



State of
New Hampshire

HOUSE RECORD

First Year of the 164th General Court

Calendar and Journal of the 2015 Session

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Concord, N.H.

Wednesday, April 29, 2015

No. 36

HOUSE JOURNAL No. 13 (Cont.)

Wednesday, April 15, 2015

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

HOUSE JOURNAL No. 14

Wednesday, April 29, 2015

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

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

Prayer was offered by House Chaplain, Reverend Kate Atkinson, Rector of St. Paul's Church in Concord. Creator God, we marvel at the intricacy of the world around us; we see the miracle of pattern and symmetry, structure and form, light and color; and we are humbled and amazed. Then we look at the work we are called to do and we see that we are all designers, architects and builders; we are all artists, composers, and co-creators of a world and a people entrusted to our care. Help us believe in the power of Your creative spirit; inspire us to rethink what is failing, to restore what is broken, and to recognize, without regret, what has run its course. We give You thanks for trusting us to honor Your artistry with our own. Help us to see clearly, to work confidently, and to take pride in what we do. And, may our contributions to this world be a valued gift to the generations that follow us and learn from us.

Representative Judith Spang, member from Durham, led the Pledge of Allegiance.

Representatives Tara Sad and Lucy Weber, members from Walpole, led the singing of the National Anthem.

LEAVES OF ABSENCE

Reps. Comtois, Katsakiores, Rokas, Russell and Sanders, the day, illness.

Reps. Baldasaro, Barry, Rebecca Brown, Cook, Cornell, Deloge, DiFranco, Flanders, Halstead, Irwin, Ley, Mangipudi, Peckham, Richardson, Jeffrey Shackett, Sherman, Silva, Tucker, Vann and Wright, the day, important business.

Rep. Murotake, the day, illness in the family.

INTRODUCTION OF GUESTS

Emily Yurcak, student at Wilton Lyndeborough School, Page for the day.

John Best, guest of Rep. Tasker. Joel Weinrebe, guest of Rep. LeBreche. Joe Eisenberg, guest of Rep. Carson. Lynnda Parsons, Adam Goboni, Aroara, and Mattais Goboni, wife, grandson, and great-grand children of Rep. Parsons. Virginia Berrien, wife of Rep. Berrien. Joan Rice, wife of Rep. Frederick Rice. Grace, Lily, and Lincoln Brown, family of Rep. Pamela Brown. Denise, Anthony, Phillip and Gianna Smith, family of Rep. Gregory Smith. The Honorable Silvia Gale, former member from Nashua, and Deidre Reynolds, guests of Rep. Harvey. The Honorable Stephen Ketel, former member from Dover, guest of Rep. Verschueren. The Honorable Mark Hounsell, former Senator from Conway, and the Mount Washington Valley Cable station, guests of the Carroll County Delegation. Representative-elect Dennis Green, guest of Rep. Weyler. Chris Heath, Bob Trombi, and members of the New Hampshire State Grange, guests of Rep. Haefner. German Exchange Students at Hanover High School, guests of the Grafton County Delegation.

CONSENT CALENDAR

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

SB 13, relative to the disposition of dedicated funds, removed by Rep. Bixby.

SB 243, relative to nonpublic sessions under the right-to-know law, removed by Rep. Fromuth.

Consent Calendar adopted.

SB 53, repealing the interagency coordinating council for women offenders and transferring certain members and duties to the interbranch criminal and juvenile justice council. **OUGHT TO PASS WITH AMENDMENT.** Rep. David A. Welch for Criminal Justice and Public Safety. This bill repeals the interagency council for women offenders and the amendment adds the warden for the state prison for women to the interbranch criminal and juvenile justice council. The duties of the council for women offenders have been accomplished and are hereby repealed. Vote 16-0.

Amendment (1213h)

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

AN ACT repealing the interagency coordinating council for women offenders and relative to the membership of the interbranch criminal and juvenile justice council.

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

1 New Subparagraph; Interbranch Criminal and Juvenile Justice Council; Membership. Amend RSA 651-E:2, I by inserting after subparagraph (y) the following new subparagraph:

(z) The warden of the New Hampshire correctional facility for women, or designee, appointed by the commissioner of the department of corrections.

2 Repeal. RSA 21-H:14-c, relative to the interagency coordinating council for women offenders, is repealed.

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

AMENDED ANALYSIS

This bill repeals the interagency coordinating council for women offenders and adds the warden of the New Hampshire correctional facility for women to the membership of the interbranch criminal and juvenile justice council.

SB 72, relative to confidentiality of police personnel files and establishing a commission to study the use of police personnel files as they relate to the Laurie List. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Len DiSesa for Criminal Justice and Public Safety. A brief background would be helpful in understanding the need to establish a "Laurie" commission. In the U.S. Supreme Court case, *Brady v. Maryland*, 373 U.S. 83 (1963), the Constitution requires that all evidence material either to guilt or to punishment must be disclosed to criminal defendants. In *State v. Laurie*, 139 N.H. 325 (1995), the New Hampshire Supreme Court followed that principle, holding that all defendants have a right to receive evidence that could impeach a police officer by "reflect[ing] negatively on [the officer's] character and credibility." Hence, the "Laurie List" was established for police officers who in the course of their work, were found to be less than truthful in either their court testimony, their report writing and evidence handling, or their statements in an internal investigation involving their conduct. In *State v. Laurie*, the New Hampshire Supreme Court overturned a murder conviction when the prosecutor failed to disclose information contained in a detective's personnel file, a violation of the defendant's due process. Personnel files are confidential by statute, and a prosecutor cannot conduct a search of those files for officers placed on the "Laurie List" by the chief of police of their respective departments, relying on the police department to identify potential Laurie issues in an officer's file and then notify prosecution. The prosecutor then files a motion under seal advising the court of the material's existence and requesting the court for an in camera review by a judge to determine whether disclosure of any portion of the file is exculpatory and would be required to be given to the defense attorney. Every police department sets up its own list and has policies that deal with this issue. Oftentimes, officers are denied due process because they may not even be aware that they are on the "Laurie List." At present, there is no mechanism for an officer to challenge being placed on the list. SB 72 would establish a commission whose representative members would be from all aspects of the criminal justice system: judicial, legislative, the attorney general, county attorney, public defender, police chiefs, and victim/witness advocate. The commission's charge would be to find out how other states have dealt with this issue, and evaluate after review, other approaches to this issue to see about establishing a uniform policy for all departments across the state. It would report its findings to the president of the senate, the speaker of the house, the senate and house clerks, the governor, and the state library on or before November 1, 2015. Vote 11-0.

Amendment (1336h)

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

AN ACT establishing a commission to study the use of police personnel files as they relate to the Laurie List.

