



State of
New Hampshire

HOUSE RECORD

First Year of the 164th General Court

Calendar and Journal of the 2015 Session

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Vol. 37

Concord, N.H.

Thursday, March 12, 2015

No. 26

HOUSE JOURNAL No. 9 (Cont.)

Wednesday, March 11, 2015

Rep. Hinch moved that the House adjourn.
Motion adopted.

HOUSE JOURNAL No. 10

Thursday, March 12, 2015

The House assembled at 9:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Kate Atkinson, Rector of St. Paul's Church in Concord. Creator God, God of majestic mountains and soaring skies; God of ancient forests, sun-baked deserts, and endless seas; God of raging storms and icy chills; God of wind, rain, and snow; God of seasons, we give You thanks for the promise of Spring. As green shoots push their way up through the frozen ground, give us that same determination and strength. As tiny leaves begin to break out from their buds, help us to bring new ideas to life. As the temperature rises and the snow and ice melt away, release us from anything that holds us back or limits our vision and as Your creatures wake from their winter sleep, awaken in us energizing insight and creativity. May this time of renewal inspire us all to explore new opportunities, to discover untapped places in our hearts and our spirits, and to rejoice in Your daily gift of the chance to start again. Amen.

Representative Suzanne Gottling, member from Sunapee, led the Pledge of Allegiance.

The National Anthem was sung by Brooke Mills, a 15-year old student at Concord High School.

LEAVES OF ABSENCE

Reps. Adams, Baroody, Beaulieu, Bush, Comtois, Flanagan, Gladys Johnsen, Phyllis Katsakiores, Moody, Kris Roberts and Russell, the day, illness.

Reps. Crawford, Fisher, Friel, Ley, O'Hearne, Oigny, Peckham, Scentsas, Shaw, Twombly and Thomas Walsh, the day, important business.

Reps. Rebecca Brown, DeLemus, Jeudy and Ulery, the day, illness in the family.

Rep. Moffett, the day, death in the family.

INTRODUCTION OF GUESTS

Hishi Pradhan, student at Trinity High School, and Ronald Cooper, Students at Pinkerton Academy, Pages for the day.

Joel Weinrebe, guest of Rep. LeBreche. Honorable Elaine Andrews-Ahern, former member from Hampton falls, guest of Rep. Cushing. Maynard Goldman, guest of Rep. Andrew Schmidt. Stephanie and Emilee Mills, mother and sister of the singer, guests of Rep. Horn. Fourth graders from Lincoln Akerman School in Hampton Falls, accompanied by their teacher, James Cutting, guests of the Seabrook and Hampton Falls Delegations.

REGULAR CALENDAR CONT'D FROM MARCH 11, 2015

SPECIAL ORDER

HB 373, establishing the red-tailed hawk as the New Hampshire state raptor. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Peter W. Bixby for the Majority of Environment and Agriculture. This bill, brought at the request of fourth graders from Hampton Falls, would designate the red-tailed hawk as the New Hampshire state raptor.

Students noted that several of the bird's characteristics make it a good symbol for the state: adaptability, attentiveness to family, and strong, determined presence. While this raptor is not unique to our state, one great advantage is its familiarity. It is easy for our citizens to look up and spot this noble looking bird. Vote 10-8. Rep. Christy D. Bartlett for the Minority of Environment and Agriculture. It's always tough to oppose a group of fourth graders who are counting on the committee to pass a bill they've presented. However, this bill split the committee, as many of us didn't feel that NH needed another "state bird" even if this one is a raptor. Additionally, the red-tailed hawk is ubiquitous to the entire country and not unique to NH. If a state raptor is absolutely necessary, it should seem that a pick of the five species that are threatened or endangered might have been more deserving, if the intention is to draw attention. During a budget year when our energy and efforts should be directed elsewhere, it would seem that a more valuable educational lesson would be that not all bills are passed.

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

Reps. Bartlett, Groen and Burt spoke against.

Reps. Bixby and Abramson spoke in favor.

On a division vote, 133 members having voted in the affirmative and 160 in the negative, the majority committee report failed.

Rep. Bartlett moved the minority committee report of Inexpedient to Legislate.

Minority committee report adopted.

MOTION TO REMOVE FROM THE TABLE

Rep. Edelblut moved that **HCR 3**, applying to Congress to call a convention of states under the United States Constitution, be removed from the table.

On a division vote, 71 members having voted in the affirmative and 228 in the negative, the motion failed.

MOTION TO SPECIAL ORDER

Rep. Rappaport moved that **HB 431**, relative to the placement of all new elective electric transmission lines in New Hampshire, be made a Special Order as the first order of business after the lunch break.

Motion adopted.

REGULAR CALENDAR CONT'D

HB 298, relative to the seasons for taking game animals and game birds with the use of bait. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Ivy C. Vann for the Majority of Fish and Game and Marine Resources. The committee believes that, in light of last year's legislation on this same topic, we should allow the fish and game process to work before we make any additional changes. Vote 12-2.

Rep. James A. Spillane for the Minority of Fish and Game and Marine Resources. The length of the baiting season as set by rules by fish and game has a detrimental economic impact upon all business that support and supply the sport of hunting. To benefit economic growth within New Hampshire for tourism and the sportsman industry, the state should extend the baiting season

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

Rep. Burt requested a roll call; sufficiently seconded.

YEAS 222 - NAYS 95

YEAS - 222

BELKNAP

Dumais, Russell
LeBreche, Shari
Varney, Peter

Fields, Dennis
Luther, Robert

Gallagher, Brian
Spanos, Peter

Hurt, George
Tilton, Franklin

CARROLL

Butler, Edward
McConkey, Mark
Ticehurst, Susan

Chandler, Gene
Nelson, Bill
Umberger, Karen

Cordelli, Glenn
Parker, Harold

McCarthy, Frank
Schmidt, Stephen

CHESHIRE

Abbott, Michael
Chase, Cynthia
Parkhurst, Henry
Sad, Tara
Weber, Lucy

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

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

Bordenet, John
Hunt, John
Robertson, Timothy
Tilton, Benjamin

COOS

Fothergill, John
Richardson, Herbert

Froburg, Alethea
Thomas, Yvonne

Hatch, William

Rappaport, Laurence

GRAFTON

Abel, Richard
Cooney, Mary
Hennessey, Erin
Maes, Kevin
Shackett, Jeffrey
White, Andrew

Almy, Susan
Darrow, Stephen
Hennessey, Martha
Massimilla, Linda
Smith, Suzanne

Bennett, Travis
Ford, Susan
Higgins, Patricia
Nordgren, Sharon
Sykes, George

Brown, Duane
Gionet, Edmond
Ladd, Rick
Piper, Wendy
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Byron, Frank
Danielson, David
Edwards, Elizabeth
Gorman, Mary
Harvey, Suzanne
Jack, Martin
Manley, Jonathan
McNamara, Richard
Palmer, Barry
Rouillard, Claire
Snow, Kendall
Sullivan, Daniel
Wolf, Terry

Balcom, John
Christensen, Chris
DiSilvestro, Linda
Freitas, Mary
Griffin, Barbara
Heath, Mary
Kurk, Neal
Martel, Andre
Notter, Jeanine
Pellegrino, Anthony
Rowe, Robert
Soucy, Timothy
Takesian, Charlene
Woodbury, David

Barry, Richard
Cornell, Patricia
Donovan, Daniel
Gagne, Larry
Haefner, Robert
Hinch, Richard
Leishman, Peter
McCarthy, Peggy
O'Brien, Michael
Pierce, David
Shattuck, Gilman
Souza, Kathleen
Walsh, Robert

Brown, Pamela
Cote, David
Edelblut, Frank
Goley, Jeffrey
Hansen, Peter
Infantine, William
Mangipudi, Latha
McClarren, Donald
O'Neil, William
Roberts, Carol
Smith, Timothy
Straight, Phillip
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Carson, Clyde
Frazer, June
Hess, David
Kidder, David
Mackay, James
Ratzki, Mario
Schuett, Dianne

Bartlett, Christy
Deloge, Helen
French, Barbara
Hirsch, Geoffrey
Kotowski, Frank
Martin, John
Rice, Harold (Chip)
Shurtleff, Stephen

Bradley, Paula
Doherty, David
Gile, Mary
Karrick, David
Long, Douglas
Myler, Mel
Rogers, Katherine
Turcotte, Alan

Brewster, Michael
Ebel, Karen
Henle, Paul
Kenison, Linda
Luneau, David
Patten, Dick
Saunderson, George
Wheeler, Deborah

ROCK INGHAM

Abrami, Patrick
Belanger, Ronald
Cali-Pitts, Jacqueline
Devine, James
Ferrante, Beverly
Gordon, Pamela
Hoelzel, Kathleen
Major, Norman
McKinney, Betsy
Prudhomme-O'Brien, Katherine
Ward, Gerald
Wood, David

Allen, Mary
Berrien, Skip
Cardon, G. Thomas
DiFranco, Debbie
Fesh, Robert
Guthrie, Joseph
Introne, Robert
Manning, John
Milz, David
Sanders, Elisabeth
Webb, James

Azarian, Gary
Borden, David
Chirichiello, Brian
Doucette, Fred
Francese, Paula
Hagan, Joseph
Kolodziej, Walter
Matthews, Carolyn
Packard, Sherman
Sherman, Thomas
Welch, David

Barnes, Arthur
Cahill, Michael
Cushing, Robert
Elliott, Robert
Gannon, William
Heffron, Frank
Lovejoy, Patricia
McBeath, Rebecca
Pantelakos, Laura
Simpson, Alexis
Weyler, Kenneth

STRAFFORD

Baber, William
Cheney, Catherine
Hannon, Joseph
Leeman, Don
Spang, Judith
Ward, Kenneth

Berube, Roger
Cilley, Jacalyn
Horrigan, Timothy
Rollo, Deanna
Stevens, Audrey

Bickford, David
DiSesa, Len
Jones, Laura
Schmidt, Peter
Treleaven, Susan

Bixby, Peter
Gray, James
Kaen, Naida
Southworth, Thomas
Wall, Janet

SULLIVAN

Cloutier, John
Rollins, Skip

Gagnon, Raymond
Schmidt, Andrew

Gottling, Suzanne
Smith, Steven

Grenier, James

NAYS - 95**BELK NAB**

Aldrich, Glen
Vadney, Herbert

Fraser, Valerie

Howard, Jr., Raymond

Sylvia, Michael

CARROLL

Avellani, Lino

Wright, Ted

CHESHIRE

McConnell, Jim

COOS

Moynihan, Wayne

Rideout, Leon

Theberge, Robert

GRAFTON

Hull, Robert

Johnson, Eric

HILLSBOROUGH

Ammon, Keith
Bouldin, Amanda
Eastman, Eric
Gould, Linda
Hopper, Gary
McLean, Mark
Ober, Russell
Rice, Kimberly
Simmons, Tammy

Belanger, James
Burt, John
Estevez, Eric
Goulette, William
Lachance, Joseph
Moore, Josh
Ohm, Bill
Sanborn, Laurie
Smith, Gregory

Biggie, Barbara
Christie, Rick
Ferreira, Elizabeth
Halstead, Carolyn
LeBrun, Donald
Murotake, David
Peterson, Ken
Seidel, Carl

Boehm, Ralph
Cohen, Alan
Fromuth, Bart
Hogan, Edith
Marston, Dick
Murphy, Keith
Proulx, Mark
Silva, Peter

MERRIMACK

French, Harold
McGuire, Carol

Hill, Gregory
McGuire, Dan

Horn, Werner
Parent, Jason

Kuch, Bill
Seaworth, Brian

ROCK INGHAM

Abramson, Max
Cook, Allen
Gordon, Richard
Itse, Daniel
O'Connor, John
Schroader, Adam
True, Chris
Woitkun, Steven

Baldasaro, Alfred
DeSimone, Debra
Griffin, Mary
Kappler, Lawrence
Osborne, Jason
Spillane, James
Tucker, Pamela

Bates, David
Duarte, Joe
Harris, Jeffrey
Kellogg, Shem
Potucek, John
Tasker, Kyle
Vose, Michael

Chase, Francis
Emerick, J. Tracy
Hodgdon, Bruce
Nigrello, Robert
Rice, Frederick
Thomas, Douglas
Ward, Joanne

STRAFFORD

Beaudoin, Steven
Pitre, Joseph

Groen, Warren
Turcotte, Leonard

Knowles, Robert
Wuelper, Kurt

Mullen, John

SULLIVAN

Bridge, Ernest

Converse, Larry

Laware, Thomas

Oxenham, Lee

and the majority committee report was adopted.

(Rep. Packard in the Chair)

HB 563-FN, relative to funding for chartered public school pupils. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth L. Weyler for the Majority of Finance. In a study last year, looking at the financing for charter schools, the committee learned that once the startup federal grant expired the charter schools were struggling financially. In 2009, we added \$2,000 to the adequacy amount that was given for every public school student. At the time, this brought spending for charter students to 45% of the average spent for other public school students. In the last 6 years, as spending has increased locally for the other public school students, the amount for charter students fell to only 40%. The original bill called for indexing charter students to 50%, but due to financial constraints, the amendment reduces that. As amended, HB 563 adds the CPI to the \$2,000 or an increase of \$36 per student for 2016-17 (FY 2016). For 2017-18 (FY 2017), the amount per charter student increases by \$1,036 and will be increased by CPI going forward. VLACS will benefit from the CPI adjustment on the \$2,000, but will not receive the extra \$1,000. The total general fund cost for the biennium is \$4.7 million. Vote 14-10.

Rep. Susan M. Ford for the Minority of Finance. While the minority of the committee believes in the goal of HB 563, there is significant concern about the process. HB 563 is a stand alone bill that adds additional monies to the charter school allocation. After studying the charter school funding in a study committee last year, finance committee division II agrees that some charter schools will need additional funds for sustainability. Division II is currently developing the 2016-2017 department of education budget, and there are questions about all adequacy grants that are distributed to public schools. The minority of the committee would prefer dealing with all of these aspects of public school funding within the budget process as is the custom. A vote of inexpedient to legislate would allow the committee to develop a fair budget for all public school funding, both public charter schools and town and city public schools.

Majority Amendment (0757h)

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

1 Chartered Public Schools; Funding. Amend RSA 194-B:11, I(b)(1) to read as follows:

(b)(1) Except as provided in subparagraph (2), for a chartered public school authorized by the state board of education pursuant to RSA 194-B:3-a, the state shall pay tuition pursuant to RSA 198:40-a plus an additional grant of [~~\$2,000~~] **\$2,036** directly to the chartered public school for each pupil who is a resident of this state in attendance at such chartered public school.

2 Chartered Public Schools; Funding. Amend RSA 194-B:11, I(b)(1) to read as follows:

(b)(1) Except as provided in subparagraph (2), for a chartered public school authorized by the state board of education pursuant to RSA 194-B:3-a, the state shall pay tuition pursuant to RSA 198:40-a plus an additional grant of \$2,036 **for the Virtual Learning Academy Charter School and \$3,036 for all other chartered public schools** directly to the chartered public school for each pupil who is a resident of this state in attendance at such chartered public school. **Beginning July 1, 2017 and every biennium thereafter, the department of education shall adjust the per pupil amount of the additional grant based on the average change in the Consumer Price Index for All Urban Consumers, Northeast Region, using the "services less medical care services" special aggregate index, as published by the Bureau of Labor Statistics, United States Department of Labor.**

3 Effective Date.

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

II. The remainder of this act shall take effect July 1, 2015.

AMENDED ANALYSIS

This bill adjusts the additional grants for chartered public school pupils based on the Consumer Price Index and adds \$1,000 per pupil to the grant beginning July 1, 2016 for chartered public schools other than the Virtual Learning Academy Charter School.

Majority committee amendment adopted.

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

Rep. Umberger spoke in favor.

Reps. Weyler and Ladd spoke in favor and yielded to questions.

Rep. Horrigan spoke against.

Rep. Kurk requested a roll call; sufficiently seconded.

YEAS 222 - NAYS 116

YEAS - 222

BELKNAP

Aldrich, Glen
Gallagher, Brian
Luther, Robert
Vadney, Herbert

Dumais, Russell
Howard, Jr., Raymond
Spanos, Peter

Fields, Dennis
Hurt, George
Sylvia, Michael

Fraser, Valerie
LeBreche, Shari
Tilton, Franklin

CARROLL

Avellani, Lino
McCarthy, Frank
Schmidt, Stephen

Chandler, Gene
McConkey, Mark
Umberger, Karen

Comeau, Ed
Nelson, Bill
Wright, Ted

Cordelli, Glenn
Parker, Harold

CHESHIRE

Emerson, Susan
Tilton, Benjamin

Hunt, John

McConnell, Jim

Phillips, Larry

COOS

Fothergill, John
Tholl, John

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Brown, Duane
Hull, Robert
Massimilla, Linda

Darrow, Stephen
Ingretson, Paul
Smith, Suzanne

Gionet, Edmond
Johnson, Eric

Hennessey, Erin
Ladd, Rick

HILLSBOROUGH

Ammon, Keith
Biggie, Barbara
Byron, Frank
Cohen, Alan
Edwards, Elizabeth
Freitas, Mary
Gonzalez, Carlos
Guerette, C. Lee
Harvey, Suzanne

Balcom, John
Boehm, Ralph
Christensen, Chris
Donovan, Daniel
Estevez, Eric
Gagne, Larry
Gould, Linda
Haefner, Robert
Heath, Mary

Barry, Richard
Bouldin, Amanda
Christie, Rick
Eastman, Eric
Ferreira, Elizabeth
Gargas, Carolyn
Goulette, William
Halstead, Carolyn
Hinch, Richard

Belanger, James
Burt, John
Coffey, James
Edelblut, Frank
Forest, Armand
Gidge, Kenneth
Griffin, Barbara
Hansen, Peter
Hogan, Edith

Hopper, Gary
Lachance, Joseph
Martel, Andre
Moore, Josh
Ohm, Bill
Peterson, Ken
Rouillard, Claire
Silva, Peter
Soucy, Timothy
Williams, Kermit

Infantine, William
LeBrun, Donald
McCarthy, Peggy
Murphy, Keith
Palmer, Barry
Pierce, David
Rowe, Robert
Simmons, Tammy
Souza, Kathleen
Wolf, Terry

Jack, Martin
Mangipudi, Latha
McClarren, Donald
Notter, Jeanine
Parison, James
Proulx, Mark
Sanborn, Laurie
Smith, Gregory
Straight, Phillip
Woodbury, David

Kurk, Neal
Marston, Dick
McLean, Mark
Ober, Russell
Pellegrino, Anthony
Rice, Kimberly
Seidel, Carl
Smith, Timothy
Sullivan, Daniel

Brewster, Michael
Horn, Werner
Long, Douglas
McGuire, Dan

French, Harold
Kidder, David
Marple, Richard
Parent, Jason

Hess, David
Kotowski, Frank
Martin, John
Seaworth, Brian

Hill, Gregory
Kuch, Bill
McGuire, Carol
Turcotte, Alan

MERRIMACK

ROCK INGHAM

Abrami, Patrick
Baldasaro, Alfred
Borden, David
Christie, Andrew
DiFranco, Debbie
Emerick, J. Tracy
Gordon, Richard
Harris, Jeffrey
Itse, Daniel
Lundgren, David
McKinney, Betsy
Osborne, Jason
Sanders, Elisabeth
Sytek, John
Tucker, Pamela
Welch, David

Abramson, Max
Bates, David
Cardon, G. Thomas
Cook, Allen
Doucette, Fred
Ferrante, Beverly
Griffin, Mary
Hodgdon, Bruce
Kappler, Lawrence
Major, Norman
Miz, David
Potucek, John
Schroadter, Adam
Tasker, Kyle
Vose, Michael
Weyler, Kenneth

Allen, Mary
Belanger, Ronald
Chase, Francis
DeSimone, Debra
Duarte, Joe
Fesh, Robert
Guthrie, Joseph
Hoelzel, Kathleen
Kellogg, Shem
Manning, John
Nigrello, Robert
Prudhomme-O'Brien, Katherine
Simpson, Alexis
Thomas, Douglas
Ward, Joanne
Woitkun, Steven

Azarian, Gary
Berrien, Skip
Chirichiello, Brian
Devine, James
Elliott, Robert
Gannon, William
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
Matthews, Carolyn
O'Connor, John
Rice, Frederick
Spillane, James
True, Chris
Webb, James
Wood, David

Beaudoin, Steven
Gardner, Janice
Jones, Laura
Mullen, John
Whitehouse, Joshua

Bickford, David
Gray, James
Kaczynski, Jr., Thomas
Pitre, Joseph
Wuelper, Kurt

Cheney, Catherine
Groen, Warren
Knowles, Robert
Spang, Judith

Cilley, Jacalyn
Hannon, Joseph
Leeman, Don
Turcotte, Leonard

STRAFFORD

Bridge, Ernest
Smith, Steven

Grenier, James

Laware, Thomas

Rollins, Skip

SULLIVAN

NAYS - 116

BELKNAP

Varney, Peter

CARROLL

Ticehurst, Susan

Buco, Thomas

Butler, Edward

CHESHIRE

Berch, Paul
Parkhurst, Henry
Shepardson, Marjorie

Bordenet, John
Pearson, William
Tatro, Bruce

Abbott, Michael
Chase, Cynthia
Robertson, Timothy
Weber, Lucy

Ames, Richard
Eaton, Daniel
Sad, Tara

COOS

Theberge, Robert

Thomas, Yvonne

Froburg, Alethea

Moynihan, Wayne

GRAFTON

Bennett, Travis
Hennessey, Martha
Piper, Wendy
White, Andrew

Brown, Chris
Higgins, Patricia
Shackett, Jeffrey

Abel, Richard
Cooney, Mary
Maes, Kevin
Sykes, George

Almy, Susan
Ford, Susan
Nordgren, Sharon
Townsend, Charles

HILLSBOROUGH

Cornell, Patricia
Goley, Jeffrey

Cote, David
Gorman, Mary

Backus, Robert
DiSilvestro, Linda

Brown, Pamela
Fromuth, Bart

Herbert, Christopher
McNamara, Richard
Rosenwald, Cindy
Vann, Ivy

Leishman, Peter
O'Brien, Michael
Shattuck, Gilman
Walsh, Robert

Long, Patrick
O'Neil, William
Snow, Kendall

Manley, Jonathan
Roberts, Carol
Takesian, Charlene

MERRIMACK

Alicea, Caroletta
Deloge, Helen
French, Barbara
Karrick, David
Myler, Mel
Rogers, Katherine
Wallner, Mary Jane

Bartlett, Christy
Doherty, David
Gile, Mary
Kenison, Linda
Patten, Dick
Saunderson, George

Bradley, Paula
Ebel, Karen
Henle, Paul
Luneau, David
Ratzki, Mario
Schuett, Dianne

Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Mackay, James
Rice, Harold (Chip)
Shurtleff, Stephen

ROCK INGHAM

Barnes, Arthur
Francese, Paula
McBeath, Rebecca

Cahill, Michael
Gordon, Pamela
Pantelakos, Laura

Cali-Pitts, Jacqueline
Heffron, Frank
Sherman, Thomas

Cushing, Robert
Lovejoy, Patricia
Ward, Gerald

STRAFFORD

Baber, William
DiSesa, Len
Schmidt, Peter
Verschueren, James

Berube, Roger
Horrigan, Timothy
Southworth, Thomas
Wall, Janet

Bixby, Peter
Kaen, Naida
Stevens, Audrey
Ward, Kenneth

Burton, Wayne
Rollo, Deanna
Treleven, Susan

SULLIVAN

Cloutier, John
Oxenham, Lee

Converse, Larry
Schmidt, Andrew

Gagnon, Raymond

Gottling, Suzanne

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

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

MOTION TO SPECIAL ORDER

Rep. Shurtleff moved that **HB 684-FN**, establishing a state minimum hourly rate, be made a Special Order as the 2nd order of business after today's lunch break.

Motion adopted.

REGULAR CALENDAR CONT'D

HB 336, relative to seasons for hunting by crossbow. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James A. Spillane for the Majority of Fish and Game and Marine Resources. This is a very strong bill, supported by fish and game, which cleans up some mistakes originally made when including crossbow use in the regular firearms season. Passing this bill allows crossbow hunters to use that bow for the taking of the other large game species in New Hampshire, not just whitetail deer. Vote 10-3.

Rep. Shari L. LeBreche for the Minority of Fish and Game and Marine Resources. It is understandable to use a crossbow if a hunter has a disability. To open the season to all hunters to allow for the taking of any game bird or game animal, other than deer is unsportsmanlike.

Majority Amendment (0084h)

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

1 Fish and Game; Rulemaking; Crossbow. Amend RSA 208:7-a to read as follows:

208:7-a Taking [Deer] **Game** by Crossbow; Rulemaking.

I. The executive director of fish and game, with the consent of the commission, may adopt rules under RSA 541-A to allow for the taking of deer by crossbow during the regular firearms season, for persons holding a valid firearms deer tag, or as specified in RSA 206:23-c.

II. The executive director of fish and game, with the consent of the commission, may adopt rules under RSA 541-A to allow for the taking by crossbow of any game bird or any game animal, other than deer, during the regular firearms season set for that species.

III. Rules may include, but not be limited to, conditions or limitations as to the portions of the state crossbows may be used, the manner and method of taking with a crossbow, mandatory education requirements for the use of a crossbow, and any additional licensing requirements and associated fees.

2 Fish and Game; Black Bear; Crossbow. Amend RSA 208:22, V to read as follows:

V. Wild black bear may be taken by the aid and use of dogs, as permitted pursuant to RSA 208:22, I; by firearms; **by crossbow**; or by bow and arrow of at least 40 pound pull. No person shall take bear by the aid or use of a jack or artificial light, trap, snare, or set gun or .22 or smaller caliber rimfire firearm, unless otherwise provided in this section.

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

AMENDED ANALYSIS

This bill allows the executive director of fish and game to adopt rules for taking black bear by crossbow and for taking game animals and game birds during the regular firearms season for the species.

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

HB 564-FN, relative to prior authorization for certain prescription drugs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susan Emerson for Health, Human Services and Elderly Affairs. This bill addresses a problem with a very narrowly defined patient population. The committee heard extensive testimony to a flawed process in prior authorization of medication used to treat mental illness for this covered under medicaid managed care putting the health of patients and the general public at risk. This bill as amended reverses prior authorization for specific classes of medications used to treat serious mental illness, including major schizophrenia, depression, and bi-polar disorders. Vote 13-4.

Amendment (0312h)

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Medicaid Managed Care. Amend RSA 126-A:5, XIX by inserting after subparagraph (d) the following new subparagraph:

(e) No managed care organization health benefit plan that provides prescription drug benefits to Medicaid recipients shall require prior authorization or other restrictions on medication used to treat mental illnesses such as schizophrenia, depression, or bipolar disorder. Medications that shall be available without restriction for persons with mental illnesses shall include atypical antipsychotic medications, conventional antipsychotic medications, and other medications used for the treatment of mental illness.

AMENDED ANALYSIS

This bill declares that a managed care health benefit plan offering prescription drug benefits to Medicaid recipients shall not require prior authorization for certain drugs used to treat mental illnesses.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 593-FN, permitting qualifying patients and registered caregivers to cultivate cannabis for therapeutic use. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Joanne A. Ward for the Majority of Health, Human Services and Elderly Affairs. The department of health and human services is working to implement the medical cannabis program for the state as passed in previous legislation in the last session. The majority believes that changes to the law should not be made until the program is operating and experience is gained regarding how well the alternative treatment centers are meeting the needs of patients. Vote 9-8.

Rep. Susan J. Ticehurst for the Minority of Health, Human Services and Elderly Affairs. Therapeutic cannabis relieves pain and prolongs life for seriously ill patients. Unnecessary suffering is caused by denying patients permission to produce their own therapeutic substance while waiting for dispensaries to become operational. Once dispensaries open, patients who lack the economic resources to purchase from a dispensary, or who live prohibitively far from a dispensary, must have the ability to produce this natural herb, in limited quantity, under secure control, for their own therapeutic use.

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

Rep. Wright spoke against.

Rep. Joanne Ward spoke in favor.

Rep. Edwards requested a roll call; sufficiently seconded.

YEAS 148 - NAYS 188

YEAS - 148

BELK NAP

Dumais, Russell
Luther, Robert

Fields, Dennis
Spanos, Peter

Hurt, George
Tilton, Franklin

LeBreche, Shari
Varney, Peter

CARROLL

Chandler, Gene
Nelson, Bill

Cordelli, Glenn
Parker, Harold

McCarthy, Frank
Schmidt, Stephen

McConkey, Mark

CHESHIRE

Ames, Richard
Sterling, Franklin

Emerson, Susan
Weber, Lucy

Hunt, John

Parkhurst, Henry

COOS

Fothergill, John
Thomas, Yvonne

Hatch, William

Richardson, Herbert

Tholl, John

GRAFTON

Almy, Susan
Hennessey, Martha
Piper, Wendy

Brown, Duane
Ladd, Rick
Townsend, Charles

Cooney, Mary
Maes, Kevin
White, Andrew

Ford, Susan
Massimilla, Linda

HILLSBOROUGH

Backus, Robert
Cote, David
Gargas, Carolyn
Griffin, Barbara
Infantine, William
Manley, Jonathan
Pellegrino, Anthony
Rowe, Robert
Straight, Phillip

Balcom, John
DiSilvestro, Linda
Goley, Jeffrey
Haefner, Robert
LeBrun, Donald
Martel, Andre
Peterson, Ken
Seidel, Carl
Sullivan, Daniel

Barry, Richard
Forest, Armand
Gonzalez, Carlos
Hansen, Peter
Leishman, Peter
McCarthy, Peggy
Pierce, David
Soucy, Timothy

Biggie, Barbara
Freitas, Mary
Gould, Linda
Hinch, Richard
Long, Patrick
O'Neil, William
Rosenwald, Cindy
Souza, Kathleen

MERRIMACK

Bradley, Paula
Gle, Mary
Kenison, Linda
Luneau, David
Patten, Dick
Wheeler, Deborah

Deloge, Helen
Hess, David
Kidder, David
Mackay, James
Rogers, Katherine

Doherty, David
Horn, Werner
Kotowski, Frank
Martin, John
Schuett, Dianne

Ebel, Karen
Karrick, David
Long, Douglas
Myler, Mel
Shurtleff, Stephen

ROCK INGHAM

Abrami, Patrick
Belanger, Ronald
Chirichiello, Brian
Fesh, Robert
Griffin, Mary
Hodgdon, Bruce
Kolodziej, Walter
McKinney, Betsy
Pantelakos, Laura
Simpson, Alexis
Welch, David

Allen, Mary
Borden, David
Christie, Andrew
Francese, Paula
Guthrie, Joseph
Hoelzel, Kathleen
Major, Norman
Milz, David
Potucek, John
Sytek, John

Azarian, Gary
Cardon, G. Thomas
Devine, James
Gannon, William
Hagan, Joseph
Introne, Robert
Manning, John
Nigrello, Robert
Sanders, Elisabeth
Ward, Joanne

Bates, David
Chase, Francis
Elliott, Robert
Gordon, Richard
Harris, Jeffrey
Kappler, Lawrence
Matthews, Carolyn
O'Connor, John
Sherman, Thomas
Webb, James

STRAFFORD

Baber, William
Gray, James
Turcotte, Leonard

Berube, Roger
Rollo, Deanna
Wall, Janet

Burton, Wayne
Southworth, Thomas
Ward, Kenneth

DiSesa, Len
Sprague, Dale

SULLIVAN

Gagnon, Raymond

Gottling, Suzanne

Rollins, Skip

Smith, Steven

NAYS - 188**BELK NAP**

Aldrich, Glen
Sylvia, Michael

Fraser, Valerie
Vadney, Herbert

Gallagher, Brian

Howard, Jr., Raymond

CARROLL

Avellani, Lino
Wright, Ted

Butler, Edward

Comeau, Ed

Ticehurst, Susan

CHESHIRE

Abbott, Michael
McConnell, Jim
Sad, Tara

Berch, Paul
Pearson, William
Shepardson, Marjorie

Bordenet, John
Phillips, Larry
Tatro, Bruce

Chase, Cynthia
Robertson, Timothy
Tilton, Benjamin

COOS

Froburg, Alethea
Theberge, Robert

Moynihan, Wayne

Rappaport, Laurence

Rideout, Leon

GRAFTON

Abel, Richard
Gionet, Edmond
Ingbertson, Paul
Smith, Suzanne

Bennett, Travis
Hennessey, Erin
Johnson, Eric
Sykes, George

Brown, Chris
Higgins, Patricia
Nordgren, Sharon

Darrow, Stephen
Hull, Robert
Shackett, Jeffrey

HILLSBOROUGH

Ammon, Keith
Bouldin, Amanda
Christensen, Chris
Cohen, Alan
Eastman, Eric
Fromuth, Bart
Goulette, William
Heath, Mary
Jack, Martin
McClarren, Donald
Murotake, David
Ober, Russell
Rice, Kimberly
Shattuck, Gilman
Snow, Kendall
Williams, Kermit

Belanger, James
Brown, Pamela
Christiansen, Lars
Cornell, Patricia
Edwards, Elizabeth
Gagne, Larry
Guerette, C. Lee
Herbert, Christopher
Lachance, Joseph
McLean, Mark
Murphy, Keith
Ohm, Bill
Roberts, Carol
Simmons, Tammy
Takesian, Charlene
Wolf, Terry

Boehm, Ralph
Burt, John
Christie, Rick
Danielson, David
Estevez, Eric
Gidge, Kenneth
Halstead, Carolyn
Hogan, Edith
Mangipudi, Latha
McNamara, Richard
Notter, Jeanine
Parison, James
Rokas, Ted
Smith, Gregory
Vann, Ivy
Woodbury, David

Booras, Efsthia
Byron, Frank
Coffey, James
Donovan, Daniel
Ferreira, Elizabeth
Gorman, Mary
Harvey, Suzanne
Hopper, Gary
Marston, Dick
Moore, Josh
O'Brien, Michael
Proulx, Mark
Rouillard, Claire
Smith, Timothy
Walsh, Robert

MERRIMACK

Alicea, Caroletta
Frazer, June
Hill, Gregory
McGuire, Carol
Rice, Harold (Chip)
Wallner, Mary Jane

Bartlett, Christy
French, Barbara
Hirsch, Geoffrey
McGuire, Dan
Saunderson, George

Brewster, Michael
French, Harold
Kuch, Bill
Parent, Jason
Seaworth, Brian

Carson, Clyde
Henle, Paul
Marple, Richard
Ratzki, Mario
Turcotte, Alan

ROCK INGHAM

Abramson, Max
Cahill, Michael
DeSimone, Debra
Ferrante, Beverly
Kellogg, Shem
Osborne, Jason
Spillane, James
Tucker, Pamela
Wood, David

Baldasaro, Alfred
Cali-Pitts, Jacqueline
DiFranco, Debbie
Gordon, Pamela
Lovejoy, Patricia
Prudhomme-O'Brien, Katherine
Tasker, Kyle
Vose, Michael

Barnes, Arthur
Cook, Allen
Duarte, Joe
Heffron, Frank
Lundgren, David
Rice, Frederick
Thomas, Douglas
Ward, Gerald

Berrien, Skip
Cushing, Robert
Emerick, J. Tracy
Itse, Daniel
McBeath, Rebecca
Schroadter, Adam
True, Chris
Woitkun, Steven

STRAFFORD

Beaudoin, Steven
Cilley, Jacalyn
Horrigan, Timothy
Knowles, Robert
Spang, Judith
Whitehouse, Joshua

Bickford, David
Gardner, Janice
Jones, Laura
Leeman, Don
Stevens, Audrey
Wuelper, Kurt

Bixby, Peter
Groen, Warren
Kaczynski, Jr., Thomas
Mullen, John
Treleaven, Susan

Cheney, Catherine
Hannon, Joseph
Kaen, Naida
Schmidt, Peter
Verschueren, James

SULLIVAN

Bridge, Ernest
Laware, Thomas

Cloutier, John
Oxenham, Lee

Converse, Larry
Schmidt, Andrew

Grenier, James

and the majority committee report failed.

Rep. Ticehurst moved the minority committee report of Ought to Pass.

Rep. Leeman requested a roll call; sufficiently seconded.

