey, Martha
 Massimilla, Linda
 Townsend, Charles

HILLSBOROUGH

Adams, Christopher
 Brown, Pamela
 Cote, David
 Forest, Armand
 Goley, Jeffrey
 Haefner, Robert
 Heath, Mary
 Jack, Martin
 Long, Patrick
 O'Brien, Michael
 Palmer, Barry
 Proulx, Mark
 Scontsas, Lisa
 Snow, Kendall
 Takesian, Charlene

Backus, Robert
 Christensen, Chris
 DiSilvestro, Linda
 Freitas, Mary
 Gorman, Mary
 Hansberry, Daniel
 Herbert, Christopher
 Judy, Jean
 Mangipudi, Latha
 O'Neil, William
 Pellegrino, Anthony
 Rosenwald, Cindy
 Shattuck, Gilman
 Soucy, Timothy
 Walsh, Robert

Barry, Richard
 Cohen, Alan
 Estevez, Eric
 Gargas, Carolyn
 Griffin, Barbara
 Hansen, Peter
 Hinch, Richard
 Kurk, Neal
 McLean, Mark
 Ober, Lynne
 Pierce, David
 Rouillard, Claire
 Shaw, Barbara
 Straight, Phillip
 Williams, Kermit

Belanger, James
 Cornell, Patricia
 Flanagan, Jack
 Gidge, Kenneth
 Guerette, C. Lee
 Harvey, Suzanne
 Hopper, Gary
 Leishman, Peter
 McNamara, Richard
 Ober, Russell
 Porter, Marjorie
 Rowe, Robert
 Smith, Timothy
 Sullivan, Daniel
 Woodbury, David

MERRIMACK

Alicea, Caroletta
 Deloge, Helen
 French, Barbara
 Horn, Werner
 Luneau, David
 Patten, Dick
 Shurtleff, Stephen

Bartlett, Christy
 Doherty, David
 Gile, Mary
 Kenison, Linda
 MacKay, James
 Rogers, Katherine
 Turcotte, Alan

Bradley, Paula
 Ebel, Karen
 Henle, Paul
 Kidder, David
 Moffett, Howard
 Saunderson, George
 Wallner, Mary Jane

Carson, Clyde
 Frazer, June
 Hirsch, Geoffrey
 Kotowski, Frank
 Myler, Mel
 Schuett, Dianne
 Wheeler, Deborah

ROCKINGHAM

Allen, Mary
Borden, David
Chirichiello, Brian
DiFranco, Debbie
Friel, William
Hoelzel, Kathleen
Major, Norman
Moody, Marcia
Peckham, Michele
Sytek, John
Woitkun, Steven

Azarian, Gary
Cahill, Michael
Christie, Andrew
Doucette, Fred
Gordon, Pamela
Katsakiores, Phyllis
McBeath, Rebecca
Nigrello, Robert
Sanders, Elisabeth
Ward, Gerald

Barnes, Arthur
Cali-Pitts, Jacqueline
Cushing, Robert
Fesh, Robert
Guthrie, Joseph
Lovejoy, Patricia
McKinney, Betsy
O'Connor, John
Sherman, Thomas
Ward, Joanne

Berrien, Skip
Cardon, G. Thomas
Devine, James
Francese, Paula
Heffron, Frank
Lundgren, David
McMahon, Charles
Pantelakos, Laura
Simpson, Alexis
Webb, James

STRAFFORD

Baber, William
Cilley, Jacalyn
Parsons, Robbie
Spang, Judith
Ward, Kenneth

Berube, Roger
DiSesa, Len
Rollo, Deanna
Stevens, Audrey

Bixby, Peter
Gardner, Janice
Schmidt, Peter
Verschueren, James

Burton, Wayne
Horrigan, Timothy
Southworth, Thomas
Wall, Janet

SULLIVAN

Cloutier, John
Grenier, James
Smith, Steven

Converse, Larry
Oxenham, Lee

Gagnon, Raymond
Rollins, Skip

Gottling, Suzanne
Schmidt, Andrew

and the motion failed.

BILLS REMOVED FROM THE CONSENT CALENDAR

HB 492, relative to military and historic reenactments and commemorations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A. Welch for Criminal Justice and Public Safety. This bill amends RSA 644:13 Unauthorized Use of Firearms and Firecrackers by including in the exceptions the fire department along with the police department in the notification process when organizing an event where cannons, muskets or other firearms are used to celebrate or commemorate an event where such arms use blank cartridges. The state fire code has rules concerning how historical re-enactments or events where veterans participate ought to be organized for the safety of the participants and fire personnel during an incident. The notification of the fire department is to ensure that the participants are aware of the safety requirements contained in the fire code. This bill is a request of the state fire marshal's office. An amendment changes the title by removing references to firecrackers, which had been removed from the statute many years ago. The committee agreed that the bill is necessary and voted unanimously. Vote 16-0.

Amendment (0168h)

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:
2 Unauthorized Use of Firearms and Firecrackers; Section Heading Amended. Amend the section heading in RSA 644:13 to read as follows:

644:13 Unauthorized Use of Firearms [~~and Firecrackers~~].

AMENDED ANALYSIS

This bill requires military and historic re-enactors to obtain permission from the fire department and comply with the state fire code and amends a section heading to remove an obsolete reference.

This bill is a request of the department of safety.

Rep. Tholl moved Recommit and spoke in favor.

Adopted.

Recommitted to the Committee on Criminal Justice and Public Safety.

HB 133, relative to recounts on questions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James P. Gray for Election Law. RSA 40:4-c, I codifies the requirements to request a recount of the ballots cast at an annual or special meeting on any question affecting the town. This bill adds a requirement for the town clerk to provide notification to the first named recount requester. The notification shall provide the time and place of the recount and that it be delivered by registered mail. The amendment retains the notification requirement but eliminates the requirement that it be delivered by registered mail. Vote 18-0.

Amendment (0123h)

Amend the bill by replacing section 1 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 give reasonable notice of the recount to 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.

AMENDED ANALYSIS

This bill requires notice to voters requesting a recount on certain local questions and public posting of notice of the time and place of the recount.

Rep. Bates spoke against.

Rep. Gray spoke in favor.

Rep. Bates moved Recommit, spoke in favor and yielded to questions.

Rep. Hoelzel spoke against.

On a division vote, 157 members having voted in the affirmative and 193 in the negative, the motion failed.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 101, relative to prescription refills. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M. Weber for Health, Human Services and Elderly Affairs. This bill would remove schedule III topical androgens from the list of prescriptions that may not be refilled with more than a 34-day supply. The purpose of the bill was to allow purchase of the medications in 90-day quantities, to achieve savings on the deductible paid for the refill. Topical androgens are male hormone replacements applied to the skin. The committee was concerned about the safety of increasing the amounts of a drug that can cause harm to women and children if they come in contact with it. A second concern was the confusion created by micro managing the treatment of individual drugs within the current categories of controlled drugs. Vote 14-0.

Rep. Dan McGuire spoke against and yielded to questions.

Rep. Beaudoin spoke against.