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

1 New Section; Commission on Use of Police Personnel Files. Amend RSA 105 by inserting after section 13-b the following new section:

105:13-c Commission on Use of Police Personnel Files.

I. There is established a commission to study the use of police personnel files as they relate to the Laurie List.

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

(1) One member of the senate, appointed by the president of the senate.

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

(3) The attorney general, or designee.

(4) One county attorney, appointed by the New Hampshire Association of Counties.

(5) One sheriff, appointed by the New Hampshire Sheriff's Association.

(6) One public defender, appointed by the New Hampshire Public Defender.

(7) One criminal defense lawyer, appointed by the New Hampshire Association of Criminal Defense Lawyers.

(8) One chief of police appointed by the New Hampshire Association of Chiefs of Police.

(9) The commissioner of the department of safety, or designee.

(10) One police officer, appointed by the New Hampshire Police Association

(11) One superior court judge, appointed by the chief justice of the superior court.

(12) One circuit court judge, appointed by the chief justice of the circuit court.

(13) The director of the American Civil Liberties Union of New Hampshire, or designee.

(14) A victim/witness advocate, appointed by the director of the office of victim/witness assistance.

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

III. The commission shall study the use of police personnel files as they relate to the Laurie List. The commission's study shall include, but not be limited to, what the appropriate procedure and criteria should be for being placed on or removed from the Laurie List. The commission shall study any other issue that the commission deems relevant to its objective. The commission may solicit the advice or testimony of any organization or individual with information or expertise relevant to its study.

IV. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Eight members of the commission shall constitute a quorum.

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

2 Repeal. RSA 105:13-c, relative to the commission on use of police personnel files, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2015.

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

AMENDED ANALYSIS

The bill establishes a commission to study the use of police personnel files as they relate to the Laurie List. **SB 92**, establishing a committee to study public access to political campaign information. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Duane R. Brown for Election Law. This bill as amended establishes a committee to study public access to political campaign information. This bill as amended is identical to HB 304 that was previously passed by the house. The committee shall study the merits and viability of an online campaign finance reporting system and a clearinghouse of information for voters to access with input from the secretary of state and the attorney general. Vote 18-0.

Amendment (1298h)

Amend the bill by replacing section 3 with the following:

3 Duties.

I. The committee shall study public access to political campaign information. The committee shall evaluate the merits and viability of having the state establish or endorse:

(a) A system of online campaign finance reporting.

(b) An online clearinghouse of information for voters, including voter registration and polling place information and information filed by candidates and political committees.

II. The committee shall solicit input from the secretary of state and the attorney general.

SB 251, relative to regulations for commercial composters. **OUGHT TO PASS.**

Rep. John T. O'Connor for Environment and Agriculture. This bill allows for DES to simplify administrative rules to incorporate the use of vegetable matter, dairy and meat products in NH composting facilities and will bring our composters in line with all the surrounding states. DES in conjunction with the UNH research center has demonstrated that developing newer technology has brought "trash to treasure" using best available management practices. Vote 17-0.

SB 5, relative to transfers into the revenue stabilization reserve account. **INEXPEDIENT TO LEGISLATE.**

Rep. Dan McGuire for Finance. This bill concerns the movement of surplus funds at the end of a biennium to the revenue stabilization reserve account, otherwise known as the rainy day fund. It adds the word "automatically" to the phrase "shall be transferred," and asserts that a two-thirds vote of the legislature be necessary to prevent this transfer. Though the bill is well-intentioned, it is unworkable. The two-thirds requirement can easily be overridden with a simple majority vote on legislation that repeals the provision, has the word "notwithstanding" or suspends the provision for a biennium. To actually constrain the legislature, a constitutional amendment is required. Since a bill cannot be amended into a constitutional amendment, we find SB 5 inexpedient to legislate. Vote 21-0.

SB 90, relative to the judicial branch budget. **OUGHT TO PASS.**

Rep. Lynne M. Ober for Finance. This bill changes RSA 9:4-a to match the current budgetary methods used by the judicial branch. This RSA has not been changed since the superior court became part of the judicial branch instead of part of county government. The judicial branch requested that the RSA be changed to reflect current budgetary methods. The supreme court in consultation with the judicial branch administrative council, appointed pursuant to supreme court rule 54, will prepare the judicial branch budget for review and processing by the legislature according to the same time schedule for budgetary review and analysis required of executive agencies. The judicial branch budget will be prepared upon forms and according to procedures prescribed by the commissioner of administrative services. There is no fiscal impact. Vote 23-0.

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. **OUGHT TO PASS.**

Rep. J. Tracy Emerick for Finance. This bill changes the date from October to July when the court's administrative office will prepare the number of weighted case units for the following calendar year for both the district courts (amend RSA 491-A:3) and judicial branch (amend RSA 490-F:11) This will assist the court in preparing schedules. There is no fiscal impact. Vote 23-0.

SB 19, relative to the payment of restitution among and between co-defendants. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary S. Hopper for Judiciary. This bill deals with restitution between defendants: Your home is robbed and three people are found guilty of the crime. They are then required to pay you restitution of \$9,000. Under current law the department of corrections would chase all three down until you are paid in full by one or more of the defendants. If this bill passes, the corrections department would continue to chase each defendant down until each had paid his or her \$3,000 share and pay back any defendants who over paid. Although this would be more fair, it would also put an undue burden on the department of corrections which could last for many years. This is why a majority of our committee found SB 19 inexpedient to legislate. Vote 16-1.

SB 167, relative to filing of small claims. **INEXPEDIENT TO LEGISLATE.**

Rep. David Woodbury for Judiciary. This bill intends to resolve a conflict and confusion between RSA 503:3-a which allows filing a small claims in the court of either the plaintiff or defendant and RSA 503:3-b which can be read to favor venue in the defendant's court. However, in fact there has been no important confusion or dysfunctionality since 1965. The need for this measure was not apparent since filing can and has taken place in both plaintiffs' and defendants' courts, which is in line with usual practice in other courts in this state. Vote 17-0.

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. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tammy A. Simmons for Labor, Industrial and Rehabilitative Services. This bill re-establishes a study commission to make recommendations regarding workers' compensation coverage of soft tissue injuries which are currently not covered. The committee realizes that when the law was drafted, the possibility of such injuries may not have been considered. The committee amendment leaves in place the current sunset date of 7/1/16. The study commission must report by 11/1/15 – allowing sufficient time to submit legislation for consideration before the sunset date. Vote 13-1.

Amendment (1382h)

Amend the bill by deleting sections 4-5 and renumbering the original section 6 to read as 4.

AMENDED ANALYSIS

This bill reestablishes the commission to study soft tissue injuries for purposes of workers' compensation and to study the feasibility of developing a first responder's critical injury fund.
Referred to the Committee on Finance.