YEAS 208 - NAYS 132**YEAS - 208****BELKNAP**

Aldrich, Glen
Sylvia, Michael

Fraser, Valerie
Vadney, Herbert

Gallagher, Brian
Varney, Peter

Howard, Jr., Raymond

CARROLL

Avellani, Lino
Wright, Ted

Butler, Edward

Comeau, Ed

Ticehurst, Susan

CHESHIRE

Abbott, Michael
McConnell, Jim
Shepardson, Marjorie

Berch, Paul
Pearson, William
Sterling, Franklin

Bordenet, John
Robertson, Timothy
Tatro, Bruce

Chase, Cynthia
Sad, Tara
Tilton, Benjamin

COOS

Fothergill, John
Rideout, Leon

Froburg, Alethea
Theberge, Robert

Moynihan, Wayne
Thomas, Yvonne

Rappaport, Laurence

GRAFTON

Abel, Richard
Glonet, Edmond
Ingbretson, Paul
Smith, Suzanne

Bennett, Travis
Hennessey, Erin
Johnson, Eric
Sykes, George

Brown, Chris
Higgins, Patricia
Nordgren, Sharon
Townsend, Charles

Darrow, Stephen
Hull, Robert
Shackett, Jeffrey

HILLSBOROUGH

Ammon, Keith
Brown, Pamela
Christiansen, Lars
Cornell, Patricia
Edwards, Elizabeth
Fromuth, Bart
Gorman, Mary
Hansen, Peter
Hogan, Edith
Mangipudi, Latha
McNamara, Richard
Notter, Jeanine
Parison, James
Rokas, Ted
Smith, Gregory
Vann, Ivy
Woodbury, David

Belanger, James
Burt, John
Christie, Rick
Danielson, David
Estevez, Eric
Gagne, Larry
Goulette, William
Harvey, Suzanne
Hopper, Gary
Marston, Dick
Moore, Josh
O'Brien, Michael
Proulx, Mark
Rouillard, Claire
Smith, Timothy
Walsh, Robert

Booras, Efsthia
Byron, Frank
Coffey, James
Donovan, Daniel
Ferreira, Elizabeth
Gidge, Kenneth
Guerette, C. Lee
Heath, Mary
Jack, Martin
McClarren, Donald
Murotake, David
Ober, Russell
Rice, Kimberly
Shattuck, Gilman
Snow, Kendall
Williams, Kermit

Bouldin, Amanda
Christensen, Chris
Cohen, Alan
Eastman, Eric
Freitas, Mary
Gonzalez, Carlos
Halstead, Carolyn
Herbert, Christopher
Lachance, Joseph
McLean, Mark
Murphy, Keith
Ohm, Bill
Roberts, Carol
Simmons, Tammy
Takesian, Charlene
Wolf, Terry

MERRIMACK

Alicea, Caroletta
Frazer, June
Hill, Gregory
Marple, Richard
Parent, Jason
Saunderson, George
Wheeler, Deborah

Bartlett, Christy
French, Barbara
Hirsch, Geoffrey
McGuire, Carol
Patten, Dick
Seaworth, Brian

Brewster, Michael
French, Harold
Kidder, David
McGuire, Dan
Ratzki, Mario
Turcotte, Alan

Carson, Clyde
Henle, Paul
Kuch, Bill
Myler, Mel
Rice, Harold (Chip)
Wallner, Mary Jane

ROCK INGHAM

Abramson, Max
Cahill, Michael
Cook, Allen
Doucette, Fred
Gordon, Pamela
Itse, Daniel
Major, Norman
Osborne, Jason
Schroader, Adam
Thomas, Douglas
Ward, Gerald

Baldasaro, Alfred
Cali-Pitts, Jacqueline
Cushing, Robert
Duarte, Joe
Griffin, Mary
Kellogg, Shem
McBeath, Rebecca
Potucek, John
Spillane, James
True, Chris
Webb, James

Barnes, Arthur
Cardon, G. Thomas
DeSimone, Debra
Emerick, J. Tracy
Guthrie, Joseph
Lovejoy, Patricia
Milz, David
Prudhomme-O'Brien, Katherine
Tamburello, Daniel
Tucker, Pamela
Woitkun, Steven

Berrien, Skip
Chirichiello, Brian
DiFranco, Debbie
Ferrante, Beverly
Heffron, Frank
Lundgren, David
O'Connor, John
Rice, Frederick
Tasker, Kyle
Vose, Michael
Wood, David

STRAFFORD

Beaudoin, Steven
Cilley, Jacalyn
Jones, Laura
Leeman, Don
Stevens, Audrey
Wuelper, Kurt

Bickford, David
Groen, Warren
Kaczynski, Jr., Thomas
Mullen, John
Treleaven, Susan

Bixby, Peter
Hannon, Joseph
Kaen, Naida
Schmidt, Peter
Verschuere, James

Cheney, Catherine
Horrigan, Timothy
Knowles, Robert
Spang, Judith
Whitehouse, Joshua

SULLIVAN

Bridge, Ernest
Laware, Thomas

Cloutier, John
Oxenham, Lee

Converse, Larry
Schmidt, Andrew

Grenier, James

NAYS - 132**BELKNAP**

Dumais, Russell
Luther, Robert

Fields, Dennis
Spanos, Peter

Hurt, George
Tilton, Franklin

LeBreche, Shari

CARROLL

Chandler, Gene
Nelson, Bill

Cordelli, Glenn
Parker, Harold

McCarthy, Frank
Schmidt, Stephen

McConkey, Mark

CHESHIRE

Ames, Richard
Phillips, Larry

Emerson, Susan
Weber, Lucy

Hunt, John

Parkhurst, Henry

COOS

Hatch, William

Richardson, Herbert

Tholl, John

GRAFTONAlmy, Susan
Hennessey, Martha
Piper, WendyBrown, Duane
Ladd, Rick
White, AndrewCooney, Mary
Maes, KevinFord, Susan
Massimilla, Linda**HILLSBOROUGH**Backus, Robert
Boehm, Ralph
Gargas, Carolyn
Haefner, Robert
LeBrun, Donald
Martel, Andre
Peterson, Ken
Seidel, Carl
Sullivan, DanielBalcom, John
Cote, David
Goley, Jeffrey
Hansberry, Daniel
Leishman, Peter
McCarthy, Peggy
Pierce, David
Soucy, Timothy
Sullivan, VictoriaBarry, Richard
DiSilvestro, Linda
Gould, Linda
Hinch, Richard
Long, Patrick
O'Neil, William
Rosenwald, Cindy
Souza, KathleenBiggie, Barbara
Forest, Armand
Griffin, Barbara
Infantine, William
Manley, Jonathan
Pellegrino, Anthony
Rowe, Robert
Straight, Phillip**MERRIMACK**Bradley, Paula
Gile, Mary
Kenison, Linda
MacKay, James
Shurtleff, StephenDeloge, Helen
Hess, David
Kotowski, Frank
Martin, JohnDoherty, David
Horn, Werner
Long, Douglas
Rogers, KatherineEbel, Karen
Karrick, David
Luneau, David
Schuett, Dianne**ROCK INGHAM**Abrami, Patrick
Belanger, Ronald
Devine, James
Gannon, William
Hodgdon, Bruce
Kolodziej, Walter
Nigrello, Robert
Simpson, AlexisAllen, Mary
Borden, David
Elliott, Robert
Gordon, Richard
Hoelzel, Kathleen
Manning, John
Pantelakos, Laura
Sytek, JohnAzarian, Gary
Chase, Francis
Fesh, Robert
Hagan, Joseph
Introne, Robert
Matthews, Carolyn
Sanders, Elisabeth
Ward, JoanneBates, David
Christie, Andrew
Francese, Paula
Harris, Jeffrey
Kappler, Lawrence
McKinney, Betsy
Sherman, Thomas
Welch, David**STRAFFORD**Baber, William
Gardner, Janice
Sprague, DaleBerube, Roger
Gray, James
Turcotte, LeonardBurton, Wayne
Rollo, Deanna
Wall, JanetDiSesa, Len
Southworth, Thomas
Ward, Kenneth**SULLIVAN**

Gagnon, Raymond

Gottling, Suzanne

Rollins, Skip

Smith, Steven

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

HB 292, expanding the good Samaritan law to engineers and architects. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Frank H. Heffron for the Majority of Judiciary. This bill, as amended, grants immunity from civil suit to licensed engineers and architects rendering assistance in certain emergencies. Engineers and architects can provide invaluable advice or assistance in emergencies where the structural integrity of a building or portion thereof is in question, but they are often reluctant to do so for fear of becoming liable for civil damages alleged to have been caused by their acts or omissions in providing such assistance. This bill offers reasonable protections against the threat of such liability and will encourage more engineers and architects to provide such assistance when it is most needed. The bill contains adequate safeguards against abuse. The architect or engineer's advice must be rendered in good faith, voluntarily and without compensation. The professional must be licensed and must be acting under the direction of the director of the division of homeland security and emergency management, the state fire marshal or a town or city emergency management director who is managing a natural or human cause disaster or other life-threatening emergency. The immunity granted by this bill does not apply to acts or omissions constituting gross negligence, or wanton or willful misconduct. This bill as amended is supported by a broad range of public agencies and professional organizations and had strong bipartisan support in the Judiciary Committee. Vote 13-2.

Rep. Michael J. Sylvia for the Minority of Judiciary. This bill, which provides immunity to architects, engineers, and architectural and engineering firms, is unnecessary. The broad language in this bill covers 'disaster or other life-threatening emergency' which might affect 'any building, structure, or system, whether publicly or privately owned.' These firms have lobbied heavily for the privilege to become volunteers. They receive training from the department of homeland security and in the event of a 'life-threatening emergency' are empowered to condemn privately owned buildings, with no risk of being held liable. This bill shifts responsibility for these

decisions from public officials onto government trained volunteers' and unlike RSA 508:12-b (immunity for volunteer/call fire and rescue) there is no accountability retained by the public body. This bill is an assault on government accountability and transparency, and degrades the property rights of our citizens under the guise of an emergency. We have suffered natural disasters in the past; there is no reason to think we can't meet future challenges without this bill.

Majority Amendment (0210h)

Amend the introductory paragraph of RSA 508:12-c, I as inserted by section 1 of the bill by replacing it with the following:

I. Any engineer or engineering firm, architect, or architectural firm licensed pursuant to RSA 310-A who, in good faith, voluntarily and without charge or compensation, acting under the direction of the director of the division of homeland security and emergency management, the state fire marshal, or a town or city emergency management director who is managing a natural or human caused disaster or other life-threatening emergency, provides professional advice or assistance in connection such disaster or emergency, shall not be liable for any civil damages alleged to have been caused by the acts or omissions of such licensed professional or firm in providing the requested professional advice or assistance, subject to the following conditions:

Majority committee amendment adopted.

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

Rep. Sylvia spoke against.

Rep. Heffron spoke in favor.

MOTION TO LAY ON THE TABLE

Rep. Ammon moved that **HB 292**, expanding the good Samaritan law to engineers and architects, be laid on the table.

On a division vote, 119 members having voted in the affirmative and 206 in the negative, the motion failed.

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

Rep. Sylvia requested a roll call; sufficiently seconded.

YEAS 235 - NAYS 105

YEAS - 235

BELKNAP

Fields, Dennis
Vadney, Herbert

Hurt, George
Varney, Peter

Luther, Robert

Tilton, Franklin

CARROLL

Butler, Edward
Nelson, Bill
Wright, Ted

Chandler, Gene
Parker, Harold

McCarthy, Frank
Schmidt, Stephen

McConkey, Mark
Ticehurst, Susan

CHESHIRE

Abbott, Michael
Emerson, Susan
Robertson, Timothy
Weber, Lucy

Ames, Richard
Hunt, John
Sad, Tara

Berch, Paul
Pearson, William
Shepardson, Marjorie

Chase, Cynthia
Phillips, Larry
Tatro, Bruce

COOS

Fothergill, John
Tholl, John

Froburg, Alethea
Thomas, Yvonne

Moynihan, Wayne

Richardson, Herbert

GRAFTON

Abel, Richard
Cooney, Mary
Higgins, Patricia
Maes, Kevin
Smith, Suzanne

Almy, Susan
Darrow, Stephen
Hull, Robert
Massimilla, Linda
Sykes, George

Bennett, Travis
Gionet, Edmond
Ingbretson, Paul
Nordgren, Sharon
Townsend, Charles

Brown, Chris
Hennessey, Martha
Ladd, Rick
Piper, Wendy
White, Andrew

HILLSBOROUGH

Backus, Robert
Biggie, Barbara
Christensen, Chris
Cornell, Patricia
Estevez, Eric
Gidge, Kenneth
Guerette, C. Lee
Harvey, Suzanne

Balcom, John
Booras, Efsthia
Christiansen, Lars
Cote, David
Freitas, Mary
Goley, Jeffrey
Haefner, Robert
Heath, Mary

Barry, Richard
Brown, Pamela
Christie, Rick
DiSilvestro, Linda
Gagne, Larry
Gonzalez, Carlos
Hansberry, Daniel
Herbert, Christopher

Belanger, James
Byron, Frank
Cohen, Alan
Donovan, Daniel
Gargasz, Carolyn
Griffin, Barbara
Hansen, Peter
Hinch, Richard

Hopper, Gary
Leishman, Peter
Martel, Andre
O'Brien, Michael
Peterson, Ken
Rokas, Ted
Seidel, Carl
Snow, Kendall
Takesian, Charlene
Woodbury, David

Infantine, William
Long, Patrick
McCarthy, Peggy
O'Neil, William
Pierce, David
Rosenwald, Cindy
Shattuck, Gilman
Soucy, Timothy
Vann, Ivy
Zaricki, Nick

Jack, Martin
Mangipudi, Latha
McLean, Mark
Palmer, Barry
Proulx, Mark
Rouillard, Claire
Smith, Gregory
Straight, Phillip
Walsh, Robert

LeBrun, Donald
Manley, Jonathan
McNamara, Richard
Pellegrino, Anthony
Roberts, Carol
Rowe, Robert
Smith, Timothy
Sullivan, Daniel
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Deloge, Helen
French, Barbara
Karrick, David
Luneau, David
Rice, Harold (Chip)
Shurtleff, Stephen

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

Bradley, Paula
Ebel, Karen
Henle, Paul
Kidder, David
Myler, Mel
Saunderson, George
Wallner, Mary Jane

Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Kotowski, Frank
Ratzki, Mario
Schuett, Dianne
Wheeler, Deborah

ROCK INGHAM

Abrami, Patrick
Berrien, Skip
Cardon, G. Thomas
Cook, Allen
DiFranco, Debbie
Fesh, Robert
Guthrie, Joseph
Introne, Robert
Manning, John
McMahon, Charles
Pantelakos, Laura
Simpson, Alexis
Ward, Joanne

Azarian, Gary
Borden, David
Chase, Francis
Cushing, Robert
Doucette, Fred
Francese, Paula
Hagan, Joseph
Lovejoy, Patricia
Matthews, Carolyn
Milz, David
Prudhomme-O'Brien, Katherine
Sytek, John
Webb, James

Barnes, Arthur
Cahill, Michael
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Gordon, Pamela
Heffron, Frank
Lundgren, David
McBeath, Rebecca
Nigrello, Robert
Sanders, Elisabeth
Thomas, Douglas
Welch, David

Belanger, Ronald
Cali-Pitts, Jacqueline
Christie, Andrew
Devine, James
Ferrante, Beverly
Griffin, Mary
Hoelzel, Kathleen
Major, Norman
McKinney, Betsy
O'Connor, John
Sherman, Thomas
Ward, Gerald
Wood, David

STRAFFORD

Baber, William
Burton, Wayne
Jones, Laura
Schmidt, Peter
Stevens, Audrey
Ward, Kenneth

Berube, Roger
Cilley, Jacalyn
Kaen, Naida
Southworth, Thomas
Treleaven, Susan
Whitehouse, Joshua

Bickford, David
DiSesa, Len
Leeman, Don
Spang, Judith
Verschueren, James
Wuelper, Kurt

Bixby, Peter
Gardner, Janice
Rollo, Deanna
Sprague, Dale
Wall, Janet

SULLIVAN

Bridge, Ernest
Gottling, Suzanne

Cloutier, John
Grenier, James

Converse, Larry
Oxenham, Lee

Gagnon, Raymond
Smith, Steven

NAYS - 105

BELKNAP

Aldrich, Glen
Howard, Jr., Raymond

Dumais, Russell
LeBreche, Shari

Fraser, Valerie
Spanos, Peter

Gallagher, Brian
Sylvia, Michael

CARROLL

Avellani, Lino

Comeau, Ed

Cordelli, Glenn

CHESHIRE

Bordenet, John
Tilton, Benjamin

McConnell, Jim

Parkhurst, Henry

Sterling, Franklin

COOS

Rappaport, Laurence

Rideout, Leon

Theberge, Robert

GRAFTON

Brown, Duane

Hennessey, Erin

Johnson, Eric

Shackett, Jeffrey

HILLSBOROUGH

Ammon, Keith
Coffey, James
Forest, Armand
Goulette, William
Marston, Dick

Boehm, Ralph
Eastman, Eric
Fromuth, Bart
Halstead, Carolyn
McClarren, Donald

Bouldin, Amanda
Edwards, Elizabeth
Gorman, Mary
Hogan, Edith
Moore, Josh

Burt, John
Ferreira, Elizabeth
Gould, Linda
Lachance, Joseph
Murotake, David

Murphy, Keith
Parison, James
Sullivan, Victoria

Notter, Jeanine
Rice, Kimberly
Wolf, Terry

Ober, Russell
Simmons, Tammy

Ohm, Bill
Souza, Kathleen

MERRIMACK

Brewster, Michael
Horn, Werner
Martin, John
Patten, Dick

French, Harold
Kuch, Bill
McGuire, Carol
Seaworth, Brian

Hess, David
Long, Douglas
McGuire, Dan

Hill, Gregory
Marple, Richard
Parent, Jason

ROCK INGHAM

Abramson, Max
Duarte, Joe
Harris, Jeffrey
Kellogg, Shern
Rice, Frederick
Tasker, Kyle
Woitkun, Steven

Allen, Mary
Emerick, J. Tracy
Hodgdon, Bruce
Kolodziej, Walter
Schroader, Adam
True, Chris

Baldasaro, Alfred
Gannon, William
Itse, Daniel
Osborne, Jason
Spillane, James
Tucker, Pamela

Bates, David
Gordon, Richard
Kappler, Lawrence
Potucek, John
Tamburello, Daniel
Vose, Michael

STRAFFORD

Beaudoin, Steven
Hannon, Joseph
Mullen, John

Cheney, Catherine
Horrigan, Timothy
Turcotte, Leonard

Gray, James
Kaczynski, Jr., Thomas

Groen, Warren
Knowles, Robert

SULLIVAN

Laware, Thomas

Rollins, Skip

Schmidt, Andrew

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

HB 403-FN, repealing the law relative to providing certain parameters for access to reproductive health care facilities. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Joseph M. Hagan for the Majority of Judiciary. This is a free speech issue, not a right-to-life issue. Last term, RSA 132:27-132:30 was enacted that limited peaceful demonstrations by our citizenry. A Massachusetts law, which is materially indistinguishable for the New Hampshire law was found unconstitutional, unanimously by the supreme court of the United States. The majority of the committee supports repeal to support our constitution and avoid costs of defending the indefensible. Vote 10-9.

Rep. Paul S. Berch for the Minority of Judiciary. The minority believes the legislature should not repeal a recently enacted law while the constitutionality of that law is currently being determined by a federal court. Traditional practice would suggest not interrupting that process. There are significant and material differences between the New Hampshire and Massachusetts law.

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

Rep. Berch spoke against and yielded to questions.

Reps. Hagan and Souza spoke in favor.

Rep. Heath spoke against.

Rep. Potucek requested a roll call; sufficiently seconded.

YEAS 170 - NAYS 159

YEAS - 170

BELKNAP

Aldrich, Glen
Gallagher, Brian
Luther, Robert
Vadney, Herbert

Dumais, Russell
Howard, Jr., Raymond
Spanos, Peter
Varney, Peter

Fields, Dennis
Hurt, George
Sylvia, Michael

Fraser, Valerie
LeBreche, Shari
Tilton, Franklin

CARROLL

Avellani, Lino
McCarthy, Frank
Schmidt, Stephen

Chandler, Gene
McConkey, Mark

Comeau, Ed
Nelson, Bill

Cordelli, Glenn
Parker, Harold

CHESHIRE

Emerson, Susan

Hunt, John

McConnell, Jim

COOS

Fothergill, John

Richardson, Herbert

Rideout, Leon

Tholl, John

GRAFTON

Brown, Duane
Johnson, Eric

Gionet, Edmond
Ladd, Rick

Hull, Robert
Shackett, Jeffrey

Ingbretson, Paul

HILLSBOROUGH

Ammon, Keith
 Biggie, Barbara
 Byron, Frank
 Danielson, David
 Estevez, Eric
 Gonzalez, Carlos
 Haefner, Robert
 Hinch, Richard
 LeBrun, Donald
 McLean, Mark
 Notter, Jeanine
 Pellegrino, Anthony
 Seidel, Carl
 Sullivan, Victoria

Balcom, John
 Boehm, Ralph
 Christiansen, Lars
 Donovan, Daniel
 Ferreira, Elizabeth
 Gould, Linda
 Halstead, Carolyn
 Hogan, Edith
 Marston, Dick
 Moore, Josh
 Ober, Russell
 Rice, Kimberly
 Simmons, Tammy
 Zaricki, Nick

Barry, Richard
 Bouldin, Amanda
 Christie, Rick
 Eastman, Eric
 Fromuth, Bart
 Goulette, William
 Hansberry, Daniel
 Hopper, Gary
 McCarthy, Peggy
 Murotake, David
 Ohm, Bill
 Rouillard, Claire
 Souza, Kathleen

Belanger, James
 Burt, John
 Coffey, James
 Edwards, Elizabeth
 Gagne, Larry
 Griffin, Barbara
 Hansen, Peter
 Lachance, Joseph
 McClarren, Donald
 Murphy, Keith
 Palmer, Barry
 Rowe, Robert
 Straight, Phillip

MERRIMACK

Brewster, Michael
 Marple, Richard
 Parent, Jason

French, Harold
 Martin, John
 Seaworth, Brian

Hill, Gregory
 McGuire, Carol

Kuch, Bill
 McGuire, Dan

ROCK INGHAM

Abrami, Patrick
 Baldasaro, Alfred
 Chase, Francis
 DeSimone, Debra
 Ferrante, Beverly
 Guthrie, Joseph
 Hoelzel, Kathleen
 Kellogg, Shem
 Matthews, Carolyn
 Nigrello, Robert
 Prudhomme-O'Brien, Katherine
 Tamburello, Daniel
 Vose, Michael

Abramson, Max
 Barnes, Arthur
 Chirichiello, Brian
 Devine, James
 Gannon, William
 Hagan, Joseph
 Introne, Robert
 Kolodziej, Walter
 McKinney, Betsy
 O'Connor, John
 Rice, Frederick
 Thomas, Douglas
 Webb, James

Allen, Mary
 Bates, David
 Christie, Andrew
 Duarte, Joe
 Gordon, Richard
 Harris, Jeffrey
 Itse, Daniel
 Lundgren, David
 McMahon, Charles
 Osborne, Jason
 Sanders, Elisabeth
 True, Chris
 Welch, David

Azarian, Gary
 Belanger, Ronald
 Cook, Allen
 Emerick, J. Tracy
 Griffin, Mary
 Hodgdon, Bruce
 Kappler, Lawrence
 Major, Norman
 Milz, David
 Potucek, John
 Spillane, James
 Tucker, Pamela

STRAFFORD

Beaudoin, Steven
 Gray, James
 Kaczynski, Jr., Thomas
 Turcotte, Leonard

Berube, Roger
 Groen, Warren
 Knowles, Robert
 Wuelper, Kurt

Bickford, David
 Hannon, Joseph
 Leeman, Don

Cheney, Catherine
 Jones, Laura
 Mullen, John

SULLIVAN

Gagnon, Raymond

Laware, Thomas

Rollins, Skip

Smith, Steven

NAYS - 159**CARROLL**

Butler, Edward

Ticehurst, Susan

Wright, Ted

CHESHIRE

Abbott, Michael
 Chase, Cynthia
 Phillips, Larry
 Tatro, Bruce

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

Berch, Paul
 Parkhurst, Henry
 Sad, Tara
 Weber, Lucy

Bordenet, John
 Pearson, William
 Shepardson, Marjorie

COOS

Froburg, Alethea
 Thomas, Yvonne

Moynihan, Wayne

Rappaport, Laurence

Theberge, Robert

GRAFTON

Abel, Richard
 Cooney, Mary
 Hennessey, Martha
 Nordgren, Sharon
 Townsend, Charles

Almy, Susan
 Darrow, Stephen
 Higgins, Patricia
 Piper, Wendy
 White, Andrew

Bennett, Travis
 Ford, Susan
 Maes, Kevin
 Smith, Suzanne

Brown, Chris
 Hennessey, Erin
 Massimilla, Linda
 Sykes, George

HILLSBOROUGH

Backus, Robert
 Cornell, Patricia
 Freitas, Mary
 Guerette, C. Lee
 Jack, Martin

Booras, Efstathia
 Cote, David
 Gidge, Kenneth
 Harvey, Suzanne
 Leishman, Peter

Brown, Pamela
 DiSilvestro, Linda
 Goley, Jeffrey
 Heath, Mary
 Mangipudi, Latha

Cohen, Alan
 Forest, Armand
 Gorman, Mary
 Herbert, Christopher
 Manley, Jonathan

McNamara, Richard
Pierce, David
Rosenwald, Cindy
Snow, Kendall
Vann, Ivy
Woodbury, David

O'Brien, Michael
Proulx, Mark
Shattuck, Gilman
Soucy, Timothy
Walsh, Robert

O'Neil, William
Roberts, Carol
Smith, Gregory
Sullivan, Daniel
Williams, Kermit

Peterson, Ken
Rokas, Ted
Smith, Timothy
Takesian, Charlene
Wolf, Terry

MERRIMACK

Alicea, Caroletta
Deloge, Helen
French, Barbara
Hirsch, Geoffrey
Kidder, David
MacKay, James
Rice, Harold (Chip)
Shurtleff, Stephen

Bartlett, Christy
Doherty, David
Gile, Mary
Horn, Werner
Kotowski, Frank
Myler, Mel
Rogers, Katherine
Turcotte, Alan

Bradley, Paula
Ebel, Karen
Henle, Paul
Karrick, David
Long, Douglas
Patten, Dick
Saunderson, George
Wallner, Mary Jane

Carson, Clyde
Frazer, June
Hess, David
Kenison, Linda
Luneau, David
Ratzki, Mario
Schuett, Dianne
Wheeler, Deborah

ROCK INGHAM

Berrien, Skip
Cardon, G. Thomas
Fesh, Robert
Lovejoy, Patricia
Simpson, Alexis

Borden, David
Cushing, Robert
Francese, Paula
McBeath, Rebecca
Sytek, John

Cahill, Michael
DiFranco, Debbie
Gordon, Pamela
Pantelakos, Laura
Ward, Gerald

Cali-Pitts, Jacqueline
Elliott, Robert
Heffron, Frank
Sherman, Thomas
Wood, David

STRAFFORD

Baber, William
DiSesa, Len
Rollo, Deanna
Sprague, Dale
Wall, Janet

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

Burton, Wayne
Horrigan, Timothy
Southworth, Thomas
Treleaven, Susan

Cilley, Jacalyn
Kaen, Naida
Spang, Judith
Verschueren, James

SULLIVAN

Bridge, Ernest
Grenier, James

Cloutier, John
Oxenham, Lee

Converse, Larry
Schmidt, Andrew

Gottling, Suzanne

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

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Shurtleff moved that the House reconsider its action whereby, on a roll call vote of 170-159, the House adopted the majority committee report of Ought to Pass on **HB 403-FN**, repealing the law relative to providing certain parameters for access to reproductive health care facilities. Rep. Shurtleff withdrew his motion due to not having voted on the prevailing side.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Hopper moved that the House reconsider its action whereby, on a roll call vote of 170-159, the House adopted the majority committee report of Ought to Pass on **HB 403-FN**, repealing the law relative to providing certain parameters for access to reproductive health care facilities. Rep. Hopper spoke against.

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

YEAS 161 - NAYS 180

YEAS - 161

CARROLL

Butler, Edward

Ticehurst, Susan

Wright, Ted

CHESHIRE

Abbott, Michael
Eaton, Daniel
Robertson, Timothy
Tilton, Benjamin

Ames, Richard
Parkhurst, Henry
Sad, Tara
Weber, Lucy

Berch, Paul
Pearson, William
Shepardson, Marjorie

Chase, Cynthia
Phillips, Larry
Tatro, Bruce

COOS

Froburg, Alethea
Theberge, Robert

Hatch, William
Thomas, Yvonne

Moynihan, Wayne

Rappaport, Laurence

GRAFTON

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

Almy, Susan
Ford, Susan
Maes, Kevin
Smith, Suzanne

Bennett, Travis
Hennessey, Erin
Massimilla, Linda
Sykes, George

Brown, Chris
Hennessey, Martha
Nordgren, Sharon
Townsend, Charles

HILLSBOROUGH

Backus, Robert
 Cornell, Patricia
 Forest, Armand
 Goley, Jeffrey
 Heath, Mary
 Mangipudi, Latha
 O'Brien, Michael
 Proulx, Mark
 Rouillard, Claire
 Snow, Kendall
 Takesian, Charlene
 Woodbury, David

Booras, Efsthia
 Cote, David
 Freitas, Mary
 Gorman, Mary
 Herbert, Christopher
 Manley, Jonathan
 O'Neil, William
 Roberts, Carol
 Shattuck, Gilman
 Soucy, Timothy
 Vann, Ivy

Brown, Pamela
 DiSilvestro, Linda
 Gargas, Carolyn
 Guerette, C. Lee
 Jack, Martin
 McNamara, Richard
 Peterson, Ken
 Rokas, Ted
 Smith, Gregory
 Sullivan, Daniel
 Walsh, Robert

Cohen, Alan
 Edwards, Elizabeth
 Gidge, Kenneth
 Harvey, Suzanne
 Leishman, Peter
 Murotake, David
 Pierce, David
 Rosenwald, Cindy
 Smith, Timothy
 Sullivan, Victoria
 Williams, Kermit

MERRIMACK

Alicea, Caroletta
 Deloge, Helen
 French, Barbara
 Hirsch, Geoffrey
 Kidder, David
 Myler, Mel
 Rogers, Katherine
 Turcotte, Alan

Bartlett, Christy
 Doherty, David
 Gile, Mary
 Horn, Werner
 Long, Douglas
 Patten, Dick
 Saunderson, George
 Wallner, Mary Jane

Bradley, Paula
 Ebel, Karen
 Henle, Paul
 Karrick, David
 Luneau, David
 Ratzki, Mario
 Schuett, Dianne
 Wheeler, Deborah

Carson, Clyde
 Frazer, June
 Hess, David
 Kenison, Linda
 MacKay, James
 Rice, Harold (Chip)
 Shurtleff, Stephen

ROCK INGHAM

Berrien, Skip
 Cardon, G. Thomas
 Elliott, Robert
 Lovejoy, Patricia
 Sherman, Thomas

Borden, David
 Cushing, Robert
 Francese, Paula
 Major, Norman
 Simpson, Alexis

Cahill, Michael
 DiFranco, Debbie
 Gordon, Pamela
 McBeath, Rebecca
 Ward, Gerald

Cali-Pitts, Jacqueline
 Doucette, Fred
 Heffron, Frank
 Pantelakos, Laura

STRAFFORD

Baber, William
 DiSesa, Len
 Rollo, Deanna
 Spang, Judith
 Verschueren, James

Bixby, Peter
 Gardner, Janice
 Schmidt, Peter
 Sprague, Dale
 Wall, Janet

Burton, Wayne
 Horrigan, Timothy
 Smith, Marjorie
 Stevens, Audrey
 Ward, Kenneth

Cilley, Jacalyn
 Kaen, Naida
 Southworth, Thomas
 Treleven, Susan

SULLIVAN

Bridge, Ernest
 Gottling, Suzanne

Cloutier, John
 Oxenham, Lee

Converse, Larry
 Schmidt, Andrew

Gagnon, Raymond

NAYS - 180**BELKNAP**

Aldrich, Glen
 Gallagher, Brian
 Luther, Robert
 Vadney, Herbert

Dumais, Russell
 Howard, Jr., Raymond
 Spanos, Peter
 Varney, Peter

Fields, Dennis
 Hurt, George
 Sylvia, Michael

Fraser, Valerie
 LeBreche, Shari
 Tilton, Franklin

CARROLL

Avellani, Lino
 McCarthy, Frank
 Schmidt, Stephen

Chandler, Gene
 McConkey, Mark

Comeau, Ed
 Nelson, Bill

Cordelli, Glenn
 Parker, Harold

CHESHIRE

Bordenet, John

Emerson, Susan

Hunt, John

McConnell, Jim

COOS

Fothergill, John

Richardson, Herbert

Rideout, Leon

Tholl, John

GRAFTON

Brown, Duane
 Ingbretson, Paul

Darrow, Stephen
 Johnson, Eric

Gionet, Edmond
 Ladd, Rick

Hull, Robert
 Shackett, Jeffrey

HILLSBOROUGH

Ammon, Keith
 Biggie, Barbara
 Byron, Frank
 Danielson, David
 Ferreira, Elizabeth

Balcom, John
 Boehm, Ralph
 Christiansen, Lars
 Donovan, Daniel
 Fromuth, Bart

Barry, Richard
 Bouldin, Amanda
 Christie, Rick
 Eastman, Eric
 Gagne, Larry

Belanger, James
 Burt, John
 Coffey, James
 Estevez, Eric
 Gonzalez, Carlos

Gould, Linda
Halstead, Carolyn
Hogan, Edith
LeBrun, Donald
McClarren, Donald
Notter, Jeanine
Palmer, Barry
Rowe, Robert
Straight, Phillip

Goulette, William
Hansberry, Daniel
Hopper, Gary
Marston, Dick
McLean, Mark
Ober, Lynne
Parison, James
Seidel, Carl
Wolf, Terry

Griffin, Barbara
Hansen, Peter
Infantine, William
Martel, Andre
Moore, Josh
Ober, Russell
Pellegrino, Anthony
Simmons, Tammy
Zaricki, Nick

Haefner, Robert
Hinch, Richard
Lachance, Joseph
McCarthy, Peggy
Murphy, Keith
Ohm, Bill
Rice, Kimberly
Souza, Kathleen

MERRIMACK

Brewster, Michael
Kuch, Bill
McGuire, Dan

French, Harold
Marple, Richard
Parent, Jason

Hill, Gregory
Martin, John
Seaworth, Brian

Kotowski, Frank
McGuire, Carol

ROCK INGHAM

Abrami, Patrick
Baldasaro, Alfred
Chase, Francis
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Hodgdon, Bruce
Kappler, Lawrence
Matthews, Carolyn
Nigrello, Robert
Prudhomme-O'Brien, Katherine
Sytek, John
True, Chris
Webb, James

Abramson, Max
Barnes, Arthur
Chirichiello, Brian
Devine, James
Fesh, Robert
Guthrie, Joseph
Hoelzel, Kathleen
Kellogg, Shem
McKinney, Betsy
O'Connor, John
Rice, Frederick
Tamburello, Daniel
Tucker, Pamela
Welch, David

Allen, Mary
Bates, David
Christie, Andrew
Duarte, Joe
Gannon, William
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
McMahon, Charles
Osborne, Jason
Sanders, Elisabeth
Tasker, Kyle
Vose, Michael
Woitkun, Steven

Azarian, Gary
Belanger, Ronald
Cook, Allen
Emerick, J. Tracy
Gordon, Richard
Harris, Jeffrey
Itse, Daniel
Lundgren, David
Milz, David
Potucek, John
Spillane, James
Thomas, Douglas
Ward, Joanne
Wood, David

STRAFFORD

Beaudoin, Steven
Gray, James
Kaczynski, Jr., Thomas
Turcotte, Leonard

Berube, Roger
Groen, Warren
Knowles, Robert
Whitehouse, Joshua

Bickford, David
Hannon, Joseph
Leeman, Don
Wuelper, Kurt

Cheney, Catherine
Jones, Laura
Mullen, John

SULLIVAN

Grenier, James
and the motion failed.