Rep. Kotowski spoke in favor.

Rep. Rideout requested a roll call; sufficiently seconded.

YEAS 191 - NAYS 151

YEAS - 191 BELKNAP

Fields, Dennis

Flanders, Donald

CARROLL

Buco, Thomas
Nelson, Bill

Butler, Edward
Parker, Harold

Chandler, Gene
Schmidt, Stephen

McConkey, Mark
Ticehurst, Susan

CHESHIRE

Abbott, Michael
Chase, Cynthia
Mann, John
Shepardson, Marjorie

Ames, Richard
Eaton, Daniel
Pearson, William
Tatro, Bruce

Berch, Paul
Emerson, Susan
Robertson, Timothy

Bordenet, John
Ley, Douglas
Sad, Tara

COOS

Fothergill, John
Richardson, Herbert

Froburg, Alethea
Theberge, Robert

Moynihan, Wayne
Tholl, John

Rappaport, Laurence
Thomas, Yvonne

GRAFTON

Abel, Richard
Cooney, Mary
Hennessey, Martha
Piper, Wendy

Almy, Susan
Darrow, Stephen
Higgins, Patricia
Shackett, Jeffrey

Brown, Chris
Ford, Susan
Ladd, Rick
Smith, Suzanne

Brown, Rebecca
Gionet, Edmond
Maes, Kevin
White, Andrew

HILLSBOROUGH

Backus, Robert
Christensen, Chris
Cote, David
Gagne, Larry

Belanger, James
Christiansen, Lars
DiSilvestro, Linda
Gargas, Carolyn

Booras, Efstathia
Cohen, Alan
Flanagan, Jack
Goley, Jeffrey

Brown, Pamela
Cornell, Patricia
Freitas, Mary
Gonzalez, Carlos

Gorman, Mary
Harvey, Suzanne
Jack, Martin
Mangipudi, Latha
O'Neil, William
Pierce, David
Rowe, Robert
Soucy, Timothy
Williams, Kermit

Guerette, C. Lee
Heath, Mary
Judy, Jean
Manley, Jonathan
Ober, Russell
Porter, Marjorie
Shattuck, Gilman
Straight, Phillip
Wolf, Terry

Haefner, Robert
Herbert, Christopher
LeBrun, Donald
McNamara, Richard
Palmer, Barry
Rosenwald, Cindy
Smith, Timothy
Takesian, Charlene
Woodbury, David

Hansberry, Daniel
Hinch, Richard
Leishman, Peter
O'Brien, Michael
Pellegrino, Anthony
Rouillard, Claire
Snow, Kendall
Walsh, Robert

Alicea, Caroletta
Doherty, David
Gile, Mary
Kenison, Linda
Luneau, David
Rogers, Katherine
Turcotte, Alan

Bartlett, Christy
Ebel, Karen
Henle, Paul
Kidder, David
MacKay, James
Saunderson, George
Wallner, Mary Jane

Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Kotowski, Frank
Marple, Richard
Schuett, Dianne
Walsh, Thomas

Deloge, Helen
French, Barbara
Karrick, David
Long, Douglas
Moffett, Howard
Shurtleff, Stephen
Wheeler, Deborah

MERRIMACK

ROCKINGHAM

Abrami, Patrick
Borden, David
Devine, James
Francese, Paula
Introne, Robert
Major, Norman
McMahon, Charles
Packard, Sherman
Simpson, Alexis

Allen, Mary
Cahill, Michael
DiFranco, Debbie
Gordon, Pamela
Katsakiores, Phyllis
Matthews, Carolyn
Moody, Marcia
Pantelakos, Laura
Ward, Gerald

Azarian, Gary
Christie, Andrew
Elliott, Robert
Guthrie, Joseph
Kolodziej, Walter
McBeath, Rebecca
Nigrello, Robert
Sanders, Elisabeth
Ward, Joanne

Berrien, Skip
Cushing, Robert
Fesh, Robert
Hoelzel, Kathleen
Lovejoy, Patricia
McKinney, Betsy
O'Connor, John
Sherman, Thomas
Webb, James

STRAFFORD

Baber, William
Cilley, Jacalyn
Kaen, Naida
Schmidt, Peter
Stevens, Audrey

Berube, Roger
DiSesa, Len
Leeman, Don
Southworth, Thomas
Verschueren, James

Bixby, Peter
Gardner, Janice
Mullen, John
Spang, Judith
Wall, Janet

Burton, Wayne
Horrigan, Timothy
Rollo, Deanna
Sprague, Dale
Ward, Kenneth

SULLIVAN

Cloutier, John
Oxenham, Lee

Gagnon, Raymond
Rollins, Skip

Gottling, Suzanne
Schmidt, Andrew

Grenier, James
Smith, Steven

NAYS - 151

BELKNAP

Aldrich, Glen
Gallagher, Brian
Sylvia, Michael

Comtois, Guy
Howard, Jr., Raymond
Tilton, Franklin

Fisher, Robert
Luther, Robert
Vadney, Herbert

Fraser, Valerie
Spanos, Peter
Varney, Peter

CARROLL

Comeau, Ed

Cordelli, Glenn

McCarthy, Frank

Wright, Ted

CHESHIRE

Hunt, John
Tilton, Benjamin

McConnell, Jim

Phillips, Larry

Roberts, Kris

COOS

Hatch, William

Rideout, Leon

GRAFTON

Bailey, Brad
Ingbretson, Paul

Brown, Duane
Johnson, Eric

Hennessey, Erin
Massimilla, Linda

Hull, Robert
Townsend, Charles

HILLSBOROUGH

Adams, Christopher
Boehm, Ralph
Christie, Rick
Edelblut, Frank
Forest, Armand
Griffin, Barbara
Hopper, Gary
McLean, Mark
Notter, Jeanine

Ammon, Keith
Bouldin, Amanda
Danielson, David
Edwards, Elizabeth
Gidge, Kenneth
Halstead, Carolyn
Katsiantonis, Thomas
Moore, Josh
O'Brien, William

Balcom, John
Burt, John
Donovan, Daniel
Estevez, Eric
Gould, Linda
Hansen, Peter
Lachance, Joseph
Murotake, David
Ohm, Bill

Biggie, Barbara
Byron, Frank
Eastman, Eric
Ferreira, Elizabeth
Goulette, William
Hogan, Edith
Marston, Dick
Murphy, Keith
Parison, James

Peterson, Ken
Scontos, Lisa
Stepanek, Stephen
Ulery, Jordan

Proulx, Mark
Seidel, Carl
Sullivan, Daniel
Zaricki, Nick

Rice, Kimberly
Shaw, Barbara
Sullivan, Victoria

Schleien, Eric
Souza, Kathleen
Twombly, Timothy

MERRIMACK

Bradley, Paula
Hoell, J.R.
McGuire, Dan

Brewster, Michael
Horn, Werner
Patten, Dick

French, Harold
Kuch, Bill
Ratzki, Mario

Hill, Gregory
McGuire, Carol
Seaworth, Brian

ROCKINGHAM

Abramson, Max
Bush, Carol
Cook, Allen
Ferrante, Beverly
Hagan, Joseph
Itse, Daniel
Oigny, Jeffrey
Prudhomme-O'Brien, Katherine
Sytek, John
True, Chris
Woitkun, Steven