SB 141, relative to powers of the zoning board of adjustment. **INEXPEDIENT TO LEGISLATE.**

Rep. Jane E. Beaulieu for Municipal and County Government. The committee believes that the zoning boards of adjustments need at least 3 members present to vote to override any established municipal ordinance. The NH planners association was not in favor of the bill. Municipalities have the ability to add alternates to their zoning boards and the governing body can remove any member due to negligence of their duty. Vote 16-0.

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. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert A. Backus for Science, Technology and Energy. As amended this bill will require the public utilities commission (PUC) to redesign its website to afford electric power residential customers and small commercial customers with needed and appropriate comparative price and other relevant information for their use in choosing an electric supply company. It also provides a remedy through the PUC for customers who can demonstrate that they have been subject to unfair trade practices by their provider and to obtain redress, e.g. restitution. It also allows the PUC to fine or take other appropriate action against a supplier found to have engaged in such practices. Finally, the bill provides a modest extension of time (from July 1 to November 1, 2015) for the site evaluation committee to finalize new rules implementing RSA 162-H: 16, as adopted in the last session. Vote 13-2.

Amendment (1286h)

Amend RSA 374-F:4-a, I as inserted by section 1 of the bill by replacing it with the following:

I. Within 60 days of the effective date of this section, the commission shall initiate a proceeding to develop rules to allow residential and small commercial customers to choose how they receive communication from competitive electric suppliers and to implement the provisions of this section.

Amend RSA 374-F:7, III as inserted by section 2 of the bill by replacing it with the following:

III. The commission may assess fines against, revoke the registration of, order the rescission of contracts with residential customers of, order restitution to the residential customers of, and prohibit from doing business in the state any competitive electricity supplier, including any aggregator or broker, which is found to have:

(a) Engaged in any unfair or deceptive acts or practices in the marketing, sale, or solicitation of electricity supply or related services;

(b) Violated the requirements of this section or any other provision of this title applicable to competitive electricity suppliers; or

(c) Violated any rule adopted by the commission pursuant to paragraph V and RSA 374-F:4-a.

SB 78, relative to original and youth operators' licenses. **OUGHT TO PASS.**

Rep. Larry G. Gagne for Transportation. This bill was requested by the department of safety to correct an oversight when the DWI statutes were consolidated into a single chapter in 2006. During the process, a reference to the old DWI statutes, RSA 265:80, 82, and 82-a were never removed and replaced with the new statute, RSA 265-A. Vote 14-0.

SB 160, relative to duplicate vessel registration certificates. **OUGHT TO PASS.**

Rep. Michael B. O'Brien for Transportation. Current practice at the DMV allows boat owners to obtain a duplicate vessel registration for a \$15 fee. Upon the recommendation of JLCAR, the DMV would like to see this current practice put into statute, which this bill would do. Vote 14-0.

Referred to the Committee on Ways and Means.

SB 171, establishing a committee to study issues concerning parking for those with walking disabilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Werner D. Horn for Transportation. This bill establishes a committee to study issues concerning parking for those with walking disabilities. New issues regarding van accessible parking need to factor into future parking allocation formulas. The committee amendment adds one member of the house transportation committee to the members of the study committee. Vote 14-0.

Amendment (1276h)

Amend the bill by replacing section 2 with the following:

2 Membership and Compensation.

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

(a) Four members of the house of representatives, appointed by the speaker of the house of representatives, 2 of whom shall be from the health, human services and elderly affairs committee, one of whom shall be from the transportation committee, and one of whom shall be from the municipal and county government committee.

(b) One senator appointed by the president of the senate.

SB 231, relative to the month of inspection for municipal fleets. **OUGHT TO PASS.**

Rep. Larry G. Gagne for Transportation. In order to set a new schedule for municipal fleet inspections, the director of the department of motor vehicles is authorized, one time, to require municipal fleet vehicles to be inspected in the new month (September) regardless of the month of the previous inspection. This bill was a request of the department of safety. Vote 13-0.

SB 134-FN, relative to the escheat of United States savings bonds. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joseph R. Lachance for Ways and Means. This bill specifies the conditions under which unclaimed US Savings Bonds escheat to the State of New Hampshire are presumed to be abandoned and unclaimed if: A) last known address of the owner of the US Savings Bond is in New Hampshire; and B) the US Savings bond remains unclaimed and unredeemed for 5 years after maturity. Any person making a claim for the US Savings Bonds which have escheated to the State of New Hampshire may make a claim to the state. After sufficient proof of the validity of such persons claim, the administrator may pay such claim less any expenses and costs, not to exceed 10% of the bonds proceeds, which shall have been incurred by the state in securing full title and ownership of such property by escheat. House ways & means unanimously passed this bill in a bipartisan manner. Vote 19-0.

Amendment (1238h)

Amend RSA 471-C:44, IX as inserted by section 1 of the bill by replacing it with the following:

IX. Any person making a claim for the United States savings bonds which have escheated to the state of New Hampshire under this section, or for the proceeds from such bonds which have escheated to the state of New Hampshire, may file a claim with the administrator. Upon providing sufficient proof of the validity of such person's claim, the administrator may pay such claim less any expenses and costs, not to exceed 10 percent of the bond's proceeds, which shall have been incurred by the state in securing full title and ownership of such property by escheat. If payment has been made to any claimant, no action thereafter shall be maintained by any other claimant against the state or any officer thereof, for or on account of such funds.

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. **OUGHT TO PASS.**

Rep. Gary S. Azarian for Ways and Means. This is a housekeeping bill requested by the department of revenue administration. The bill cleans up terms of employment on a field audit team leader, permits a federal background check on new employees, properly classifies the position of tax policy analyst, and adjusts a salary letter grade to properly reflect a director position. Vote 19-0.

Referred to the Committee on Finance.