Laware, Thomas

Rollins, Skip

Smith, Steven

REGULAR CALENDAR CONT'D

HB 443, clarifying the equity jurisdiction of the judicial branch family division. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David Woodbury for the Majority of Judiciary. Under current law, the judicial branch family division has the powers of a court of equity, notwithstanding any law to the contrary. This bill makes that equity power subservient to any other special provision made by law. A majority of the committee had difficulty understanding what practical effect this change would make in the jurisdiction and powers of the family division. It is also unclear what a "special provision" might be which would trump the family division's equity power. With these uncertainties in mind, a majority of the committee could not support this measure. Vote 12-6.

Rep. Kurt F. Wuelper for the Minority of Judiciary. This bill aims to clarify the boundary of the equity jurisdiction of our family courts. The minority believes this is a necessary step toward providing some certainty about family court proceedings by simply clarifying that existing equity law remains in force and family courts must comply with it.

Majority committee report adopted.

HB 446, relative to access to investigational drugs, biological products, and devices. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Joseph M. Hagan for the Majority of Judiciary. The intent of this bill is to allow persons with terminal illnesses access to investigational drugs. Despite, the deepest compassion for our afflicted neighbors, the majority felt this is not good legislation. First, the subject matter experts including the Federal Drug Administration (FDA) and the American Society of Clinical Oncologists oppose this concept. Secondly, no pharmaceutical company has supplied phase 1 drugs to terminally ill individuals nor would any results obtained from treatment be valid for investigational purposes. Thirdly, the D.C. circuit has in en banc decision denied that access to investigational drugs was a constitutional right. Lastly, it was of deep concern that unscrupulous providers would prey on the vulnerable with treatments unlikely to have a positive clinical outcome but very likely to drain family resources. Vote 10-5.

Rep. Michael J. Sylvia for the Minority of Judiciary. This bill would allow people with a diagnosed terminal illness access to investigational drugs, biological products, and devices. The process of approval for such products takes several years, time that people with a terminal illness do not have. In order to be eligible, a patient must have a condition for which no FDA approved treatment is available, and the risk associated with the treatment must be lesser than the underlying condition. It is a fundamental right of all people to determine what choice is best in their life; the government should not interfere with the exercise of this right.

LAID ON THE TABLE

Rep. Wright moved that **HB 446**, relative to access to investigational drugs, biological products, and devices, be laid on the table.
Motion adopted.

REGULAR CALENDAR CONT'D

HB 461, prohibiting the use or application of foreign laws in the state court. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David Woodbury for the Majority of Judiciary. This bill purports to ban the application of foreign law in New Hampshire courts. However, the bill as drafted is such a mass of exceptions that it may be fairly seen as all "hole and no cheese." For example, exceptions are provided for choices of foreign law contained in contracts; it does not apply to the exercise by religious courts of the normal functions of those courts; and it does not apply in cases of conflict with federal treaties or international agreements to which the United States is a party to the extent that such agreement or treaty preempts state law. Finally, this bill does not apply to conflicts with New Hampshire law on the enforcement of foreign judgments. The proponents of this measure did not provide the committee any specific instances where this bill, if passed, would apply or what it would do for the legal system of this state. This bill is supposed to protect the citizens of this state from the imposition of foreign laws, but the exceptions, required to conform to the United States Constitution are so broad as to have no legal effectiveness. Foreign laws and foreign judgments have been applied in our courts for generations. This bill is an ineffective attempt to impose a legal system that is unwise and unworkable. Vote 12-1.
Rep. Robert Hull for the Minority of Judiciary. This bill aims to preclude the use of foreign law in New Hampshire, which would violate any fundamental right under the United States Constitution, or the New Hampshire Constitution. The minority felt this bill will give guidance to the courts and protect New Hampshire citizens from the application of foreign law going forward.

LAID ON THE TABLE

Rep. Burt moved that **HB 461**, prohibiting the use or application of foreign laws in the state court, be laid on the table.
Rep. Coffey requested a roll call; not sufficiently seconded.
On a division vote, 187 members having voted in the affirmative and 140 in the negative, the motion was adopted.

REGULAR CALENDAR CONT'D

HB 470, relative to jury nullification. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Paul S. Berch for the Majority of Judiciary. This bill seeks to allow juries in all courts – civil and criminal – to disregard the law when it considers verdicts. The judiciary committee by a bi-partisan 11-2 margin felt this bill would undermine the rule of law and respect for the legal system, allow prejudice to substitute for considered application of the law, is anti-business and would most certainly allow for the conviction of innocent persons. If each jury were to become a mini-legislature, there is no provision as to how and on what basis a jury would analyze a law to see whether it should be followed or even how prosecution and defense would make that argument. The committee was concerned that, under this bill, a jury could choose to ignore the presumption of innocence and the need to prove guilt beyond a reasonable doubt. Popular defendants could be acquitted regardless of guilt; unpopular defendants could be convicted regardless of innocence. The committee also noted the probable unconstitutionality of this bill, and the difficulties that businesses would have resolving conflicts in court, if juries could ignore the law in deciding disputes. Vote 11-2.

Rep. Michael J. Sylvia for the Minority of Judiciary. Governor John Lynch signed into law HB 146 in 2012, which acknowledged the right of a jury to judge the application of the law in relationship to the facts in controversy. This change to the law was very much in keeping with the statement by former President John Adams (1771): "It's not only (the juror's) right, but his duty, in that case, to find the verdict according to his own best understanding, judgment, and conscience, though in direct opposition to the direction of the court." Furthermore in a case from the 1790's Chief Justice Jay authored the following as part of the majority decision: "It may not be amiss, here, gentlemen, to remind you of the good old rule, that on questions of fact, it is the province of the jury, on questions of law, it is the province of the court to decide. But it must be observed

that by the same law, which recognizes this reasonable distribution of jurisdiction, you have nevertheless a right to take upon yourselves to judge of both, and to determine the law as well as the fact in controversy. On this, and on every other occasion, however, we have no doubt, you will pay the respect, which is due to the opinion of the court: for, as on the one hand, it is presumed, that juries are the best judges of facts; it is, on the other hand, presumable, that the court are the best judges of law. But still both objects are lawfully, within your power of decision." However, in 2014, the NH Supreme Court restated its opinion that, the 'Wentworth instruction is sufficient notice to the jury of its right to judge both the facts and the law.' The Wentworth instruction reads, "If you have a reasonable doubt as to whether the State has proved any one or more of the elements of the crime charged, you must find the defendant not guilty. However, if you find that the state has proved all of the elements of the offense charged beyond a reasonable doubt, you should find the defendant guilty." The proponents for this bill argued that the Wentworth instruction is insufficient to provide the necessary relief within the court system and that the current instruction does not go far enough and that in fact, the jury has the right to judge the law as applied in that case. It is clear to the minority that jurors are not being clearly advised of their rights and as a result, defendants are not being afforded due process. This is a fundamental function of our constitution.

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

Rep. Sylvia spoke against.

Rep. Berch spoke in favor and yielded to questions.

Rep. Itse requested a roll call; sufficiently seconded.

YEAS 233 - NAYS 108

YEAS - 233

BELKNAP

Fields, Dennis
Tilton, Franklin

Hurt, George
Vadney, Herbert

Luther, Robert

Spanos, Peter

CARROLL

Butler, Edward
Parker, Harold

Chandler, Gene
Schmidt, Stephen

McConkey, Mark
Ticehurst, Susan

Nelson, Bill

CHESHIRE

Abbott, Michael
Chase, Cynthia
Pearson, William
Shepardson, Marjorie
Weber, Lucy

Ames, Richard
Emerson, Susan
Phillips, Larry
Sterling, Franklin

Berch, Paul
Hunt, John
Robertson, Timothy
Tatro, Bruce

Bordenet, John
Parkhurst, Henry
Sad, Tara
Tilton, Benjamin

COOS

Fothergill, John
Richardson, Herbert

Froburg, Alethea
Theberge, Robert

Hatch, William
Tholl, John

Moynihan, Wayne
Thomas, Yvonne

GRAFTON

Abel, Richard
Cooney, Mary
Higgins, Patricia
Piper, Wendy
Townsend, Charles

Almy, Susan
Gionet, Edmond
Ladd, Rick
Shackett, Jeffrey
White, Andrew

Bennett, Travis
Hennessey, Erin
Maes, Kevin
Smith, Suzanne

Brown, Chris
Hennessey, Martha
Massimilla, Linda
Sykes, George

HILLSBOROUGH

Backus, Robert
Booras, Efstathia
Cohen, Alan
DiSilvestro, Linda
Fromuth, Bart
Goley, Jeffrey
Guerette, C. Lee
Heath, Mary
Kurk, Neal
Manley, Jonathan
McNamara, Richard
Palmer, Barry
Proulx, Mark
Rouillard, Claire
Snow, Kendall
Takesian, Charlene
Wolf, Terry

Balcom, John
Brown, Pamela
Cornell, Patricia
Donovan, Daniel
Gagne, Larry
Gonzalez, Carlos
Haefner, Robert
Herbert, Christopher
Leishman, Peter
Martel, Andre
O'Brien, Michael
Pellegrino, Anthony
Roberts, Carol
Rowe, Robert
Soucy, Timothy
Vann, Ivy
Woodbury, David

Belanger, James
Christensen, Chris
Cote, David
Forest, Armand
Gargasz, Carolyn
Gorman, Mary
Hansberry, Daniel
Hinch, Richard
Long, Patrick
McCarthy, Peggy
O'Neil, William
Peterson, Ken
Rokas, Ted
Shattuck, Gilman
Straight, Phillip
Walsh, Robert

Biggie, Barbara
Christiansen, Lars
Danielson, David
Freitas, Mary
Gidge, Kenneth
Griffin, Barbara
Harvey, Suzanne
Jack, Martin
Mangipudi, Latha
McLean, Mark
Ohm, Bill
Pierce, David
Rosenwald, Cindy
Smith, Timothy
Sullivan, Daniel
Williams, Kermit

MERRIMACK

Alicea, Caroletta
 Deloge, Helen
 French, Barbara
 Hirsch, Geoffrey
 Kotowski, Frank
 Patten, Dick
 Saunderson, George
 Wheeler, Deborah

Bartlett, Christy
 Doherty, David
 Gile, Mary
 Karrick, David
 Luneau, David
 Ratzki, Mario
 Schuett, Dianne

Bradley, Paula
 Ebel, Karen
 Henle, Paul
 Kenison, Linda
 MacKay, James
 Rice, Harold (Chip)
 Shurtleff, Stephen

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

ROCK INGHAM

Abrami, Patrick
 Berrien, Skip
 Cardon, G. Thomas
 Cushing, Robert
 Doucette, Fred
 Francese, Paula
 Hagan, Joseph
 Kolodziej, Walter
 Matthews, Carolyn
 Milz, David
 Sanders, Elisabeth
 Thomas, Douglas
 Woitkun, Steven

Allen, Mary
 Borden, David
 Chirichiello, Brian
 DeSimone, Debra
 Elliott, Robert
 Gannon, William
 Heffron, Frank
 Lovejoy, Patricia
 McBeath, Rebecca
 Nigrello, Robert
 Sherman, Thomas
 Ward, Gerald

Azarian, Gary
 Cahill, Michael
 Christie, Andrew
 Devine, James
 Ferrante, Beverly
 Gordon, Pamela
 Hoelzel, Kathleen
 Lundgren, David
 McKinney, Betsy
 O'Connor, John
 Simpson, Alexis
 Ward, Joanne

Barnes, Arthur
 Cali-Pitts, Jacqueline
 Cook, Allen
 DiFranco, Debbie
 Fesh, Robert
 Guthrie, Joseph
 Introne, Robert
 Major, Norman
 McMahon, Charles
 Pantelakos, Laura
 Sytek, John
 Webb, James

STRAFFORD

Baber, William
 Burton, Wayne
 Horrigan, Timothy
 Rollo, Deanna
 Spang, Judith
 Verschueren, James

Berube, Roger
 DiSesa, Len
 Kaen, Naida
 Schmidt, Peter
 Sprague, Dale
 Wall, Janet

Bickford, David
 Gardner, Janice
 Leeman, Don
 Smith, Marjorie
 Stevens, Audrey
 Ward, Kenneth

Bixby, Peter
 Gray, James
 Mullen, John
 Southworth, Thomas
 Treleaven, Susan
 Wuelper, Kurt

SULLIVAN

Bridge, Ernest
 Gottling, Suzanne
 Smith, Steven

Cloutier, John
 Grenier, James

Converse, Larry
 Oxenham, Lee

Gagnon, Raymond
 Schmidt, Andrew

NAYS - 108**BELKNAP**

Aldrich, Glen
 Howard, Jr., Raymond

Dumais, Russell
 LeBreche, Shari

Fraser, Valerie
 Sylvia, Michael

Gallagher, Brian
 Varney, Peter

CARROLL

Avellani, Lino
 Wright, Ted

Comeau, Ed

Cordelli, Glenn

McCarthy, Frank

CHESHIRE**COOS**

McConnell, Jim

Rappaport, Laurence

Rideout, Leon

GRAFTON

Brown, Duane
 Johnson, Eric

Darrow, Stephen

Hull, Robert

Ingbretson, Paul

HILLSBOROUGH

Ammon, Keith
 Byron, Frank
 Edwards, Elizabeth
 Goulette, William
 Hopper, Gary
 Marston, Dick
 Murphy, Keith
 Parison, James
 Smith, Gregory
 Zaricki, Nick

Boehm, Ralph
 Christie, Rick
 Estevez, Eric
 Halstead, Carolyn
 Infantine, William
 McClarren, Donald
 Notter, Jeanine
 Rice, Kimberly
 Souza, Kathleen

Bouldin, Amanda
 Coffey, James
 Ferreira, Elizabeth
 Hansen, Peter
 Lachance, Joseph
 Moore, Josh
 Ober, Lynne
 Seidel, Carl
 Sullivan, Victoria

Burt, John
 Eastman, Eric
 Gould, Linda
 Hogan, Edith
 LeBrun, Donald
 Murotake, David
 Ober, Russell
 Simmons, Tammy
 Twombly, Timothy

MERRIMACK

Brewster, Michael
 Kuch, Bill
 McGuire, Carol

French, Harold
 Long, Douglas
 McGuire, Dan

Hill, Gregory
 Marple, Richard
 Parent, Jason

Horn, Werner
 Martin, John
 Seaworth, Brian

ROCKINGHAM

Abramson, Max
Chase, Francis
Griffin, Mary
Kappler, Lawrence
Prudhomme-O'Brien, Katherine
Tamburello, Daniel
Vose, Michael

Baldasaro, Alfred
Duarte, Joe
Harris, Jeffrey
Kellogg, Shern
Rice, Frederick
Tasker, Kyle
Welch, David

Bates, David
Emerick, J. Tracy
Hodgdon, Bruce
Osborne, Jason
Schroadter, Adam
True, Chris
Wood, David

Belanger, Ronald
Gordon, Richard
Itse, Daniel
Potucek, John
Spillane, James
Tucker, Pamela

STRAFFORD

Beaudoin, Steven
Jones, Laura
Whitehouse, Joshua

Cheney, Catherine
Kaczynski, Jr., Thomas

Groen, Warren
Knowles, Robert

Hannon, Joseph
Turcotte, Leonard

SULLIVAN

Laware, Thomas

Rollins, Skip

and the majority committee report was adopted.

HB 595-FN, relative to banning abortion after viability. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Claire A. Rouillard for the Majority of Judiciary. This bill, as amended, prevents a pregnant woman from having an abortion post viability, except when necessary to preserve the life or health of the pregnant woman, to remove a dead fetus, or to remove a fetus with severe anomalies incompatible with life. "Viability" as defined in this amendment, is when the state of fetal development may be continued indefinitely outside the womb naturally. The original house bill defined viability as a fetus with a post fertilization age of 21 weeks and 5 days, which was not supported by many medical experts who testified at the committee hearing. The amendment states that viability and the decision to terminate a pregnancy shall be solely that of the pregnant woman in consultation with her physician. The amendment further states that only a licensed physician may perform a post viability abortion. The amendment provides that a physician who performs an abortion in violation of this chapter shall be guilty of a class B misdemeanor and subject to disciplinary action under RSA 329, which is the Physicians and Surgeons Statute. HB 595 had issues involving its constitutionality, potential HIPAA violations, legal challenges on standing enabling siblings to bring an injunction, as well as other enforcement issues. Lastly, the original bill was on the road to litigation, with the cost paid by New Hampshire taxpayers. Because this is an important issue to many, the committee felt a rewrite of the bill, with an amendment, was necessary. Vote 12-7.

Rep. Timothy O. Horrigan for the Minority of Judiciary. The bill, as amended, totally replaced the original bill. The minority believes that the amendment, as passed, needed additional work.

Majority Amendment (0748h)

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

1 New Chapter; Viable Fetus Protection Act. Amend RSA by inserting after chapter 132-A the following new chapter:

CHAPTER 132-B**VIALE FETUS PROTECTION ACT**

132-B:1 Title. This chapter shall be known and may be cited as the Viable Fetus Protection Act.

132-B:2 Policy; Applicability.

I. It shall be the public policy of New Hampshire that the state shall not restrict a woman's exercise of her private decision to terminate a pregnancy before viability except as provided in RSA 132:32 – RSA 132:36.

II. Nothing in this chapter shall be construed to change accepted medical practice pursuant to RSA 326-B:11 relating to abortions prior to fetal viability.

132-B:3 Definitions. In this chapter:

I. "Abortion" means the use or prescription of any instrument, medicine, drug, or any other substance or device intentionally to terminate the pregnancy of a female known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove an ectopic pregnancy or the products from a spontaneous miscarriage.

II. "Viability" means the state of fetal development when the life of the fetus may be continued indefinitely outside the womb naturally.

132-B:4 Abortion After Viability Prohibited; Exception.

I. The determination of viability and the decision to terminate a pregnancy shall be solely that of the pregnant woman in consultation with her physician.

II. No abortion shall be performed upon a pregnant woman after viability of the fetus except when necessary to preserve the life or health of the pregnant woman, to remove a dead fetus, or to remove a fetus with severe anomalies incompatible with life.

III. All post viability abortions shall be performed by a licensed physician.

132-B:5 Penalty; Disciplinary Actions. Any physician who performs an abortion in violation of this chapter shall be guilty of a class B misdemeanor. In addition, any physician violating the chapter shall be subject to disciplinary action under RSA 329.

2 Effective Date. This act shall take effect January 1, 2016.

AMENDED ANALYSIS

This bill establishes the viable fetus protection act which prevents abortions beyond viability.

LAI D ON THE TABLE

Rep. Rowe moved that **HB 595-FN**, relative to banning abortion after viability, be laid on the table. Motion adopted.

REGULAR CALENDAR CONT'D

HB 606-FN-L, relative to costs for public records filed electronically. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael J. Sylvia for the Majority of Judiciary. The people's right to access governmental records is an important function of RSA 91-A. Maintaining transparency of government is one of our constitutional duties. HB 606 incorporates similar concepts which were presented in three bills all addressing access to governmental records under RSA 91-A:4 IV; HB 606, HB 138 and HB 656. All three sought to make clear that there should be no fee charged for the inspection of records made available under 91-A. HB 606 as amended, also includes access to online records without a charge. Vote 14-4.

Rep. Charlene F. Takesian for the Minority of Judiciary. This bill was originally submitted to allow for a fee for actual costs to send information electronically. The committee had several bills submitted that dealt with costs of public records and attempted to combine them into one bill. However, in the process the fee to charge for electronic transmission was omitted. The minority believed that the original intent of the bill should have been honored.

Majority Amendment (0691h)

Amend RSA 91-A:4, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Each public body or agency shall, upon request for any governmental record reasonably described, make available for inspection and copying any such governmental record within its files when such records are immediately available for such release. If a public body or agency is unable to make a governmental record available for immediate inspection and copying, it shall, within 5 business days of request, make such record available, deny the request in writing with reasons, or furnish written acknowledgment of the receipt of the request and a statement of the time reasonably necessary to determine whether the request shall be granted or denied. If a computer, photocopying machine, or other device maintained for use by a public body or agency is used by the public body or agency to copy the governmental record requested, the person requesting the copy may be charged the actual cost of providing the *paper* copy, which cost may be collected by the public body or agency. **No fee shall be charged for records online. No fee shall be charged to make such governmental record available for inspection and no fee shall be charged for inspection of such record.** Nothing in this section shall exempt any person from paying fees otherwise established by law for obtaining copies of governmental records or documents, but if such fee is established for the copy, no additional costs or fees shall be charged.

AMENDED ANALYSIS

This bill prohibits a public body or agency from charging a fee for making a governmental record available for inspection or from charging a fee for inspection of such record.

Majority committee amendment adopted.

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

Rep. Lachance requested a roll call; sufficiently seconded.

YEAS 321 - NAYS 18

YEAS - 321

BELKNAP

Aldrich, Glen
Gallagher, Brian
Luther, Robert
Vadney, Herbert

Dumais, Russell
Howard, Jr., Raymond
Spanos, Peter
Varney, Peter

Fields, Dennis
Hurt, George
Sylvia, Michael

Fraser, Valerie
LeBreche, Shari
Tilton, Franklin

CARROLL

Avellani, Lino
Cordelli, Glenn
Parker, Harold

Butler, Edward
McCarthy, Frank
Schmidt, Stephen

Chandler, Gene
McConkey, Mark
Ticehurst, Susan

Comeau, Ed
Nelson, Bill
Wright, Ted

CHESHIRE

Abbott, Michael
Chase, Cynthia
Pearson, William
Shepardson, Marjorie
Weber, Lucy

Ames, Richard
Emerson, Susan
Phillips, Larry
Sterling, Franklin

Berch, Paul
McConnell, Jim
Robertson, Timothy
Tatro, Bruce

Bordenet, John
Parkhurst, Henry
Sad, Tara
Tilton, Benjamin

COOS

Fothergill, John
Rappaport, Laurence
Thomas, Yvonne

Froburg, Alethea
Rideout, Leon

Hatch, William
Theberge, Robert

Moynihan, Wayne
Tholl, John

GRAFTON

Bennett, Travis
Darrow, Stephen
Higgins, Patricia
Ladd, Rick
Piper, Wendy

Brown, Chris
Gionet, Edmond
Hull, Robert
Maes, Kevin
Shackett, Jeffrey

Brown, Duane
Hennessey, Erin
Ingbretson, Paul
Massimilla, Linda
Sykes, George

Cooney, Mary
Hennessey, Martha
Johnson, Eric
Nordgren, Sharon
Townsend, Charles

HILLSBOROUGH

Ammon, Keith
Biggie, Barbara
Brown, Pamela
Christiansen, Lars
Cornell, Patricia
Eastman, Eric
Freitas, Mary
Gidge, Kenneth
Goulette, William
Halstead, Carolyn
Heath, Mary
Infantine, William
Leishman, Peter
Marston, Dick
McLean, Mark
Murphy, Keith
Ober, Russell
Pellegrino, Anthony
Rice, Kimberly
Rouillard, Claire
Simmons, Tammy
Soucy, Timothy
Sullivan, Victoria
Walsh, Robert
Zaricki, Nick

Backus, Robert
Boehm, Ralph
Burt, John
Christie, Rick
Cote, David
Edwards, Elizabeth
Fromuth, Bart
Goley, Jeffrey
Griffin, Barbara
Hansberry, Daniel
Hinch, Richard
Jack, Martin
Long, Patrick
Martel, Andre
McNamara, Richard
Notter, Jeanine
Ohm, Bill
Peterson, Ken
Roberts, Carol
Rowe, Robert
Smith, Gregory
Souza, Kathleen
Takesian, Charlene
Williams, Kermit

Balcom, John
Booras, Efstathia
Byron, Frank
Coffey, James
Danielson, David
Estevez, Eric
Gagne, Larry
Gonzalez, Carlos
Guerette, C. Lee
Hansen, Peter
Hogan, Edith
Lachance, Joseph
Mangipudi, Latha
McCarthy, Peggy
Moore, Josh
O'Brien, Michael
Palmer, Barry
Pierce, David
Rokas, Ted
Seidel, Carl
Smith, Timothy
Straight, Phillip
Twombly, Timothy
Wolf, Terry

Belanger, James
Bouldin, Amanda
Christensen, Chris
Cohen, Alan
Donovan, Daniel
Ferreira, Elizabeth
Gargas, Carolyn
Gould, Linda
Haefner, Robert
Harvey, Suzanne
Hopper, Gary
LeBrun, Donald
Manley, Jonathan
McClarren, Donald
Murotake, David
Ober, Lynne
Parison, James
Proulx, Mark
Rosenwald, Cindy
Shattuck, Gilman
Snow, Kendall
Sullivan, Daniel
Vann, Ivy
Woodbury, David

MERRIMACK

Alicea, Caroletta
Carson, Clyde
Frazer, June
Hess, David
Kotowski, Frank
MacKay, James
McGuire, Dan
Ratzki, Mario
Schuett, Dianne
Wallner, Mary Jane

Bartlett, Christy
Deloge, Helen
French, Barbara
Hill, Gregory
Kuch, Bill
Marple, Richard
Myler, Mel
Rice, Harold (Chip)
Seaworth, Brian
Wheeler, Deborah

Bradley, Paula
Doherty, David
French, Harold
Horn, Werner
Long, Douglas
Martin, John
Parent, Jason
Rogers, Katherine
Shurtleff, Stephen

Brewster, Michael
Ebel, Karen
Gile, Mary
Kidder, David
Luneau, David
McGuire, Carol
Patten, Dick
Saunderson, George
Turcotte, Alan

ROCK INGHAM

Abrami, Patrick
Barnes, Arthur
Cahill, Michael
Christie, Andrew
Devine, James
Elliott, Robert
Francese, Paula
Griffin, Mary
Heffron, Frank
Itse, Daniel
Lovejoy, Patricia
McBeath, Rebecca

Abramson, Max
Bates, David
Cardon, G. Thomas
Cook, Allen
DiFranco, Debbie
Emerick, J. Tracy
Gannon, William
Guthrie, Joseph
Hodgdon, Bruce
Kappler, Lawrence
Lundgren, David
McKinney, Betsy

Azarian, Gary
Belanger, Ronald
Chase, Francis
Cushing, Robert
Doucette, Fred
Ferrante, Beverly
Gordon, Pamela
Hagan, Joseph
Hoelzel, Kathleen
Kellogg, Shem
Major, Norman
McMahon, Charles

Baldasaro, Alfred
Berrien, Skip
Chirichello, Brian
DeSimone, Debra
Duarte, Joe
Fesh, Robert
Gordon, Richard
Harris, Jeffrey
Introne, Robert
Kolodziej, Walter
Matthews, Carolyn
Milz, David

Nigrello, Robert
Potucek, John
Schroadter, Adam
Tamburello, Daniel
Tucker, Pamela
Webb, James

O'Connor, John
Prudhomme-O'Brien, Katherine
Sherman, Thomas
Tasker, Kyle
Vose, Michael
Welch, David

Osborne, Jason
Rice, Frederick
Spillane, James
Thomas, Douglas
Ward, Gerald
Woitkun, Steven

Pantelakos, Laura
Sanders, Elisabeth
Sytek, John
True, Chris
Ward, Joanne
Wood, David

STRAFFORD

Baber, William
Bixby, Peter
DiSesa, Len
Hannon, Joseph
Kaen, Naida
Rollo, Deanna
Spang, Judith
Turcotte, Leonard
Whitehouse, Joshua

Beaudoin, Steven
Burton, Wayne
Gardner, Janice
Horrigan, Timothy
Knowles, Robert
Schmidt, Peter
Sprague, Dale
Verschueren, James

Berube, Roger
Cheney, Catherine
Gray, James
Jones, Laura
Leeman, Don
Smith, Marjorie
Stevens, Audrey
Wall, Janet

Bickford, David
Cilley, Jacalyn
Groen, Warren
Kaczynski, Jr., Thomas
Mullen, John
Southworth, Thomas
Treleaven, Susan
Ward, Kenneth

SULLIVAN

Bridge, Ernest
Gottling, Suzanne
Rollins, Skip

Cloutier, John
Grenier, James

Converse, Larry
Laware, Thomas

Gagnon, Raymond
Oxenham, Lee

NAYS - 18

GRAFTON

Abel, Richard

Almy, Susan

Smith, Suzanne

White, Andrew

HILLSBOROUGH

DiSilvestro, Linda
O'Neil, William

Forest, Armand

Gorman, Mary

Herbert, Christopher

MERRIMACK

Henle, Paul
Rockingham
Allen, Mary

Karrick, David

Kenison, Linda

Borden, David

Cali-Pitts, Jacqueline

Simpson, Alexis

STRAFFORD

Wuelper, Kurt

SULLIVAN

Schmidt, Andrew

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

Rep. Gorman voted Nay and intended to vote Yea.

(Speaker in the Chair)

HB 613, relative to governmental records exempted under the right-to-know law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Timothy O. Horrigan for Judiciary. This bill, as amended, protects the confidentiality of fish and game licenses, and similar licenses. The names and addresses of license-holders would no longer be available when right-to-know requests are made. Professional license-holders' names would still be available. Vote 14-3.

Amendment (0744h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Right-to-Know; Exemptions. Amend RSA 91-A:5 by inserting after paragraph IV the following new paragraph:

IV-a. Except as otherwise provided by law, the names and addresses of individuals contained in license applications, other than professional license applications. For the purposes of this paragraph, "license" means "license" as defined in RSA 541-A:1, VIII.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 646-FN-L, allowing public bodies or agencies to charge for the costs of retrieval of public records under the right-to-know law. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David Woodbury for the Majority of Judiciary. This bill threads the needle between an individual's right to free and full access to public records and the taxpayer's right to be free from bearing the substantial costs of unreasonable or abusive document retrievals. This bill permits a public body to levy a fee for a response to a document request not to exceed minimum wage and only after the first hour, which is free of charge. No

charge may be made for minutes of meetings occurring within the year prior to the request. Charges may be waived for those demonstrating an inability to pay like all compromises, this one imperfectly satisfies the two sides, but does offer taxpayer an increased level of protection. Vote 14-4.

Rep. Michael J. Sylvia for the Minority of Judiciary. This bill would allow public bodies to estimate the time required to retrieve records requested under the right to know law (RSA 91-A). If the time to retrieve records is estimated to be greater than one hour, the person making the request might be required to make payment prior to the records retrieval. The committee heard from a number of public bodies reporting stories of abusive requests under 91-A; missing from these stories was any substantive example of an abusive request. Members of the public and the press strongly object to this bill and find the policy to be chilling to open and transparent government. While compliance with 91-A carries a cost to public bodies, these costs serve as an incentive to streamline records management to control costs. In the balance, we have a constitutional duty to maintain transparency in government; this bill would be a step in the wrong direction.

Majority Amendment (0753h)

Amend RSA 91-A:4, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Each public body or agency shall, upon request for any governmental record reasonably described, make available for inspection and copying any such governmental record within its files when such records are immediately available for such release. If a public body or agency is unable to make a governmental record available for immediate inspection and copying, it shall, within 5 business days of request, make such record available, deny the request in writing with reasons, or furnish written acknowledgment of the receipt of the request and a statement of the time reasonably necessary to determine whether the request shall be granted or denied. If a computer, photocopying machine, or other device maintained for use by a public body or agency is used by the public body or agency to copy the governmental record requested, the person requesting the copy may be charged the actual cost of providing the copy, which cost may be collected by the public body or agency. Nothing in this section shall exempt any person from paying fees otherwise established by law for obtaining copies of governmental records or documents, but if such fee is established for the copy, no additional costs or fees shall be charged. ***No charge shall be imposed for allowing a person to inspect a record that is immediately available.***

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:
2 New Paragraph; Right-to-Know; Charges for Retrieval of Governmental Records. Amend RSA 91-A:4 by inserting after paragraph IV the following new paragraph:

IV-a. A public body may charge a fee to cover the actual labor cost of retrieving and copying the requested records, including reviewing and redacting confidential and other exempt information, subject to the following:

(a) The amount charged per hour shall not exceed the applicable minimum wage, and no charge shall be made for the first hour.

(b) The public body or agency shall provide the requester with a reasonable estimate of the time necessary to respond to the request and of the total cost. If the estimate of the total cost exceeds \$50, the requester may be required to pay all or a portion of the cost prior to retrieval of the records. If the final cost differs from the estimate, the difference shall be refunded or collected, as the case may be, at the time the records are provided.

(c) No charge shall be made for the cost of searching for or retrieving minutes of any public body meeting that occurred less than one year before the date of the request.

(d) Upon request, the public body or agency shall provide a detailed itemization of the costs charged.

(e) A court may reduce or waive the fees charged if it determines that the information requested is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government.

(f) The public body or agency may waive any charges for an individual who demonstrates an inability to pay.

LAID ON THE TABLE

Rep. Hinch moved that **HB 646-FN-L**, allowing public bodies or agencies to charge for the costs of retrieval of public records under the right-to-know law, be laid on the table.

Motion adopted.

REGULAR CALENDAR CONT'D

HB 267-FN, requiring employers to verify an employee's eligibility to work in the United States. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Brian Seaworth for the Majority of Labor, Industrial and Rehabilitative Services. This bill, as proposed, would mandate the E-Verify system on the State and all political subdivisions, as well as all its contractors and subcontractors. E-Verify is an internet-based system that allows participating companies to compare information from an employee's form I-9 to homeland security and social security records to validate employment eligibility. Registration in this program is available, without charge, to all U.S. employers. The submitted

version of the bill was overly broad, and the committee was asked to rework the bill to force only public employers into the program. While restricting the scope would mitigate the costs on some employers, employers testifying before the committee do expect administrative and compliance costs. This additional expenditure of tax money would be to address an issue that nobody testified was a problem: the employment of ineligible workers by the State of NH and its political subdivisions. The bipartisan majority of the committee, while concerned about the illegal immigration issue, cannot recommend this bill as a solution. Vote 14-6.

Rep. Fred Doucette for the Minority of Labor, Industrial and Rehabilitative Services. The minority believes the compliance with the electronic verification of work authorization program of the illegal immigration reform and immigration responsibility act of 1996 operated by the department of homeland security known as "E-Verify" or any equivalent program designed by the department of homeland security is an imperative tool to verify the employment eligibility of any newly hired public employee.

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

Rep. Duarte spoke against.

Rep. Seaworth spoke in favor.

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

On a division vote, 271 members having voted in the affirmative and 64 in the negative, the majority committee report was adopted.

The House recessed at 12.03 p.m.

RECESS

The House reconvened at 1:00 p.m.

(Speaker in the Chair) REGULAR CALENDAR CONT'D

SPECIAL ORDER

HB 431, relative to the placement of all new elective electric transmission lines in New Hampshire. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David K. Murotake for the Majority of Science, Technology and Energy. This bill has high popular support amongst north country residents wishing to force northern pass to bury its transmission lines. The bill instructs the site evaluation committee (SEC) that "use of existing public rights of way" and "burial of electric transmission lines with supports over 50 feet," will be the "preferred" option for the positioning of all new elective electric transmission lines. It further instructs the SEC to "presume that any line not required for system reliability and not proposed to be substantially buried will have an unreasonably adverse effect on aesthetics." Given the changes made by SB 245 (2014) now chaptered law, the wording in this bill virtually mandates any future elective electric transmission project to be buried and use public rights of way, to gain siting approval by the SEC. Passage of this bill would certainly discourage future elective projects (funded by private industry), resulting in the loss of local jobs. This bill increases ratepayer costs, and has other unintended consequences. The bill would hinder growth of industry in New Hampshire, and is anti-business. The current law RSA 162-H, "Site Evaluation Committee," newly revised in 2014, achieves the goals of HB 431 without appearing to be a virtual mandate for burial of elective electric transmission lines, and without being legislation specifically tailored to target a single project - northern pass. Vote 11-8.