Baldasaro, Alfred
Cali-Pitts, Jacqueline
Doucette, Fred
Friel, William
Harris, Jeffrey
Kappler, Lawrence
Osborne, Jason
Rice, Frederick
Tamburello, Daniel
Tucker, Pamela

Barnes, Arthur
Cardon, G. Thomas
Duarte, Joe
Gannon, William
Heffron, Frank
Kellogg, Shem
Peckham, Michele
Schroadter, Adam
Tasker, Kyle
Vose, Michael

Bates, David
Chirichiello, Brian
Emerick, J. Tracy
Griffin, Mary
Hodgdon, Bruce
Lundgren, David
Potucek, John
Spillane, James
Thomas, Douglas
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Gray, James
Knowles, Robert
Whitehouse, Joshua

Bickford, David
Groen, Warren
Parsons, Robbie
Wuelper, Kurt

Cheney, Catherine
Hannon, Joseph
Pitre, Joseph

DeLemus, Susan
Kaczynski, Jr., Thomas
Turcotte, Leonard

SULLIVAN

Bridge, Ernest

Converse, Larry

Laware, Thomas

and the committee report was adopted.

CACR 8, relating to the nomination and appointment of officers. Providing that judicial officers shall be confirmed by the legislature. **INEXPEDIENT TO LEGISLATE.**

Rep. David Woodbury for Judiciary. This CACR seeks to increase the participation of the legislative branch in the selection of judicial officers. Presently, judicial officers are nominated by the governor and confirmed by the council. Although well intentioned, this bill presents the specter of dueling nominations between governor and council. It subjects confirmations to the increased partisanship of house and senate and present the problem of dealing with a confirmation occurring while the house and senate are not in session. The present system has worked well over the years and does not require modification. Vote 13-2.

Rep. Woodbury spoke in favor.

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

YEAS 242 - NAYS 101

YEAS - 242

BELKNAP

Fields, Dennis
Tilton, Franklin

Flanders, Donald
Vadney, Herbert

Fraser, Valerie

Luther, Robert

CARROLL

Buco, Thomas
Nelson, Bill

Butler, Edward
Parker, Harold

Chandler, Gene
Schmidt, Stephen

McConkey, Mark
Ticehurst, Susan

CHESHIRE

Abbott, Michael
Chase, Cynthia
Ley, Douglas
Roberts, Kris
Tatro, Bruce

Ames, Richard
Eaton, Daniel
Mann, John
Robertson, Timothy
Tilton, Benjamin

Berch, Paul
Emerson, Susan
Pearson, William
Sad, Tara

Bordenet, John
Hunt, John
Phillips, Larry
Shepardson, Marjorie

COOS

Fothergill, John
Rappaport, Laurence
Thomas, Yvonne

Froburg, Alethea
Richardson, Herbert

Hatch, William
Theberge, Robert

Moynihan, Wayne
Tholl, John

GRAFTON

Abel, Richard
Brown, Rebecca
Higgins, Patricia
Piper, Wendy
White, Andrew

Almy, Susan
Cooney, Mary
Ladd, Rick
Shackett, Jeffrey

Bailey, Brad
Ford, Susan
Maes, Kevin
Smith, Suzanne

Brown, Chris
Hennessey, Martha
Massimilla, Linda
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Booras, Efstathia
Cohen, Alan
DiSilvestro, Linda
Freitas, Mary
Goley, Jeffrey
Guerette, C. Lee
Harvey, Suzanne
Hopper, Gary
LeBrun, Donald
McLean, Mark
Ober, Russell
Pierce, David
Rouillard, Claire
Shaw, Barbara
Soucy, Timothy
Walsh, Robert

Balcom, John
Brown, Pamela
Cornell, Patricia
Edwards, Elizabeth
Gagne, Larry
Gonzalez, Carlos
Haefner, Robert
Heath, Mary
Jack, Martin
Leishman, Peter
McNamara, Richard
Palmer, Barry
Porter, Marjorie
Rowe, Robert
Simmons, Tammy
Straight, Phillip
Williams, Kermit

Belanger, James
Byron, Frank
Cote, David
Flanagan, Jack
Gargas, Carolyn
Gorman, Mary
Halstead, Carolyn
Herbert, Christopher
Judy, Jean
Mangipudi, Latha
O'Brien, Michael
Pellegrino, Anthony
Proulx, Mark
Scotsas, Lisa
Smith, Timothy
Sullivan, Daniel
Wolf, Terry

Biggie, Barbara
Christensen, Chris
Danielson, David
Forest, Armand
Gidge, Kenneth
Griffin, Barbara
Hansberry, Daniel
Hinch, Richard
Katsiantonis, Thomas
Manley, Jonathan
O'Neil, William
Peterson, Ken
Rosenwald, Cindy
Shattuck, Gilman
Snow, Kendall
Takesian, Charlene
Woodbury, David

MERRIMACK

Alicea, Caroletta
Deloge, Helen
French, Barbara
Hirsch, Geoffrey
Kotowski, Frank
Marple, Richard
Rogers, Katherine
Turcotte, Alan

Bartlett, Christy
Doherty, David
French, Harold
Karrick, David
Long, Douglas
Moffett, Howard
Saunderson, George
Wallner, Mary Jane

Bradley, Paula
Ebel, Karen
Gile, Mary
Kenison, Linda
Luneau, David
Patten, Dick
Schuett, Dianne
Walsh, Thomas

Carson, Clyde
Frazer, June
Henle, Paul
Kidder, David
MacKay, James
Ratzki, Mario
Shurtleff, Stephen
Wheeler, Deborah

ROCKINGHAM

Abrami, Patrick
Borden, David
Cardon, G. Thomas
Cushing, Robert
Elliott, Robert
Friel, William
Heffron, Frank
Lovejoy, Patricia
McBeath, Rebecca
Nigrello, Robert
Peckham, Michele
Simpson, Alexis
Ward, Joanne

Azarian, Gary
Bush, Carol
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Gordon, Pamela
Hoelzel, Kathleen
Lundgren, David
McKinney, Betsy
O'Connor, John
Prudhomme-O'Brien, Katherine
Sytek, John
Webb, James

Barnes, Arthur
Cahill, Michael
Christie, Andrew
DiFranco, Debbie
Fesh, Robert
Guthrie, Joseph
Introne, Robert
Major, Norman
McMahon, Charles
Packard, Sherman
Sanders, Elisabeth
Thomas, Douglas
Weyler, Kenneth

Berrien, Skip
Cali-Pitts, Jacqueline
Cook, Allen
Doucette, Fred
Francesca, Paula
Hagan, Joseph
Katsakiores, Phyllis
Matthews, Carolyn
Moody, Marcia
Pantelakos, Laura
Sherman, Thomas
Ward, Gerald
Woitkun, Steven