REGULAR CALENDAR

SB 116-FN, repealing the license requirement for carrying a concealed pistol or revolver. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John A. Burt for the Majority of Criminal Justice and Public Safety. As amended, the bill extends the license renewal period from 4 to 5 years, saving time for both citizens and police departments. The bill codifies in NH statute precisely what criteria should be used by police departments when issuing a license. The bill makes the license to carry concealed optional for those who are currently able to carry openly without a license. Lastly, the bill clarifies the process on how NH develops reciprocal agreements with other states regarding carry licenses. All of the changes in the bill are in compliance with Part 1, Art. 2-a, of the N.H. constitution, protecting a person's right to keep and bear arms, while also recognizing law enforcement's requests to prohibit certain persons from obtaining a license. The committee heard significant testimony about the current abuses within the existing licensing system. The committee also heard testimony that the statute was originally enacted as a racial profiling statute in the early 1900s. There was also a recent NH Supreme Court case involving Mark Doyon vs. Hooksett Police Department which altered the standards which were being used by police departments to grant licenses. Current NH statute requires that upon application, the police "shall issue a license to such applicant authorizing the applicant to carry a loaded pistol or revolver in this state and that the applicant is a suitable person to be licensed." The issue at hand was there was no definition in statute for the term "suitable." This ambiguity had been addressed for over a decade by the backside of the application form which read: "Applicants not prohibited under federal or NH law from possession of a firearm shall be deemed suitable persons and the license shall be issued unless the applicant is so prohibited from possessing a firearm. The burden is on the licensing entity to prove by clear and convincing proof that the applicant is so prohibited from possessing a firearm." The bill updates the language in current statutes to the following clear definition for use by police departments when issuing a license: "Unless the applicant is prohibited by New Hampshire or federal statute from possessing a firearm." The majority of the committee felt that the language changes in the amendment balanced the need for public safety while protecting the rights of citizens. Vote 10-6.

Rep. Len DiSesa for the Minority of Criminal Justice and Public Safety. Article 3 of the New Hampshire Constitution states in part: "Society, its Organization and Purposes. When men [and women] enter into a state of society, they surrender up some of their natural rights to that society, in order to ensure the protection of others." No one's rights are absolute. One's rights under the Bill of Rights ends when it tramples on the rights of another. One cannot yell "fire!" in a crowded theater when no such emergency exists. One cannot use insulting language toward another that would reasonably be construed to be "fighting words." One cannot just assemble a meeting in a public place without first acquiring a permit to do so. And constituents cannot vote unless they either produce a valid photo identification or, if that is not available, swear to an affidavit attesting to their identity. These are all limited intrusions on our rights that lead to the greater good. The application for a license to carry a concealed firearm is one such limited intrusion. SB 116-FN would remove a police department's ability to perform a cursory background check before issuing a concealed carry permit. This bill if enacted will do nothing to increase the safety of the public in general or more specifically police officers. The New Hampshire Association of Chiefs of Police is against this legislation, and with good reason. Applying for a concealed carry permit once every four years at a cost of \$10 is a limited intrusion on one's Second Amendment rights to bear arms. It is reasonable, it is practical, and it is effective. The argument that is most often used in eliminating this application process is that if criminals want to carry a concealed firearm, they will. While that is true, it has no relevance to this issue. People will drive drunk. They will break into homes to burglarize them. They will sell illegal drugs. But we have deterrents in place, laws, that invoke a penalty when people act in a way that harms society. We do not make it easy for them to do that. The application process is but a small hurdle for a person to jump over, and it has been in place for decades. Why eliminate it now? The larger question here comes down to one's philosophy on what makes society safer. Proponents of SB 116-FN would argue that if everyone carried a concealed firearm, we would all be safer, and people would act in a more civilized manner. But firearms are extremely dangerous and can easily be mishandled especially if the person carrying one is untrained in their use, or if the person is impaired in any way. Once a round is fired, it cannot be taken back. This is not a Second Amendment issue. It is a safety issue, and repealing this law flies in the face of common sense. The minority of the criminal justice committee strongly recommends that this bill be rejected as ought to pass with amendment so that a motion may be made for inexpedient to legislate.

Majority Amendment (1322h)

Amend RSA 159:6, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) The selectmen of a town, the mayor or chief of police of a city or a full-time police officer designated by them respectively, the county sheriff for a resident of an unincorporated place, or the county sheriff if designated by the selectmen of a town that has no police chief, upon application of any resident of such town, city, or unincorporated place, or the director of state police, or some person designated by such director, upon application of a nonresident, shall issue a license to such applicant authorizing the applicant to carry a loaded pistol or revolver in this state for not less than [4] 5 years from the date of issue, if it appears that the applicant has good reason to fear injury to the applicant's person or property or has any proper purpose, ~~and that the applicant is a suitable person to be licensed~~, **unless the applicant is prohibited by New Hampshire or federal statute from possessing a firearm**. Hunting, target shooting, or self-defense shall be considered a proper purpose. The license shall be valid for all allowable purposes regardless of the purpose for which it was originally issued.

Majority committee amendment adopted.

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

Reps. Burt and Notter spoke in favor.

Rep. Hirsch spoke against.

Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 212 - NAYS 150

YEAS - 212

BELKNAP

Aldrich, Glen
Fraser, Valerie
LeBreche, Shari
Vadney, Herbert

Dumais, Russell
Gallagher, Brian
Luther, Robert

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

Fisher, Robert
Hurt, George
Tilton, Franklin

CARROLL

Avellani, Lino
McCarthy, Frank
Umberger, Karen

Chandler, Gene
McConkey, Mark

Comeau, Ed
Nelson, Bill

Cordelli, Glenn
Schmidt, Stephen

CHESHIRE

Emerson, Susan
Sterling, Franklin

Hunt, John

Mann, John

McConnell, Jim

COOS

Rappaport, Laurence

Rideout, Leon

Theberge, Robert

Tholl, John

GRAFTONBailey, Brad
Hennessy, Erin
Ladd, RickBrown, Duane
Hull, Robert
Piper, WendyDarrow, Stephen
Ingbretson, PaulGionet, Edmond
Johnson, Eric**HILLSBOROUGH**Adams, Christopher
Biggie, Barbara
Byron, Frank
Danielson, David
Edwards, Elizabeth
Fromuth, Bart
Gould, Linda
Hansen, Peter
Jack, Martin
LeBrun, Donald
McClarren, Donald
Notter, Jeanine
Ohm, Bill
Pierce, David
Sanborn, Laurie
Shaw, Barbara
Souza, Kathleen
Sweeney, Shawn
Zaricki, NickAmmon, Keith
Boehm, Ralph
Christensen, Chris
Donovan, Daniel
Estevez, Eric
Gagne, Larry
Goulette, William
Hinch, Richard
Judy, Jean
Marston, Dick
McLean, Mark
O'Brien, William
Parison, James
Proulx, Mark
Schleien, Eric
Simmons, Tammy
Stepanek, Stephen
Takesian, CharleneBalcom, John
Bouldin, Amanda
Christiansen, Lars
Eastman, Eric
Ferreira, Elizabeth
Goley, Jeffrey
Griffin, Barbara
Hogan, Edith
Kurk, Neal
Martel, Andre
Moore, Josh
Ober, Lynne
Pellegrino, Anthony
Rice, Kimberly
Scotsas, Lisa
Smith, Gregory
Straight, Phillip
Ulery, JordanBelanger, James
Burt, John
Christie, Rick
Edelblut, Frank
Flanagan, Jack
Gonzalez, Carlos
Haefner, Robert
Infantine, William
Lachance, Joseph
McCarthy, Peggy
Murphy, Keith
Ober, Russell
Peterson, Ken
Rouillard, Claire
Seidel, Carl
Soucy, Timothy
Sullivan, Victoria
Wolf, Terry**MERRIMACK**Brewster, Michael
Hoell, J.R.
Long, Douglas
McGuire, Dan
Walsh, ThomasFrench, Harold
Horn, Werner
Marple, Richard
Parent, JasonHess, David
Kotowski, Frank
Martin, John
Seaworth, BrianHill, Gregory
Kuch, Bill
McGuire, Carol
Turcotte, Alan**ROCKINGHAM**Abrami, Patrick
Barnes, Arthur
Cardon, G. Thomas
Devine, James
Ferrante, Beverly
Gordon, Richard
Hoelzel, Kathleen
Kellogg, Shem
Manning, John
O'Connor, John
Potucek, John
Spillane, James
Tasker, Kyle
Ward, Joanne
Woitkun, StevenAbramson, Max
Bates, David
Chase, Francis
Doucette, Fred
Fesh, Robert
Guthrie, Joseph
Introne, Robert
Kolodziej, Walter
McMahon, Charles
Oligny, Jeffrey
Prudhomme-O'Brien, Katherine
Sweeney, Joe
Thomas, Douglas
Webb, James
Wood, DavidAllen, Mary
Belanger, Ronald
Chirichiello, Brian
Duarte, Joe
Friel, William
Harris, Jeffrey
Itse, Daniel
Lundgren, David
Milz, David
Osborne, Jason
Rice, Frederick
Sytek, John
True, Chris
Welch, DavidAzarian, Gary
Bush, Carol
Christie, Andrew
Emerick, J. Tracy
Gannon, William
Hodgdon, Bruce
Kappler, Lawrence
Major, Norman
Nigrello, Robert
Packard, Sherman
Schroadter, Adam
Tamburello, Daniel
Vose, Michael
Weyler, Kenneth**STRAFFORD**Beaudoin, Steven
Gray, James
Kaczynski, Jr., Thomas
Parsons, Robbie
Wuelper, KurtBickford, David
Groen, Warren
Knowles, Robert
Pitre, JosephCheney, Catherine
Hannon, Joseph
Leeman, Don
Turcotte, LeonardDeLemus, Susan
Jones, Laura
Mullen, John
Whitehouse, Joshua**SULLIVAN**Bridge, Ernest
Rollins, SkipConverse, Larry
Smith, Steven

Grenier, James

Laware, Thomas

NAYS - 150**BELKNAP**

Spanos, Peter

CARROLLBuco, Thomas
Ticehurst, Susan

Butler, Edward

Crawford, Karel

Parker, Harold

CHESHIREAbbott, Michael
Chase, CynthiaAmes, Richard
Eaton, DanielBerch, Paul
Johnsen, GladysBordenet, John
Parkhurst, Henry

Pearson, William
Sad, Tara
Weber, Lucy

Phillips, Larry
Shepardson, Marjorie

Roberts, Kris
Tatro, Bruce

Robertson, Timothy
Tilton, Benjamin

COOS

Fothergill, John

Froburg, Alethea

Moynihan, Wayne

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
Freitas, Mary
Hansberry, Daniel
Katsiantonis, Thomas
O'Brien, Michael
Roberts, Carol
Smith, Timothy
Walsh, Robert

Baroody, Benjamin
Cote, David
Gidge, Kenneth
Harvey, Suzanne
Long, Patrick
O'Neil, William
Rosenwald, Cindy
Snow, Kendall
Williams, Kermit

Beaulieu, Jane
DiSilvestro, Linda
Gorman, Mary
Heath, Mary
Manley, Jonathan
Palmer, Barry
Rowe, Robert
Sullivan, Daniel
Woodbury, David

Brown, Pamela
Forest, Armand
Guerette, C. Lee
Herbert, Christopher
McNamara, Richard
Porter, Marjorie
Shattuck, Gilman
Twombly, Timothy

MERRIMACK

Alicea, Caroletta
Doherty, David
Gile, Mary
Kenison, Linda
Moffett, Howard
Rice, Harold (Chip)
Shurtleff, Stephen

Bartlett, Christy
Ebel, Karen
Henle, Paul
Kidder, David
Myler, Mel
Rogers, Katherine
Wallner, Mary Jane

Bradley, Paula
Frazer, June
Hirsch, Geoffrey
Luneau, David
Patten, Dick
Saunderson, George
Wheeler, Deborah

Carson, Clyde
French, Barbara
Karrick, David
MacKay, James
Ratzki, Mario
Schuett, Dianne

ROCKINGHAM

Berrien, Skip
Cushing, Robert
Gordon, Pamela
Matthews, Carolyn
Pantelakos, Laura

Borden, David
DeSimone, Debra
Griffin, Mary
McBeath, Rebecca
Priestley, Anne

Cahill, Michael
Elliott, Robert
Heffron, Frank
McKinney, Betsy
Simpson, Alexis

Cali-Pitts, Jacqueline
Francese, Paula
Lovejoy, Patricia
Moody, Marcia
Ward, Gerald

STRAFFORD

Baber, William
Cilley, Jacalyn
Kaen, Naida
Southworth, Thomas
Treleaven, 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
Oxenham, Lee

Gagnon, Raymond
Schmidt, Andrew

Gottling, Suzanne

O'Hearne, Andrew

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

SB 236-FN, relative to alcohol ignition interlock requirements. **OUGHT TO PASS.**

Rep. Arthur E. Barnes for Criminal Justice and Public Safety. This bill will allow inspection of vehicles equipped with ignition interlock devices, to determine that the interlock has not been subject to tampering or circumvention. Vote 16-1.

Committee report adopted and ordered to third reading.

SB 190-FN, relative to payment of costs for career and technical education center programs and administration by the department of education. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John L. Balcom for Education. This bill modifies, updates language and clarifies tuition for career and technical education center (CTE) programs and the administration of CTE programs by the department of education. Amending language deletes reference to common calendars among sending school districts and the CTE center as this difficult coordination issue can be addressed through discussion and recommendation made by the proposed advisory council. Vote 19-0.

Amendment (1281h)

Amend RSA 188-E:5 as inserted by section 6 of the bill by deleting paragraph VII and renumbering the original paragraphs VIII through XI to read as VII through X, respectively.

Committee amendment adopted.

Committee report adopted and referred to the Committee on Finance.

SB 227, relative to calculating the cost of an adequate education. **OUGHT TO PASS.**

Rep. Glenn Cordelli for Education. This is a housekeeping bill that clarifies language based upon current practice as a result of previous legislation and a recent performance audit. Vote 19-0.

Rep. Dan McGuire offered floor amendment (1466h).