Rep. Laurence M. Rappaport for the Minority of Science, Technology and Energy. The minority agrees with the bill's author that burial is the preferred method of electrical transmission. We believe that many folks and businesses move here because of the unparalleled natural beauty and that burial has an extremely low cost of maintenance. We think that overall cost is site specific and cannot be determined without a major engineering study, but the committee heard testimony that burial in certain conditions can actually be less expensive than aerial transmission. We recommend state transportation rights-of-way because we are giving them two uses instead of one and because the underlying soil has been disturbed, so blasting is generally not needed. We don't believe people should lose a major part of their investment due to an adjacent power line and we believe income from rental of state transportation rights-of-way should accrue to the state.

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

Reps. Suzanne Smith, Parison, Baber and Rappaport spoke against.

Reps. Murotake and Richardson spoke in favor.

Rep. Rappaport requested a roll call; sufficiently seconded.

YEAS 213 - NAYS 131

**YEAS - 213
BELKNAP**

Aldrich, Glen
Hurt, George
Vadney, Herbert

Fields, Dennis
Luther, Robert

Flanders, Donald
Sylvia, Michael

Howard, Jr., Raymond
Tilton, Franklin

CARROLL

Buco, Thomas
Schmidt, Stephen

Comeau, Ed
Wright, Ted

McCarthy, Frank

Parker, Harold

CHESHIRE

Ames, Richard
Eaton, Daniel
Robertson, Timothy

Berch, Paul
Hunt, John
Sad, Tara

Bordenet, John
Pearson, William
Sterling, Franklin

Chase, Cynthia
Phillips, Larry
Tatro, Bruce

COOS

Richardson, Herbert

Tholl, John

GRAFTON

Gionet, Edmond

Nordgren, Sharon

Sykes, George

White, Andrew

HILLSBOROUGH

Ammon, Keith
Belanger, James
Bouldin, Amanda
Christensen, Chris
Danielson, David
Edwards, Elizabeth
Fromuth, Bart
Gould, Linda
Haefner, Robert
Heath, Mary
Kurk, Neal
Long, Patrick
McCarthy, Peggy
Notter, Jeanine
Ober, Lynne
Pierce, David
Rosenwald, Cindy
Simmons, Tammy
Souza, Kathleen
Wolf, Terry

Backus, Robert
Biggie, Barbara
Brown, Pamela
Christiansen, Lars
DiSilvestro, Linda
Ferreira, Elizabeth
Gagne, Larry
Goulette, William
Halstead, Carolyn
Herbert, Christopher
Lachance, Joseph
Mangipudi, Latha
McLean, Mark
O'Brien, Michael
Ober, Russell
Proulx, Mark
Rouillard, Claire
Smith, Gregory
Sullivan, Daniel

Balcom, John
Boehm, Ralph
Burt, John
Christie, Rick
Donovan, Daniel
Forest, Armand
Goley, Jeffrey
Griffin, Barbara
Hansberry, Daniel
Hinch, Richard
LeBrun, Donald
Marston, Dick
Murotake, David
O'Brien, William
Ohm, Bill
Rice, Kimberly
Rowe, Robert
Snow, Kendall
Sullivan, Victoria

Barry, Richard
Booras, Elfstathia
Byron, Frank
Cornell, Patricia
Eastman, Eric
Freitas, Mary
Gonzalez, Carlos
Guerette, C. Lee
Hansen, Peter
Infantine, William
Leishman, Peter
Martel, Andre
Murphy, Keith
O'Neil, William
Palmer, Barry
Roberts, Carol
Seidel, Carl
Soucy, Timothy
Williams, Kermit

MERRIMACK

Brewster, Michael
Hess, David
Kotowski, Frank
McGuire, Dan
Shurtleff, Stephen

Doherty, David
Hoell, J.R.
Kuch, Bill
Rogers, Katherine
Wallner, Mary Jane

French, Barbara
Horn, Werner
Martin, John
Schuett, Dianne
Wheeler, Deborah

French, Harold
Kenison, Linda
McGuire, Carol
Seaworth, Brian

ROCK INGHAM

Abrami, Patrick
Bates, David
Chirichiello, Brian
Devine, James
Emerick, J. Tracy
Gordon, Pamela
Hagan, Joseph
Hoelzel, Kathleen
Kolodziej, Walter
Matthews, Carolyn
Milz, David
Pantelakos, Laura
Schroader, Adam
True, Chris
Weyler, Kenneth

Allen, Mary
Berrien, Skip
Christie, Andrew
Doucette, Fred
Ferrante, Beverly
Gordon, Richard
Harris, Jeffrey
Itse, Daniel
Lovejoy, Patricia
McBeath, Rebecca
Nigrello, Robert
Potucek, John
Spillane, James
Vose, Michael

Azarian, Gary
Cali-Pitts, Jacqueline
Cushing, Robert
Duarte, Joe
Fesh, Robert
Griffin, Mary
Heffron, Frank
Kappler, Lawrence
Lundgren, David
McKinney, Betsy
Osborne, Jason
Prudhomme-O'Brien, Katherine
Sytek, John
Webb, James

Baldasaro, Alfred
Cardon, G. Thomas
DeSimone, Debra
Elliott, Robert
Gannon, William
Guthrie, Joseph
Hodgdon, Bruce
Kellogg, Shem
Major, Norman
McMahon, Charles
Packard, Sherman
Sanders, Elisabeth
Thomas, Douglas
Welch, David

STRAFFORD

Beaudoin, Steven
Groen, Warren
Kaczynski, Jr., Thomas
Mullen, John
Turcotte, Leonard

Berube, Roger
Hannon, Joseph
Kaen, Naida
Rollo, Deanna
Wall, Janet

Cheney, Catherine
Horrigan, Timothy
Knowles, Robert
Schmidt, Peter
Whitehouse, Joshua

Cilley, Jacalyn
Jones, Laura
Leeman, Don
Sprague, Dale
Wuelper, Kurt

SULLIVAN

Bridge, Ernest
Rollins, Skip

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond
Smith, Steven

Grenier, James

NAYS - 131**BELK NAP**Dumais, Russell
Varney, Peter

Fraser, Valerie

Gallagher, Brian

Spanos, Peter

CARROLLAvellani, Lino
Ticehurst, Susan

Butler, Edward

Cordelli, Glenn

Nelson, Bill

CHESHIREAbbott, Michael
Shepardson, MarjorieEmerson, Susan
Tilton, BenjaminMcConnell, Jim
Weber, Lucy

Parkhurst, Henry

COOSFothergill, John
Rideout, LeonHatch, William
Theberge, RobertMoynihan, Wayne
Thomas, Yvonne

Rappaport, Laurence

GRAFTONAbel, Richard
Brown, Duane
Hennessey, Erin
Ingbretson, Paul
Massimilla, Linda
Townsend, CharlesAlmy, Susan
Cooney, Mary
Hennessey, Martha
Johnson, Eric
Piper, WendyBennett, Travis
Darrow, Stephen
Higgins, Patricia
Ladd, Rick
Shackett, JeffreyBrown, Chris
Ford, Susan
Hull, Robert
Maes, Kevin
Smith, Suzanne**HILLSBOROUGH**Coffey, James
Gargasz, Carolyn
Hogan, Edith
McClarren, Donald
Pellegrino, Anthony
Straight, Phillip
Vann, IvyCohen, Alan
Gidge, Kenneth
Hopper, Gary
McNamara, Richard
Peterson, Ken
Sweeney, Shawn
Walsh, RobertCote, David
Gorman, Mary
Jack, Martin
Moore, Josh
Shattuck, Gilman
Takesian, Charlene
Woodbury, DavidEstevez, Eric
Harvey, Suzanne
Manley, Jonathan
Parison, James
Smith, Timothy
Twombly, Timothy
Zaricki, Nick**MERRIMACK**Bartlett, Christy
Ebel, Karen
Hill, Gregory
Long, Douglas
Myler, Mel
Saunderson, GeorgeBradley, Paula
Frazer, June
Hirsch, Geoffrey
Luneau, David
Patten, Dick
Turcotte, AlanCarson, Clyde
Gle, Mary
Karrick, David
MacKay, James
Ratzki, MarioDeloge, Helen
Henle, Paul
Kidder, David
Marple, Richard
Rice, Harold (Chip)**ROCKINGHAM**Abramson, Max
Cook, Allen
Rice, Frederick
Tucker, Pamela
Wood, DavidBarnes, Arthur
DiFranco, Debbie
Sherman, Thomas
Ward, GeraldBelanger, Ronald
Francese, Paula
Simpson, Alexis
Ward, JoanneCahill, Michael
O'Connor, John
Tamburello, Daniel
Woitkun, Steven**STRAFFORD**Baber, William
DiSesa, Len
Southworth, Thomas
Verschueren, JamesBickford, David
Gardner, Janice
Spang, Judith
Ward, KennethBixby, Peter
Gray, James
Stevens, AudreyBurton, Wayne
Smith, Marjorie
Treleven, Susan**SULLIVAN**Converse, Larry
Oxenham, Lee

Gottling, Suzanne

Irwin, Virginia

Laware, Thomas

and the majority committee report was adopted.

SPECIAL ORDER**HB 684-FN**, establishing a state minimum hourly rate. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Tammy A. Simmons for the Majority of Labor, Industrial and Rehabilitative Services. Data shows that a very small number of people in NH are paid less than \$8/hr, let alone \$7.25/hr. While rhetoric is that a family cannot afford to live on a job paying minimum wage, the facts are that minimum wage does not equate to what actual NH families live off of. A mere 1.5% of NH's workforce earn the current federal minimum wage of \$7.25 and a third of those people are between the ages of 16-19. Additionally, the premise that simply paying an employee more means that the employee has more money to spend and thus more money is going into NH's economy, the reality is that not only does the business owner have \$100 less of his money to spend on

capital improvements and expansion, but he also has even less due to the additional costs in workers' compensation, liability insurance, federal payroll taxes, and unemployment insurance. Finally, the majority of the committee feels that the market will adjust earnings accordingly based on demand and without the need to be dictated to by the state. As the economy improves in NH and as we work to attract more businesses to our state, the perceived 'problem' of too low wages will fix itself. Vote 12-8.

Rep. Andrew A. White for the Minority of Labor, Industrial and Rehabilitative Services. The minority believes that financial security of the entire workforce is essential to the success of the state's economy. Raising the minimum wage would provide a direct and positive impact to New Hampshire's low wage earners while at the same time putting those earnings back into the economy. New Hampshire's minimum wage has not kept pace with inflation, nor has it kept pace with the surrounding states. The minority believes that providing a modest, gradual, and sustainable increase will help to reduce poverty and reduce dependence on state funded services. The minority is disappointed that the majority has ignored the fact that over half of New Hampshire's voters agree with raising the minimum wage, that 29 states have minimum wages higher than New Hampshire, and that it is clear that raising the minimum wage does not contribute to job losses.

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

(Rep. Packard in the Chair)

Rep. Simmons spoke in favor.

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

YEAS 198 - NAYS 145

YEAS - 198

BELK NAP

Aldrich, Glen
Fraser, Valerie
Luther, Robert
Vadney, Herbert

Dumais, Russell
Gallagher, Brian
Spanos, Peter
Varney, Peter

Fields, Dennis
Howard, Jr., Raymond
Sylvia, Michael

Flanders, Donald
Hurt, George
Tilton, Franklin

CARROLL

Avellani, Lino
Cordelli, Glenn
Parker, Harold

Butler, Edward
McCarthy, Frank
Schmidt, Stephen

Chandler, Gene
McConkey, Mark
Ticehurst, Susan

Comeau, Ed
Nelson, Bill
Wright, Ted

CHESHIRE

Bordenet, John

Hunt, John

McConnell, Jim

Sterling, Franklin

COOS

Fothergill, John
Tholl, John

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Brown, Duane
Hull, Robert
Piper, Wendy

Darrow, Stephen
Ingbreton, Paul
Shackett, Jeffrey

Gionet, Edmond
Johnson, Eric

Hennessey, Erin
Ladd, Rick

HILLSBOROUGH

Ammon, Keith
Biggie, Barbara
Byron, Frank
Danielson, David
Fromuth, Bart
Griffin, Barbara
Hinch, Richard
Kurk, Neal
Martel, Andre
Moore, Josh
Ober, Lynne
Parison, James
Rice, Kimberly
Seidel, Carl
Sullivan, Victoria
Wolf, Terry

Balcom, John
Boehm, Ralph
Christensen, Chris
Donovan, Daniel
Gagne, Larry
Haefner, Robert
Hogan, Edith
Lachance, Joseph
McCarthy, Peggy
Murphy, Keith
Ober, Russell
Pellegrino, Anthony
Rouillard, Claire
Simmons, Tammy
Sweeney, Shawn
Zaricki, Nick

Barry, Richard
Bouldin, Amanda
Christie, Rick
Eastman, Eric
Gargas, Carolyn
Halstead, Carolyn
Hopper, Gary
LeBrun, Donald
McClarren, Donald
Notter, Jeanine
Ohm, Bill
Peterson, Ken
Rowe, Robert
Smith, Gregory
Takesian, Charlene

Belanger, James
Burt, John
Coffey, James
Ferreira, Elizabeth
Gould, Linda
Hansen, Peter
Infantine, William
Marston, Dick
McLean, Mark
O'Brien, William
Palmer, Barry
Pierce, David
Sanborn, Laurie
Straight, Phillip
Twombly, Timothy

MERRIMACK

Brewster, Michael
Hoell, J.R.
Long, Douglas
McGuire, Dan

French, Harold
Hom, Werner
Marple, Richard
Seaworth, Brian

Hess, David
Kotowski, Frank
Martin, John

Hill, Gregory
Kuch, Bill
McGuire, Carol

ROCK INGHAM

Abrami, Patrick
 Baldasaro, Alfred
 Cardon, G. Thomas
 DeSimone, Debra
 Elliott, Robert
 Gannon, William
 Hagan, Joseph
 Introne, Robert
 Kolodziej, Walter
 McKinney, Betsy
 O'Connor, John
 Prudhomme-O'Brien, Katherine
 Spillane, James
 True, Chris
 Webb, James

Abramson, Max
 Barnes, Arthur
 Chirichiello, Brian
 Devine, James
 Emerick, J. Tracy
 Gordon, Richard
 Harris, Jeffrey
 Itse, Daniel
 Lundgren, David
 McMahon, Charles
 Osborne, Jason
 Rice, Frederick
 Sytek, John
 Tucker, Pamela
 Welch, David

Allen, Mary
 Bates, David
 Christie, Andrew
 Doucette, Fred
 Ferrante, Beverly
 Griffin, Mary
 Hodgdon, Bruce
 Kappler, Lawrence
 Major, Norman
 Milz, David
 Pantelakos, Laura
 Sanders, Elisabeth
 Tamburello, Daniel
 Vose, Michael
 Weyler, Kenneth

Azarian, Gary
 Belanger, Ronald
 Cook, Allen
 Duarte, Joe
 Fesh, Robert
 Guthrie, Joseph
 Hoelzel, Kathleen
 Kellogg, Shem
 Matthews, Carolyn
 Nigrello, Robert
 Potucek, John
 Schroadter, Adam
 Thomas, Douglas
 Ward, Joanne
 Wood, David

Beaudoin, Steven
 Groen, Warren
 Leeman, Don
 Whitehouse, Joshua

Bickford, David
 Hannon, Joseph
 Mullen, John
 Wuelper, Kurt

STRAFFORD

Cheney, Catherine
 Kaczynski, Jr., Thomas
 Pitre, Joseph

Gray, James
 Knowles, Robert
 Turcotte, Leonard

Bridge, Ernest

Grenier, James

SULLIVAN

Smith, Steven

NAYS - 145**CARROLL**

Buco, Thomas

CHESHIRE

Abbott, Michael
 Eaton, Daniel
 Robertson, Timothy
 Tilton, Benjamin

Ames, Richard
 Parkhurst, Henry
 Sad, Tara
 Weber, Lucy

Berch, Paul
 Pearson, William
 Shepardson, Marjorie

Chase, Cynthia
 Phillips, Larry
 Tatro, Bruce

Hatch, William

Moynihan, Wayne

COOS

Thomas, Yvonne

GRAFTON

Abel, Richard
 Cooney, Mary
 Maes, Kevin
 Sykes, George

Almy, Susan
 Ford, Susan
 Massimilla, Linda
 Townsend, Charles

Bennett, Travis
 Hennessey, Martha
 Nordgren, Sharon
 White, Andrew

Brown, Chris
 Higgins, Patricia
 Smith, Suzanne

HILLSBOROUGH

Backus, Robert
 Cohen, Alan
 Edwards, Elizabeth
 Goley, Jeffrey
 Guerette, C. Lee
 Herbert, Christopher
 Mangipudi, Latha
 O'Brien, Michael
 Rosenwald, Cindy
 Soucy, Timothy
 Williams, Kermit

Booras, Efsthathia
 Cornell, Patricia
 Forest, Armand
 Gonzalez, Carlos
 Hansberry, Daniel
 Jack, Martin
 Marley, Jonathan
 O'Neil, William
 Shattuck, Gilman
 Sullivan, Daniel
 Woodbury, David

Brown, Pamela
 Cote, David
 Freitas, Mary
 Gorman, Mary
 Harvey, Suzanne
 Leishman, Peter
 McNamara, Richard
 Proulx, Mark
 Smith, Timothy
 Vann, Ivy

Christiansen, Lars
 DiSilvestro, Linda
 Gidge, Kenneth
 Goulette, William
 Heath, Mary
 Long, Patrick
 Murotake, David
 Roberts, Carol
 Snow, Kendall
 Walsh, Robert

Bartlett, Christy
 Doherty, David
 Gile, Mary
 Kenison, Linda
 Myler, Mel
 Rogers, Katherine
 Turcotte, Alan

Bradley, Paula
 Ebel, Karen
 Henle, Paul
 Kidder, David
 Patten, Dick
 Saunderson, George
 Wallner, Mary Jane

MERRIMACK

Carson, Clyde
 Frazer, June
 Hirsch, Geoffrey
 Luneau, David
 Ratzki, Mario
 Schuett, Dianne
 Wheeler, Deborah

Deloge, Helen
 French, Barbara
 Karrick, David
 Mackay, James
 Rice, Harold (Chip)
 Shurtleff, Stephen

ROCK INGHAM

Berrien, Skip
 Cushing, Robert
 Heffron, Frank
 Simpson, Alexis

Borden, David
 DiFranco, Debbie
 Lovejoy, Patricia
 Ward, Gerald

Cahill, Michael
 Francoese, Paula
 McBeath, Rebecca
 Woitkun, Steven

Cali-Pitts, Jacqueline
 Gordon, Pamela
 Sherman, Thomas

STRAFFORD

Baber, William
 Cilley, Jacalyn
 Kaen, Naida
 Southworth, Thomas
 Treleven, Susan

Berube, Roger
 DiSesa, Len
 Rollo, Deanna
 Spang, Judith
 Verschueren, James

Bixby, Peter
 Gardner, Janice
 Schmidt, Peter
 Sprague, Dale
 Wall, Janet

Burton, Wayne
 Horrigan, Timothy
 Smith, Marjorie
 Stevens, Audrey
 Ward, Kenneth

SULLIVAN

Cloutier, John
 Irwin, Virginia

Converse, Larry
 Laware, Thomas

Gagnon, Raymond
 Oxenham, Lee

Gottling, Suzanne
 Schmidt, Andrew

and the majority committee report was adopted.

(Speaker in the Chair)

MOTION TO SPECIAL ORDER

Rep. Shepardson moved that **HB 614-FN**, implementing goals of the state 10-year energy strategy, be made a Special Order as the next order of business.

Rep. Shepardson spoke in favor.

Motion adopted.

SPECIAL ORDER

HB 614-FN, implementing goals of the state 10-year energy strategy. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Marjorie J. Shepardson for the Majority of Science, Technology and Energy. This bill creates four goals to implement parts of the new 10-year energy strategy. The goals deal with: 1. electric grid modernization, 2. finding incentives for utilities to help their customers reduce usage, 3. a strategy for further development of public (electric vehicle) charging corridors, and 4. establishing an electricity peak time reduction goal. The amendment changes “an incentive plan” to “a report” thereby removing the need for another employee and subsequent money to fund that employee. As it stands, there is no fiscal impact. Vote 11-8.

Rep. Michael Vose for the Minority of Science, Technology and Energy. This bill attempts to pull off the shelf a 15-year-old state 10-year energy plan and give direction on: 1- a Public Utility Commission (PUC) docket on modernization of the electric grid, 2- a framework for decoupling electric costs from the price of natural gas, and 3 – creating an incentive plan for public charging stations for alternatively fueled vehicles. Testimony revealed that the PUC and Office of Energy Planning (OEP) were already working on these issues. This bill is redundant to those efforts. Not implementing this legislation will save some state agency manpower costs.

Majority Amendment (0452h)

Amend paragraph III of section 1 of the bill by replacing it with the following:

III. The office of energy and planning, with input from the departments of transportation, environmental services, and resources and economic development shall develop and submit to the speaker of the house of representatives and the senate president a report on the status of and the preferred strategy to prioritize further development of public charging corridors, including Interstate 93, Interstate 89 and Interstate 95. The report shall be submitted on or before December 31, 2015.

Majority committee amendment adopted.

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

Rep. Vose spoke against.

Rep. Shepardson spoke in favor.

On a division vote, 267 members having voted in the affirmative and 67 in the negative, the majority committee report was adopted and ordered to third reading.

REGULAR CALENDAR CONT'D

HB 365, prohibiting an employer from using credit history in employment decisions. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Gregory Hill for the Majority of Labor, Industrial and Rehabilitative Services. This bill seeks to eliminate the opportunity for employers to use credit history in evaluating prospective employees. The National Federation of Independent Business (NFIB) correctly argues that small employers need “every tool they can use to make smart hiring decisions.” However, the starkness of that truth is not restricted to small business. The majority, while sympathetic to prospective employees caught in a “spiral” of job loss leading to foreclosure and bankruptcy that appears symptomatic of bad economic times in NH, nevertheless feel that most employers who seek “good” employees will go the extra step to ascertain the cause of any credit problems. While there may be a great many reasons for credit issues, there are at least as many occupations

where credit history is required for security clearances and concerns. At what point does restricting an employer's "due diligence" opportunities lead to reducing their desire to grow their business for fear of making the wrong decision? It is for all these reasons the committee recommends an ITL on HB 365. Vote 11-8.

Rep. Andrew A. White for the Minority of Labor, Industrial and Rehabilitative Services. The minority strongly believes that private, personal information should stay private unless absolutely necessary. This bill would prevent employers who do not need to inquire into an applicant's credit history from obtaining credit information, while expressly allowing those inquiries in cases where it is necessary for the job being sought. This bill seeks to break the cycle of employees being unable to find work due to their poor credit history, because they cannot fix their credit history without a good job. The reasons for poor credit histories are many, however we do know that women tend to be disproportionately affected by negative credit, often due to divorce. The minority of the committee believes that removing barriers to employment is essential and that people who want to work should be able to work without unnecessary intrusion into their private lives.

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

Rep. Cushing spoke against.

Rep. Infantine spoke in favor.

Rep. Sylvia requested a roll call; sufficiently seconded.

YEAS 200 - NAYS 142

YEAS - 200

BELK NAP

Aldrich, Glen
Fraser, Valerie
Luther, Robert
Vadney, Herbert

Dumais, Russell
Gallagher, Brian
Spanos, Peter
Varney, Peter

Fields, Dennis
Howard, Jr., Raymond
Sylvia, Michael

Flanders, Donald
Hurt, George
Tilton, Franklin

CARROLL

Avellani, Lino
McConkey, Mark

Chandler, Gene
Nelson, Bill

Comeau, Ed
Parker, Harold

Cordelli, Glenn
Schmidt, Stephen

CHESHIRE

Bordenet, John
Sterling, Franklin

Emerson, Susan

Hunt, John

McConnell, Jim

COOS

Fothergill, John
Tholl, John

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Brown, Duane
Hull, Robert
Massimilla, Linda

Darrow, Stephen
Ingbreton, Paul
Piper, Wendy

Gionet, Edmond
Johnson, Eric
Shackett, Jeffrey

Hennessey, Erin
Ladd, Rick

HILLSBOROUGH

Ammon, Keith
Biggie, Barbara
Byron, Frank
Coffey, James
Ferreira, Elizabeth
Gargas, Carolyn
Haefner, Robert
Hogan, Edith
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Ober, Russell
Pellegrino, Anthony
Roberts, Carl
Silva, Peter
Sullivan, Victoria
Zaricki, Nick

Balcom, John
Boehm, Ralph
Christensen, Chris
Danielson, David
Forest, Armand
Gould, Linda
Halstead, Carolyn
Infantine, William
Marston, Dick
McLean, Mark
Notter, Jeanine
Ohm, Bill
Peterson, Ken
Rouillard, Claire
Simmons, Tammy
Takesian, Charlene

Barry, Richard
Bouldin, Amanda
Christiansen, Lars
Donovan, Daniel
Fromuth, Bart
Goulette, William
Hansen, Peter
Kurk, Neal
Martel, Andre
Moore, Josh
O'Brien, William
Palmer, Barry
Pierce, David
Rowe, Robert
Souza, Kathleen
Twombly, Timothy

Belanger, James
Burt, John
Christie, Rick
Eastman, Eric
Gagne, Larry
Griffin, Barbara
Hinch, Richard
Lachance, Joseph
McCarthy, Peggy
Murotake, David
Ober, Lynne
Parison, James
Rice, Kimberly
Seidel, Carl
Straight, Phillip
Wolf, Terry

MERRIMACK

Bradley, Paula
Hill, Gregory
Kotowski, Frank
Martin, John

Brewster, Michael
Hoell, J.R.
Kuch, Bill
McGuire, Carol

French, Harold
Kenison, Linda
Long, Douglas
McGuire, Dan

Hess, David
Kidder, David
Marple, Richard
Seaworth, Brian

ROCK INGHAM

Abrami, Patrick
Barnes, Arthur
Christie, Andrew
Doucette, Fred
Ferrante, Beverly
Griffin, Mary
Hodgdon, Bruce
Kappler, Lawrence
Major, Norman
Milz, David
Packard, Sherman
Sanders, Elisabeth
Tamburello, Daniel
Tucker, Pamela
Welch, David

Allen, Mary
Bates, David
Cook, Allen
Duarte, Joe
Fesh, Robert
Guthrie, Joseph
Hoelzel, Kathleen
Kellogg, Shem
Matthews, Carolyn
Nigrello, Robert
Potucek, John
Schroadter, Adam
Tasker, Kyle
Vose, Michael
Woitkun, Steven

Azarian, Gary
Belanger, Ronald
DeSimone, Debra
Elliott, Robert
Gannon, William
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
McKinney, Betsy
O'Connor, John
Prudhomme-O'Brien, Katherine
Spillane, James
Thomas, Douglas
Ward, Joanne
Wood, David

Baldasaro, Alfred
Chirichiello, Brian
Devine, James
Emerick, J. Tracy
Gordon, Richard
Harris, Jeffrey
Itse, Daniel
Lundgren, David
McMahon, Charles
Osborne, Jason
Rice, Frederick
Sytek, John
True, Chris
Webb, James

STRAFFORD

Beaudoin, Steven
Groen, Warren
Knowles, Robert
Whitehouse, Joshua

Bickford, David
Hannon, Joseph
Leeman, Don
Wuelper, Kurt

Cheney, Catherine
Jones, Laura
Mullen, John

Gray, James
Kaczynski, Jr., Thomas
Turcotte, Leonard

SULLIVAN

Smith, Steven

NAYS - 142**CARROLL**

Buco, Thomas
Wright, Ted

Butler, Edward

McCarthy, Frank

Ticehurst, Susan

CHESHIRE

Abbott, Michael
Parkhurst, Henry
Sad, Tara
Weber, Lucy

Ames, Richard
Pearson, William
Shepardson, Marjorie

Berch, Paul
Phillips, Larry
Tatro, Bruce

Chase, Cynthia
Robertson, Timothy
Tilton, Benjamin

COOS

Hatch, William

Moynihan, Wayne

Theberge, Robert

Thomas, Yvonne

GRAFTON

Abel, Richard
Cooney, Mary
Maes, Kevin
Townsend, Charles

Almy, Susan
Ford, Susan
Nordgren, Sharon
White, Andrew

Bennett, Travis
Hennessey, Martha
Smith, Suzanne

Brown, Chris
Higgins, Patricia
Sykes, George

HILLSBOROUGH

Backus, Robert
Cornell, Patricia
Freitas, Mary
Gorman, Mary
Herbert, Christopher
Long, Patrick
O'Neil, William
Shattuck, Gilman
Sullivan, Daniel
Williams, Kermit

Booras, Efstathia
Cote, David
Gidge, Kenneth
Hansberry, Daniel
Hopper, Gary
Mangipudi, Latha
Porter, Marjorie
Smith, Timothy
Sweeney, Shawn
Woodbury, David

Brown, Pamela
DiSilvestro, Linda
Goley, Jeffrey
Harvey, Suzanne
Jack, Martin
Manley, Jonathan
Proulx, Mark
Snow, Kendall
Vann, Ivy

Cohen, Alan
Estevez, Eric
Gonzalez, Carlos
Heath, Mary
Leishman, Peter
O'Brien, Michael
Rosenwald, Cindy
Soucy, Timothy
Walsh, Robert

MERRIMACK

Alicea, Caroletta
Doherty, David
Gile, Mary
Karrick, David
Patten, Dick
Saunderson, George
Wallner, Mary Jane

Bartlett, Christy
Ebel, Karen
Henle, Paul
Luneau, David
Ratzki, Mario
Schuett, Dianne
Wheeler, Deborah

Carson, Clyde
Frazer, June
Hirsch, Geoffrey
MacKay, James
Rice, Harold (Chip)
Shurtleff, Stephen

Deloge, Helen
French, Barbara
Horn, Werner
Myler, Mel
Rogers, Katherine
Turcotte, Alan

ROCK INGHAM

Abramson, Max
Cali-Pitts, Jacqueline
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Berrien, Skip
Cardon, G. Thomas
Gordon, Pamela
Pantelakos, Laura

Borden, David
Cushing, Robert
Heffron, Frank
Sherman, Thomas

Cahill, Michael
DiFranco, Debbie
Lovejoy, Patricia
Simpson, Alexis

STRAFFORD

Baber, William
DiSesa, Len
Rollo, Deanna
Sprague, Dale

Berube, Roger
Gardner, Janice
Schmidt, Peter
Stevens, Audrey

Bixby, Peter
Horrigan, Timothy
Southworth, Thomas
Verschuere, James

Burton, Wayne
Kaen, Naida
Spang, Judith
Wall, Janet

SULLIVAN

Cloutier, John
Irwin, Virginia
Schmidt, Andrew

Converse, Larry
Laware, Thomas

Gagnon, Raymond
Oxenham, Lee

Gottling, Suzanne
Rollins, Skip

and the majority committee report was adopted.

HB 392-FN, relative to the minimum hourly wage. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Gregory Hill for the Majority of Labor, Industrial and Rehabilitative Services. This bill would raise the state minimum wage incrementally until it reaches \$10 per hour by 2018. After 2018, NH's minimum wage would continue upwards by annual cost of living increases. The bill also calls for employees paid primarily by tips to be also paid at this newly inflated state minimum wage. The committee heard three bills addressing minimum wage increases; the bipartisan majority recommends ITL on this bill and HB 163 and allowing debate on the issue on HB 684. Vote 15-4.

Rep. Andrew A. White for the Minority of Labor, Industrial and Rehabilitative Services. While the minority understands the need to consolidate similar bills to streamline the legislative process, the subject matter is so important the minority could not agree to kill this bill.

Majority committee report adopted.

HB 450, relative to the definition of employee for purposes of workers' compensation and establishing a commission to study and make recommendations for a common definition of employee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Nick Zaricki for Labor, Industrial and Rehabilitative Services. This bill as amended creates a uniform definition of "employee." Currently, there are conflicting definitions of employee in statute, which causes considerable confusion among employers, employees, and state agencies. This bill amends statutory definitions of employee and replaces them with a single unified definition, determined by a joint work group including the dept. of labor, the dept. of employment security, and other stakeholders. This bill simplifies our regulations and is good for employers and employees. The recommendation was supported by a large bipartisan majority on the committee. Vote 16-4.

Amendment (0335h)

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

AN ACT relative to the definition of "employee" for the purposes of workers' compensation and unemployment compensation.

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

1 New Section; Department of Labor; Collateral Estoppel. Amend RSA 273 by inserting after section 11-d the following new section:

273:11-e Collateral Estoppel. Decisions rendered under this chapter and RSA 281-A shall not be admissible in any court or in administrative or other proceedings, for the purpose of barring such court or proceeding from making independent findings of fact and rulings of law under the doctrine of collateral estoppel.

2 Procurement of Employment; Definitions. RSA 275:4, II is repealed and reenacted to read as follows:

II. "Employee" means every individual, other than a person exempted from the definition of employee under RSA 281-A:2, VI(b)(2), (3), or (4), or RSA 281-A:2, VII(b), or a person providing services as part of a residential placement for individuals with developmental, acquired, or emotional disabilities, who may be permitted, required, or directed by a single employer, in consideration of direct or indirect gain or profit, to provide services, unless this presumption is rebutted to the satisfaction of the commissioner that the individual is an independent contractor, both under the individual's contract of service and in fact, and the hiring unit proves that the individual meets all the criteria in subparagraph (a) and 3 of the criteria in subparagraph (b).

(a) The following criteria shall be met:

(1) The individual has the essential right to control the detailed means and manner of the work except as to final results;

(2) The individual has the opportunity for profit and loss as a result of the services being performed;

(3) The individual performs services that the individual is customarily engaged in as an independently established trade, occupation, profession, or business. This subparagraph may be met even when the individual performs services for only one hiring unit, or for 2 or more related hiring units, during one temporary period not to exceed 6 months, if:

(A) The individual is not contractually or practically precluded by such hiring unit, or any related hiring units, from performing similar services for a different, unrelated hiring unit; and

(B) It is the individual's choice not to make available or perform similar services for different, unrelated hiring units;

(4) The individual hires and pays the individual's assistants, if any, and, to the extent such assistants are employees, supervises the details of the assistants' work; and

(5) Payment to the individual is based on factors directly related to the agreed scope of work performed.

(b) At least 3 of the following criteria shall also be met:

(1) The individual has a substantive investment in the facilities, tools, instruments, materials, and knowledge used by the individual to complete the work;

(2) The individual is responsible for satisfactory completion of the work and may be held contractually responsible for failure to complete the work;

(3) The parties have a written contract that defines the relationship and gives each party contractual rights in the event the contract is terminated by the other party prior to completion of the work;

(4) The work is outside the usual course of business of the hiring unit;

(5) The work is performed outside all of the places of business of the hiring unit; or

(6) The individual has been determined to be an independent contractor by the federal Internal Revenue Service (an SS-8 determination).

3 Payment of Wages; Definitions. RSA 275:42, II is repealed and reenacted to read as follows:

II. "Employee" means every individual, other than a person exempted from the definition of employee as stated in RSA 281-A:2, VI(b)(2), (3), or (4), or RSA 281-A:2, VII(b), or a person providing services as part of a residential placement for individuals with developmental, acquired, or emotional disabilities, who may be permitted, required, or directed by a single employer, in consideration of direct or indirect gain or profit, to provide services, unless this presumption is rebutted to the satisfaction of the commissioner that the individual is an independent contractor, both under the individual's contract of service and in fact, and the hiring unit proves that the individual meets all of the criteria in subparagraph (a) and 3 of the criteria in subparagraph (b).

(a) The following criteria shall be met:

(1) The individual has the essential right to control the detailed means and manner of the work except as to final results;

(2) The individual has the opportunity for profit and loss as a result of the services being performed;

(3) The individual performs services that the individual is customarily engaged in as an independently established trade, occupation, profession, or business. This subparagraph may be met even when the individual performs services for only one hiring unit, or for 2 or more related hiring units, during one temporary period not to exceed 6 months, if:

(A) The individual is not contractually or practically precluded by such hiring unit, or any related hiring units, from performing similar services for a different, unrelated hiring unit; and

(B) It is the individual's choice not to make available or perform similar services for different, unrelated hiring units;

(4) The individual hires and pays the individual's assistants, if any, and, to the extent such assistants are employees, supervises the details of the assistants' work; and

(5) Payment to the individual is based on factors directly related to the agreed scope of work performed.