STRAFFORD

Baber, William
Burton, Wayne
Gardner, Janice
Parsons, Robbie
Spang, Judith
Wall, Janet

Berube, Roger
Cheney, Catherine
Horrigan, Timothy
Rollo, Deanna
Sprague, Dale
Ward, Kenneth

Bickford, David
Cilley, Jacalyn
Kaen, Naida
Schmidt, Peter
Stevens, Audrey
Wuelper, Kurt

Bixby, Peter
DiSesa, Len
Mullen, John
Southworth, Thomas
Verschueren, James

SULLIVAN

Cloutier, John
Grenier, James
Smith, Steven

Converse, Larry
Oxenham, Lee

Gagnon, Raymond
Rollins, Skip

Gottling, Suzanne
Schmidt, Andrew

NAYS - 101**BELKNAP**

Aldrich, Glen
Spanos, Peter

Fisher, Robert
Sylvia, Michael

Gallagher, Brian
Varney, Peter

Howard, Jr., Raymond

CARROLL

Comeau, Ed

Cordelli, Glenn

McCarthy, Frank

Wright, Ted

CHESHIRE**COOS**

McConnell, Jim

Rideout, Leon

GRAFTONBrown, Duane
Hull, RobertDarrow, Stephen
Ingbreton, PaulGionet, Edmond
Johnson, Eric

Hennessey, Erin

HILLSBOROUGHAdams, Christopher
Burt, John
Eastman, Eric
Gould, Linda
Lachance, Joseph
Murphy, Keith
Parison, James
Souza, Kathleen
Ulery, JordanAmmon, Keith
Christiansen, Lars
Edelblut, Frank
Goulette, William
Marston, Dick
Notter, Jeanine
Rice, Kimberly
Stepanek, Stephen
Zaricki, NickBoehm, Ralph
Christie, Rick
Estevez, Eric
Hansen, Peter
Moore, Josh
O'Brien, William
Schleien, Eric
Sullivan, VictoriaBouldin, Amanda
Donovan, Daniel
Ferreira, Elizabeth
Hogan, Edith
Murotake, David
Ohm, Bill
Seidel, Carl
Twombly, Timothy**MERRIMACK**Brewster, Michael
Kuch, BillHill, Gregory
McGuire, CarolHoell, J.R.
McGuire, DanHorn, Werner
Seaworth, Brian**ROCKINGHAM**Abramson, Max
Duarte, Joe
Griffin, Mary
Kappler, Lawrence
Osborne, Jason
Spillane, James
Tucker, PamelaAllen, Mary
Emerick, J. Tracy
Harris, Jeffrey
Kellogg, Shem
Potucek, John
Tamburello, Daniel
Vose, MichaelBaldasaro, Alfred
Gannon, William
Hodgdon, Bruce
Kolodziej, Walter
Rice, Frederick
Tasker, KyleBates, David
Gordon, Richard
Itse, Daniel
Oligny, Jeffrey
Schroader, Adam
True, Chris**STRAFFORD**Beaudoin, Steven
Hannon, Joseph
Pitre, JosephDeLemus, Susan
Kaczynski, Jr., Thomas
Turcotte, LeonardGray, James
Knowles, Robert
Whitehouse, JoshuaGroen, Warren
Leeman, Don**SULLIVAN**Bridge, Ernest
and the committee report was adopted.

Laware, Thomas

HB 246, relative to jury nullification. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul S. Berch for Judiciary. This bill would allow a judge to potentially be impeached for maladministration if she or he instructs a jury, according to law, of its right to judge the facts and the application of the facts to the law, as approved by the New Hampshire Supreme court in the Wentworth case. This bill does not seek to change the law relating to the powers and rights of a jury; it seeks to punish judges who conform their ruling to that required by law, as decided by the New Hampshire Supreme Court. Inasmuch as the committee was informed that trial judges give the "Wentworth instruction" to all criminal cases, the committee, by a 14-1 vote, agreed that to punish judges for doing so would be inappropriate and unwise. Vote 14-1.

Reps. Hoell and Sylvia spoke against.

Rep. Berch spoke in favor and yielded to questions.

Rep. Burt requested a roll call; sufficiently seconded.

YEAS 225 - NAYS 115**YEAS - 225****BELKNAP**

Fields, Dennis

Flanders, Donald

Tilton, Franklin

CARROLLBuco, Thomas
Nelson, BillButler, Edward
Parker, HaroldChandler, Gene
Schmidt, StephenMcConkey, Mark
Ticehurst, Susan**CHESHIRE**Abbott, Michael
Chase, Cynthia
Ley, Douglas
Roberts, Kris
Tatro, BruceAmes, Richard
Eaton, Daniel
Mann, John
Robertson, Timothy
Tilton, BenjaminBerch, Paul
Emerson, Susan
Pearson, William
Sad, TaraBordenet, John
Hunt, John
Phillips, Larry
Shepardson, Marjorie**COOS**Fothergill, John
Richardson, HerbertFroburg, Alethea
Theberge, RobertHatch, William
Tholl, JohnMoynihan, Wayne
Thomas, Yvonne

GRAFTON

Abel, Richard
Brown, Rebecca
Hennessey, Martha
Maes, Kevin
Townsend, Charles

Almy, Susan
Cooney, Mary
Higgins, Patricia
Massimilla, Linda
White, Andrew

Bailey, Brad
Ford, Susan
Hull, Robert
Piper, Wendy

Brown, Chris
Hennessey, Erin
Ladd, Rick
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Booras, Efstathia
Cohen, Alan
DiSilvestro, Linda
Gagne, Larry
Gonzalez, Carlos
Haefner, Robert
Herbert, Christopher
Katsiantonis, Thomas
Manley, Jonathan
O'Neil, William
Pierce, David
Rouillard, Claire
Shaw, Barbara
Straight, Phillip
Williams, Kermit

Balcom, John
Brown, Pamela
Cornell, Patricia
Flanagan, Jack
Gargas, Carolyn
Gorman, Mary
Hansberry, Daniel
Hinch, Richard
LeBrun, Donald
McLean, Mark
Palmer, Barry
Porter, Marjorie
Rowe, Robert
Smith, Timothy
Sullivan, Daniel
Wolf, Terry

Belanger, James
Byron, Frank
Cote, David
Forest, Armand
Gidge, Kenneth
Griffin, Barbara
Harvey, Suzanne
Jack, Martin
Leishman, Peter
McNamara, Richard
Pellegrino, Anthony
Proulx, Mark
Scotsas, Lisa
Snow, Kendall
Takesian, Charlene
Woodbury, David

Biggie, Barbara
Christensen, Chris
Danielson, David
Freitas, Mary
Goley, Jeffrey
Guerette, C. Lee
Heath, Mary
Judy, Jean
Mangipudi, Latha
O'Brien, Michael
Peterson, Ken
Rosenwald, Cindy
Shattuck, Gilman
Soucy, Timothy
Walsh, Robert