Floor Amendment (1466h)

Amend RSA 198:41, IV as inserted by section 4 of the bill by replacing it with the following:

~~[(c)]~~ **IV.(a)** For fiscal year 2014~~[-and each fiscal year thereafter]~~ **through fiscal year 2016**, the department of education shall distribute a total education grant to each municipality in an amount equal to the ~~[total education grant for the fiscal year in which the grant is calculated]~~ **amount determined in paragraph I or II**, plus the amount of the fiscal year 2012 stabilization grant~~[-if any, distributed to the municipality]~~.

(b) For fiscal year 2017 and each fiscal year thereafter, the department of education shall distribute a total education grant to each municipality in an amount equal to the amount determined in paragraph I or II, plus 90 percent of the municipality's fiscal year 2012 stabilization grant.

(c) Beginning with the 2014 fiscal year, and each fiscal year thereafter, the department of education shall not distribute a total education grant to a municipality that exceeds 108 percent of the total education grant distributed to such municipality in the previous fiscal year.

Amend the bill by replacing sections 12-13 with the following:

12 Repeal. The following are repealed:

I. RSA 198:40-b, relative to use of differentiated aid.

II. RSA 198:41, IV(c), relative to the cap on the total education grant distributed to a municipality.

III. RSA 198:44, relative to the duties of the department of education and the state board of education.

13 Effective Date.

I. Paragraph II of section 12 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 makes various changes to the method of calculating, distributing, and reporting education grants to municipalities, and repeals the provisions relating to differentiated aid and, effective July 1, 2016, the cap on the total education grant distributed to a municipality.

Rep. Ford spoke against.

Rep. Dan McGuire spoke in favor and yielded to questions.

On a division vote, 201 members having voted in the affirmative and 161 in the negative, floor amendment (1466h) was adopted.

Motion of Ought to Pass with Amendment was adopted.

Referred to the Committee on Finance.

REFERRAL DECLINED

Rep. Kurk, Chairman of the Committee on Finance, under the provisions of House Rule 46 (f), declined the referral of **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.

REGULAR CALENDAR CONT'D

SB 249, relative to the Hampton and Exeter district divisions of the circuit court. **OUGHT TO PASS.**

Rep. Joseph M. Hagan for Judiciary. RSA 502-A: II created the Hampton-Exeter Circuit Court as a unified entity. However, Hampton and Exeter have functioned independently. This bill will codify present practice into law by creating separate Hampton and Exeter circuit courts. This would obviate building a new court house and decrease travel time and costs to citizens and government officials. Vote 15-1.

Committee report adopted and ordered to third reading.

SB 230-FN-L, relative to speed limits on state roads that are seasonally congested by pedestrian and bicycle traffic. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael D. Abbott for Transportation. This bill permits the department of transportation to establish seasonal speed limits on state roads under certain conditions (congestion by pedestrian and bicycle traffic) at the request of the local municipality, who will bear the entire cost of traffic studies and signage. The committee amendment fixes a conflicting statutory reference. Vote 10-5.

Amendment (1361h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Establishment of State Speed Zones. Amend RSA 265:62 by inserting after paragraph IV the following new paragraph:

V.(a) Notwithstanding the provisions of paragraph I and RSA 265:60, II, or any other law to the contrary, the commissioner of transportation, upon the petition of the governing body of a municipality, shall determine if any prima facie speed should be reduced to provide reasonable and safe conditions upon any part of the state highway system that is seasonally congested by pedestrian and bicycle traffic, as determined by the governing body of the municipality.

(b) The petition shall designate the area of the state highway system and the reasons for the reduction in the speed limit. The review of the petition shall include consultation with the petitioners. The commissioner shall provide the petitioners, in writing, the results of his findings. The commissioner may recommend a seasonal decrease in the posted prima facie speed limit, but in no case shall the resulting speed limit be below 20 miles per hour.

(c) There shall be only one seasonal speed limit, of a maximum duration of 4 months, in any 12-month period.

(d) Any municipality using a seasonal speed limit shall bear the cost of signage. However, the design, construction, and installation of such signage shall be approved by the department.

Committee amendment adopted.

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

Rep. True spoke against.

Rep. Steven Smith spoke in favor.

On a division vote, 252 members having voted in the affirmative and 110 in the negative, the committee report was adopted and ordered to third reading.

SB 252, establishing a committee to study a number plate commemorating Laconia Motorcycle Week. **OUGHT TO PASS.**

Rep. Thomas C. Walsh for Transportation. The committee has retained several bills requesting special number plates that will be worked on this summer. The majority of the committee felt that this bill, which requests the study of a Laconia bike week commemorative plate, would be a helpful supplement to our future work. Vote 13-2. On a division vote, 237 members having voted in the affirmative and 125 in the negative, the committee report was adopted and ordered to third reading.

SB 113-FN-A-L, relative to video lottery and table gaming. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gary S. Azarian for the Majority of Ways and Means. This bill as amended captures all of the elements for New Hampshire to establish a strong non-tax revenue source that will create thousands of high paying construction jobs and permanent jobs while also bringing economic development and business growth to our state. The first upfront license fee of \$80 million would be paid during the next budget cycle. The first license alone is projected to raise \$135 million in new annual non-tax revenue, or \$270 million per biennium, with nearly 70% coming from out-of-state visitors. Additionally, we would benefit from increases in the business profits tax, the business enterprise tax, rooms & meals revenue and liquor sales. The revenue estimates we received from multiple expert sources took into consideration competition right next door. The hard work of the Gaming Regulatory Oversight Authority resulted in most of the provisions including one of the strongest regulatory oversight processes in the country. It includes reinstating revenue sharing that the legislature ceased several years ago, which could send nearly \$50 million per biennium to every local community for local property tax relief. It establishes a charitable gaming protection program whereby the casino will make up any reduction in revenues any charity experiences. Testimony in support came from the NH Police Association and the NH Troopers Association, several restaurant owners, numerous charitable organizations that will be protected, construction workers and trades, both of the state teacher groups and citizens who support this non-tax revenue source. Polls show nearly 70% of NH residents support casino gambling as a revenue source. 41 states now have casino gambling. With casinos coming to Massachusetts, testimony showed that if we do not act, we may cede to Massachusetts hundreds of millions of dollars. One study even showed that if NH does nothing, current rooms and meals tax revenues may go down by \$24 million a year as that money gets spent in Massachusetts rather than here in NH— note, that is a reduction of CURRENT revenue. Experts further demonstrated that the northeast market is far from saturated. Southern NH is positioned perfectly to take advantage of a population of over 2 million people within driving distance of a southern casino. NH cannot afford to sit idly by and watch as millions flow south to Connecticut and Massachusetts. SB 113 is the vehicle we need to move NH forward and regain our pre-eminence in the region. Vote 11-10.