(b) At least three 3 of the following criteria shall also be met:

(1) The individual has a substantive investment in the facilities, tools, instruments, materials, and knowledge used by the individual to complete the work;

(2) The individual is responsible for satisfactory completion of the work and may be held contractually responsible for failure to complete the work;

(3) The parties have a written contract that defines the relationship and gives each party contractual rights in the event the contract is terminated by the other party prior to completion of the work;

(4) The work is outside the usual course of business of the hiring unit;

(5) The work is performed outside all of the places of business of the hiring unit; or

(6) The individual has been determined to be an independent contractor by the federal Internal Revenue Service (an SS-8 determination).

4 Whistleblowers' Protection Act; Definitions. RSA 275-E:1, I is repealed and reenacted to read as follows:

I. "Employee" means every individual, other than a person exempted from the definition of employee as stated in RSA 281-A:2, VI(b)(2), (3), or (4), or RSA 281-A:2, VII(b), or a person providing services as part of a residential placement for individuals with developmental, acquired, or emotional disabilities, who may be permitted, required, or directed by a single employer, in consideration of direct or indirect gain or profit, to provide services, unless this presumption is rebutted to the satisfaction of the commissioner that the individual is an independent contractor, both under the individual's contract of service and in fact, and the hiring unit proves that the individual meets all of the criteria in subparagraph (a) and 3 of the criteria in subparagraph (b).

(a) The following criteria shall be met:

(1) The individual has the essential right to control the detailed means and manner of the work except as to final results;

(2) The individual has the opportunity for profit and loss as a result of the services being performed;

(3) The individual performs services that the individual is customarily engaged in as an independently established trade, occupation, profession, or business. This subparagraph may be met even when the individual performs services for only one hiring unit, or for 2 or more related hiring units, during one temporary period not to exceed 6 months, if:

(A) The individual is not contractually or practically precluded by such hiring unit, or any related hiring units, from performing similar services for a different, unrelated hiring unit; and

(B) It is the individual's choice not to make available or perform similar services for different, unrelated hiring units;

(4) The individual hires and pays the individual's assistants, if any, and, to the extent such assistants are employees, supervises the details of the assistants' work; and

(5) Payment to the individual is based on factors directly related to the agreed scope of work performed.

(b) At least 3 of the following criteria shall also be met:

(1) The individual has a substantive investment in the facilities, tools, instruments, materials, and knowledge used by the individual to complete the work;

(2) The individual is responsible for satisfactory completion of the work and may be held contractually responsible for failure to complete the work;

(3) The parties have a written contract that defines the relationship and gives each party contractual rights in the event the contract is terminated by the other prior to completion of the work;

(4) The work is outside the usual course of business of the hiring unit;

(5) The work is performed outside all of the places of business of the hiring unit; or

(6) The individual has been determined to be an independent contractor by the federal Internal Revenue Service (an SS-8 determination).

5 Minimum Wage Law; Definitions. RSA 279:1, X is repealed and reenacted to read as follows:

X. "Employee" means every individual, other than a person exempted from the definition of employee under RSA 281-A:2, VI(b)(2), (3), or (4), or RSA 281-A:2, VII(b), or a person providing services as part of a residential placement for individuals with developmental, acquired, or emotional disabilities, who may be permitted, required, or directed by a single employer, in consideration of direct or indirect gain or profit, to provide services, unless this presumption is rebutted to the satisfaction of the commissioner that the individual is an independent contractor, both under the individual's contract of service and in fact, and the hiring unit proves that the individual meets all of the criteria in subparagraph (a) and 3 of the criteria in subparagraph (b).

(a) The following criteria shall be met:

(1) The individual has the essential right to control the detailed means and manner of the work except as to final results;

(2) The individual has the opportunity for profit and loss as a result of the services being performed;

(3) The individual performs services that the individual is customarily engaged in as an independently established trade, occupation, profession, or business. This subparagraph may be met even when the individual performs services for only one hiring unit, or for 2 or more related hiring units, during one temporary period not to exceed 6 months, if:

(A) The individual is not contractually or practically precluded by such hiring unit, or any related hiring units, from performing similar services for a different, unrelated hiring unit; and

(B) It is the individual's choice not to make available or perform similar services for different, unrelated hiring units;

(4) The individual hires and pays the individual's assistants, if any, and, to the extent such assistants are employees, supervises the details of the assistants' work; and

(5) Payment to the individual is based on factors directly related to the agreed scope of work performed.

(b) At least 3 of the following criteria shall also be met:

(1) The individual has a substantive investment in the facilities, tools, instruments, materials, and knowledge used by the individual to complete the work;

(2) The individual is responsible for satisfactory completion of the work and may be held contractually responsible for failure to complete the work;

(3) The parties have a written contract that defines the relationship and gives each party contractual rights in the event the contract is terminated by the other prior to completion of the work;

(4) The work is outside the usual course of business of the hiring unit;

(5) The work is performed outside all of the places of business of the hiring unit; or

(6) The individual has been determined to be an independent contractor by the federal Internal Revenue Service (an SS-8 determination).

6 Workers' Compensation; Definitions. RSA 281-A:2, VI(b)(1) is repealed and reenacted to read as follows:

(1) Subject to the preceding paragraph, "employee" means every individual, other than a direct seller or qualified real estate broker or agent or real estate appraiser, or person providing services as part of a residential placement for individuals with developmental, acquired, or emotional disabilities, who may be permitted, required, or directed by a single employer, in consideration of direct or indirect gain or profit, to provide services, unless this presumption is rebutted to the satisfaction of the commissioner that the individual is an independent contractor, both under the individual's contract of service and in fact, and the hiring unit proves that the individual meets all of the criteria in subparagraph (A) and 3 of the criteria in subparagraph (B).

(A) The following criteria shall be met:

(i) The individual has the essential right to control the detailed means and manner of the work except as to final results;

(ii) The individual has the opportunity for profit and loss as a result of the services being performed;

(iii) The individual performs services that the individual is customarily engaged in as an independently established trade, occupation, profession, or business. This subparagraph may be met even when the individual performs services for only one hiring unit, or for 2 or more related hiring units, during one temporary period not to exceed 6 months, if:

(a) The individual is not contractually or practically precluded by such hiring unit, or any related hiring units, from performing similar services for a different, unrelated hiring unit; and

(b) It is the individual's choice not to make available or perform similar services for different, unrelated hiring units;

(iv) The individual hires and pays the individual's assistants, if any, and, to the extent such assistants are employees, supervises the details of the assistants' work; and

(v) Payment to the individual is based on factors directly related to the agreed scope of work performed.

(B) At least 3 of the following criteria shall also be met:

(i) The individual has a substantive investment in the facilities, tools, instruments, materials, and knowledge used by the individual to complete the work;

(ii) The individual is responsible for satisfactory completion of the work and may be held contractually responsible for failure to complete the work;

(iii) The parties have a written contract that defines the relationship and gives each party contractual rights in the event the contract is terminated by the other prior to completion of the work;

(iv) The work is outside the usual course of business of the hiring unit;

(v) The work is performed outside all of the places of business of the hiring unit; or

(vi) The individual has been determined to be an independent contractor by the federal Internal Revenue Service (an SS-8 determination).

7 Workers' Compensation; Definitions. Amend RSA 281-A:2, VI(c) to read as follows:

(c) A written agreement signed by the ~~[employer]~~ **hiring unit** and the ~~[person]~~ **individual** providing services, on or about the date such person was engaged, which describes **how** the services **are** to be performed ~~[and affirms that such services are to be performed]~~ in accordance with ~~[each of]~~ the criteria in ~~[subparagraphs]~~ **subparagraph (b)(1)[(A)-(G)]** is prima facie evidence that the criteria have been met. Nothing in this subparagraph shall require such an agreement to establish that the criteria have been met.

8 Unemployment Compensation; Definitions. RSA 282-A:9, III is repealed and reenacted to read as follows:

III. Services performed by an individual for wages shall be deemed to be employment subject to this chapter unless and until it is shown to the satisfaction of the commissioner of the department of employment security that:

(a) The individual has the essential right, both under the individual's contract of service and in fact, to control the detailed means and manner of the work except as to final results;

(b) The individual has the opportunity for profit and loss as a result of the services being performed; and

(c) The individual performs services that the individual is customarily engaged in as an independently established trade, occupation, profession, or business; this provision may be met even when the individual performs services for only one hiring unit, or for 2 or more related hiring units, during one temporary period not to exceed 6 months, if:

(1) The individual is not contractually or practically precluded by such hiring unit, or any related hiring units, from performing similar services for a different, unrelated hiring unit; and

(2) It is the individual's choice not to make available or perform similar services for different, unrelated hiring units; and

(d) The individual hires and pays the individual's assistants, if any, and, to the extent such assistants are employees, supervises the details of the assistants' work; and

(e) Payment to the individual is based on factors directly related to the agreed scope of work performed; and

(f) That at least 3 of the following criteria are met:

- (1) The individual has a substantive investment in the facilities, tools, instruments, materials, and knowledge used by the individual to complete the work;
- (2) The individual is responsible for satisfactory completion of the work and may be held contractually responsible for failure to complete the work;
- (3) The parties have a written contract that defines the relationship and gives each party contractual rights in the event the contract is terminated by the other prior to completion of the work;
- (4) The work is outside the usual course of business of the hiring unit;
- (5) The work is performed outside all of the places of business of the hiring unit; or
- (6) The individual has been determined to be an independent contractor by the Federal Internal Revenue Service (an SS-8 determination).

9 Effective Date. This act shall take effect January 1, 2016.

AMENDED ANALYSIS

This bill clarifies the definition of “employee” for purposes of determining an independent contractor. Committee amendment adopted. Committee report adopted and ordered to third reading.

HB 496-FN-L, prohibiting public employers from using criminal history in employment decisions. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Keith Murphy for the Majority of Labor, Industrial and Rehabilitative Services. This bill would prohibit public employers from inquiring about or considering an applicant’s criminal history until after a conditional offer of employment has been made. The majority of the committee believes that there are obviously positions for which a criminal conviction would be disqualifying or, at a minimum, worth consideration. It is doing neither the employer nor applicant any favors to not allow this information to be solicited prior to an interview. The committee heard testimony that applicants have the opportunity to explain past convictions on applications and that convictions are not automatically disqualifying for every position. Employers can and do take into account factors such as the amount of time that has passed since the conviction, the severity of the offense, and the relationship of the offense to the position sought. Finally, there was the sentiment that poor decisions do have consequences, and the decision to commit a crime has the consequence of limiting future job opportunities. Vote 12-8.

Rep. Douglas A. Ley for the Minority of Labor, Industrial and Rehabilitative Services. Despite its title, this bill did not prohibit using criminal history in employment decisions. Instead, it limited the use of criminal history to the second stage of a job application process, eliminating the typical initial inquiry regarding prior convictions. All too often, those who ‘check the box’ are immediately dismissed from further consideration, with no opportunity at explanation or ability to demonstrate whether a prior conviction is even relevant to the job in question. Consequently, we often discriminate against those with prior criminal history, affixing an often-unwarranted “Scarlet Letter” upon otherwise fully-qualified applicants. The minority endorse the idea that it’s better to not discriminate and limit criminal history checks to those who have otherwise earned full consideration for employment.

LAID ON THE TABLE

Rep. Infantine moved that **HB 496-FN-L**, prohibiting public employers from using criminal history in employment decisions, be laid on the table.

Motion adopted.

REGULAR CALENDAR CONT'D

HB 600-FN, relative to paid sick leave for employees. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Leonard P. Turcotte for the Majority of Labor, Industrial and Rehabilitative Services. As written, the majority of the committee sees several issues with the bill. For starters, the “findings” are certainly subjective. Additionally, there is less than clear language in multiple places, including the word “reasonable,” that would lead to interpretational debates. There are also key words/phrases lacking clarifying definitions. Regardless of the bill’s lack of being ready for any house vote, the majority believes that mandatory sick leave is not in the best interest of our state’s citizens overall. One individual who testified stated that legislatively mandating sick leave was preferable to education on the subject. We disagree. According to testimony, only one other state (Connecticut) has mandated sick leave, a state hardly known for thrift. When a witness was asked who would cover the small business owner’s sick time, the owner being asked to cover all his employees, the reply was “the business owner would have to cover himself.” Businesses would bear the brunt of the direct cost of paying for sick days as well as time and costs associated with record keeping and retention. There are

additional publication costs, regulatory burdens and potential enforcement placed on the NH department of labor. Finally, the fiscal note states that there would be a nearly \$9 million increase to the state's budget to cover the new sick time requirements for its part-time employees. Furthermore, the majority believes that it is in our state's interest to be pro-business rather than institute additional mandates that impose financial, clerical and regulatory burdens. In general, employee "benefits," like pay, should be a negotiated agreement between the employee and employer, not a mandate from bureaucracy. For all the foregoing reasons, however, we the majority find this bill ITL. Vote 12-8.

Rep. Michael D. Cahill for the Minority of Labor, Industrial and Rehabilitative Services. Sick leave is worthy of further study. The minority wanted to retain and improve the bill. Employees without sick leave bring contagious diseases to work leading to more workplace illness, reducing productivity and ultimately harming NH's economy. Provision of sick leave would enhance employee morale as well as overall productivity and profitability.

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

Rep. Gile spoke against.

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

YEAS 219 - NAYS 122

YEAS - 219

BELK NAP

Aldrich, Glen
Fraser, Valerie
Luther, Robert
Vadney, Herbert

Dumais, Russell
Gallagher, Brian
Spanos, Peter
Varney, Peter

Fields, Dennis
Howard, Jr., Raymond
Sylvia, Michael

Flanders, Donald
Hurt, George
Tilton, Franklin

CARROLL

Avellani, Lino
Cordelli, Glenn
Parker, Harold

Butler, Edward
McCarthy, Frank
Schmidt, Stephen

Chandler, Gene
McConkey, Mark
Wright, Ted

Comeau, Ed
Nelson, Bill

CHESHIRE

Bordenet, John
Sterling, Franklin

Emerson, Susan
Tilton, Benjamin

Hunt, John

McConnell, Jim

COOS

Fothergill, John
Tholl, John

Rappaport, Laurence
Thomas, Yvonne

Richardson, Herbert

Rideout, Leon

GRAFTON

Brown, Duane
Hennessey, Erin
Ladd, Rick

Cooney, Mary
Hull, Robert
Massimilla, Linda

Darrow, Stephen
Ingbreton, Paul
Piper, Wendy

Gionet, Edmond
Johnson, Eric
Shackett, Jeffrey

HILLSBOROUGH

Ammon, Keith
Biggie, Barbara
Byron, Frank
Coffey, James
Eastman, Eric
Forest, Armand
Gould, Linda
Haefner, Robert
Hogan, Edith
Lachance, Joseph
McCarthy, Peggy
Murotake, David
O'Brien, William
Palmer, Barry
Pierce, David
Rowe, Robert
Simmons, Tammy
Sweeney, Shawn
Zaricki, Nick

Balcom, John
Boehm, Ralph
Christensen, Chris
Cohen, Alan
Edwards, Elizabeth
Fromuth, Bart
Goulette, William
Halstead, Carolyn
Hopper, Gary
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Ober, Lynne
Parison, James
Proulx, Mark
Sanborn, Laurie
Souza, Kathleen
Takesian, Charlene

Barry, Richard
Bouldin, Amanda
Christiansen, Lars
Danielson, David
Estevez, Eric
Gagne, Larry
Griffin, Barbara
Hansen, Peter
Infantine, William
Marston, Dick
McLean, Mark
Notter, Jeanine
Ober, Russell
Pellegrino, Anthony
Rice, Kimberly
Seidel, Carl
Straight, Phillip
Twombly, Timothy

Belanger, James
Burt, John
Christie, Rick
Donovan, Daniel
Ferreira, Elizabeth
Gonzalez, Carlos
Guerette, C. Lee
Hinch, Richard
Kurk, Neal
Martel, Andre
Moore, Josh
O'Brien, Michael
Ohm, Bill
Peterson, Ken
Rouillard, Claire
Silva, Peter
Sullivan, Victoria
Wolf, Terry

MERRIMACK

Brewster, Michael
Hess, David
Kidder, David
Marple, Richard
Seaworth, Brian

Carson, Clyde
Hill, Gregory
Kotowski, Frank
Martin, John

Ebel, Karen
Hoell, J.R.
Kuch, Bill
McGuire, Carol

French, Harold
Horn, Werner
Long, Douglas
McGuire, Dan

ROCK INGHAM

Abrami, Patrick
 Baldasaro, Alfred
 Cardon, G. Thomas
 DeSimone, Debra
 Elliott, Robert
 Gannon, William
 Hagan, Joseph
 Introne, Robert
 Kolodziej, Walter
 McKinney, Betsy
 O'Connor, John
 Prudhomme-O'Brien, Katherine
 Spillane, James
 True, Chris
 Webb, James

Abramson, Max
 Barnes, Arthur
 Chirichello, Brian
 Devine, James
 Emerick, J. Tracy
 Gordon, Richard
 Harris, Jeffrey
 Itse, Daniel
 Lundgren, David
 McMahon, Charles
 Osborne, Jason
 Rice, Frederick
 Sytek, John
 Tucker, Pamela
 Welch, David

Allen, Mary
 Bates, David
 Christie, Andrew
 Doucette, Fred
 Ferrante, Beverly
 Griffin, Mary
 Hodgdon, Bruce
 Kappler, Lawrence
 Major, Norman
 Milz, David
 Packard, Sherman
 Sanders, Elisabeth
 Tasker, Kyle
 Vose, Michael
 Weyler, Kenneth

Azarian, Gary
 Belanger, Ronald
 Cook, Allen
 Duarte, Joe
 Fesh, Robert
 Guthrie, Joseph
 Hoelzel, Kathleen
 Kellogg, Shem
 Matthews, Carolyn
 Nigrello, Robert
 Potucek, John
 Schroadter, Adam
 Thomas, Douglas
 Ward, Joanne
 Wood, David

STRAFFORD

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

Bickford, David
 Groen, Warren
 Kaen, Naida
 Sprague, Dale
 Wuelper, Kurt

Cheney, Catherine
 Hannon, Joseph
 Knowles, Robert
 Turcotte, Leonard

Gardner, Janice
 Jones, Laura
 Leeman, Don
 Wall, Janet

SULLIVAN**NAYS - 122
CARROLL**

Bridge, Ernest

Grenier, James

Buco, Thomas

Ticehurst, Susan

CHESHIRE

Abbott, Michael
 Eaton, Daniel
 Robertson, Timothy
 Weber, Lucy

Ames, Richard
 Parkhurst, Henry
 Sad, Tara

Berch, Paul
 Pearson, William
 Shepardson, Marjorie

Chase, Cynthia
 Phillips, Larry
 Tatro, Bruce

COOS

Hatch, William

Moynihan, Wayne

Theberge, Robert

GRAFTON

Abel, Richard
 Ford, Susan
 Nordgren, Sharon
 White, Andrew

Almy, Susan
 Hennessey, Martha
 Smith, Suzanne

Bennett, Travis
 Higgins, Patricia
 Sykes, George

Brown, Chris
 Maes, Kevin
 Townsend, Charles

HILLSBOROUGH

Backus, Robert
 Cote, David
 Goley, Jeffrey
 Heath, Mary
 Long, Patrick
 Porter, Marjorie
 Snow, Kendall
 Walsh, Robert

Booras, Efstathia
 DiSilvestro, Linda
 Gorman, Mary
 Herbert, Christopher
 Mangipudi, Latha
 Roberts, Carol
 Soucy, Timothy
 Williams, Kermit

Brown, Pamela
 Freitas, Mary
 Hansberry, Daniel
 Jack, Martin
 Marley, Jonathan
 Shattuck, Gilman
 Sullivan, Daniel
 Woodbury, David

Cornell, Patricia
 Gidge, Kenneth
 Harvey, Suzanne
 Leishman, Peter
 O'Neil, William
 Smith, Timothy
 Vann, Ivy

MERRIMACK

Alicea, Caroletta
 Doherty, David
 Henle, Paul
 Luneau, David
 Ratzki, Mario
 Schuett, Dianne
 Wheeler, Deborah

Bartlett, Christy
 Frazer, June
 Hirsch, Geoffrey
 MacKay, James
 Rice, Harold (Chip)
 Shurtleff, Stephen

Bradley, Paula
 French, Barbara
 Karrick, David
 Myler, Mel
 Rogers, Katherine
 Turcotte, Alan

Deloge, Helen
 Gile, Mary
 Kenison, Linda
 Patten, Dick
 Saunderson, George
 Wallner, Mary Jane

ROCK INGHAM

Berrien, Skip
 Cushing, Robert
 Heffron, Frank
 Sherman, Thomas

Borden, David
 DiFranco, Debbie
 Lovejoy, Patricia
 Simpson, Alexis

Cahill, Michael
 Francese, Paula
 McBeath, Rebecca
 Ward, Gerald

Cali-Pitts, Jacqueline
 Gordon, Pamela
 Pantelakos, Laura

STRAFFORD

Baber, William
DiSesa, Len
Southworth, Thomas

Berube, Roger
Horrigan, Timothy
Spang, Judith

Bixby, Peter
Rollo, Deanna
Stevens, Audrey

Burton, Wayne
Schmidt, Peter
Verschuere, James

SULLIVAN

Cloutier, John
Irwin, Virginia

Converse, Larry
Laware, Thomas

Gagnon, Raymond
Oxenham, Lee

Gottling, Suzanne
Schmidt, Andrew

and the majority committee report was adopted.

HB 299, prohibiting voting by the house of representatives for the speaker of the house on organizational convening day to be by secret ballot. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jack B. Flanagan for the Majority of Legislative Administration. This bill would require all votes for speaker of the New Hampshire house to be by roll call only. The majority of the committee believes that the vote for speaker should be held to the same standard as other democratic elections. If a citizen chooses to keep their election ballot secret when choosing local, state and national leaders, it is their right to do so. This sacred right should be extended to a house member casting a ballot for the leader of the house. If a member chooses to announce their vote voluntarily to the public, that is also their right. This bill is contrary to decades of past practice in the house and is contrary to what many believe is their right to a secret ballot. We have a rich history of transparency in New Hampshire, but members have the right to privacy as much as our citizens do when it comes to electing leaders. Vote 8-1.

Rep. Pamela Z. Tucker for the Minority of Legislative Administration. The minority believes in transparency of all elected officials. From the US House of Representatives to our local school, zoning, and budget boards, all have the votes for the chair of their respective body made public. Once a member takes an oath of office, every vote that member takes should be for public consumption. The New Hampshire House of Representatives should not be an exception. The argument was made that it is past precedent to have secret a ballot. True, however, there are two past precedents. The first, in the prior two elections for speaker and in 2006 and 2002, the minority party cast a single vote for the majority party's choice for speaker. The other precedent was actual votes cast by every member of the house, which happened in 2008. No matter the choice of precedent used, keeping our elected officials accountable starts with their voting record and having their votes cast in the open, not clouded in secrecy.

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

Rep. Kurk spoke in favor.

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

YEAS 271 - NAYS 69**YEAS - 271****BELKNAP**

Dumais, Russell
Gallagher, Brian
Tilton, Franklin

Fields, Dennis
Hurt, George
Vadney, Herbert

Flanders, Donald
Luther, Robert

Fraser, Valerie
Spanos, Peter

CARROLL

Buco, Thomas
Nelson, Bill

Butler, Edward
Parker, Harold

Chandler, Gene
Schmidt, Stephen

McConkey, Mark
Ticehurst, Susan

CHESHIRE

Abbott, Michael
Chase, Cynthia
Parkhurst, Henry
Sad, Tara
Tilton, Benjamin

Ames, Richard
Emerson, Susan
Pearson, William
Shepardson, Marjorie
Weber, Lucy

Berch, Paul
Hunt, John
Phillips, Larry
Sterling, Franklin

Bordenet, John
McConnell, Jim
Robertson, Timothy
Tatro, Bruce

COOS

Fothergill, John
Richardson, Herbert

Hatch, William
Theberge, Robert

Moynihan, Wayne
Tholl, John

Rappaport, Laurence
Thomas, Yvonne

GRAFTON

Abel, Richard
Darrow, Stephen
Hennessey, Martha
Massimilla, Linda
Smith, Suzanne

Almy, Susan
Ford, Susan
Higgins, Patricia
Nordgren, Sharon
Sykes, George

Brown, Chris
Gionet, Edmond
Ladd, Rick
Piper, Wendy
Townsend, Charles

Cooney, Mary
Hennessey, Erin
Maes, Kevin
Shackett, Jeffrey
White, Andrew

HILLSBOROUGH

Backus, Robert
 Biggie, Barbara
 Byron, Frank
 Cohen, Alan
 DiSilvestro, Linda
 Forest, Armand
 Gargas, Carolyn
 Gorman, Mary
 Haefner, Robert
 Heath, Mary
 Jack, Martin
 Long, Patrick
 McCarthy, Peggy
 O'Neil, William
 Pellegrino, Anthony
 Proulx, Mark
 Rouillard, Claire
 Snow, Kendall
 Takesian, Charlene
 Williams, Kermit

Balcom, John
 Booras, Efsthia
 Christensen, Chris
 Cornell, Patricia
 Donovan, Daniel
 Freitas, Mary
 Gidge, Kenneth
 Goulette, William
 Hansberry, Daniel
 Herbert, Christopher
 Kurk, Neal
 Mangipudi, Latha
 McLean, Mark
 Ober, Lynne
 Peterson, Ken
 Rice, Kimberly
 Rowe, Robert
 Soucy, Timothy
 Twombly, Timothy
 Wolf, Terry

Barry, Richard
 Bouldin, Amanda
 Christiansen, Lars
 Cote, David
 Edwards, Elizabeth
 Fromuth, Bart
 Goley, Jeffrey
 Griffin, Barbara
 Hansen, Peter
 Hinch, Richard
 LeBrun, Donald
 Manley, Jonathan
 Murotake, David
 Ober, Russell
 Pierce, David
 Roberts, Carol
 Shattuck, Gilman
 Straight, Phillip
 Vann, Ivy
 Woodbury, David

Belanger, James
 Brown, Pamela
 Christie, Rick
 Danielson, David
 Estevez, Eric
 Gagne, Larry
 Gonzalez, Carlos
 Guerette, C. Lee
 Harvey, Suzanne
 Hopper, Gary
 Leishman, Peter
 Martel, Andre
 O'Brien, Michael
 Palmer, Barry
 Porter, Marjorie
 Rosenwald, Cindy
 Smith, Timothy
 Sullivan, Daniel
 Walsh, Robert

MERRIMACK

Alicea, Caroletta
 Deloge, Helen
 French, Barbara
 Hess, David
 Kenison, Linda
 Luneau, David
 Myler, Mel
 Rogers, Katherine
 Shurtleff, Stephen

Bartlett, Christy
 Doherty, David
 French, Harold
 Hirsch, Geoffrey
 Kidder, David
 MacKay, James
 Patten, Dick
 Saunderson, George
 Turcotte, Alan

Bradley, Paula
 Ebel, Karen
 Gile, Mary
 Horn, Werner
 Kotowski, Frank
 Marple, Richard
 Ratzki, Mario
 Schuett, Dianne
 Wallner, Mary Jane

Carson, Clyde
 Frazer, June
 Henle, Paul
 Karrick, David
 Long, Douglas
 Martin, John
 Rice, Harold (Chip)
 Seaworth, Brian
 Wheeler, Deborah

ROCK INGHAM

Abrami, Patrick
 Bates, David
 Cahill, Michael
 Christie, Andrew
 Devine, James
 Ferrante, Beverly
 Gordon, Pamela
 Heffron, Frank
 Itse, Daniel
 Matthews, Carolyn
 Milz, David
 Pantelakos, Laura
 Sherman, Thomas
 Ward, Gerald
 Woitkun, Steven

Allen, Mary
 Belanger, Ronald
 Cali-Pitts, Jacqueline
 Cook, Allen
 DiFranco, Debbie
 Fesh, Robert
 Griffin, Mary
 Hodgdon, Bruce
 Lovejoy, Patricia
 McBeath, Rebecca
 Nigrello, Robert
 Potucek, John
 Simpson, Alexis
 Ward, Joanne

Azarian, Gary
 Berrien, Skip
 Cardon, G. Thomas
 Cushing, Robert
 Doucette, Fred
 Francese, Paula
 Guthrie, Joseph
 Hoelzel, Kathleen
 Lundgren, David
 McKinney, Betsy
 O'Connor, John
 Prudhomme-O'Brien, Katherine
 Sytek, John
 Webb, James

Barnes, Arthur
 Borden, David
 Chirichiello, Brian
 DeSimone, Debra
 Elliott, Robert
 Gannon, William
 Hagan, Joseph
 Introne, Robert
 Major, Norman
 McMahon, Charles
 Packard, Sherman
 Sanders, Elisabeth
 Thomas, Douglas
 Welch, David

STRAFFORD

Baber, William
 Burton, Wayne
 Gray, James
 Leeman, Don
 Southworth, Thomas
 Treleaven, Susan

Berube, Roger
 Cheney, Catherine
 Horrigan, Timothy
 Mullen, John
 Spang, Judith
 Verschueren, James

Bickford, David
 DiSesa, Len
 Jones, Laura
 Rollo, Deanna
 Sprague, Dale
 Wall, Janet

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

SULLIVAN

Bridge, Ernest
 Gottling, Suzanne
 Oxenham, Lee

Cloutier, John
 Grenier, James
 Rollins, Skip

Converse, Larry
 Irwin, Virginia
 Schmidt, Andrew

Gagnon, Raymond
 Laware, Thomas
 Smith, Steven

NAYS - 69**BELKNAP**

Aldrich, Glen

Howard, Jr., Raymond

Sylvia, Michael

Varney, Peter

CARROLL

Avellani, Lino
 Wright, Ted

Comeau, Ed

Cordelli, Glenn

McCarthy, Frank

COOS

Rideout, Leon

GRAFTON

Brown, Duane

Hull, Robert

Ingbreton, Paul

Johnson, Eric

HILLSBOROUGHAmmon, Keith
Eastman, Eric
Hogan, Edith
Moore, Josh
Ohm, Bill
Souza, KathleenBoehm, Ralph
Ferreira, Elizabeth
Lachance, Joseph
Murphy, Keith
Parison, James
Sullivan, VictoriaBurt, John
Gould, Linda
Marston, Dick
Notter, Jeanine
Seidel, Carl
Sweeney, ShawnCoffey, James
Halstead, Carolyn
McClarren, Donald
O'Brien, William
Silva, Peter
Zaricki, Nick**MERRIMACK**Brewster, Michael
McGuire, CarolHill, Gregory
McGuire, Dan

Hoell, J.R.

Kuch, Bill

ROCK INGHAMAbramson, Max
Gordon, Richard
Kolodziej, Walter
Tasker, Kyle
Wood, DavidBaldasaro, Alfred
Harris, Jeffrey
Osborne, Jason
True, ChrisDuarte, Joe
Kappler, Lawrence
Rice, Frederick
Tucker, PamelaEmerick, J. Tracy
Kellogg, Shern
Spillane, James
Vose, Michael**STRAFFORD**Beaudoin, Steven
Knowles, RobertGroen, Warren
Turcotte, LeonardHannon, Joseph
Whitehouse, JoshuaKaczynski, Jr., Thomas
Wuelper, Kurt

and the majority committee report was adopted.

HB 434, relative to review of proposed agency administrative rules by standing committees of the general court. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jack B. Flanagan for the Majority of Legislative Administration. Currently, agencies are required to submit copies of rules proposed to implement a newly-enacted statute to the chairmen of the house and senate policy committees. Chairmen are then required to distribute the proposed rules to the members of their committees for review. This policy was adopted in 2011 to ensure that proposed rules conform with the intent of the legislators that are most familiar with a new law. HB 434 would require all legislators to review all rules that relate to the subject matter of their policy committees, not only those rules that relate to new laws. This would increase the workload of our citizen legislature exponentially. Under the current rulemaking process, any person may attend JLCAR meetings and express an objection to a proposed rule. JLCAR is composed of dedicated legislators and staff that conduct careful reviews of all proposed rules to ensure, among other things, adherence to legislative intent. The changes in this bill would serve to further complicate an already complex process. Vote 8-1.

Rep. Pamela Z. Tucker for the Minority of Legislative Administration. The minority believes HB 434 would increase the legislative oversight needed of our agencies. New, changes and reauthorizations of rules would be reviewed by the policy committee prior to implementation. Further, the policy committee will need to review the changes rather than just blindly let them become in effect with no understanding if they are in concert with the intent of the law. It is part of our legislative responsibilities to assure our agencies are following the laws we make and if we are serious about our position, we will make the time needed to perform our duties. The question being adoption of the majority committee report of Inexpedient to Legislate.

Rep. Tucker requested a roll call; sufficiently seconded.