MERRIMACK

Alicea, Caroletta
Deloge, Helen
French, Barbara
Karrick, David
Kuch, Bill
Moffett, Howard
Saunderson, George
Wallner, Mary Jane

Bartlett, Christy
Doherty, David
Gile, Mary
Kenison, Linda
Long, Douglas
Patten, Dick
Schuett, Dianne
Walsh, Thomas

Bradley, Paula
Ebel, Karen
Henle, Paul
Kidder, David
Luneau, David
Ratzki, Mario
Shurtleff, Stephen
Wheeler, Deborah

Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Kotowski, Frank
MacKay, James
Rogers, Katherine
Turcotte, Alan

ROCKINGHAM

Abrami, Patrick
Cahill, Michael
Christie, Andrew
Doucette, Fred
Francese, Paula
Hagan, Joseph
Lovejoy, Patricia
McKinney, Betsy
O'Connor, John
Potucek, John
Sytek, John

Azarian, Gary
Cali-Pitts, Jacqueline
Cushing, Robert
Elliott, Robert
Friel, William
Heffron, Frank
Major, Norman
McMahon, Charles
Packard, Sherman
Sanders, Elisabeth
Ward, Gerald

Berrien, Skip
Cardon, G. Thomas
Devine, James
Ferrante, Beverly
Gordon, Pamela
Hoelzel, Kathleen
Matthews, Carolyn
Moody, Marcia
Pantelakos, Laura
Sherman, Thomas
Ward, Joanne

Borden, David
Chirichiello, Brian
DiFranco, Debbie
Fesh, Robert
Guthrie, Joseph
Introne, Robert
McBeath, Rebecca
Nigrello, Robert
Peckham, Michele
Simpson, Alexis
Webb, James

STRAFFORD

Baber, William
Burton, Wayne
Gray, James
Mullen, John
Southworth, Thomas
Wall, Janet

Berube, Roger
Cilley, Jacalyn
Horriggan, Timothy
Parsons, Robbie
Spang, Judith
Ward, Kenneth

Bickford, David
DiSesa, Len
Kaen, Naida
Rollo, Deanna
Sprague, Dale
Wuelper, Kurt

Bixby, Peter
Gardner, Janice
Leeman, Don
Schmidt, Peter
Verschueren, James

SULLIVAN

Bridge, Ernest
Gottling, Suzanne
Smith, Steven

Cloutier, John
Grenier, James

Converse, Larry
Oxenham, Lee

Gagnon, Raymond
Schmidt, Andrew

NAYS - 115**BELKNAP**

Aldrich, Glen
Gallagher, Brian
Sylvia, Michael

Comtois, Guy
Howard, Jr., Raymond
Vadney, Herbert

Fisher, Robert
Luther, Robert
Varney, Peter

Fraser, Valerie
Spanos, Peter

CARROLL

Comeau, Ed

Cordelli, Glenn

McCarthy, Frank

Wright, Ted

CHESHIRE

McConnell, Jim

COOS

Rappaport, Laurence

Rideout, Leon

GRAFTONBrown, Duane
Johnson, Eric

Darrow, Stephen

Gionet, Edmond

Ingbretson, Paul

HILLSBOROUGHAdams, Christopher
Burt, John
Eastman, Eric
Ferreira, Elizabeth
Hansen, Peter
Marston, Dick
Notter, Jeanine
Parison, James
Simmons, Tammy
Twombly, TimothyAmmon, Keith
Christiansen, Lars
Edelblut, Frank
Gould, Linda
Hogan, Edith
Moore, Josh
O'Brien, William
Rice, Kimberly
Souza, Kathleen
Ulery, JordanBoehm, Ralph
Christie, Rick
Edwards, Elizabeth
Goulette, William
Hopper, Gary
Murotake, David
Ober, Russell
Schleien, Eric
Stepanek, Stephen
Zaricki, NickBouldin, Amanda
Donovan, Daniel
Estevez, Eric
Halstead, Carolyn
Lachance, Joseph
Murphy, Keith
Ohm, Bill
Seidel, Carl
Sullivan, Victoria**MERRIMACK**Brewster, Michael
Horn, Werner
Seaworth, BrianFrench, Harold
Marple, RichardHill, Gregory
McGuire, CarolHoell, J.R.
McGuire, Dan**ROCKINGHAM**Abramson, Max
Bates, David
Emerick, J. Tracy
Hodgdon, Bruce
Kellogg, Shem
Prudhomme-O'Brien, Katherine
Tamburello, Daniel
Tucker, PamelaAllen, Mary
Bush, Carol
Gordon, Richard
Itse, Daniel
Kolodziej, Walter
Rice, Frederick
Tasker, Kyle
Vose, MichaelBaldasaro, Alfred
Cook, Allen
Griffin, Mary
Kappler, Lawrence
Oigny, Jeffrey
Schroadter, Adam
Thomas, Douglas
Weyler, KennethBarnes, Arthur
Duarte, Joe
Harris, Jeffrey
Katsakiores, Phyllis
Osborne, Jason
Spillane, James
True, Chris
Woitkun, Steven**STRAFFORD**Beaudoin, Steven
Hannon, Joseph
Turcotte, LeonardCheney, Catherine
Kaczynski, Jr., Thomas
Whitehouse, JoshuaDeLemus, Susan
Knowles, RobertGroen, Warren
Pitre, Joseph**SULLIVAN**

Laware, Thomas

Rollins, Skip

and the committee report was adopted.

HB 338, relative to nomination of candidates for United States senator. **INEXPEDIENT TO LEGISLATE.** Rep. Jack B. Flanagan for Legislative Administration. The committee felt the current process of nominating and electing a U S Senator is the appropriate way to select the candidate for office. This bill attempted to nominate the candidates via the New Hampshire House of Representatives and there were concerns that every individual in the state wouldn't have the ability to run for office. Vote 9-0.

Rep. Dan McGuire spoke against.

Rep. Flanagan spoke in favor.

Rep. Leeman requested a roll call; sufficiently seconded.

YEAS 252 - NAYS 75**YEAS - 252****BELKNAP**Fields, Dennis
Howard, Jr., Raymond
Varney, PeterFisher, Robert
Luther, RobertFlanders, Donald
Tilton, FranklinGallagher, Brian
Vadney, Herbert**CARROLL**Buco, Thomas
Nelson, Bill
Umberger, KarenButler, Edward
Parker, HaroldChandler, Gene
Schmidt, StephenMcConkey, Mark
Ticehurst, Susan**CHESHIRE**Ames, Richard
Eaton, Daniel
Mann, John
Roberts, Kris
Tatro, BruceBerch, Paul
Emerson, Susan
McConnell, Jim
Robertson, Timothy
Tilton, BenjaminBordenet, John
Hunt, John
Pearson, William
Sad, TaraChase, Cynthia
Ley, Douglas
Phillips, Larry
Shepardson, Marjorie