Rep. David W. Hess for the Minority of Ways and Means. This bill is a win-win-win for the gambling interests, but a lose-lose-lose proposition for all of the rest of us. It is a great giveaway to the casino interests. Like the dozens of casino bills that have preceded it, SB 113 promises a steady stream of new revenue with no offsetting pain or harm to the state or its citizens. But just like all those previous bills, these promises cannot and will not be kept. Revenues from casinos, and specifically slot machines, are cyclical, speculative, unreliable and exaggerated. Despite the addition of new gambling sites, casino revenues across the country fell 2.8% from 2013 to 2014. The Northeast market has become saturated. The revenue estimate in the fiscal note of the bill

assumed no competing casinos south of our border in Massachusetts. However, two casinos and one slots barn have already been selected there, and two are expected to be open before any casino authorized by this bill can be up and running. The N.H. Center for Public Policy predicts that competing casinos in Massachusetts may reduce projected income from a New Hampshire casino by as much as 50%. This bill authorizes two casinos in New Hampshire. As compensation for granting these monopolies, the state would receive fixed, flat licensing fees. Thereafter, the licensees are entitled to renew their monopolies every ten years, which can go on in perpetuity as long as they pay a miniscule renewal fee of just \$150,000 a year. If a licensee sells its license to a third party, the state does not collect one additional cent. And the public “take” from these casinos is only 35% of gross slot machine revenues and 18% of table game proceeds. The taxpayers of New Hampshire lose on all of these counts. Many states, including Illinois and New York, have adopted a competitive licensing process requiring a minimum license fee bid. In both states, as well as in Michigan and Indiana, much higher amounts were bid and collected – generally exceeding \$400 million per license. Why does this bill set fixed fees of just \$80 million and \$40 million? Why are the renewal fees so absurdly low? And why don’t the taxpayers of New Hampshire get a share of any windfall profits a licensee will harvest if, as seems almost certain, it “flips” its license by selling it to a third party for far more than the initial fee it paid. The taxpayers also lose because the state “take” from slot machines is arbitrarily set at 35%. Earlier bills here in New Hampshire set the “take” at 55% in 2004, 50% in 2008, 49% in 2009 and 2012. Pennsylvania collects 55% and had no shortage of applicants for its casino licenses, including Millenium. Furthermore, it is highly unlikely that any of this money – not even the initial licensing fee – will be received in the next two years. The time lines in this bill and the experience in other states suggest that an initial license is unlikely to be awarded before December 2017 at the earliest. And when the money finally does come in, future legislatures will decide where it goes. The N. H. Municipal Association is under no illusion that it will wind up in revenue sharing as SB 113 provides. It could just as well be used to fund expanded Medicaid, cut taxes, or go toward a law suit settlement. All we know for certain is that where and how it is spent will not be determined by SB 113. And any casino will be accompanied by costs and harm, both economic and social. New Hampshire jobs and the economy will lose. First, we may see jobs lost from the cannibalization of existing restaurants, entertainment venues and other places where disposable income is spent. Second, the jobs promised by a casino are at the low end of the pay scale – averaging around \$11/hour, which will be much more attractive to the unemployed living in the commonwealth to our south than to our more highly paid, more fully employed New Hampshire residents. There is no free money. Every dollar of public revenue and every dollar of profit sent to Las Vegas and elsewhere, is a dollar that has been lost by real people – many of whom will be our fellow New Hampshire citizens. Because while the gambling interests and their supporters talk about a “destination” casino, in fact it will be a “convenience” or “commuter” casino, as Lottery Director McIntyre recognized when he assumed in preparing the fiscal note that between 85% and 97% of all players at a N.H. casino will come from within a 60 mile/60 minute radius of the site. Casinos depend on problem gamblers who provide 40% - 60% of slot machine revenue, and 90% of industry revenue comes from slots. Yes a casino will bring some revenue to the state (albeit much less than predicted), but at what cost? The charitable gaming rooms will most likely cease to exist. Crime may increase. The social costs and more importantly the impact on our citizens who become problem and pathological gamblers and the negative impacts on our local businesses are too high a price to pay. Finally, the potential for undue influence on the integrity of our political process and government from just one licensee will be enormous. More than \$2,000,000,000 in cash will have to pass through a casino each year to generate the revenue projected by gambling interests. That is more than all of the general fund expenditures throughout the state in a year. Put another way, a single casino will be the largest taxpayer to our state – sending more money to the state than the next largest 25 taxpayers combined! Can anyone doubt that the gambling industry will have incredible influence on future legislatures? And there is no turning back if this bill passes. Once casinos are in place, they will be here forever. That will change the culture and the brand of New Hampshire. Forever. And not for the better.

Majority Amendment (1396h)

Amend RSA 284-B:14, V as inserted by section 1 of the bill by replacing it with the following:

V. No category 2 gaming license shall be issued until the category 1 gaming license authorized by this chapter is issued and a performance audit has been completed by the audit division of the legislative budget assistant’s office. The findings of the audit shall be presented to the joint legislative performance audit and oversight committee which shall make any recommendations to the legislature.

VI. No gaming licenses shall be issued in addition to the 2 authorized by this section until both gaming licenses authorized by this chapter are issued and a performance audit has been completed by the audit division of the legislative budget assistant’s office. The findings of the audit shall be presented to the joint legislative performance audit and oversight committee which shall make any recommendations, including recommending additional licenses, to the legislature.

Amend RSA 284-B:17, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) For the category 2 license, no sooner than one year after the issuance of the category 1 license and the completion of the performance audit authorized in RSA 284-B:14, V. The request for applications

shall require all gaming license applications to be submitted to the commission no later than 120 days after the publication of the request, provided, however, that an applicant who has paid the full application and investigation fees required by RSA 284-B:18 may receive one extension of up to 30 days upon a finding of good cause shown by the commission. Applications received after the deadline shall not be reviewed by the commission. The commission shall approve, approve with conditions, or deny all applications submitted in accordance with the provisions of this chapter and any applicable rules promulgated by the commission.

AMENDED ANALYSIS

This bill:

I. Establishes the gaming commission and places the lottery commission and racing and charitable gaming commission under its jurisdiction as separate divisions.

II. Allows for the selection and operation of at least 2 casinos in New Hampshire, including the operation of video slot machines and table games, subject to certain legislative approvals.

III. Establishes the gaming enforcement unit in the division of state police.

IV. Distributes proceeds from gross slot machine income and gross table game income to reimburse the gaming regulatory oversight authority for certain expenses and to pay for the operation of the gaming commission.