YEAS 235 - NAYS 105**YEAS - 235****BELKNAP**Fields, Dennis
Spanos, PeterFlanders, Donald
Tilton, Franklin

Gallagher, Brian

Luther, Robert

CARROLLButler, Edward
Parker, HaroldChandler, Gene
Schmidt, StephenMcConkey, Mark
Ticehurst, Susan

Nelson, Bill

CHESHIREAbbott, Michael
Chase, Cynthia
Pearson, William
Shepardson, Marjorie
Weber, LucyAmes, Richard
Emerson, Susan
Phillips, Larry
Sterling, FranklinBerch, Paul
Hunt, John
Robertson, Timothy
Tatro, BruceBordenet, John
Parkhurst, Henry
Sad, Tara
Tilton, Benjamin

COOS

Fothergill, John
Theberge, Robert

Hatch, William
Tholl, John

Moynihan, Wayne
Thomas, Yvonne

Richardson, Herbert

GRAFTON

Abel, Richard
Darrow, Stephen
Higgins, Patricia
Nordgren, Sharon
Sykes, George

Almy, Susan
Gionet, Edmond
Ladd, Rick
Piper, Wendy
Townsend, Charles

Brown, Chris
Hennessey, Erin
Maes, Kevin
Shackett, Jeffrey
White, Andrew

Cooney, Mary
Hennessey, Martha
Massimilla, Linda
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Biggie, Barbara
Byron, Frank
Cote, David
Forest, Armand
Gidge, Kenneth
Griffin, Barbara
Hansberry, Daniel
Hinch, Richard
Leishman, Peter
Martel, Andre
Ober, Lynne
Pierce, David
Rosenwald, Cindy
Smith, Timothy
Sullivan, Daniel
Williams, Kermit

Balcom, John
Booras, Efsthia
Christensen, Chris
Danielson, David
Freitas, Mary
Goley, Jeffrey
Guerette, C. Lee
Harvey, Suzanne
Jack, Martin
Long, Patrick
McCarthy, Peggy
Ober, Russell
Porter, Marjorie
Rouillard, Claire
Snow, Kendall
Takesian, Charlene
Wolf, Terry

Barry, Richard
Bouldin, Amanda
Cohen, Alan
DiSilvestro, Linda
Gagne, Larry
Gonzalez, Carlos
Haefner, Robert
Heath, Mary
Kurk, Neal
Mangipudi, Latha
O'Brien, Michael
Palmer, Barry
Proulx, Mark
Rowe, Robert
Soucy, Timothy
Vann, Ivy
Woodbury, David

Belanger, James
Brown, Pamela
Cornell, Patricia
Edwards, Elizabeth
Gargas, Carolyn
Gorman, Mary
Halstead, Carolyn
Herbert, Christopher
LeBrun, Donald
Manley, Jonathan
O'Neil, William
Pellegrino, Anthony
Roberts, Carol
Shattuck, Gilman
Straight, Phillip
Walsh, Robert

MERRIMACK

Alicea, Caroletta
Deloge, Helen
French, Barbara
Hirsch, Geoffrey
Kotowski, Frank
Myler, Mel
Rogers, Katherine
Turcotte, Alan

Bartlett, Christy
Doherty, David
Gile, Mary
Karrick, David
Long, Douglas
Patten, Dick
Saunderson, George
Wallner, Mary Jane

Bradley, Paula
Ebel, Karen
Henle, Paul
Kenison, Linda
Luneau, David
Ratzki, Mario
Schuett, Dianne
Wheeler, Deborah

Carson, Clyde
Frazer, June
Hess, David
Kidder, David
Mackay, James
Rice, Harold (Chip)
Shurtleff, Stephen

ROCK INGHAM

Abrami, Patrick
Borden, David
Chirichiello, Brian
Devine, James
Emerick, J. Tracy
Gordon, Pamela
Heffron, Frank
Lovejoy, Patricia
McBeath, Rebecca
Nigrello, Robert
Potucek, John
Simpson, Alexis
Webb, James

Azarian, Gary
Cahill, Michael
Christie, Andrew
DiFranco, Debbie
Ferrante, Beverly
Griffin, Mary
Hoelzel, Kathleen
Lundgren, David
McKinney, Betsy
O'Connor, John
Prudhomme-O'Brien, Katherine
Sytek, John
Welch, David

Belanger, Ronald
Cali-Pitts, Jacqueline
Cushing, Robert
Doucette, Fred
Fesh, Robert
Guthrie, Joseph
Introne, Robert
Major, Norman
McMahon, Charles
Packard, Sherman
Sanders, Elisabeth
Ward, Gerald
Woitkun, Steven

Berrien, Skip
Cardon, G. Thomas
DeSimone, Debra
Elliott, Robert
Francese, Paula
Hagan, Joseph
Kolodziej, Walter
Matthews, Carolyn
Milz, David
Pantelakos, Laura
Sherman, Thomas
Ward, Joanne

STRAFFORD

Baber, William
Burton, Wayne
Horrigan, Timothy
Schmidt, Peter
Verschueren, James

Berube, Roger
DiSesa, Len
Kaen, Naida
Southworth, Thomas
Wall, Janet

Bickford, David
Gardner, Janice
Leeman, Don
Stevens, Audrey
Wuelper, Kurt

Bixby, Peter
Gray, James
Rollo, Deanna
Treleven, Susan

SULLIVAN

Bridge, Ernest
Gottling, Suzanne
Oxenham, Lee

Cloutier, John
Grenier, James
Schmidt, Andrew

Converse, Larry
Irwin, Virginia
Smith, Steven

Gagnon, Raymond
Laware, Thomas

NAYS - 105**BELKNAP**

Aldrich, Glen
Hurt, George

Dumais, Russell
Sylvia, Michael

Fraser, Valerie
Vadney, Herbert

Howard, Jr., Raymond
Varney, Peter

CARROLL

Avellani, Lino
McCarthy, Frank

Buco, Thomas
Wright, Ted

Comeau, Ed

Cordelli, Glenn

CHESHIRE

McConnell, Jim

COOS

Rappaport, Laurence

Rideout, Leon

GRAFTON

Brown, Duane

Hull, Robert

Ingbretson, Paul

Johnson, Eric

HILLSBOROUGH

Ammon, Keith
Christie, Rick
Estevez, Eric
Goulette, William
Lachance, Joseph
Moore, Josh
O'Brien, William
Rice, Kimberly
Souza, Kathleen
Zaricki, Nick

Boehm, Ralph
Coffey, James
Ferreira, Elizabeth
Hansen, Peter
Marston, Dick
Murotake, David
Ohm, Bill
Seidel, Carl
Sullivan, Victoria

Burt, John
Donovan, Daniel
Fromuth, Bart
Hogan, Edith
McClarren, Donald
Murphy, Keith
Parison, James
Silva, Peter
Sweeney, Shawn

Christiansen, Lars
Eastman, Eric
Gould, Linda
Hopper, Gary
McLean, Mark
Notter, Jeanine
Peterson, Ken
Simmons, Tammy
Twombly, Timothy

MERRIMACK

Brewster, Michael
Horn, Werner
McGuire, Carol

French, Harold
Kuch, Bill
McGuire, Dan

Hill, Gregory
Marple, Richard
Seaworth, Brian

Hoell, J.R.
Martin, John

ROCK INGHAM

Abramson, Max
Bates, David
Gordon, Richard
Kappler, Lawrence
Spillane, James
Tucker, Pamela

Allen, Mary
Cook, Allen
Harris, Jeffrey
Kellogg, Shern
Tasker, Kyle
Vose, Michael

Baldasaro, Alfred
Duarte, Joe
Hodgdon, Bruce
Osborne, Jason
Thomas, Douglas
Wood, David

Barnes, Arthur
Gannon, William
Itse, Daniel
Rice, Frederick
True, Chris

STRAFFORD

Beaudoin, Steven
Jones, Laura
Spang, Judith

Cheney, Catherine
Kaczynski, Jr., Thomas
Sprague, Dale

Groen, Warren
Knowles, Robert
Turcotte, Leonard

Hannon, Joseph
Mullen, John
Whitehouse, Joshua

SULLIVAN

Rollins, Skip

and the majority committee report was adopted.

HCR 1, rescinding all requests by the New Hampshire legislature for a federal constitutional convention. **INEXPEDIENT TO LEGISLATE.**

Rep. Russell T. Ober for Legislative Administration. The majority of the committee felt that HCR 1 was not the proper mechanism to address the issue of whether or not the state should rescind any prior request for a constitutional convention. While we understand intent of the bill, and respect the concerns of the sponsors, at this time, HCR 1 raises more questions than it may be intended to resolve. Research into prior legislation suggests that the last call by New Hampshire was made in 1979. If that call has not resulted in a convention in over 3 decades, it is likely that rescinding is not necessary. Lastly, rescinding New Hampshire's request is not a guarantee against other future calls by other states, and does not rescind any future calls that could arise through other legislation currently before the legislature. We believe that HCR 1 is not necessary at this time. Vote 7-3.

Reps. Russell Ober and Timothy Smith spoke in favor.

Rep. McConnell spoke against and yielded to questions.

Rep. Hinch moved the previous question.

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

On a division vote, 169 members having voted in the affirmative and 166 in the negative, the motion was adopted and debate is now limited.

(Rep. Packard in the Chair)

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. William O'Brien moved that the House reconsider its action whereby, on a division vote of 169-166, the House adopted the previous question motion.

On a division vote, 92 members having voted in the affirmative and 245 in the negative, the motion failed. The question now being adoption of the committee report of Inexpedient to Legislate. Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 262 - NAYS 75**YEAS - 262****BELKNAP**

Dumais, Russell
Hurt, George
Varney, Peter

Fields, Dennis
Luther, Robert

Flanders, Donald
Spanos, Peter

Gallagher, Brian
Tilton, Franklin

CARROLL

Buco, Thomas
Parker, Harold

Butler, Edward
Schmidt, Stephen

McConkey, Mark
Ticehurst, Susan

Nelson, Bill

CHESHIRE

Abbott, Michael
Eaton, Daniel
Pearson, William
Sterling, Franklin

Ames, Richard
Emerson, Susan
Phillips, Larry
Tatro, Bruce

Bordenet, John
Hunt, John
Sad, Tara
Tilton, Benjamin

Chase, Cynthia
Parkhurst, Henry
Shepardson, Marjorie

COOS

Fothergill, John
Theberge, Robert

Moynihan, Wayne
Tholl, John

Rappaport, Laurence
Thomas, Yvonne

Richardson, Herbert

GRAFTON

Abel, Richard
Cooney, Mary
Hennessey, Martha
Massimilla, Linda
Smith, Suzanne

Almy, Susan
Darrow, Stephen
Higgins, Patricia
Nordgren, Sharon
Sykes, George

Bennett, Travis
Gionet, Edmond
Ladd, Rick
Piper, Wendy
Townsend, Charles

Brown, Chris
Hennessey, Erin
Maes, Kevin
Shackett, Jeffrey
White, Andrew

HILLSBOROUGH

Ammon, Keith
Belanger, James
Bouldin, Amanda
Christie, Rick
Danielson, David
Edwards, Elizabeth
Goley, Jeffrey
Griffin, Barbara
Hansberry, Daniel
Herbert, Christopher
Kurk, Neal
Mangipudi, Latha
McClarren, Donald
O'Neil, William
Parison, James
Porter, Marjorie
Rove, Robert
Snow, Kendall
Vann, Ivy
Woodbury, David

Backus, Robert
Biggie, Barbara
Brown, Pamela
Cohen, Alan
DiSilvestro, Linda
Freitas, Mary
Gonzalez, Carlos
Guerette, C. Lee
Hansen, Peter
Hinch, Richard
LeBrun, Donald
Manley, Jonathan
McLean, Mark
Ober, Lynne
Pellegrino, Anthony
Proulx, Mark
Shattuck, Gilman
Soucy, Timothy
Walsh, Robert
Zaricki, Nick

Balcom, John
Boehm, Ralph
Byron, Frank
Cornell, Patricia
Donovan, Daniel
Gagne, Larry
Gorman, Mary
Haefner, Robert
Harvey, Suzanne
Hopper, Gary
Leishman, Peter
Martel, Andre
Moore, Josh
Ober, Russell
Peterson, Ken
Roberts, Carol
Smith, Gregory
Sullivan, Daniel
Williams, Kermit

Barry, Richard
Booras, Efsthathia
Christensen, Chris
Cote, David
Eastman, Eric
Gidge, Kenneth
Gould, Linda
Halstead, Carolyn
Heath, Mary
Jack, Martin
Long, Patrick
McCarthy, Peggy
O'Brien, Michael
Palmer, Barry
Pierce, David
Rouillard, Claire
Smith, Timothy
Takesian, Charlene
Wolf, Terry

MERRIMACK

Alicea, Caroletta
Deloge, Helen
French, Barbara
Hirsch, Geoffrey
Kenison, Linda
Long, Douglas
Myler, Mel
Schuett, Dianne
Wheeler, Deborah

Bartlett, Christy
Doherty, David
Gle, Mary
Hoell, J.R.
Kidder, David
Luneau, David
Patten, Dick
Seaworth, Brian

Bradley, Paula
Ebel, Karen
Henle, Paul
Horn, Werner
Kotowski, Frank
MacKay, James
Ratzki, Mario
Turcotte, Alan

Carson, Clyde
Frazer, June
Hess, David
Karrick, David
Kuch, Bill
McGuire, Carol
Saunderson, George
Wallner, Mary Jane

ROCK INGHAM

Abrami, Patrick
Belanger, Ronald
Cali-Pitts, Jacqueline
Cushing, Robert

Allen, Mary
Berrien, Skip
Chirichiello, Brian
DeSimone, Debra

Azarian, Gary
Borden, David
Christie, Andrew
Devine, James

Barnes, Arthur
Cahill, Michael
Cook, Allen
DiFranco, Debbie

Doucette, Fred
Fesh, Robert
Griffin, Mary
Hoelzel, Kathleen
Lovejoy, Patricia
McKinney, Betsy
O'Connor, John
Prudhomme-O'Brien, Katherine
Sytek, John
Webb, James
Wood, David

Elliott, Robert
Francese, Paula
Guthrie, Joseph
Introne, Robert
Major, Norman
McMahon, Charles
Packard, Sherman
Sanders, Elisabeth
Vose, Michael
Welch, David

Emerick, J. Tracy
Gannon, William
Hagan, Joseph
Itse, Daniel
Matthews, Carolyn
Milz, David
Pantelakos, Laura
Sherman, Thomas
Ward, Gerald
Weyler, Kenneth

Ferrante, Beverly
Gordon, Pamela
Heffron, Frank
Kolodziej, Walter
McBeath, Rebecca
Nigrello, Robert
Potucek, John
Simpson, Alexis
Ward, Joanne
Woitkun, Steven

STRAFFORD

Baber, William
Burton, Wayne
Gray, James
Jones, Laura
Rollo, Deanna
Sprague, Dale
Verschueren, James

Berube, Roger
Cheney, Catherine
Groen, Warren
Kaen, Naida
Schmidt, Peter
Stevens, Audrey
Wall, Janet

Bickford, David
DiSesa, Len
Hannon, Joseph
Leeman, Don
Southworth, Thomas
Treleaven, Susan

Bixby, Peter
Gardner, Janice
Horrigan, Timothy
Mullen, John
Spang, Judith
Turcotte, Leonard

SULLIVAN

Cloutier, John
Irvin, Virginia
Schmidt, Andrew

Converse, Larry
Laware, Thomas
Smith, Steven

Gagnon, Raymond
Oxenham, Lee

Gottling, Suzanne
Rollins, Skip

NAYS - 75

BELKNAP

Howard, Jr., Raymond

Sylvia, Michael

Aldrich, Glen
Vadney, Herbert

Fraser, Valerie

CARROLL

Cordelli, Glenn

McCarthy, Frank

Avellani, Lino
Wright, Ted

Comeau, Ed

CHESHIRE

Robertson, Timothy

Weber, Lucy

Berch, Paul

McConnell, Jim

COOS

Rideout, Leon

GRAFTON

Hull, Robert

Ingbreton, Paul

Brown, Duane
Johnson, Eric

Ford, Susan

HILLSBOROUGH

Estevez, Eric
Hogan, Edith
Murphy, Keith
Rice, Kimberly
Simmons, Tammy

Ferreira, Elizabeth
Lachance, Joseph
Notter, Jeanine
Rosenwald, Cindy
Souza, Kathleen

Burt, John
Fromuth, Bart
Marston, Dick
O'Brien, William
Seidel, Carl
Sullivan, Victoria

Coffey, James
Goulette, William
Murotake, David
Ohm, Bill
Silva, Peter
Twombly, Timothy

MERRIMACK

Hill, Gregory
Rogers, Katherine

Marple, Richard
Shurtleff, Stephen

Brewster, Michael
Martin, John

French, Harold
McGuire, Dan

ROCKINGHAM

Bates, David
Harris, Jeffrey
Lundgren, David
Spillane, James
Tucker, Pamela

Cardon, G. Thomas
Hodgdon, Bruce
Osborne, Jason
Tasker, Kyle

Abramson, Max
Duarte, Joe
Kappler, Lawrence
Rice, Frederick
Thomas, Douglas

Baldasaro, Alfred
Gordon, Richard
Kellogg, Shem
Schroadter, Adam
True, Chris

STRAFFORD

Knowles, Robert

Whitehouse, Joshua

Beaudoin, Steven
Wuelper, Kurt

Kaczynski, Jr., Thomas

SULLIVAN

Bridge, Ernest
and the committee report was adopted.

HCR 7, affirming States' powers based on the Constitution for the United States and the Constitution of New Hampshire. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. James R. MacKay for the Majority of Legislative Administration. The majority of the committee believes that any constitutional acts of congress are appropriately defended by the courts and that a resolution adopted by the New Hampshire legislature that has no force of law will have no true impact in this area. Similar resolutions have been adopted by the house in previous sessions. None have been adopted by the senate. Vote 8-1. Rep. Pamela Z. Tucker for the Minority of Legislative Administration. HCR 7 is the affirmation Part 1, Article 7, of the Constitution of the State of New Hampshire and the Tenth Amendment to the Constitution for the United States. In 2011, the New Hampshire house passed HCR 6 and HR 25 in 2012. Both resolutions were much then same as HCR 7. Unlike bills and joint resolutions, resolutions and concurrent resolutions expire with the each legislature making it imperative that each legislature publicly express their affirmation to these fundamental principles of American government and sovereignty. A legislature failing to make such an affirmation when it has the opportunity, makes positive the statement that it does not believe, nor support these fundamental principles.

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

Reps. Itse and Goulette spoke against.

Reps. Timothy Smith and MacKay spoke in favor.

Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 217 - NAYS 108

YEAS - 217

BELKNAP

Fields, Dennis
Spanos, Peter

Gallagher, Brian

Hurt, George

Luther, Robert

CARROLL

Buco, Thomas
Schmidt, Stephen

Butler, Edward
Ticehurst, Susan

McConkey, Mark

Parker, Harold

CHESHIRE

Abbott, Michael
Chase, Cynthia
Pearson, William
Shepardson, Marjorie
Weber, Lucy

Ames, Richard
Emerson, Susan
Phillips, Larry
Sterling, Franklin

Berch, Paul
Hunt, John
Robertson, Timothy
Tatro, Bruce

Bordenet, John
Parkhurst, Henry
Sad, Tara
Tilton, Benjamin

COOS

Fothergill, John
Tholl, John

Moynihan, Wayne
Thomas, Yvonne

Richardson, Herbert

Theberge, Robert

GRAFTON

Abel, Richard
Cooney, Mary
Ladd, Rick
Piper, Wendy
Townsend, Charles

Almy, Susan
Gionet, Edmond
Maes, Kevin
Shackett, Jeffrey
White, Andrew

Bennett, Travis
Hennessey, Martha
Massimilla, Linda
Smith, Suzanne

Brown, Chris
Higgins, Patricia
Nordgren, Sharon
Sykes, George

HILLSBOROUGH

Backus, Robert
Biggie, Barbara
Christensen, Chris
DiSilvestro, Linda
Gidge, Kenneth
Guerette, C. Lee
Heath, Mary
Kurk, Neal
Mangipudi, Latha
O'Brien, Michael
Pellegrino, Anthony
Rosenwald, Cindy
Smith, Gregory
Straight, Phillip
Walsh, Robert

Balcom, John
Bouldin, Amanda
Cornell, Patricia
Donovan, Daniel
Goley, Jeffrey
Haefner, Robert
Herbert, Christopher
LeBrun, Donald
Manley, Jonathan
O'Neil, William
Pierce, David
Rouillard, Claire
Smith, Timothy
Sullivan, Daniel
Williams, Kermit

Barry, Richard
Brown, Pamela
Cote, David
Freitas, Mary
Gorman, Mary
Hansberry, Daniel
Hinch, Richard
Leishman, Peter
Martel, Andre
Ober, Lynne
Porter, Marjorie
Rowe, Robert
Snow, Kendall
Takesian, Charlene
Wolf, Terry

Belanger, James
Byron, Frank
Danielson, David
Gagne, Larry
Griffin, Barbara
Harvey, Suzanne
Jack, Martin
Long, Patrick
McCarthy, Peggy
Ober, Russell
Roberts, Carol
Shattuck, Gilman
Soucy, Timothy
Vann, Ivy
Woodbury, David

MERRIMACK

Alicea, Caroletta
Deloge, Helen
French, Barbara

Bartlett, Christy
Doherty, David
Gile, Mary

Bradley, Paula
Ebel, Karen
Henle, Paul

Carson, Clyde
Frazer, June
Hess, David

Hirsch, Geoffrey
Kotowski, Frank
Myler, Mel
Schuett, Dianne
Wheeler, Deborah

Karrick, David
Long, Douglas
Ratzki, Mario
Shurtleff, Stephen

Kenison, Linda
Luneau, David
Rogers, Katherine
Turcotte, Alan

Kidder, David
Mackay, James
Saunderson, George
Wallner, Mary Jane

ROCK INGHAM

Abrami, Patrick
Berrien, Skip
Cardon, G. Thomas
DeSimone, Debra
Elliott, Robert
Gordon, Pamela
Heffron, Frank
Lundgren, David
McKinney, Betsy
O'Connor, John
Sanders, Elisabeth
Ward, Gerald
Woitkun, Steven

Azarian, Gary
Borden, David
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Griffin, Mary
Hoelzel, Kathleen
Major, Norman
McMahon, Charles
Packard, Sherman
Sherman, Thomas
Ward, Joanne

Barnes, Arthur
Cahill, Michael
Christie, Andrew
DiFranco, Debbie
Fesh, Robert
Guthrie, Joseph
Introne, Robert
Matthews, Carolyn
Milz, David
Pantelakos, Laura
Simpson, Alexis
Webb, James

Belanger, Ronald
Cali-Pitts, Jacqueline
Cushing, Robert
Doucette, Fred
Francesse, Paula
Hagan, Joseph
Lovejoy, Patricia
McBeath, Rebecca
Nigrello, Robert
Potucek, John
Sytek, John
Welch, David

STRAFFORD

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

Berube, Roger
DiSesa, Len
Kaen, Naida
Spang, Judith
Wall, Janet

Bickford, David
Gardner, Janice
Rollo, Deanna
Stevens, Audrey

Bixby, Peter
Gray, James
Schmidt, Peter
Treleven, Susan

SULLIVAN

Cloutier, John
Irwin, Virginia
Smith, Steven

Converse, Larry
Laware, Thomas

Gagnon, Raymond
Oxenham, Lee

Gottling, Suzanne
Schmidt, Andrew

NAYS - 108

BELKNAP

Aldrich, Glen
Howard, Jr., Raymond
Varney, Peter

Dumais, Russell
Sylvia, Michael

Flanders, Donald
Tilton, Franklin

Fraser, Valerie
Vadney, Herbert

CARROLL

Avellani, Lino
Nelson, Bill

Comeau, Ed
Wright, Ted

Cordelli, Glenn

McCarthy, Frank

CHESHIRE

COOS

GRAFTON

Darrow, Stephen

Hull, Robert

Ingbretson, Paul

Johnson, Eric

HILLSBOROUGH

Ammon, Keith
Coffey, James
Ferreira, Elizabeth
Halstead, Carolyn
Lachance, Joseph
Moore, Josh
O'Brien, William
Proulx, Mark
Simmons, Tammy
Zaricki, Nick

Boehm, Ralph
Eastman, Eric
Fromuth, Bart
Hansen, Peter
Marston, Dick
Murotake, David
Ohm, Bill
Rice, Kimberly
Souza, Kathleen

Burt, John
Edwards, Elizabeth
Gould, Linda
Hogan, Edith
McClarren, Donald
Murphy, Keith
Parison, James
Seidel, Carl
Sullivan, Victoria

Christie, Rick
Estevez, Eric
Goulette, William
Infantine, William
McLean, Mark
Notter, Jeanine
Peterson, Ken
Silva, Peter
Twombly, Timothy

MERRIMACK

Brewster, Michael
Horn, Werner
McGuire, Carol

French, Harold
Kuch, Bill
McGuire, Dan

Hill, Gregory
Marple, Richard
Seaworth, Brian

Hoell, J.R.
Martin, John

ROCK INGHAM

Abramson, Max
Cook, Allen
Gordon, Richard

Allen, Mary
Duarte, Joe
Harris, Jeffrey

Baldasaro, Alfred
Emerick, J. Tracy
Hodgdon, Bruce

Bates, David
Gannon, William
Itse, Daniel

Kappler, Lawrence
 Prudhomme-O'Brien, Katherine
 Thomas, Douglas
 Wood, David

Kellogg, Shem
 Rice, Frederick
 True, Chris

Kolodziej, Walter
 Spillane, James
 Tucker, Pamela

Osborne, Jason
 Tasker, Kyle
 Vose, Michael

STRAFFORD

Beaudoin, Steven
 Jones, Laura
 Mullen, John

Cheney, Catherine
 Kaczynski, Jr., Thomas
 Turcotte, Leonard

Groen, Warren
 Knowles, Robert
 Whitehouse, Joshua

Hannon, Joseph
 Leeman, Don
 Wuelper, Kurt

SULLIVAN

Bridge, Ernest

Rollins, Skip

and the majority committee report was adopted.

HB 205-L, relative to lending practices of energy efficiency and clean energy districts. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James P. Belanger for the Majority of Municipal and County Government. This bill was recommitted to the committee after it voted to ITL. The committee found redeeming features but felt some portions of the original legislation were not acceptable. The bill came back to committee and was amended to correct those unacceptable features. As amended, the bill allows private industry to make energy improvements to some properties with private lender loans repaid by the savings in energy. The municipality collects the funds and passes them to the lender as part of the tax bill but bares no liability or responsibility for the loan. This is enabling and the municipality has to vote it in. Vote 14-3.

Rep. James E. Coffey for the Minority of Municipal and County Government. The overall goals of this legislation as amended may be laudable, but several of the committee believe that towns should not be involved as a collection agency for private energy improvement loans. We believe that this is best left to the private sector.

Majority Amendment (0675h)

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

1 New Paragraph; Definitions. Amend RSA 53-F:1 by inserting after paragraph II the following new paragraph:

II-a. "Eligible property" means real property located within the boundaries of the district, whether zoned or used for residential, commercial, industrial, or other uses, excluding residential property containing less than 5 dwelling units.

2 Authority; Agreements; Eligibility; Financing. RSA 53-F:3 is repealed and reenacted to read as follows:

53-F:3 Authority. To achieve the public benefits of protecting the economic and social well-being by reducing energy costs in the community and risks to the community associated with future escalation in energy prices, and addressing the threat of global climate change, any municipality which has adopted the provisions of this chapter and established an energy efficiency and clean energy district may, upon a finding by the governing body of the municipality, after notice and hearing, that the energy conservation and efficiency and clean energy improvements will serve the public purposes as set forth in this chapter and not primarily be for the benefit of private persons or uses even though such private benefits and uses may incidentally result, do the following:

I. A municipality which adopts this chapter shall thereafter be authorized to establish one or more energy efficiency and clean energy districts.

II. Encourage private financing from individuals or institutions for qualifying improvements to eligible properties within the district and enter into agreements with those private lenders to administer the energy conservation and efficiency improvements or clean energy improvements program on their behalf, including evaluating eligible properties, supervising the improvements, arranging for the closing of the loans, collecting the special assessments and assisting them with the exercise of their lienholder rights, provided that anticipated expenses for the administration of the program shall be borne by the owners of eligible properties participating in the program.

III. Participate in state or federal programs providing support for municipal energy efficiency and clean energy finance programs such as those authorized by this chapter.

IV. Enter into agreements with owners of eligible property in which the owners consent to make energy conservation and efficiency improvements or clean energy improvements to their properties and to have the municipality include a special assessment to pay for such improvements on their property tax bills, their bills for water or sewer service or another municipal service, or separate bills, provided that such agreements shall not affect the tax liability or municipal services charges of other participating or nonparticipating property owners in the district.

V. Collect charges from participating owners of eligible properties to cover the cost of administration for the district.

VI. Otherwise administer a program for promoting and financing energy efficiency and clean energy improvements within a district in accordance with this chapter, enter into an agreement with a public or

private entity to administer such a program on its behalf in accordance with this chapter, and enter into an agreement with one or more other municipalities to share services and otherwise cooperate in the administration of a district or districts in accordance with this chapter.

3 Agreements With Property Owners. RSA 53-F:4, I-III are repealed and reenacted to read as follows:

I.(a) A municipality may make an assessment under this chapter only pursuant to an agreement entered into with the free and willing consent of the owner of an eligible property to which the assessment applies. In the case of any eligible property with multiple owners, an agreement under this chapter shall be signed by all owners.

(b) An agreement with an owner of eligible property shall provide that the owner shall contract for qualifying improvements with one or more qualified contractors, purchase materials to be used in making qualified improvements, or both, and that, upon submission of documentation required by the municipality, the municipality shall disburse funds to those contractors and vendors in payment for the qualifying improvements or materials used in making qualified improvements. An agreement with a property owner shall require that the property owner report post-installation energy use data for program evaluation purposes over a period determined by the municipality.

(c) The agreement shall stipulate that all funding for the qualifying improvements shall be made by private lenders and that the loan will be evidenced by a note and secured by a mortgage on the eligible property. The agreement shall include a payment schedule showing the term over which payments will be due on the assessment, the frequency with which payments will be billed and the amount of each payment, and the annual amount due on the assessment. The obligations of the agreement and loan will run with the eligible property. If the property is sold, the new owner shall automatically assume the obligations of the agreement, note, and mortgage and shall be subject to all liability related to such obligations. Upon full payment of the amount of the special assessments, including all outstanding interest and charges and any penalties that may become due, the municipality shall provide the then participating property owner with a written statement certifying that the obligations of the agreement and the loan have been satisfied and the special assessments have been paid in full and shall record a discharge of the mortgage from the private lender.

II. The municipality shall disclose to the owners of eligible property participating in the program the risks associated with their participation, including risks related to their failure to make payments and the risk of enforcement of property tax or special assessment liens under RSA 53-F:8.

III. At least 30 days prior to entering into an agreement with a municipality under this chapter, the owner of eligible property shall provide to the holders of any existing mortgages on the property notice of his or her intent to enter into the agreement.

4 Eligibility of Property Owners. RSA 53-F:5 is repealed and reenacted to read as follows:

53-F:5 Eligibility of Property Owners.

I. A municipality may enter into an agreement under this chapter only with the legal owner of eligible property.

II. Prior to entering into an agreement with an owner of eligible property, the municipality shall determine that all property taxes and any other assessments levied with property taxes are current and have been current for 3 years or the owner's period of ownership, whichever is less; that there are no involuntary liens such as mechanic's liens on the property; and that no notices of default or other evidence of property-based debt delinquency have been recorded during the past 3 years or the property owner's period of ownership, whichever is less. The municipality shall adopt additional criteria, appropriate to property-assessed clean energy finance programs. The municipality shall determine whether any mortgages or liens of record exist in the registry of deeds on the property, whether they are current in the obligations, and whether the total debt to equity ratio specified by the private lender will be met. If any such mortgage or lien exists, the municipality shall notify each such mortgagee or lienholder in writing that a private lender is considering making a loan secured by a municipal lien pursuant to the provisions of this chapter and request the consent of each such mortgagee or lienholder to the making of such loan. Each mortgagee or lienholder shall have the right to determine in its sole discretion whether or not it will consent to such loan. If all of the mortgagees or lienholders of record elect to consent, the consents shall be in writing and recorded with the municipal lien in the registry of deeds. The legal effect of having all consents shall be that the municipal lien shall not be extinguished in the event of a foreclosure or sheriff's sale by the mortgagee or lienholder as provided in RSA 53-F:8. If all of the mortgagees or lienholders of record do not consent, but the private lender determines that it will proceed in making such loan, then in the event of a foreclosure or sheriff's sale by a mortgagee or lienholder, the municipal lien shall be extinguished.

5 Qualifying Improvements. RSA 53-F:6, II-IV are repealed and reenacted to read as follows:

II. Improvements shall be permanently affixed to an existing building or facility that is part of the eligible property. The owner of the property may not finance projects in buildings or facilities under new construction.

III. Improvements shall be made by a contractor or contractors, which may include a cooperative or not-for-profit organization, determined by the municipality to be qualified to make the energy efficiency or clean energy improvements in the agreement. Contractors may be designated as qualified by an electric

or gas utility program or another appropriate New Hampshire-based entity. Any work requiring a license under any applicable law shall be performed by an individual holding such license. A municipality may elect to permit the financing pursuant to an agreement under this chapter of improvements made by the owner of the property, but shall not permit the value of the owner's labor to be included in the amount financed.

IV. Prior to disbursement of final payments to any contractor or vendor pursuant to an agreement with a property owner, submission is required by the property owner in a form acceptable to the municipality of:

(a) A post-installation report, based on an independent inspection acceptable to the municipality, certifying that improvements have been installed properly and verifying that they are performing satisfactorily; and

(b) Documentation of all costs to be financed and copies of any required permits.

6 Financing Terms. Amend RSA 53-F:7 to read as follows:

53-F:7 Financing Terms.

I. Improvements shall be financed pursuant to an agreement under this chapter only on terms such that the total energy cost savings realized by the property owner and the property owner's successors during the useful lives of the improvements are expected to exceed the total cost to the property owner and the property owner's successors of the improvements.

II. ~~[A municipality that provides financing to participating property owners shall establish a loss reserve account and maintain funds in such account at a level that meets generally accepted standards for property-assessed clean energy finance programs. Funds in a loss reserve account shall not be provided from general municipal revenues.]~~

III. A property owner who escrows property taxes with the holder of a mortgage on a property subject to an agreement under this chapter may be required by the holder to escrow amounts due on the **special** assessment under this chapter and the mortgage holder shall remit such amounts to the municipality in the manner that property taxes are escrowed and remitted.

~~[IV.]~~ III. The maximum term of finance provided pursuant to an agreement under this chapter shall be 30 years.

7 Priority; Collection and Enforcement. Amend RSA 53-F:8 to read as follows:

53-F:8 Priority; Collection and Enforcement. Collection of **special** assessments under this chapter shall be made by the tax collector or other official responsible for property tax or municipal service charge collection. A municipality shall commit bills for amounts due on the **special** assessments, including interest and any charges, to the tax collector with a warrant signed by the appropriate municipal officials requiring the tax collector to collect them. Each year bills for amounts due on the **special** assessments shall coincide with bills for property taxes or municipal service charges. Each **special** assessment on the property of a participating property owner shall create a lien on the property pursuant to RSA 80:19, except that the lien shall be junior to existing liens of record at the time the bill for the assessment is mailed to the participating property owner. Enforcement powers for nonpayment shall be those provided under RSA 80 relative to property tax collection, including RSA 80:19; provided, however, a tax sale of the property shall not extinguish prior liens of record. At the time of enforcement, only the past due balances of the **special** assessment under this chapter, including all interest, charges, and penalties, shall be due for payment. Notwithstanding any other provision of law, in the event of a transfer of property ownership through foreclosure or a sheriff's sale by a senior mortgagee or lienholder which has consented to the making of a loan by a ~~[municipality]~~ **private lender** under the provisions of this chapter, the lien of the municipality shall not be extinguished, and the net proceeds of the sale, if any, after payment of all prior obligations to mortgagees and lienholders, costs and expenses of foreclosure or sheriff's sale, shall be first applied to the payment of any past due balances of the ~~[municipal]~~ loan and then any excess shall be applied against the remaining balance of the loan. If a senior mortgagee or lienholder has not given its consent to the loan, a foreclosure or sheriff's sale by the mortgagee or lienholder shall extinguish all junior mortgages and liens. ~~[Payment of a past due balance from the loss reserve established under this chapter shall not relieve a participating property owner from the obligation to pay that amount.]~~

8 Repeal. RSA 53-F:1, V, relative to the definition of property owner, is repealed.

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

AMENDED ANALYSIS

This bill makes changes in the financing of loans by energy efficiency and clean energy districts. Majority committee amendment adopted.

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

Rep. Carol McGuire spoke in favor and yielded to questions.

Majority committee report adopted and ordered to third reading.

HB 272, designating the Ham Branch watershed in Easton as a protected river and exempting the Ham Branch watershed from the comprehensive shoreland protection act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frederick C. Rice for Resources, Recreation and Development. The Ham Branch river watershed lies

completely within the town boundaries of Easton. This bill would designate the Ham Branch watershed as a protected river under the rivers management and protection program (RMPP), to be managed by the town of Easton, and would exempt it from the Comprehensive Shoreland Protection Act (CSPA). The amendment clarifies certain language in the bill, exempting this protected river from shoreland protection, but also making it perfectly clear that the RMPP incorporates, and is more stringent than, the CSPA. The amendment also sunsets the CSPA exemption in three years, so that if the town did not maintain appropriate standards, the statewide requirements would still apply. Vote 14-5.

Amendment (0530h)

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

AN ACT designating the Ham Branch River watershed in Easton as a protected river, and exempting portions of the Ham Branch River watershed from the shoreland water quality protection act.

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

1 New Paragraph; Ham Branch River; Designated for Protection. Amend RSA 483:15 by inserting after paragraph XVIII the following new paragraph:

XIX.(a) Ham Branch River and its watershed tributaries.

(1) Ham Branch River, as a natural river from its headwaters in Easton at 44.060275, - 71.791586, state plane coordinates, north 6.1 miles to the Franconia-Easton town line.

(2) Reel Brook, as a natural river from its headwaters in Easton at 44.10318, - 71.76841, state plane coordinates, to its confluence with the Ham Branch River in Easton (3.6 miles).

(3) Unnamed tributary C, as a natural river from its headwaters in Easton at 44.126754, - 71.779108, state plane coordinates, to its confluence with Reel Brook (1.3 miles).

(4) Unnamed Tributary D, as a natural river from its headwaters in Easton at 44.11914, - 71.76787, state plane coordinates, to its confluence with the Reel Brook (0.7 miles).

(5) Slide Brook, as a natural river from its headwaters in Easton at 44.13108, - 71.76225, state plane coordinates, to its confluence with the Ham Branch River in Easton (2.4 miles).

(6) Unnamed tributary B, as a natural river from its headwaters in Easton at 44.12875, - 71.76939, state plane coordinates, to its confluence with Slide Brook (0.5 miles).

(7) Unnamed tributary A, as a natural river from its headwaters in Easton at 44.13807, - 71.77415, state plane coordinates, to its confluence with the Ham Branch River in Easton (1.1 miles).

(8) Judd Brook, as a natural river from its headwaters in Easton at 44.14258, - 71.76733, state plane coordinates, to its confluence with the Ham Branch River in Easton (1.2 miles).