COOS

Fothergill, John
Richardson, Herbert

Froburg, Alethea
Theberge, Robert

Hatch, William
Tholl, John

Moynihan, Wayne
Thomas, Yvonne

GRAFTON

Abel, Richard
Brown, Duane
Ford, Susan
Higgins, Patricia
Piper, Wendy

Almy, Susan
Brown, Rebecca
Gionet, Edmond
Ladd, Rick
Smith, Suzanne

Bailey, Brad
Cooney, Mary
Hennessey, Erin
Maes, Kevin
Townsend, Charles

Brown, Chris
Darrow, Stephen
Hennessey, Martha
Massimilla, Linda

HILLSBOROUGH

Backus, Robert
Booras, Efstathia
Christiansen, Lars
Danielson, David
Ferreira, Elizabeth
Gagne, Larry
Gonzalez, Carlos
Griffin, Barbara
Harvey, Suzanne
Hopper, Gary
LeBrun, Donald
McNamara, Richard
Ober, Russell
Porter, Marjorie
Rouillard, Claire
Shattuck, Gilman
Snow, Kendall
Takesian, Charlene
Woodbury, David

Balcom, John
Brown, Pamela
Cohen, Alan
DiSilvestro, Linda
Flanagan, Jack
Gargas, Carolyn
Gorman, Mary
Guerette, C. Lee
Heath, Mary
Jack, Martin
Leishman, Peter
O'Brien, Michael
Pellegrino, Anthony
Proulx, Mark
Rowe, Robert
Shaw, Barbara
Soucy, Timothy
Walsh, Robert
Zaricki, Nick

Belanger, James
Byron, Frank
Cornell, Patricia
Edwards, Elizabeth
Forest, Armand
Gidge, Kenneth
Gould, Linda
Haefner, Robert
Herbert, Christopher
Judy, Jean
Mangipudi, Latha
O'Neil, William
Peterson, Ken
Rice, Kimberly
Scotsas, Lisa
Simmons, Tammy
Straight, Phillip
Williams, Kermit

Biggie, Barbara
Christensen, Chris
Cote, David
Estevez, Eric
Freitas, Mary
Goley, Jeffrey
Goulette, William
Hansberry, Daniel
Hinch, Richard
Kurk, Neal
Manley, Jonathan
Ober, Lynne
Pierce, David
Rosenwald, Cindy
Seidel, Carl
Smith, Timothy
Sullivan, Daniel
Wolf, Terry

MERRIMACK

Alicea, Caroletta
Deloge, Helen
French, Barbara
Karrick, David
Kuch, Bill
Moffett, Howard
Saunderson, George
Wallner, Mary Jane

Bartlett, Christy
Doherty, David
French, Harold
Kenison, Linda
Long, Douglas
Patten, Dick
Schuett, Dianne
Walsh, Thomas

Bradley, Paula
Ebel, Karen
Henle, Paul
Kidder, David
Luneau, David
Ratzki, Mario
Shurtleff, Stephen
Wheeler, Deborah

Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Kotowski, Frank
MacKay, James
Rogers, Katherine
Turcotte, Alan

ROCKINGHAM

Abrami, Patrick
Barnes, Arthur
Cali-Pitts, Jacqueline
Cook, Allen
Elliott, Robert
Friel, William
Hagan, Joseph
Introne, Robert
Matthews, Carolyn
Moody, Marcia
Packard, Sherman
Sanders, Elisabeth
Sytek, John
Webb, James

Abramson, Max
Berrien, Skip
Cardon, G. Thomas
Cushing, Robert
Ferrante, Beverly
Gordon, Pamela
Heffron, Frank
Katsakiores, Phyllis
McBeath, Rebecca
Nigrello, Robert
Pantelakos, Laura
Schroadter, Adam
Thomas, Douglas

Allen, Mary
Borden, David
Chirichiello, Brian
Devine, James
Fesh, Robert
Griffin, Mary
Hodgdon, Bruce
Lovejoy, Patricia
McKinney, Betsy
O'Connor, John
Potucek, John
Sherman, Thomas
Ward, Gerald

Azarian, Gary
Cahill, Michael
Christie, Andrew
DiFranco, Debbie
Francese, Paula
Guthrie, Joseph
Hoelzel, Kathleen
Major, Norman
McMahon, Charles
Oigny, Jeffrey
Rice, Frederick
Simpson, Alexis
Ward, Joanne

STRAFFORD

Baber, William
Burton, Wayne
Horrigan, Timothy
Schmidt, Peter
Turcotte, Leonard

Berube, Roger
DiSesa, Len
Kaen, Naida
Southworth, Thomas
Verschuere, James

Bickford, David
Gardner, Janice
Mullen, John
Spang, Judith
Wall, Janet

Bixby, Peter
Gray, James
Rollo, Deanna
Sprague, Dale
Ward, Kenneth

SULLIVAN

Bridge, Ernest
Gottling, Suzanne
Rollins, Skip

Cloutier, John
Grenier, James
Schmidt, Andrew

Converse, Larry
Laware, Thomas
Smith, Steven

Gagnon, Raymond
Oxenham, Lee

**NAYS - 75
BELKNAP**

Aldrich, Glen	Comtois, Guy	Fraser, Valerie	Spanos, Peter
Sylvia, Michael			

CARROLL

Comeau, Ed	Cordelli, Glenn	McCarthy, Frank	Wright, Ted
------------	-----------------	-----------------	-------------

COOS

Rappaport, Laurence	Rideout, Leon
---------------------	---------------

GRAFTON

Hull, Robert	Ingbretson, Paul	Johnson, Eric
--------------	------------------	---------------

HILLSBOROUGH

Ammon, Keith	Boehm, Ralph	Bouldin, Amanda	Burt, John
Christie, Rick	Donovan, Daniel	Eastman, Eric	Edelblut, Frank
Halstead, Carolyn	Hansen, Peter	Hogan, Edith	Lachance, Joseph
Marston, Dick	McLean, Mark	Moore, Josh	Murotake, David
Murphy, Keith	Notter, Jeanine	O'Brien, William	Ohm, Bill
Parison, James	Schleien, Eric	Souza, Kathleen	Stepanek, Stephen
Sullivan, Victoria	Twombly, Timothy	Ulery, Jordan	

MERRIMACK

Brewster, Michael	Hill, Gregory	Hoell, J.R.	Horn, Werner
Marple, Richard	McGuire, Carol	McGuire, Dan	Seaworth, Brian

ROCKINGHAM

Bates, David	Bush, Carol	Duarte, Joe	Emerick, J. Tracy
Gordon, Richard	Harris, Jeffrey	Itse, Daniel	Kappler, Lawrence
Kellogg, Shem	Kolodziej, Walter	Osborne, Jason	Prudhomme-O'Brien, Katherine
Spillane, James	Tamburello, Daniel	True, Chris	Tucker, Pamela
Vose, Michael	Weyler, Kenneth		

STRAFFORD

DeLemus, Susan	Groen, Warren	Hannon, Joseph	Kaczynski, Jr., Thomas
Knowles, Robert	Leeman, Don	Pitre, Joseph	Wuelper, Kurt

and the committee report was adopted.

HR 6, recognizing February 26, 2015, as the 23rd anniversary of the Khojaly Tragedy in Azerbaijan. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M. Weber for Legislative Administration. Committee members recognize the horrors of genocide and the tragedy that occurred on February 25 and 26, 1992. That is why, in 2014, we passed a bill now codified as RSA 4:13-t, which recognized the month of April as New Hampshire Genocide Awareness Month. The goal of that bill was to ensure ongoing awareness of and education about genocide, both historically and in the present. Committee members believe that is the best way to address this most important and difficult of issues, rather than addressing the subject in separate resolutions. Vote 8-0.

LAID ON THE TABLE

Rep. Hinch moved that **HR 6**, recognizing February 26, 2015, as the 23rd anniversary of the Khojaly Tragedy in Azerbaijan, be laid on the table.

Motion adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR CONT'D

HR 8, commemorating the 50th anniversary of the Social Security Act of 1965. **INEXPEDIENT TO LEGISLATE.**

Rep. Jack B. Flanagan for Legislative Administration. This bill commemorates the Social Security Act of 1965. The majority felt that there was no need to celebrate various Federal Acts in the state legislature. Although this act made changes in the dispensing of medical care, it wasn't to be recognized by this resolution. Vote 9-0. Reps. Horrigan and Emerson spoke against.

Rep. Russell Ober spoke in favor.

On a division vote, 255 members having voted in the affirmative and 71 in the negative, the committee report was adopted.

HB 145, allowing municipalities to dedicate a percentage of timber yield taxes to the conservation fund. **INEXPEDIENT TO LEGISLATE.**

Rep. David A. Bickford for Municipal and County Government. The committee felt the timber yield tax should continue to be deposited into the general fund. There are already two funding mechanisms designed to fund

the conservation fund. One is by designating the Current Use Penalty funds into the conservation fund and the other is by appropriations through the Conservation Commission account where any unspent funds is allocated to the conservation fund rather than lapsing like other accounts at the end of the fiscal year. The committee felt funds going through the general fund is subject to better controls and transparency. The governing body is already able to introduce annual warrant articles to direct a portion of the timber taxes to the conservation fund. Vote 16-2.

Rep. Porter corrected the committee report.

Committee report adopted.

HOUSE RESOLUTION 12

A RESOLUTION affirming revenue estimates for fiscal years 2015, 2016, and 2017.

Whereas, the House Ways and Means Committee has considered what the unrestricted revenue estimates should be for fiscal years 2015, 2016, 2017 and has presented those estimates to the House of Representatives; now, therefore, be it

Resolved by the House of Representatives:

That the House wishes to go on record as affirming the following revenue estimates for fiscal years 2015, 2016, and 2017.

Committee estimates are based on current law and economic conditions. Committee estimates will be updated in March, April, May and June to reflect current conditions and economic forecasts.

	FY 2015		FY 2016	FY 2017
GEN'L & EDUCATION				
TRUST FUND:	Official	Committee	Committee	Committee
(Dollars in Millions)	Estimate	Estimate	Estimate	Estimate
Business Profits Tax	\$340.500	\$321.580	\$328.000	\$334.179
Business Enterprise Tax	<u>227.700</u>	<u>214.420</u>	<u>218.700</u>	<u>222.821</u>
Subtotal	568.200	536.000	546.700	557.000
Meals & Rooms Tax	265.200	273.800	287.500	300.400
Tobacco Tax	208.600	215.150	214.200	213.000
Liquor Sales	136.000	136.900	141.400	146.300
Interest & Dividends Tax	98.000	81.500	81.500	81.500
Insurance Tax*	109.500	115.100	116.800	104.300
Communications Tax	62.500	60.000	61.500	63.000
Real Estate Transfer Tax	102.200	114.850	113.400	118.000
Court Fines & Fees	13.000	13.500	13.800	13.800
Securities Revenue	37.600	41.800	42.200	42.800
Utility Consumption Tax	6.000	6.000	6.000	6.000
Beer Tax	13.200	13.400	13.400	13.400
Other	70.300	69.100	69.800	70.200
Lottery Transfers	77.300	77.100	73.200	75.200
Racing & Charitable Gaming	3.400	3.000	2.500	2.500
Tobacco Settlement	44.400	42.275	42.275	39.000
Utility Property Tax	35.400	42.500	41.300	41.800
Statewide Property Tax	363.600	363.400	363.100	363.100
Medicaid Recoveries	5.400	5.400	9.800	10.400
TOTAL GEN'L & EDUCATION				
TRUST FUNDS	\$2,219.800	\$2,210.775	\$2,240.375	\$2,261.700

*Insurance tax estimates do not include potential revenue associated with the implementation of step 2 of the New Hampshire Medicaid Care Management Program.

	FY 2015		FY 2016	FY 2017
HIGHWAY FUNDS:	Official	Committee	Committee	Committee
(Dollars in Millions)	Estimate	Estimate	Estimate	Estimate
Road Toll	\$122.000	\$121.800	\$121.200	\$120.600
Motor Vehicle Fees	109.900	110.000	106.300	112.900
Miscellaneous	<u>15.000</u>	<u>15.000</u>	<u>1.300</u>	<u>0.900</u>
TOTAL HIGHWAY FUNDS	\$246.900	\$246.800	\$228.800	\$234.400

	FY 2015		FY 2016	FY 2017
FISH AND GAME FUNDS: (Dollars in Millions)	Official Estimate	Committee Estimate	Committee Estimate	Committee Estimate
Fish & Game Licenses	\$8.500	\$8.500	\$8.500	\$8.500
Fines & Miscellaneous	1.600	2.500	1.800	1.800
TOTAL FISH & GAME FUNDS	\$10.100	\$11.000	\$10.300	\$10.300

Reps. Major and Almy moved Ought to Pass and spoke in favor.
Adopted.

LAID ON THE TABLE

Rep. Major moved that **HR 12**, affirming revenue estimates for fiscal years 2015, 2016, and 2017, be laid on the table.
Adopted.

RESOLUTION

Rep. Flanagan 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, February 12, 2015 at 1:00 p.m.
Adopted.

LATE SESSION

Third reading and final passage

HB 118, relative to vehicular assault.

HB 162, transferring authority for explosives and fireworks rules from the director of state police to the commissioner of safety.

HB 217-FN, relative to fees for reinstatement of licenses, registrations, and certifications established by the pharmacy board.

HB 333, establishing a process for review and reporting of dedicated funds.

HB 190, establishing a statutory commission to study the standards for collaborative pharmacy practice.

HB 219-FN, relative to the use of electronic benefit transfer (EBT) cards.

HB 107, relative to the retention of municipal trust fund bank statements.

HB 155, relative to municipal contracts for police chief.

HB 166-L, relative to records storage by municipalities.

HB 275, relative to the encroachment of a town cemetery on state-owned land.

HB 201, relative to the acquisition of property rights at Back Lake dam in the town of Pittsburg, Lake Armington dam in the town of Piermont, Cass Pond dam in the town of Epsom, and Chesham Pond dam in the town of Harrisville by the department of environmental services.

HB 254, relative to exceptions to restrictions on boating.