(9) Kendall Brook, as a natural river from its headwaters in Easton at 44.15002, - 71.76195, state plane coordinates, to its confluence with the Ham Branch River in Easton (1.2 miles).

(10) Flume Brook, as a natural river from its headwaters in Easton at 44.15427, - 71.75769, state plane coordinates, to its confluence with Kendall Brook in Easton (0.7 miles).

(11) Brooks Brook, as a natural river from its headwaters in Easton at 44.15655, - 71.74998, state plane coordinates, to its confluence with the Ham Branch in Easton (1.6 miles).

(12) Pepper Brook, as a natural river from the Sugar Hill-Easton town line at 44.17521, - 71.78583, state plane coordinates, to its confluence with the Ham Branch River in Easton (1.1 miles).

(13) Noyes Brook, as a natural river from its headwaters in Easton at 44.15239, - 71.80263, state plane coordinates, to its confluence with the Ham Branch River in Easton (0.6 miles); and

(14) Unnamed Tributary E, as a natural river from its headwaters in Easton at 44.13398, - 71.81106, state plane coordinates, to its confluence with the Ham Branch River in Easton (1.0 miles).

(b) All 1st, 2nd, and 3rd order portions of the Ham Branch River and its tributary rivers shall be exempt from the provisions of the shoreland water quality protection act, RSA 483-B.

2 New Hampshire Rivers Management and Protection Program. Amend RSA 483:2 to read as follows:

483:2 Program Established; Intent. There is established within the department of environmental services the New Hampshire rivers management and protection program. It is the intent of the legislature that the New Hampshire rivers management and protection program shall complement and reinforce existing state and federal water quality laws, **including RSA 483-B**, and that in-stream flows are maintained along protected rivers, or segments thereof, in a manner that will enhance or not diminish the enjoyment of outstanding river characteristics pursuant to RSA 483:1. It is also the intent of the legislature that, through said program, the scenic beauty and recreational potential of such rivers shall be restored and maintained, that riparian interests shall be respected, and **notwithstanding the provisions of RSA 483-B**, that nothing in this chapter shall be interpreted to preempt any land and zoning authority granted to municipal bodies under RSA title LXIV.

3 Repeal. RSA 483:15, XIX(b), relative to the Ham Branch River, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect June 30, 2017.

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

AMENDED ANALYSIS

This bill designates the Ham Branch watershed in Easton as a protected river and exempts the Ham Branch watershed from the comprehensive shoreland protection act.

This bill also prospectively removes the Ham Branch River from the shoreland water quality protection act. Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 349, relative to state buffers for projects requiring wetland permits. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Beverly A. Ferrante for the Majority of Resources, Recreation and Development. This bill would require the department of environmental services (DES) to consider impacts to wetlands and buffers before granting permits for filling and dredging in wetlands. If enacted, as introduced, this bill request would for the first time impose state wide zoning restriction upon land areas adjacent to, but within, state, jurisdictional wetlands. Zoning has traditionally been left to municipalities. These substantial state regulated jurisdictional areas would be subjective in terms of size of affected areas and the nature of activities permitted and to be limited. In addition, this bill, if enacted, would impose on DES substantial increase in administrative permit burdens, and budgetary increases due to the significantly greater supervisory and enforcement role. This bill appears to rely on a document known as the "revised NH method" for assessing project impacts that would be used to determine the required wet land buffer. This method clearly states that it is not designed for use as a specific method for impact analysis. A myriad of terms, definitions, and citations warrant closer scrutiny to ensure clarity and consistency requirements on this bill. For these reasons, the resources committee recommends that the sponsors, DES, and the NH Association of Natural Research Scientists fully examine all potential issues associated with his bill as introduced. Vote 12-8.

Rep. Suzanne H. Gottling for the Minority of Recourses, Recreation and Development. New Hampshire is the only state in the northeast that does not provide a protective buffer around valuable wetlands. Over the years, New Hampshire has grappled with the problem of how to distinguish which wetlands need and deserve protection. Implicit in this is the challenge of balancing ecological concerns with landowner rights. The land use commission (HB 1579), comprised of ecologists and members of the regulated community, determined that policies related to wetlands must be firmly based on well-documented science. If HB 349 is amended to create a study committee, the New Hampshire Association of Natural Resource Scientists have agreed to assist the committee by convening a workgroup. This workgroup would develop a method of evaluating wetlands and propose ways to apply science to determine the need for and extent of a buffer. The buffer would apply to the small number of directly impacted wetlands that require a state wetlands permit, not wetlands under the jurisdiction of municipal regulation. This legislative study committee would also provide the opportunity for the regulated community, ecologists, municipalities, state and federal agencies, and legislators to develop a policy based in science and attuned to New Hampshire's needs.

LAID ON THE TABLE

Rep. Chris Christensen moved that **HB 349**, relative to state buffers for projects requiring wetland permits, be laid on the table.

Motion adopted.

REGULAR CALENDAR CONT'D

HB 391-FN, applying the E911 surcharge to prepaid cellular telephones. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James A. Parison for the Majority of Science, Technology and Energy. This bill, as amended, provides a payment mechanism to collect the E911 surcharge from pre-paid cell phone users who currently evade NH law at the expense of customers who fund E911 through their monthly phone bills. In 1997, NH amended section 106:H9 to include cellular phone users in the population required to pay the E911 fee because these phones also use emergency services. At that time prepaid phones did not exist, but now are estimated to be 22% of the market and growing. This bill does not present any new fee or tax. Instead, it will reduce costs for the entire population now funding the service by bringing these users into compliance. Vote 14-5.

Rep. Carolyn Halstead for the Minority of Science, Technology and Energy. While the minority believes that E911 is a good service to have, we disagree with this bill's attempt to add a new tax to the prepaid cell-phone model, especially since many of these customers are in the poor, bad credit or elderly category. The original funding of E911 was based on the assumption that everyone had a monthly phone bill that could be taxed. This bill is an attempt to get people on the prepaid models to also pay. This bill is inefficient, doesn't go far enough and is costly to businesses. This bill makes businesses the debt collector - including transactions on-line - by keeping track of such things like whether the number is a NH number, or whether you have given any information that links you to NH. The commissioner of the department of safety sets the monthly surcharge rates. This rate would apply each time someone renews their phone. Even though it seems that E911 is currently fully funded, this bill is an attempt to bring in more revenue.

Majority Amendment (0360h)

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

1 New Paragraph; Enhanced 911 System; Definition of Commercial Mobile Radio Service. Amend RSA 106-H:2 by inserting after paragraph III the following new paragraph:

III-a. "Commercial mobile radio service" means commercial mobile radio service as defined in 47 C.F.R. section 20.3.

2 New Paragraph; Enhanced 911 System; Definition of Prepaid Commercial Mobile Radio Service. Amend RSA 106-H:2 by inserting after paragraph VIII-a the following new paragraph:

VIII-b. "Prepaid commercial mobile radio service" means commercial mobile radio service that allows a caller to dial 911 to access the E911 system, which service must be paid for in advance and is either sold in predetermined units or dollars which decline with use in a known amount or is sold for unlimited use during a predetermined period of time.

3 Enhanced 911 System; Funding. Amend RSA 106-H:9, I(a) to read as follows:

I.(a) The enhanced 911 system and the statewide emergency notification system shall be funded through a surcharge to be levied upon each residence and business telephone exchange line, including PBX trunks and Centrex lines, each individual commercial mobile radio service number[;] **and** each VoIP service number with a place of primary use within New Hampshire, and each semi-public and public coin and public access line. For purposes of this subparagraph, "place of primary use" shall have the same meaning as the definition contained in 4 U.S.C. section 124(8). No such surcharge shall be imposed upon more than 25 business telephone exchange lines, including PBX trunks and Centrex lines, or more than 25 commercial mobile radio service exchange lines or VoIP service lines or channels per customer billing account.

4 Enhanced 911 System; Funding. Amend RSA 106-H:9, I(c) to read as follows:

(c) In the case of an entity which provides commercial mobile radio service the surcharge shall be billed to each customer on a monthly basis and shall not be subject to any state or local tax; the surcharge shall be collected by the commercial mobile radio service provider, and may be identified on the customer's bill. **For prepaid commercial mobile radio service, the provisions of paragraph I-a shall apply.**

5 Enhanced 911 System; Funding. Amend RSA 106-H:9, I(e) to read as follows:

(e) Each **seller of prepaid commercial mobile radio service as described in paragraph I-a and each** local exchange telephone company, VoIP service provider, or entity which provides commercial mobile radio service shall remit the surcharge amounts on a monthly basis, as prescribed by the commissioner, to the enhanced 911 services bureau, which shall be forwarded to the state treasurer for deposit in the enhanced 911 system fund. The state treasurer shall pay expenses incurred in the administration of the enhanced 911 system and the statewide emergency notification system from such fund. Such fund shall not lapse. If the expenditure of additional funds over budget estimates is necessary for the proper functioning of the enhanced 911 system or the statewide emergency notification system, the department of safety may request, with prior approval of the fiscal committee of the general court, the transfer of funds from the enhanced 911 system fund to the department of safety for such purposes. The moneys in the account shall not be used for any purpose other than the development and operation of enhanced 911 services and the statewide emergency notification system, in accordance with the terms of this chapter. Surcharge amounts shall be reviewed after the budget has been approved or modified, and if appropriate, new tariffs or rate schedules shall be filed with the public utilities commission reflecting the surcharge amount.

6 New Paragraph; Enhanced 911 System; Funding; Prepaid Commercial Mobile Radio Service. Amend RSA 106-H:9 by inserting after paragraph I the following new paragraph:

I-a. Prepaid commercial mobile radio service.

(a) In this paragraph:

(1) "Consumer" means a natural person or any other person who purchases prepaid commercial mobile radio service in a retail transaction.

(2) "Commissioner" means the commissioner of the department of safety.

(3) "Division" means the division of emergency services and communications of the department of safety.

(4) "Entity" means a natural person or any other person, including any firm, corporation, partnership, or business organization.

(5) "Provider" means an entity that provides prepaid commercial mobile radio service pursuant to a license issued by the Federal Communications Commission.

(6) "Retail transaction" means the purchase of prepaid commercial mobile radio service from a seller for any purpose other than resale.

(7) "Seller" means an entity, including a provider, who sells prepaid commercial mobile radio service to a consumer.

(b) There is hereby imposed a prepaid commercial mobile radio service E911 surcharge that shall be levied on each retail transaction sourced to New Hampshire. The amount of the surcharge levied for each retail transaction shall be the same as the surcharge imposed under RSA 106-H:9, I(a).

(c) For purposes of subparagraph (b), a retail transaction is sourced to New Hampshire:

(1) If the transaction occurs in person at a seller's location in New Hampshire; or

(2) If subparagraph (1) does not apply, the prepaid commercial mobile radio service is evidenced by a physical item, such as a card, and the purchaser provides a New Hampshire delivery address for such item; or

(3) If subparagraphs (1) and (2) do not apply, the consumer gives a New Hampshire address during the consummation of the sale, including the address associated with the consumer's payment instrument if no other address is available, and the address is not given in bad faith; or

(4) If subparagraphs (1) – (3) do not apply, the consumer's mobile telephone number is associated with a postal zip code, telephone area code, or location within New Hampshire.

(d) The prepaid commercial mobile radio service E911 surcharge shall be collected by the seller from the consumer with respect to each retail transaction sourced to New Hampshire. The amount of the surcharge shall be either separately stated on an invoice, receipt, or other similar document that is provided by the seller to the consumer, or otherwise disclosed to the consumer.

(e) The seller shall be liable to remit all charges required by this paragraph to be collected from consumers including all such charges that the seller is deemed to collect where the amount of the surcharge has not been separately stated on an invoice, receipt, or other similar document provided by the seller to the consumer.

(f) The prepaid commercial mobile radio service E911 surcharge shall not be subject to any other state or local tax.

(g) If a minimal amount of prepaid commercial mobile radio service is sold with a prepaid mobile device for a single, non-itemized price, then the seller may elect not to apply the surcharge to such transaction. For purposes of this subparagraph, an amount of service denominated as 10 minutes or less, or 5 dollars or less, is minimal.

(h) With respect to sales made prior to July 1, 2016, a seller may deduct and retain 3 percent of the prepaid commercial mobile radio service E911 charges that are collected by the seller from consumers.

(i) Whenever lawful, providers and sellers of prepaid commercial mobile radio service shall put forth reasonable good faith efforts to cooperate with and provide timely and reasonable assistance to the division, its E911 telecommunications supervisors and investigative or law enforcement officers of this state, or any town, city, or county in this state, in connection with locating the source of any emergency E911 call or lawful investigation or activity by such telecommunications supervisor or law enforcement officer. In such instances, providers and sellers of prepaid commercial mobile radio service shall not be liable for damages to any person resulting from or incurred in connection with the provision of such lawful assistance. In such instances, providers and sellers of prepaid commercial mobile radio service shall not be liable for damages to any person resulting from or incurred in connection with the provision of such lawful assistance.

(j) Beginning on January 1, 2016, prepaid commercial mobile radio service providers shall report annually to the division the total number of active prepaid commercial mobile radio service customers in New Hampshire. For purposes of such report, "active prepaid commercial mobile radio service customers" shall include all prepaid commercial mobile radio service customers with a New Hampshire telephone number on the date of the report, or if account balance information is not available, otherwise determined not to be active by comparable data. All information submitted to the division by a provider shall be considered proprietary and confidential and shall not be considered a public record under RSA 91-A.

7 Enhanced 911 System; Funding; Records Disclosure. Amend RSA 106-H:9, III(b)(3) to read as follows:

(3) Disclosure to the department of revenue administration of records, files, and information required by the department of revenue administration to administer the communications services tax pursuant to RSA 82-A **and to assist the bureau in its administration of RSA 106-H:9.**

8 Effective Date. This act shall take effect January 1, 2016.

On a division vote, 200 members having voted in the affirmative and 102 in the negative, the majority committee amendment was adopted.

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

Rep. Parison spoke in favor.

Rep. Halstead spoke against.

Rep. Kappler requested a roll call; sufficiently seconded.

YEAS 167 - NAYS 152

YEAS - 167

BELk NAP

Tilton, Franklin

CARROLL

Buco, Thomas
Schmidt, Stephen

Butler, Edward
Ticehurst, Susan

McConkey, Mark

Parker, Harold

CHESHIRE

Abbott, Michael
Hunt, John
Sad, Tara
Weber, Lucy

Ames, Richard
Pearson, William
Shepardson, Marjorie

Bordenet, John
Phillips, Larry
Sterling, Franklin

Chase, Cynthia
Robertson, Timothy
Tatro, Bruce

COOS

Fothergill, John
Tholl, John

Moynihan, Wayne
Thomas, Yvonne

Richardson, Herbert

Theberge, Robert

GRAFTON

Abel, Richard
Cooney, Mary
Maes, Kevin
Shackett, Jeffrey
White, Andrew

Almy, Susan
Hennessey, Martha
Massimilla, Linda
Smith, Suzanne

Bennett, Travis
Higgins, Patricia
Nordgren, Sharon
Sykes, George

Brown, Chris
Ladd, Rick
Piper, Wendy
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Brown, Pamela
DiSilvestro, Linda
Goley, Jeffrey
Heath, Mary
Jack, Martin
Long, Patrick
Ober, Lynne
Porter, Marjorie
Shattuck, Gilman
Straight, Phillip
Williams, Kermit

Balcom, John
Coffey, James
Donovan, Daniel
Haefner, Robert
Herbert, Christopher
Kurk, Neal
Mangipudi, Latha
Parison, James
Proulx, Mark
Smith, Timothy
Takesian, Charlene
Woodbury, David

Belanger, James
Cornell, Patricia
Freitas, Mary
Hansberry, Daniel
Hinch, Richard
LeBrun, Donald
O'Brien, Michael
Peterson, Ken
Roberts, Carol
Snow, Kendall
Vann, Ivy

Biggie, Barbara
Cote, David
Gidge, Kenneth
Harvey, Suzanne
Infantine, William
Leishman, Peter
O'Neil, William
Pierce, David
Rosenwald, Cindy
Souza, Kathleen
Walsh, Robert

MERRIMACK

Alicea, Caroletta
Deloge, Helen
Henle, Paul
Kenison, Linda
Myler, Mel
Wallner, Mary Jane

Bartlett, Christy
Ebel, Karen
Hess, David
Kotowski, Frank
Ratzki, Mario
Wheeler, Deborah

Bradley, Paula
French, Barbara
Hirsch, Geoffrey
Luneau, David
Saunderson, George

Carson, Clyde
Gile, Mary
Karrick, David
Mackay, James
Shurtleff, Stephen

ROCK INGHAM

Abrami, Patrick
Cahill, Michael
Cook, Allen
Elliott, Robert
Heffron, Frank
Matthews, Carolyn
Pantelakos, Laura
Sytek, John

Azarian, Gary
Cali-Pitts, Jacqueline
Cushing, Robert
Francese, Paula
Hoelzel, Kathleen
Milz, David
Potucek, John
Vose, Michael

Berrien, Skip
Cardon, G. Thomas
Devine, James
Griffin, Mary
Introne, Robert
O'Connor, John
Sherman, Thomas
Welch, David

Borden, David
Christie, Andrew
Doucette, Fred
Hagan, Joseph
Lovejoy, Patricia
Packard, Sherman
Simpson, Alexis

STRAFFORD

Baber, William
DiSesa, Len
Rollo, Deanna
Stevens, Audrey

Berube, Roger
Horrigan, Timothy
Schmidt, Peter
Treleaven, Susan

Bixby, Peter
Jones, Laura
Southworth, Thomas
Verschueren, James

Burton, Wayne
Kaen, Naida
Sprague, Dale
Wall, Janet

SULLIVAN

Bridge, Ernest
Gottling, Suzanne
Smith, Steven

Cloutier, John
Irwin, Virginia

Converse, Larry
Oxenham, Lee

Gagnon, Raymond
Schmidt, Andrew

NAYS - 152**BELk NAP**

Aldrich, Glen
Fraser, Valerie
Luther, Robert
Varney, Peter

Dumais, Russell
Gallagher, Brian
Spanos, Peter

Fields, Dennis
Howard, Jr., Raymond
Sylvia, Michael

Flanders, Donald
Hurt, George
Vadney, Herbert

CARROLL

Avellani, Lino
Nelson, Bill

Comeau, Ed
Wright, Ted

Cordelli, Glenn

McCarthy, Frank

CHESHIREBerch, Paul
Tilton, Benjamin

Emerson, Susan

McConnell, Jim

Parkhurst, Henry

COOS

Rideout, Leon

GRAFTONDarrow, Stephen
Johnson, Eric

Gionet, Edmond

Hull, Robert

Ingbretson, Paul

HILLSBOROUGHAmmon, Keith
Byron, Frank
Eastman, Eric
Fromuth, Bart
Griffin, Barbara
Hopper, Gary
Martel, Andre
Moore, Josh
Ober, Russell
Rowe, Robert
Simmons, Tammy
Sullivan, VictoriaBoehm, Ralph
Christensen, Chris
Edwards, Elizabeth
Gagne, Larry
Halstead, Carolyn
Lachance, Joseph
McCarthy, Peggy
Murotake, David
Ohm, Bill
Sanborn, Laurie
Smith, Gregory
Twombly, TimothyBouldin, Amanda
Christie, Rick
Estevez, Eric
Gould, Linda
Hansen, Peter
Manley, Jonathan
McClarren, Donald
Murphy, Keith
Pellegrino, Anthony
Seidel, Carl
Soucy, Timothy
Wolf, TerryBurt, John
Danielson, David
Ferreira, Elizabeth
Goulette, William
Hogan, Edith
Marston, Dick
McLean, Mark
Notter, Jeanine
Rouillard, Claire
Silva, Peter
Sullivan, Daniel
Zaricki, Nick**MERRIMACK**Brewster, Michael
Hill, Gregory
Long, Douglas
Schuett, DianneDoherty, David
Hoell, J.R.
Martin, John
Seaworth, BrianFrazer, June
Horn, Werner
McGuire, Carol
Turcotte, AlanFrench, Harold
Kuch, Bill
McGuire, Dan**ROCK INGHAM**Abramson, Max
Belanger, Ronald
Duarte, Joe
Gannon, William
Harris, Jeffrey
Kellogg, Shem
McBeath, Rebecca
Osborne, Jason
Spillane, James
Tucker, Pamela
Woitkun, StevenAllen, Mary
Chirichiello, Brian
Emerick, J. Tracy
Gordon, Pamela
Hodgdon, Bruce
Kolodziej, Walter
McKinney, Betsy
Prudhomme-O'Brien, Katherine
Tasker, Kyle
Ward, Gerald
Wood, DavidBarnes, Arthur
DeSimone, Debra
Ferrante, Beverly
Gordon, Richard
Itse, Daniel
Lundgren, David
McMahon, Charles
Rice, Frederick
Thomas, Douglas
Ward, JoanneBates, David
DiFranco, Debbie
Fesh, Robert
Guthrie, Joseph
Kappler, Lawrence
Major, Norman
Nigrello, Robert
Sanders, Elisabeth
True, Chris
Webb, James**STRAFFORD**Beaudoin, Steven
Gray, James
Knowles, Robert
Turcotte, LeonardBickford, David
Groen, Warren
Leeman, Don
Whitehouse, JoshuaCheney, Catherine
Hannon, Joseph
Mullen, John
Wuelper, KurtGardner, Janice
Kaczynski, Jr., Thomas
Spang, Judith**SULLIVAN**

Laware, Thomas

Rollins, Skip

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

MOTION TO LAY ON THE TABLERep. Halstead moved that **HB 391-FN**, applying the E911 surcharge to prepaid cellular telephones, be laid on the table.

On a division vote, 153 members having voted in the affirmative and 166 in the negative, the motion failed.

MOTION TO RECONSIDERHaving voted with the prevailing side, Rep. White moved that the House reconsider its action whereby, on a roll call vote of 167-152, the House adopted the majority committee report of Ought to Pass with Amendment on **HB 391-FN**, applying the E911 surcharge to prepaid cellular telephones.

Rep. White spoke against.

On a division vote, 125 members having voted in the affirmative and 190 in the negative, the motion failed.

REGULAR CALENDAR CONT'D**HB 544**, allowing the general court to deny a utility the use of the power of eminent domain. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. James A. Parison for the Majority of Science, Technology and Energy. The majority of the committee, while in general agreement with the goal of protecting private property, opposed this particular approach for two basic reasons: first, there were practical concerns around a full year delay that could impede implementation of critical projects, not just elective projects; secondly, the legislature in passing HB 648 recently defined an objective criteria and process to reinforce protections in the NH Constitution against taking of private property for a private purpose. This bill would add a step where subjective and even political factors could enter into the decision, potentially weakening protections for property owners if agencies like the Public Utility Commission (PUC) decided to “rubber stamp” projects in deference to the legislature. Vote 16-3.

Rep. Laurence M. Rappaport for the Minority of Science, Technology and Energy. The minority agrees with the bill’s author that eminent domain seldom results in fair and reasonable settlements even though mandated. The sponsor interviewed many subjects who lost their property in eminent domain proceedings and found none who believed their settlement was fair. This bill attempts to give the legislature a vote in the matter. While local utilities were opposed and claimed they never used it, the committee received testimony from some NH landowners who said they were initially threatened with its use.

Majority committee report adopted.

HB 574-FN, relative to regional greenhouse gas initiative distributions to residential customers. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael Vose for the Majority of Science, Technology and Energy. This bill sought to eliminate distributions from the sale of regional greenhouse gas initiatives (RGGI) allowances to residential electric ratepayers. It gave the funds instead to commercial and industrial customers. This bill would perpetuate government’s inefficient involvement in implementing energy efficiency programs. The committee felt that unleashing free-market forces would provide a better path to expanding energy efficiency efforts. Vote 11-8.

Rep. David A. Borden for the Minority of Science, Technology and Energy. The minority of the committee supported this bill, which would help double the number of low-income families receiving weatherization services in their homes. The committee heard testimony that families living close to the margin have to choose between food and fuel, often having to buy expensive kerosene by the gallon when cash is tight. Sadly, approximately 80,000 homes are eligible for assistance and only 700 per year are currently being served.

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

Rep. Borden spoke against.

Rep. Vose spoke in favor.

On a division vote, 179 members having voted in the affirmative and 129 in the negative, the majority committee report was adopted.

SPECIAL ORDER

HB 113, designating the mastodon as the official state fossil. **INEXPEDIENT TO LEGISLATE.**

Rep. John Sytek for Executive Departments and Administration. This bill would designate the mastodon as the official state fossil (as does Michigan). It is the result of the third (now fourth) grade class project at Bradford elementary school. The committee was impressed with the quality of the effort. The pupils enlisted the aid of both UNH and Dartmouth professors. Three well-spoken pupils stated their case in testimony before the committee. However, the committee felt that New Hampshire has enough cultural and historical artifacts such as our state motto, flower and bird. There was no compelling evidence to indicate that the lack of a state fossil would detract from the imagery of our state nor would adding this designation significantly complement the extant array of our state emblems. Vote 11-4.

Rep. Sherman spoke against and yielded to questions.

Rep. Sytek spoke in favor.

On a division vote, 207 members having voted in the affirmative and 109 in the negative, the committee report was adopted.

SPECIAL ORDER

HB 551-FN, relative to preventing diversion of business income to tax havens. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Jordan G. Ulery for the Majority of Ways and Means. This bill would fundamentally change the manner New Hampshire collects taxes on businesses in the state that are organized overseas. While the analysis suggests an undeterminable increase in revenue, there is a corresponding large increase in administrative costs by the DRA and a biannual review of foreign nations to determine which nations are or are not tax havens, a difficult to understand definition. The biannual review may involve declaring the property of our largest trading partner, Canada, in the name of its Queen, the islands of Jersey and Guernsey. New Hampshire already has too high tax on the entities that give our neighbors jobs. Do we really want to make the granite state even more unfriendly to business? Vote 13-8.

Rep. Richard Ames for the Minority of Ways and Means. Large multi-national corporations have developed elaborate schemes to avoid taxation by hiding profits in subsidiary corporations based in overseas tax haven

jurisdictions. As currently structured, our business profits tax is unable to reach and tax NH's fair share of these profits, even though the profits are attributable to NH-based business activity. Smaller NH-based businesses are unable to engage in these international profit-shifting schemes and therefore bear a greater tax burden than the big multi-national corporations. HB 551, following the lead of Montana and Oregon, would amend our business profits tax so as to pierce this overseas corporate veil and close this unfair tax loophole. The bill identifies by name the overseas jurisdictions that are currently known to serve as tax havens. The bill includes a tax haven definition and a process to enable the periodic updating of the tax haven list. Profits realized by business organizations incorporated in these tax haven jurisdictions, unlike all other overseas corporations that are beyond the so-called "water's edge," are then brought back into the NH business profits tax apportionment formula. This system has been in effect to good effect in Montana for about a decade and in Oregon since 2013. The governor's budget estimated that this change in law in NH would produce \$3.5M in FY 2016 and \$8.0M in FY 2017.

LAID ON THE TABLE

Rep. Almy moved that **HB 551-FN**, relative to preventing diversion of business income to tax havens, be laid on the table.

Motion adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR

OF MARCH 11, 2015

HB 263, prohibiting residency restrictions on sex offenders. **OUGHT TO PASS.**

Rep. John F. Martin for Criminal Justice and Public Safety. The purpose of this bill is to prohibit municipalities from enacting residency restrictions on sex offenders. These restrictions tend to limit opportunities to decent housing, job opportunities and financial support. These restrictions often cause offenders to fail to accurately register their residency, making supervision more difficult and increasing the possibility of either reoffending or association with other offenders prohibited under the terms of their release. Vote 17-0.

LAID ON THE TABLE

Rep. Webb moved that **HB 263**, prohibiting residency restrictions on sex offenders, be laid on the table.

On a division vote, 203 members having voted in the affirmative and 106 in the negative, the motion was adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR CONT'D

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

Rep. John E. Tholl for Criminal Justice and Public Safety. The bill, as amended, removes the reference to fireworks from the bills title as there is no reference to fireworks in the RSA. It removes the requirement to obtain a permit from the police chief and only requires notification of the police and fire chief. The amendment adds the requirement that only blank ammunition may be used and defines blank ammunition. Vote 15-0.

Amendment (0690h)

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

1 Unauthorized Use of Firearms and Firecrackers. Amend RSA 644:13, II and III to read as follows:

II. For the purposes of this section[, "~~compact part~~"].

(a) "**Blank ammunition**" means a cartridge loaded with propellant and a wad, but no projectile.

(b) "**Compact part**" means the territory within a town or city comprised of the following:

[(a)] (1) Any nonresidential, commercial building, including, but not limited to, industrial, educational, or medical buildings, plus a perimeter 300 feet wide around all such buildings without permission of the owner.

[(b)] (2) Any park, playground, or other outdoor public gathering place designated by the legislative body of the city or town.

[(c)] (3) Any contiguous area containing 6 or more buildings which are used as either part-time or permanent dwellings and the spaces between them where each such building is within 300 feet of at least one of the others, plus a perimeter 300 feet wide around all the buildings in such area.

III. Paragraph I shall not apply to the firing or discharge of a cannon, gun, pistol, or other firearm within the compact part of a town or city for the following events, provided that the person responsible for organizing the event notifies the police department [øf] **and the fire department prior to** the following events **using blank ammunition**:

(a) The celebration of, or practice for the celebration of, military events, military funerals, national holidays, or other military or veterans commemorations, conducted by United States armed forces personnel; or

(b) Military re-enactors registered with the secretary of state's office **and who meet the requirements of the state fire code pursuant to RSA 153:5**; or

(c) Funerals or commemorative events conducted by law enforcement agencies, fire departments, emergency medical services, or other public safety agencies, **or official veterans organizations including but not limited to the American Legion or Veterans of Foreign Wars.**

2 Unauthorized Use of Firearms and Firecrackers; Section Heading Amended. Amend the section heading of RSA 644:13 to read as follows:

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

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

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. Committee amendment adopted.

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

Rep. Tholl spoke in favor.

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

YEAS 258 - NAYS 54

YEAS - 258

BELK NAP

Dumais, Russell
Tilton, Franklin

Fields, Dennis
Vadney, Herbert

Flanders, Donald
Varney, Peter

Hurt, George

CARROLL

Buco, Thomas
McConkey, Mark
Ticehurst, Susan

Butler, Edward
Nelson, Bill
Wright, Ted

Cordelli, Glenn
Parker, Harold

McCarthy, Frank
Schmidt, Stephen

CHESHIRE

Abbott, Michael
Chase, Cynthia
Parkhurst, Henry
Sad, Tara
Weber, Lucy

Ames, Richard
Emerson, Susan
Pearson, William
Sterling, Franklin

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

Bordenet, John
McConnell, Jim
Robertson, Timothy
Tilton, Benjamin

COOS

Fothergill, John
Theberge, Robert

Moynihan, Wayne
Tholl, John

Richardson, Herbert
Thomas, Yvonne

Rideout, Leon

GRAFTON

Abel, Richard
Darrow, Stephen
Hull, Robert
Nordgren, Sharon
Sykes, George

Almy, Susan
Gionet, Edmond
Ladd, Rick
Piper, Wendy
Townsend, Charles

Brown, Chris
Hennessey, Martha
Maes, Kevin
Shackett, Jeffrey
White, Andrew

Cooney, Mary
Higgins, Patricia
Massimilla, Linda
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Boehm, Ralph
Christensen, Chris
Danielson, David
Estevez, Eric
Goley, Jeffrey
Griffin, Barbara
Harvey, Suzanne
Infantine, William
LeBrun, Donald
Manley, Jonathan
McClarren, Donald
O'Neil, William
Parison, James
Porter, Marjorie
Rosenwald, Cindy
Shattuck, Gilman
Snow, Kendall
Sullivan, Daniel
Walsh, Robert
Zaricki, Nick

Balcom, John
Brown, Pamela
Coffey, James
DiSilvestro, Linda
Freitas, Mary
Gorman, Mary
Guerette, C. Lee
Heath, Mary
Jack, Martin
Leishman, Peter
Marston, Dick
Murotake, David
Ober, Lynne
Pellegrino, Anthony
Proulx, Mark
Rouillard, Claire
Simmons, Tammy
Soucy, Timothy
Takesian, Charlene
Williams, Kermit

Barry, Richard
Burt, John
Cornell, Patricia
Donovan, Daniel
Gagne, Larry
Gould, Linda
Haefner, Robert
Hinch, Richard
Kurk, Neal
Long, Patrick
Martel, Andre
Notter, Jeanine
Ober, Russell
Peterson, Ken
Rice, Kimberly
Rowe, Robert
Smith, Gregory
Souza, Kathleen
Twombly, Timothy
Wolf, Terry

Biggie, Barbara
Byron, Frank
Cote, David
Edwards, Elizabeth
Gidge, Kenneth
Goulette, William
Hansberry, Daniel
Hopper, Gary
Lachance, Joseph
Mangipudi, Latha
McCarthy, Peggy
O'Brien, Michael
Ohm, Bill
Pierce, David
Roberts, Carol
Seidel, Carl
Smith, Timothy
Straight, Phillip
Vann, Ivy
Woodbury, David

MERRIMACK

Alicea, Caroletta
 Deloge, Helen
 French, Harold
 Horn, Werner
 Kotowski, Frank
 Myler, Mel
 Schuett, Dianne

Bartlett, Christy
 Doherty, David
 Gile, Mary
 Karrick, David
 Luneau, David
 Ratzki, Mario
 Shurtleff, Stephen

Bradley, Paula
 Frazer, June
 Henle, Paul
 Kenison, Linda
 MacKay, James
 Rogers, Katherine
 Turcotte, Alan

Carson, Clyde
 French, Barbara
 Hirsch, Geoffrey
 Kidder, David
 Martin, John
 Saunderson, George
 Wheeler, Deborah

ROCK INGHAM

Abrami, Patrick
 Borden, David
 Chirichiello, Brian
 DeSimone, Debra
 Emerick, J. Tracy
 Gannon, William
 Guthrie, Joseph
 Hoelzel, Kathleen
 Lovejoy, Patricia
 McBeath, Rebecca
 O'Connor, John
 Prudhomme-O'Brien, Katherine
 Sytek, John
 Ward, Joanne
 Wood, David

Allen, Mary
 Cahill, Michael
 Christie, Andrew
 Devine, James
 Ferrante, Beverly
 Gordon, Pamela
 Hagan, Joseph
 Introne, Robert
 Lundgren, David
 McMahon, Charles
 Packard, Sherman
 Rice, Frederick
 Thomas, Douglas
 Webb, James

Barnes, Arthur
 Cali-Pitts, Jacqueline
 Cook, Allen
 DiFranco, Debbie
 Fesh, Robert
 Gordon, Richard
 Heffron, Frank
 Kappler, Lawrence
 Major, Norman
 Milz, David
 Pantelakos, Laura
 Sanders, Elisabeth
 Vose, Michael
 Welch, David

Berrien, Skip
 Cardon, G. Thomas
 Cushing, Robert
 Doucette, Fred
 Francese, Paula
 Griffin, Mary
 Hodgdon, Bruce
 Kolodziej, Walter
 Matthews, Carolyn
 Nigrello, Robert
 Potucek, John
 Sherman, Thomas
 Ward, Gerald
 Woitkun, Steven

STRAFFORD

Baber, William
 Burton, Wayne
 Gray, James
 Mullen, John
 Spang, Judith
 Turcotte, Leonard

Berube, Roger
 Cheney, Catherine
 Horrigan, Timothy
 Mullen, Deanna
 Sprague, Dale
 Verschueren, James

Bickford, David
 DiSesa, Len
 Kaen, Naida
 Rollo, Peter
 Stevens, Audrey
 Wall, Janet

Bixby, Peter
 Gardner, Janice
 Leeman, Don
 Southworth, Thomas
 Treleaven, Susan
 Wuelper, Kurt

SULLIVAN

Bridge, Ernest
 Irwin, Virginia

Cloutier, John
 Oxenham, Lee

Converse, Larry
 Schmidt, Andrew

Gagnon, Raymond
 Smith, Steven

NAYS - 54**BELK NAP**

Aldrich, Glen
 Luther, Robert

Fraser, Valerie
 Spanos, Peter

Gallagher, Brian
 Sylvia, Michael

Howard, Jr., Raymond

CARROLL

Avellani, Lino

Comeau, Ed

GRAFTON

Ingbretson, Paul

Johnson, Eric

HILLSBOROUGH

Ammon, Keith
 Eastman, Eric
 Hansen, Peter
 Murphy, Keith

Belanger, James
 Ferreira, Elizabeth
 Hogan, Edith
 Silva, Peter

Bouldin, Amanda
 Fromuth, Bart
 McLean, Mark
 Sullivan, Victoria

Christie, Rick
 Halstead, Carolyn
 Moore, Josh

MERRIMACK

Brewster, Michael
 McGuire, Carol

Hill, Gregory
 McGuire, Dan

Hoell, J.R.
 Seaworth, Brian

Kuch, Bill

ROCK INGHAM

Abramson, Max
 Itse, Daniel
 Spillane, James

Baldasaro, Alfred
 Kellogg, Shem
 Tasker, Kyle

Bates, David
 Osborne, Jason
 True, Chris

Harris, Jeffrey
 Simpson, Alexis
 Tucker, Pamela

STRAFFORD

Beaudoin, Steven
 Kaczynski, Jr., Thomas

Groen, Warren
 Knowles, Robert

Hannon, Joseph
 Whitehouse, Joshua

Jones, Laura

SULLIVAN

Laware, Thomas

Rollins, Skip

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

HB 568-FN, requiring a supervisory law enforcement officer to arrest a law enforcement officer when the supervisor knows that the law enforcement officer has committed a criminal offense. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety. The bill as written would have required a law enforcement supervisor to arrest an officer when he knows that the officer has committed a crime. This would make the supervisor guilty of a misdemeanor if he/she fails to make the arrest. Knowing that someone had committed a crime is vastly different in having probable cause to make an arrest. The bill removes discretion from the supervisor and should there be an ongoing investigation on the felony level making an arrest for a minor offense could detrimentally effect the more serious investigation, as Miranda rights and right to an attorney attach upon the arrest. Vote 16-0.