HB 259, relative to the reporting date of the economic development strategy and plan.

HB 281, defining "exotic aquatic species of wildlife" and relative to the duties of the exotic aquatic weeds and species committee.

HB 130, relative to the use of blue lights on emergency vehicles.

HB 178, relative to exclusions from seasonal highway weight limit regulations.

HB 119, establishing the John G. Winant Memorial Commission.

HB 330, establishing an oversight commission for medical cost transparency.

HB 147, relative to the homestead exemption amount.

HB 153, relative to the telecommunications planning and development advisory committee.

HB 362, relative to the reliability of the electric grid.

HB 133, relative to recounts on questions.

UNANIMOUS CONSENT

Reps. Alicea and Kris Roberts requested Unanimous Consent of the House in regards to celebrating Black History Month and addressed the House.

Rep. Itse requested Unanimous Consent of the House in regards to the form of government and addressed the House.

Rep. Frederick Rice requested Unanimous Consent of the House in regards to flag etiquette and addressed the House.

MOTION TO PRINT REMARKS

Rep. Shurtleff moved that the remarks made by Rep. Alicea and by Rep. Kris Roberts be printed in the Permanent Journal.
Adopted.

REMARKS

Rep. Alicea: Thank you, Mister Speaker. Mister Speaker, Honorable colleagues, State House staff, and guests in the Gallery, I have lived in New Hampshire for 46 years and as many of you have, I have witnessed our beloved state become more and more diverse. Though I would like to tell you my story, I will not take the Houses' time to do so. What I will share is that like everyone in this room, I would not be where I am today if it were not for people who fought and lost their lives to make things better for the next generation. I truly salute those persons that put their lives on the line, those persons whose shoulders I now proudly stand on. Differences bring us together, likenesses keep us together and the work that we do today will bring us forward to tomorrow. February is designated as Black History Month. Dr. Martin Luther King Jr's speech, "I have a Dream," gave many people of all faiths, races, ethnicities and cultures a voice of hope. I was one of those persons and that is why today I can comfortably stand in front of you and share that my hope is to advance the dream. I would like to take a moment and read a poem written by one of my favorite authors, Khalil Gibran, titled "The Prophet."

Your children are not your children.
They are the sons and daughters of Life's longing for itself.
They come through you but not from you,
and though they are with you yet they belong not to you.
You may give them your love but not your thoughts,
for they have their own thoughts.
You may house their bodies but not their souls,
for their souls dwell in the house of tomorrow,
which you cannot visit, not even in your dreams.
You may strive to be like them,
but seek not to make them like you.
For life goes not backward nor tarries with yesterday.
You are the bows from which your children
as living arrows are sent forth.
The archer sees the mark upon the path of the infinite,
and He bends you with His might
that His arrows may go swift and far.
Let your bending in the archer's hand be for gladness;
for even as He loves the arrow that flies,
so He loves also the bow that is stable.

The word diversity is a noun. It means: variety, a point of difference and unlikeness. Again, I say that differences bring us together, as likeness keeps us together. The work that we do here today will bring us forward to tomorrow. I would ask you to honor our future generations and advance the dream. It doesn't take much. Ask yourself at the end of the day, did I very eagerly respect or service an individual today or yesterday? Thank you.

REMARKS

Rep. Kris Roberts: Thank you, Mister Speaker. Sometimes my voice goes out, so please bear with me. In 1718, New Hampshire barred all Negroes and Indians from serving in the militia. With the passage of the New Hampshire Militia Law in 1776, that exclusion was expanded to include mulattoes. It wasn't until 1777 that Negroes were allowed to serve. However, they had to be slaves substituting for white militiamen. Any slave accepted into a New Hampshire regiment was purchased by the state of New Hampshire and was granted his freedom. In 1775, the Massachusetts Committee of Safety stated that "all such as are Freemen" could join the army assembling near Boston but that "no slaves be admitted whatsoever." As the colonial forces assembled outside Boston, dozens of free men from New England colonies, with their fellow white colonist prepared to risk their lives in the impending battle of Bunker Hill. The New Hampshire Militia Law did not prevent Jude Hall, a free man from Exeter, New Hampshire from risking his life at Bunker Hill. Jude Hall, with other free black men, willingly risked their lives fighting for the same freedoms and rights that took almost 200 years for their descendants to enjoy. I wonder how many New Hampshire free men and women were lost to history because they had been barred by law from proudly serving under the colors of New Hampshire. On a cold rainy night back in 1842, pro-slavery Senator Moses Norris, Jr., on his way home came across a hungry black man who had been refused shelter in a nearby hotel, sitting on a gravestone in Pittsfield, New Hampshire.

Despite his views on slavery, Senator Norris took him to his home so the black man could be fed and have a place to spend the night. Upon entering his home, the black man was greeted with disdain by Mrs. Norris and was repeatedly called the N-word by the children. This pro-slavery senator, for some reason known only to him, may have changed the course of American history. This black man, a former slave, a son of a white man and a black slave, was to visit New Hampshire twice more, to include speaking at the 1,000 seat Portsmouth Lyceum. "I once knew a little colored boy, whose mother and father died when he was but six years old. He was a slave and had no one to care for him. He slept on a dirt floor in a hotel, and in cold weather, would crawl into a meal bag head foremost, and leave his feet in the ashes to keep them warm. Often he would roast an ear of corn and eat it to satisfy his hunger, and many times, he had crawled under the barn or stable and secured eggs, which he would roast in the fire and eat. That boy did not wear pantaloons, as you do, but a tow-linen shirt. Schools were unknown to him, and he learned to spell from an old Webster spelling book, and to read and write from posters on cellar and barn doors, while boys and men would help him. He would then preach and speak, and soon became well known. He became a presidential elector, United States marshal, United States recorder, United States diplomat and accumulated some wealth. He wore broadcloth, and didn't have to divide crumbs with the dogs under the table. That boy was Frederick Douglass. What was possible for me is possible for you. Don't think because you are colored you can't accomplish anything. Strive earnestly to add to your knowledge. So long as you remain in ignorance, so long will you fail to command the respect of your fellow men." For the people who question the need for black history month, today we first acknowledge, we acknowledge not only the mistakes made by this General Court and people of New Hampshire, but also acknowledge the actions taken by the people of New Hampshire to rectify those mistakes. But, even more important as a fatherless, mixed race child living on welfare with a mother having a 9th grade education and six younger siblings, I needed heroes who looked like me. When he said these words, "What was possible for me is possible for you. Don't think because you are colored you can't accomplish anything. Strive earnestly to add to your knowledge," I had my hero and my life was forever changed. Just like Senator Norris, one single act can possibly change the course of a life, and possibly the course of American history. Jude Hall and Frederick Douglass may have been black heroes, but they were New Hampshire and American heroes. That is why we have Black History month, not just for African-Americans, but for all Americans. Thank you.

RECESS MOTION

Rep. Shurtleff moved that the House stand in recess for the purposes of the introduction of bills and receiving Senate messages.

Adopted.

The House recessed at 4:10 p.m.

RECESS