Rep. DiSesa spoke in favor.

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

YEAS 231 - NAYS 66

YEAS - 231

BELKNAP

Dumais, Russell
Gallagher, Brian
Tilton, Franklin

Fields, Dennis
Hurt, George
Vadney, Herbert

Flanders, Donald
Luther, Robert

Fraser, Valerie
Spanos, Peter

CARROLL

Buco, Thomas
McConkey, Mark
Ticehurst, Susan

Butler, Edward
Nelson, Bill
Wright, Ted

Cordelli, Glenn
Parker, Harold

McCarthy, Frank
Schmidt, Stephen

CHESHIRE

Abbott, Michael
Chase, Cynthia
Phillips, Larry
Tatro, Bruce

Ames, Richard
Emerson, Susan
Robertson, Timothy
Weber, Lucy

Berch, Paul
Hunt, John
Sad, Tara

Bordenet, John
Parkhurst, Henry
Sterling, Franklin

COOS

Fothergill, John
Tholl, John

Moynihan, Wayne

Richardson, Herbert

Theberge, Robert

GRAFTON

Abel, Richard
Gionet, Edmond
Massimilla, Linda
Sykes, George

Almy, Susan
Hennessey, Martha
Nordgren, Sharon
Townsend, Charles

Brown, Chris
Higgins, Patricia
Piper, Wendy
White, Andrew

Cooney, Mary
Maes, Kevin
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Biggie, Barbara
Coffey, James
DiSilvestro, Linda
Gagne, Larry
Griffin, Barbara
Hansberry, Daniel
Hinch, Richard
LeBrun, Donald
Marston, Dick
Murotake, David
Peterson, Ken
Roberts, Carol
Seidel, Carl
Snow, Kendall
Takesian, Charlene
Woodbury, David

Balcom, John
Brown, Pamela
Cornell, Patricia
Donovan, Daniel
Goley, Jeffrey
Guerette, C. Lee
Hansen, Peter
Infantine, William
Leishman, Peter
Martel, Andre
Ober, Lynne
Pierce, David
Rosenwald, Cindy
Shattuck, Gilman
Soucy, Timothy
Vann, Ivy

Barry, Richard
Burt, John
Cote, David
Edwards, Elizabeth
Gorman, Mary
Haefner, Robert
Harvey, Suzanne
Jack, Martin
Mangipudi, Latha
McClarren, Donald
Ober, Russell
Porter, Marjorie
Rouillard, Claire
Smith, Gregory
Souza, Kathleen
Walsh, Robert

Belanger, James
Byron, Frank
Danielson, David
Freitas, Mary
Goulette, William
Halstead, Carolyn
Heath, Mary
Kurk, Neal
Manley, Jonathan
McLean, Mark
Ohm, Bill
Proulx, Mark
Rowe, Robert
Smith, Timothy
Sullivan, Daniel
Wolf, Terry

MERRIMACK

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

Bartlett, Christy
Doherty, David
Gile, Mary
Kenison, Linda
Luneau, David
Myler, Mel
Schuett, Dianne
Wheeler, Deborah

Bradley, Paula
Ebel, Karen
Henle, Paul
Kidder, David
MacKay, James
Ratzki, Mario
Shurtleff, Stephen

Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Kotowski, Frank
Martin, John
Rogers, Katherine
Turcotte, Alan

ROCK INGHAM

Abrami, Patrick
Borden, David
Chirichiello, Brian
Devine, James
Fesh, Robert
Gordon, Richard
Harris, Jeffrey
Kolodziej, Walter
McBeath, Rebecca
Packard, Sherman
Sherman, Thomas
Vose, Michael
Welch, David

Barnes, Arthur
Cahill, Michael
Christie, Andrew
Doucette, Fred
Francese, Paula
Griffin, Mary
Heffron, Frank
Lovejoy, Patricia
McMahon, Charles
Pantelakos, Laura
Simpson, Alexis
Ward, Gerald
Wood, David

Bates, David
Cali-Pitts, Jacqueline
Cushing, Robert
Emerick, J. Tracy
Gannon, William
Guthrie, Joseph
Hoelzel, Kathleen
Major, Norman
Milz, David
Potucek, John
Sytek, John
Ward, Joanne

Berrien, Skip
Cardon, G. Thomas
DeSimone, Debra
Ferrante, Beverly
Gordon, Pamela
Hagan, Joseph
Introne, Robert
Matthews, Carolyn
O'Connor, John
Sanders, Elisabeth
Thomas, Douglas
Webb, James

STRAFFORD

Baber, William
Burton, Wayne
Gray, James
Kaen, Naida
Schmidt, Peter
Stevens, Audrey
Wall, Janet

Berube, Roger
Cheney, Catherine
Hannon, Joseph
Leeman, Don
Southworth, Thomas
Treleaven, Susan
Wuelper, Kurt

Bickford, David
DiSesa, Len
Horigan, Timothy
Mullen, John
Spang, Judith
Turcotte, Leonard

Bixby, Peter
Gardner, Janice
Jones, Laura
Rollo, Deanna
Sprague, Dale
Verschueren, James

SULLIVAN

Cloutier, John
Irwin, Virginia

Converse, Larry
Smith, Steven

Gagnon, Raymond

Gottling, Suzanne

NAYS - 66**BELKNAP**

Aldrich, Glen

Howard, Jr., Raymond

Sylvia, Michael

Varney, Peter

CARROLL**CHESHIRE****COOS****GRAFTON**

Darrow, Stephen

Hull, Robert

Ingbretson, Paul

Johnson, Eric

HILLSBOROUGH

Ammon, Keith
Eastman, Eric
Gidge, Kenneth
Moore, Josh
Rice, Kimberly
Twombly, Timothy

Boehm, Ralph
Estevez, Eric
Gould, Linda
Murphy, Keith
Silva, Peter
Zaricki, Nick

Bouldin, Amanda
Ferreira, Elizabeth
Hogan, Edith
Notter, Jeanine
Simmons, Tammy

Christie, Rick
Fromuth, Bart
Lachance, Joseph
Parison, James
Sullivan, Victoria

MERRIMACK

Brewster, Michael
Horn, Werner

French, Harold
McGuire, Carol

Hill, Gregory
Seaworth, Brian

Hoell, J.R.

ROCK INGHAM

Abramson, Max
Hodgdon, Bruce
Osborne, Jason
Tasker, Kyle

Allen, Mary
Itse, Daniel
Prudhomme-O'Brien, Katherine
True, Chris

Baldasaro, Alfred
Kappler, Lawrence
Rice, Frederick
Tucker, Pamela

Cook, Allen
Kellogg, Shem
Spillane, James

STRAFFORD

Beaudoin, Steven
Whitehouse, Joshua

Groen, Warren

Kaczynski, Jr., Thomas

Knowles, Robert

SULLIVAN

Bridge, Ernest
and the committee report was adopted.

Laware, Thomas

Rollins, Skip

HB 598, relative to the definition of deadly force. **INEXPEDIENT TO LEGISLATE.**

Rep. Arthur E. Barnes for Criminal Justice and Public Safety. This bill would alter the definition of “the use of deadly force,” which would impact the ability to use self defense. By tightening the definition of deadly force to an act that results in death or serious injury it likewise reduces the circumstances wherein a victim may use deadly force to defend themselves. Vote 16-0.

Rep. Abramson spoke against.

Rep. Tholl spoke in favor.

On a division vote, 298 members having voted in the affirmative and 5 in the negative, the committee report was adopted.

HB 317, relative to contracts between schools and school districts. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary Heath for Education. This bill requires an unrealistic burden on the house education committee by requiring the review and approval of non-public schools and also the review of contracts between schools and school districts. There is a process in place currently without legislating that legislators carry out this process. Vote 18-2.

Rep. Eastman spoke against.

Rep. Ladd spoke in favor.

On a division vote, 246 members having voted in the affirmative and 39 in the negative, the committee report was adopted.

HB 323, relative to the administration of the statewide assessment program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick M. Ladd for Education. Currently statewide assessment occurs in grades 3, 4, 5, 6, 7, 8 and 11. This testing process also duplicates mandated assessments required by the elementary and secondary education act. It is widely believed that we are testing too much with valuable instructional time lost; a definite detractor to teaching and learning. Further, there are other reliable techniques to measure student growth: portfolios, teacher reports, transcripts, performance-based outcomes, student progress reports and on going formative assessments. Recently, the council of chief school officers recommended that states should have more control of improvement and assessment, rather than being driven by federal mandates. This bill, as amended, recommends that statewide assessments occur in grades 4, 6, 8 and 11. This process provides for testing one grade level within four grade spans extending from grade 3-12. This testing procedure would keep NH in compliance with federal testing levels. In addition, by using the SAT in grade 11 rather than smarter balanced, as does Maine, NH will have more students taking a college readiness assessment with the outcome of increased college enrollments by 2-3%. Lastly, testing is big business. Throughout the US, \$2.5B is annually spent on testing. By eliminating smarter balanced testing in grades 3, 5 and 7, NH will also save an annual general fund expenditure of approximately \$850,000+. Vote 20-1.

Amendment (0612h)

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

1 Statewide Education Improvement and Assessment Program; Assessment Required. Amend RSA 193-C:6 to read as follows:

193-C:6 Assessment Required. Each year, a statewide assessment shall be administered in all school districts in the state in [~~grades 3 through 8 and one grade in high school~~] **grade spans 3-4, 5-6, 7-8, and 9-12. Evidence of student achievement submitted to the United States Department of Education and assessment data required in support of the performance base accountability system as provided in RSA 193-E:3-c and RSA 193-E:3-d in conformity with competency-based strategies identified in RSA 193-H:1 shall be collected in grades 4, 6, 8, and 11.** All public school students in the designated [~~grades~~] **grade within each grade span** shall participate in the assessment, unless such student is exempted, or provided that the commissioner of the department of education may, through an agreement with another state when such state and New Hampshire are parties to an interstate agreement, allow pupils to participate in that state’s assessment program as an alternative to the assessment required under this chapter. Home educated students may contact their local school districts if they wish to participate in the statewide assessment. Private schools may contact the department of education to participate in the statewide assessment.

2 Statewide Education Improvement and Assessment Program. Amend RSA 193-C:3, IV(i) to read as follows:

(i) At the end of grade [~~3~~] **4**, to determine if pupils are reading at grade level on a standardized reading test to be developed by the department as part of a statewide assessment system.

3 Cost of an Opportunity for an Adequate Education. Amend RSA 198:40-a, II-a to read as follows:

II-a. An additional \$675 for each [~~third~~] **fourth** grade pupil in the public school’s ADMA in the determination year who has not tested at the proficient level or above in the reading component of the state assessment and who is not eligible to receive special education, English as a second language, or free or reduced-price meal program funds in the determination year.

4 Effective Date. This act shall take effect 60 days after its passage.
 Rep. Ladd spoke against.
 Committee amendment failed.
 Rep. Ladd offered floor amendment (0806h).

Floor Amendment (0806h)

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

1 Statewide Education Improvement and Assessment Program; Assessment Required. Amend RSA 193-C:6 to read as follows:

193-C:6 Assessment Required. Each year, a statewide assessment *program designed to yield specific data to use in identifying and improving instruction and learning* shall be administered in all school districts in the state in grades 3 through 8 and one grade in high school. *If approved through a federal education waiver, the New Hampshire department of education shall further develop criteria for an application and approval process that will allow school districts to meet certain readiness criteria to participate in a local model of assessment and accountability. This process will allow approved districts to implement the statewide assessment only in selected grades as determined by the department and as identified in the New Hampshire Performance Assessment for Competency Education (PACE) pilot.* All public school students in the designated grades shall participate in the assessment, unless such student is exempted, or provided that the commissioner of the department of education may, through an agreement with another state when such state and New Hampshire are parties to an interstate agreement, allow pupils to participate in that state's assessment program as an alternative to the assessment required under this chapter. Home educated students may contact their local school districts if they wish to participate in the statewide assessment. Private schools may contact the department of education to participate in the statewide assessment. *Nothing in this section shall preclude the use of a well established, curriculum-based college readiness examination of academic achievement, such as the College Board SAT as the high school assessment, where approved for federal accountability purposes.*

2 Effective Date. This act shall take effect 60 days after its passage.
 Rep. Ladd spoke in favor and yielded to questions.
 Floor amendment (0806h) adopted.
 Committee report adopted and ordered to third reading.

HB 244-L, relative to the permissible level of methyl tertiary butyl ether in drinking water. **INEXPEDIENT TO LEGISLATE.**

Rep. John T. O'Connor for Environment and Agriculture. After hearing testimony from the Department of Environmental Services, the Oil Fund Disbursement Board, along with public water systems companies, the majority of the committee has determined that setting a standard for 0 parts-per-billion (ppb) of MtBE is a technical impracticability. In addition, HB 244 would only regulate public water supplies and not address the thousands of homeowners' wells. Currently the Federal EPA is responsible for ensuring the safety of drinking water in the USA. The EPA has set MtBE advisory standards for odor and taste at 20-40 ppb, and have stated, "Keeping MtBE below this level should provide protection against any health effects with a wide margin of safety." New Hampshire's DES has set the MtBE standard lower than the EPA guidelines to a level of 13 ppb. With the recent settlement of the MtBE lawsuit, DES has set up a MtBE Remediation Bureau to address the issue statewide. They are charged with the responsibility of developing a comprehensive plan on mitigating MtBE. In January of this year, DES signed a contract with the US Geological Survey to evaluate MtBE distribution and concentration trends of NH aquifers with a report due by the end of December 2016. Therefore, the majority feels steps are currently being taken to address the problem. Vote 17-0.

Rep. McConnell spoke against.

Rep. O'Connor spoke in favor.

On a division vote, 242 members having voted in the affirmative and 32 in the negative, the committee report was adopted.

HB 139-FN, relative to an emergency exception under the New Hampshire retirement system for certain part-time employment. **INEXPEDIENT TO LEGISLATE.**

Rep. Jacalyn L. Cilley for Executive Departments and Administration. This bill sought to allow certain part-time employees who are retired members of the NH Retirement System to exceed their allotted hours in an emergency declared by the governor. Retired members of the NHRS are statutorily prohibited from working more than part-time while simultaneously collecting retirement from the system. While the sponsor of the bill made a compelling case for the municipality he represents, and which currently has only part-time employees on their police force, the committee felt there are other remedies to this municipality's situation. Further, the committee was concerned that allowing exceptions to the current work guidelines for post-retirement employees may have a deleterious effect on the integrity of the NHRS fund. Vote 14-0.

Reps. Ratzki and Karrick spoke against.
Rep. Sytek spoke in favor.
Committee report adopted.

HB 459, establishing a committee to study medical services provided to residents of the New Hampshire veterans' home. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter B. Schmidt for Executive Departments and Administration. The committee heard from numerous members of the NH veterans' home community: residents, board of managers members and staff, on this and other related bills. There was strong and credible testimony that the home is well managed and served by competent and caring staff. Given current budgetary realities, the committee believes medical services provided meet reasonably attainable and appropriate standards. Vote 14-0.

LAID ON THE TABLE

Rep. Theberge moved that **HB 459**, establishing a committee to study medical services provided to residents of the New Hampshire veterans' home, be laid on the table.
Motion adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR CONT'D

HR 10, urging the department of justice to reexamine the conviction of Chad Evans. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul S. Berch for Judiciary. This house resolution seeks to have the New Hampshire Attorney General investigate another time the conviction of Chad Evans for the brutal murder of twenty-one month old Cassidy Border, the daughter of his then girlfriend. It was clear to the judiciary committee that there is no legal authority for the legislature to compel such a re-evaluation by that office, and the committee noted that such a re-evaluation was conducted by the attorney general's office subsequent to the conviction. Mr. Evans was convicted of murder in a jury trial; a unanimous supreme court upheld his conviction; a federal court rejected his petition for writ of habeas corpus. The committee was informed that Mr. Evans will be proceeding in state court for habeas relief and unanimously agreed that would be the proper forum for him to present his claims, and this resolution is inappropriate and problematic. Vote 16-0.

MOTION TO INDEFINITELY POSTPONE

Rep. Hopper moved that **HR 10**, urging the department of justice to reexamine the conviction of Chad Evans, be indefinitely postponed.
On a division vote, 257 members having voted in the affirmative and 23 in the negative, the motion was adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR CONT'D

HB 370-L, enabling counties and municipalities to establish minimum wage rates. **INEXPEDIENT TO LEGISLATE.**

Rep. Leon H. Rideout for Labor, Industrial and Rehabilitative Services. The committee felt that that allowing each municipality to create its own minimum wage would create a great deal of confusion for businesses in the state and be counterproductive in attracting new jobs to NH. If each municipality and county set their own minimum wage there could be up to 244 different rates. Vote 19-0.

Rep. Robertson spoke against.
Rep. Infantine spoke in favor.
Committee report adopted.

HB 402-FN, establishing the Franklin Partin right-to-work act. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian Seaworth for Labor, Industrial and Rehabilitative Services. The committee received two nearly identical right to work bills this session. The committee unanimously recommends ITL and the focus be on HB 658. Vote 19-0

Rep. William O'Brien spoke against.
Rep. Infantine spoke in favor.
Rep. White requested a roll call; sufficiently seconded.

YEAS 184 - NAYS 74

YEAS - 184

BELKNAP

Fields, Dennis

Tilton, Franklin

Vadney, Herbert

CARROLL

Buco, Thomas

Schmidt, Stephen

Ticehurst, Susan

Umberger, Karen

CHESHIRE

Abbott, Michael
Emerson, Susan
Robertson, Timothy
Weber, Lucy

Ames, Richard
Parkhurst, Henry
Sad, Tara

Berch, Paul
Pearson, William
Tatro, Bruce

Bordenet, John
Phillips, Larry
Tilton, Benjamin

COOS

Fothergill, John
Tholl, John

Moynihan, Wayne
Thomas, Yvonne

Richardson, Herbert

Theberge, Robert

GRAFTON

Abel, Richard
Darrow, Stephen
Maes, Kevin
Smith, Suzanne

Almy, Susan
Ford, Susan
Massimilla, Linda
Sykes, George

Brown, Chris
Higgins, Patricia
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Ladd, Rick
Piper, Wendy
White, Andrew

HILLSBOROUGH

Backus, Robert
Bouldin, Amanda
Danielson, David
Gagne, Larry
Guerette, C. Lee
Heath, Mary
Jack, Martin
Long, Patrick
O'Brien, Michael
Porter, Marjorie
Rowe, Robert
Snow, Kendall
Takesian, Charlene
Zaricki, Nick

Balcom, John
Brown, Pamela
DiSilvestro, Linda
Gidge, Kenneth
Haefner, Robert
Hinch, Richard
Kurk, Neal
Mangipudi, Latha
O'Neil, William
Proulx, Mark
Shattuck, Gilman
Soucy, Timothy
Vann, Ivy

Barry, Richard
Cornell, Patricia
Edwards, Elizabeth
Goley, Jeffrey
Halstead, Carolyn
Hopper, Gary
LeBrun, Donald
Manley, Jonathan
Peterson, Ken
Rosenwald, Cindy
Simmons, Tammy
Sullivan, Daniel
Walsh, Robert

Biggie, Barbara
Cote, David
Freitas, Mary
Gorman, Mary
Harvey, Suzanne
Infantine, William
Leishman, Peter
McCarthy, Peggy
Pierce, David
Rouillard, Claire
Smith, Timothy
Sullivan, Victoria
Woodbury, David

MERRIMACK

Alicea, Caroletta
Deloge, Helen
French, Barbara
Karrick, David
Myler, Mel
Schuett, Dianne
Wheeler, Deborah

Bartlett, Christy
Doherty, David
Henle, Paul
Kotowski, Frank
Ratzki, Mario
Shurtleff, Stephen

Bradley, Paula
Ebel, Karen
Hirsch, Geoffrey
Luneau, David
Rogers, Katherine
Turcotte, Alan

Carson, Clyde
Frazer, June
Horn, Werner
MacKay, James
Saunderson, George
Wallner, Mary Jane

ROCK INGHAM

Barnes, Arthur
Christie, Andrew
DiFranco, Debbie
Francese, Paula
Heffron, Frank
Major, Norman
O'Connor, John
Sherman, Thomas
True, Chris
Woitkun, Steven

Berrien, Skip
Cushing, Robert
Doucette, Fred
Gordon, Pamela
Hodgdon, Bruce
Matthews, Carolyn
Packard, Sherman
Simpson, Alexis
Ward, Gerald

Borden, David
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Hoelzel, Kathleen
McBeath, Rebecca
Pantelakos, Laura
Sytek, John
Ward, Joanne

Cahill, Michael
Devine, James
Fesh, Robert
Hagan, Joseph
Lovejoy, Patricia
Milz, David
Potucek, John
Thomas, Douglas
Welch, David

STRAFFORD

Baber, William
DiSesa, Len
Kaen, Naida
Southworth, Thomas
Turcotte, Leonard

Bickford, David
Gardner, Janice
Mullen, John
Spang, Judith
Verschuere, James

Bixby, Peter
Gray, James
Rollo, Deanna
Sprague, Dale
Wall, Janet

Burton, Wayne
Horrigan, Timothy
Schmidt, Peter
Treleaven, Susan

SULLIVAN

Cloutier, John
Irwin, Virginia

Converse, Larry
Laware, Thomas

Gagnon, Raymond
Rollins, Skip

Gottling, Suzanne
Smith, Steven

NAYS - 74**BELKNAP**

Aldrich, Glen
Howard, Jr., Raymond

Flanders, Donald
Hurt, George

Fraser, Valerie
Spanos, Peter

Gallagher, Brian
Sylvia, Michael

CARROLL

Avellani, Lino
McConkey, Mark

Comeau, Ed
Nelson, Bill

Cordelli, Glenn
Parker, Harold

McCarthy, Frank
Wright, Ted

CHESHIRE

McConnell, Jim Sterling, Franklin

GRAFTON

Gionet, Edmond Hull, Robert Johnson, Eric

HILLSBOROUGH

Belanger, James	Boehm, Ralph	Burt, John	Byron, Frank
Christie, Rick	Coffey, James	Eastman, Eric	Ferreira, Elizabeth
Fromuth, Bart	Gould, Linda	Goulette, William	Hansen, Peter
Hogan, Edith	Lachance, Joseph	Marston, Dick	McClarren, Donald
McLean, Mark	Murphy, Keith	Notter, Jeanine	O'Brien, William
Ohm, Bill	Parison, James	Twombly, Timothy	Wolf, Terry

MERRIMACK

Brewster, Michael	French, Harold	Kuch, Bill	Martin, John
McGuire, Carol	McGuire, Dan	Seaworth, Brian	

ROCK INGHAM

Abrami, Patrick	Allen, Mary	Bates, David	Emerick, J. Tracy
Gannon, William	Gordon, Richard	Harris, Jeffrey	Introne, Robert
Kappler, Lawrence	Kellogg, Shem	Osborne, Jason	Spillane, James
Vose, Michael	Weyler, Kenneth	Wood, David	

STRAFFORD

Beaudoin, Steven	Kaczynski, Jr., Thomas	Knowles, Robert	Leeman, Don
Whitehouse, Joshua	Wuelper, Kurt		

SULLIVAN

Bridge, Ernest
and the committee report was adopted.

RESOLUTION

Rep. Hinch offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 25, 2015 at 10:00 a.m.
Motion adopted.

LATE SESSION**Third reading and final passage**

HB 563-FN, relative to funding for chartered public school pupils.
HB 336, relative to seasons for hunting by crossbow.
HB 564-FN, relative to prior authorization for certain prescription drugs.
HB 593-FN, permitting qualifying patients and registered caregivers to cultivate cannabis for therapeutic use.
HB 292, expanding the good Samaritan law to engineers and architects.
HB 403-FN, repealing the law relative to providing certain parameters for access to reproductive health care facilities.
HB 606-FN-L, relative to costs for public records filed electronically.
HB 613, relative to governmental records exempted under the right-to-know law.
HB 614-FN, implementing goals of the state 10-year energy strategy.
HB 450, relative to the definition of "employee" for the purposes of workers' compensation and unemployment compensation.
HB 205-L, relative to lending practices of energy efficiency and clean energy districts.
HB 272, designating the Ham Branch River watershed in Easton as a protected river, and exempting portions of the Ham Branch River watershed from the shoreland water quality protection act.
HB 391-FN, applying the E911 surcharge to prepaid cellular telephones.
HB 492-FN-L, relative to military and historic reenactments and commemorations.
HB 323, relative to the administration of the statewide assessment program.

RECESS MOTION

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

Motion adopted.

The House recessed at 6:30 p.m.

RECESS**(Rep. Murotake in the Chair)****RESOLUTION**

Rep. Berube offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 12, 47, 50, 53, 62, 103, 110, 115, 168, 171, 172, 178, 183, 192, 194, 202, 209, 211, 223, 230 and 236 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Motion adopted.

INTRODUCTION OF SENATE BILLS**First, second reading and referral**

SB 12, relative to jurisdiction over surrogacy cases under RSA 168-B. (Judiciary)

SB 47, repealing the payment of subminimum wages to persons with disabilities. (Labor, Industrial and Rehabilitative Services)

SB 50, relative to the content of a mortgage foreclosure notice. (Commerce and Consumer Affairs)

SB 53, repealing the interagency coordinating council for women offenders and transferring certain members and duties to the interbranch criminal and juvenile justice council. (Judiciary)

SB 62, relative to drivers' licenses for persons without a permanent address. (Transportation)

SB 103, relative to guardian ad litem reports and relative to the definition of incapacity for purposes of filing a guardianship petition. (Children and Family Law)

SB 110-FN, establishing the administrative supervision act. (Commerce and Consumer Affairs)

SB 115-FN, relative to the resale of condominium and subdivision time shares. (Commerce and Consumer Affairs)

SB 168, relative to the duties of the commissioner of the department of environmental services. (Resources, Recreation and Development)

SB 171, establishing a committee to study issues concerning parking for those with walking disabilities. (Transportation)

SB 172, relative to the size limitations of off highway recreational vehicles. (Resources, Recreation and Development)

SB 178, relative to optometrist participation in vision insurance plans. (Commerce and Consumer Affairs)

SB 183, allowing the fish and game department to offer lifetime hunting and fishing licenses for newborns. (Fish and Game and Marine Resources)

SB 192-FN, permitting the department of revenue administration to conduct employee candidate background checks and establishing the position of tax policy analyst within the department. (Ways and Means)

SB 194-FN, relative to epinephrine administration policies in postsecondary educational institutions. (Education)

SB 202-FN, relative to licensure of outsourcing facilities by the pharmacy board. (Commerce and Consumer Affairs)

SB 209-FN, adopting the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act. (Judiciary)

SB 211-FN, relative to taxation of employee leasing companies under the business enterprise tax. (Ways and Means)

SB 223-FN, relative to name availability for business organizations. (Commerce and Consumer Affairs)

SB 230-FN-L, relative to speed limits on state roads that are seasonally congested by pedestrian and bicycle traffic. (Transportation)

SB 236-FN, relative to alcohol ignition interlock requirements. (Criminal Justice and Public Safety)

RECESS**(Rep. Ohm in the Chair)****RESOLUTION**

Rep. Carol McGuire offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 8, 22, 23, 32, 40, 49, 52, 55, 75, 77, 84, 86, 92, 108, 113, 117, 119, 124, 133, 134, 146, 151, 154, 160, 161, 163, 181, 200, 219, 250, 258 and 259 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Motion adopted.

INTRODUCTION OF SENATE BILLS**First, second reading and referral**

SB 8-FN-L, relative to appropriations for nursing homes. (Finance)

SB 22, relative to certain changes in the law governing the therapeutic use of cannabis. (Health, Human Services and Elderly Affairs)

SB 23, allowing certain advanced practice registered nurses to authorize involuntary commitment and voluntary admission to state institutions. (Health, Human Services and Elderly Affairs)

SB 32, relative to state agency budgetary reporting requirements. (Finance)

SB 40-FN, including a viable fetus in the definition of “another” for the purposes of certain criminal offenses. (Criminal Justice and Public Safety)

SB 49, relative to clinical eligibility determination for long-term care. (Health, Human Services and Elderly Affairs)

SB 52, establishing a commission to study the issue of residential tenancies in foreclosed properties. (Commerce and Consumer Affairs)

SB 55, allowing private employers to establish a policy granting a veterans’ preference in employment decisions. (Commerce and Consumer Affairs)

SB 75, relative to unfair trade practices targeting veterans. (Commerce and Consumer Affairs)

SB 77-L, authorizing the creation of a special purpose village district within the town of Danbury. (Municipal and County Government)

SB 84, relative to the definition of “telemedicine.” (Health, Human Services and Elderly Affairs)

SB 86, relative to state procurement of goods and services. (Executive Departments and Administration)

SB 92, establishing a committee to study public access to political campaign information. (Election Law)

SB 108-FN, relative to health care associated infections. (Health, Human Services and Elderly Affairs)

SB 113-FN-A-L, relative to video lottery and table gaming. (Ways and Means)

SB 117-FN-L, relative to energy security and diversity. (Science, Technology and Energy)

SB 119, relative to the regulation of consumer guaranty contracts and debt cancellation or debt suspension agreements by the insurance department. (Commerce and Consumer Affairs)

SB 124-FN, relative to filing felonies first in the superior court. (Judiciary)

SB 133-FN, relative to certain health care data and relative to certain workers’ compensation medical claim data collected by the insurance department. (Health, Human Services and Elderly Affairs)

SB 134-FN, relative to the escheat of United States savings bonds. (Ways and Means)

SB 146, relative to accessory dwelling units. (Municipal and County Government)

SB 151-FN, requiring inclusion of home educated pupils in the definition of average daily membership in attendance. (Education)

SB 154, authorizing the department of safety to set fees for motorcycle rider education programs. (Ways and Means)

SB 160, relative to duplicate vessel registration certificates. (Transportation)

SB 161, relative to the wellness and primary prevention council. (Executive Departments and Administration)

SB 163, relative to wholesale hospital-to-hospital laboratory and testing services. (Commerce and Consumer Affairs)

SB 181, relative to registration fees for hunter education programs of the fish and game department. (Fish and Game and Marine Resources)

SB 200-FN, relative to newborn screening for Krabbe Leukodystrophy. (Health, Human Services and Elderly Affairs)

SB 219-FN, relative to breastfeeding. (Commerce and Consumer Affairs)

SB 250, relative to the jurisdiction and voting procedures of the executive branch ethics committee. (Executive Departments and Administration)

SB 258-FN, changing the timing of determination of weighted case units for the purpose of calculating the judicial branch budget request and judicial salaries. (Finance)

SB 259-FN-L, relative to place of assembly licenses. (Executive Departments and Administration)

RECESS

(Speaker Jasper in the Chair)

RESOLUTION

Rep. Flanagan offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 264 shall be by this resolution read a first and second time by the therein listed title and referred to the therein designated committee.

Motion adopted.

INTRODUCTION OF SENATE BILL

First, second reading and referral

SB 264, relative to tipped employees. (Labor, Industrial and Rehabilitative Services)

RECESS

(Speaker Jasper in the Chair)
COMMITTEE ASSIGNMENTS

The Speaker made the following changes to committee assignments:

Rep. Sanborn on the Committee on Commerce and Consumer Affairs and off the Committee on Finance.

Rep. Hess on the Committee on Finance, Division II.

Rep. Weyler appointed Vice-Chairman on the Committee on Finance, Division II.

RECESS

(Rep. Chandler in the Chair)
RESOLUTION

Rep. Andrew Christie offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 19, 45, 67, 104, 105, 112, 125, 132, 137, 148, 155, 170, 186, 187, 195, 241, 249, 252, 254, 255 and 265 and Constitutional Amendment Concurrent Resolution numbered 5 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Motion adopted.

INTRODUCTION OF SENATE BILLS AND CACR

First, second reading and referral

SB 19, relative to the payment of restitution among and between co-defendants. (Judiciary)

SB 45, relative to opioid treatment agreements under workers' compensation law. (Labor, Industrial and Rehabilitative Services)

SB 67, establishing a commission to study opioid misuse in New Hampshire. (Health, Human Services and Elderly Affairs)

SB 104-FN, relative to licensure of research organizations by the pharmacy board. (Executive Departments and Administration)

SB 105, relative to child-resistant packaging for tobacco products and establishing a committee to study revising the indoor smoking act. (Commerce and Consumer Affairs)

SB 112, requiring the Medicaid managed care program to cover telemedicine services. (Health, Human Services and Elderly Affairs)

SB 125-FN, relative to certification and licensure for mold assessment or remediation services. (Executive Departments and Administration)

SB 132-FN, relative to dredging projects conducted by the Pease development authority division of ports and harbors. (Public Works and Highways)

SB 137, relative to cost-sharing parity for oral anti-cancer therapies. (Commerce and Consumer Affairs)

SB 148, relative to the shellfish inspection program. (Environment and Agriculture)

SB 155-FN-A, establishing a recovery fund for victims of the Financial Resources Mortgage (FRM) fraud and continually appropriating a special fund. (Commerce and Consumer Affairs)

SB 170, requiring the public utilities commission to ensure ratepayer protections with electric power suppliers and extending the time for the site evaluation committee to adopt certain rules. (Science, Technology and Energy)

SB 186, reestablishing the commission to study soft tissue injuries under workers' compensation and to study the feasibility of developing a first responder's critical injury fund. (Labor, Industrial and Rehabilitative Services)

SB 187, allowing a patient to designate a caregiver upon entry to a medical facility. (Health, Human Services and Elderly Affairs)

SB 195-FN, encouraging instruction in cursive handwriting and memorization of multiplication tables. (Education)

SB 241, relative to authorization for the town of Rindge to make capital expenditures from a trust fund. (Municipal and County Government)

SB 249, relative to the Hampton and Exeter district divisions of the circuit court. (Judiciary)

SB 252, establishing a committee to study a number plate commemorating Laconia Motorcycle Week. (Transportation)

SB 254, establishing a committee to study the provision of services to the public through peer-to-peer or sharing economy businesses. (Commerce and Consumer Affairs)

SB 255, establishing a low-wage service worker task force. (Labor, Industrial and Rehabilitative Services)

SB 265-FN, establishing the achieving a better life experience (ABLE) savings account program. (Education)

CACR 5, relating to legal actions. Providing that taxpayers have standing to bring actions against the government. (Judiciary)

RECESS