V. Distributes a percentage of proceeds from gross slot machine revenue and gross table game revenue to the host community, those communities abutting the host community, the host county, the department of health and human services to support addiction programs to cities and towns under the revenue sharing agreement, and the gaming regulatory fund.

VI. Establishes the gaming regulatory fund.

Rep. Hoell spoke against.

Rep. Lachance spoke in favor.

On a division vote, 141 members having voted in the affirmative and 162 in the negative, the majority committee amendment failed.

The question now being adoption of the motion of Ought to Pass.

Rep. Hoell offered floor amendment (1468h).

Floor Amendment (1468h)

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

AN ACT repealing the prohibition on certain types of gambling.

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

1 Repeal. RSA 647:2, relative to prohibiting certain types of gambling, is repealed.

2 Cross-Reference Change; Gambling Machines Definition. Amend RSA 287-C:1 to read as follows:

287-C:1 Manufacture Authorized. Notwithstanding any other provision of law, gambling machines [as defined in RSA 647:2, H] ***under federal law*** may be repaired, reconditioned, sold, designed, developed and manufactured in this state, provided however that such machines shall not under any circumstances, be sold, leased, used, or made available for use, or be shipped or delivered to any location in this state or any other state whose laws prohibit the possession or use of such machines.

3 Cross-Reference Change; Definition of Games of Chance. Amend RSA 287-D:1, III to read as follows:

III. "Games of chance" means any game involving gambling [as defined by RSA 647:2, H], or any lottery prohibited by RSA 647:1, but shall not include any game involving the use of a slot machine or any other device in the nature of a slot machine, 50/50 raffles as defined in RSA 287-A:1, III, or ice-out contests as defined in RSA 287-D:1, IV.

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

AMENDED ANALYSIS

This bill repeals the prohibition on certain types of gambling.

Rep. Hoell spoke in favor.

Rep. Rogers spoke against.

Rep. Hodgdon requested a roll call; sufficiently seconded.

YEAS 103 - NAYS 259

YEAS - 103

BELKNAP

Aldrich, Glen
LeBreche, Shari

Dumais, Russell
Luther, Robert

Fisher, Robert
Sylvia, Michael

Howard, Jr., Raymond
Vadney, Herbert

CARROLL

Avellani, Lino

Comeau, Ed

McCarthy, Frank

McConkey, Mark

CHESHIRE

McConnell, Jim

Robertson, Timothy

COOS

Rideout, Leon

GRAFTONBailey, Brad
Johnson, Eric

Higgins, Patricia

Hull, Robert

Ingbretson, Paul

HILLSBOROUGHAdams, Christopher
Burt, John
Eastman, Eric
Goulette, William
Martel, Andre
Ober, Russell
Schleien, Eric
Stepanek, Stephen
Zaricki, NickAmmon, Keith
Christiansen, Lars
Edelblut, Frank
Hogan, Edith
McLean, Mark
Parison, James
Scotsas, Lisa
Sweeney, ShawnBoehm, Ralph
Cohen, Alan
Ferreira, Elizabeth
Katsiantonis, Thomas
Murphy, Keith
Rice, Kimberly
Seidel, Carl
Twombly, TimothyBouldin, Amanda
Donovan, Daniel
Fromuth, Bart
Lachance, Joseph
Notter, Jeanine
Sanborn, Laurie
Simmons, Tammy
Ulery, Jordan**MERRIMACK**Brewster, Michael
Hoell, J.R.
McGuire, Carol
Walsh, ThomasFrench, Harold
Horn, Werner
McGuire, DanHess, David
Marple, Richard
Parent, JasonHill, Gregory
Martin, John
Seaworth, Brian**ROCKINGHAM**Abramson, Max
Guthrie, Joseph
Kappler, Lawrence
Osborne, Jason
Thomas, DouglasBush, Carol
Hagan, Joseph
Kellogg, Shem
Schroadter, Adam
True, ChrisChase, Francis
Harris, Jeffrey
Lundgren, David
Spillane, James
Wood, DavidEmerick, J. Tracy
Itse, Daniel
Oigny, Jeffrey
Tamburello, Daniel**STRAFFORD**Beaudoin, Steven
DeLemus, Susan
Kaczynski, Jr., Thomas
Turcotte, LeonardBerube, Roger
Groen, Warren
Knowles, Robert
Wuelper, KurtBickford, David
Hannon, Joseph
Parsons, RobbieCheney, Catherine
Jones, Laura
Pitre, Joseph**SULLIVAN**

Bridge, Ernest

Converse, Larry

Laware, Thomas

Rollins, Skip

NAYS - 259**BELKNAP**Fields, Dennis
Spanos, PeterFraser, Valerie
Tilton, Franklin

Gallagher, Brian

Hurt, George

CARROLLBuco, Thomas
Crawford, Karel
Ticehurst, SusanButler, Edward
Nelson, Bill
Umberger, KarenChandler, Gene
Parker, HaroldCordelli, Glenn
Schmidt, Stephen**CHESHIRE**Abbott, Michael
Chase, Cynthia
Johnsen, Gladys
Phillips, Larry
Sterling, FranklinAmes, Richard
Eaton, Daniel
Mann, John
Roberts, Kris
Tatro, BruceBerch, Paul
Emerson, Susan
Parkhurst, Henry
Sad, Tara
Tilton, BenjaminBordenet, John
Hunt, John
Pearson, William
Shepardson, Marjorie
Weber, Lucy**COOS**Fothergill, John
Theberge, RobertFroburg, Alethea
Tholl, JohnMoynihan, Wayne
Thomas, Yvonne

Rappaport, Laurence

GRAFTONAbel, Richard
Brown, Duane
Gionet, Edmond
Maes, Kevin
Smith, SuzanneAlmy, Susan
Cooney, Mary
Hennessey, Erin
Massimilla, Linda
Sykes, GeorgeBennett, Travis
Darrow, Stephen
Hennessey, Martha
Nordgren, Sharon
Townsend, CharlesBrown, Chris
Ford, Susan
Ladd, Rick
Piper, Wendy
White, Andrew

HILLSBOROUGH

Backus, Robert
 Belanger, James
 Byron, Frank
 Danielson, David
 Flanagan, Jack
 Gargas, Carolyn
 Gorman, Mary
 Haefner, Robert
 Heath, Mary
 Jack, Martin
 Long, Patrick
 McClarren, Donald
 O'Brien, William
 Palmer, Barry
 Porter, Marjorie
 Rouillard, Claire
 Smith, Gregory
 Souza, Kathleen
 Takesian, Charlene
 Woodbury, David

Balcom, John
 Biggie, Barbara
 Christensen, Chris
 DiSilvestro, Linda
 Forest, Armand
 Gidge, Kenneth
 Gould, Linda
 Hansberry, Daniel
 Herbert, Christopher
 Jeudy, Jean
 Manley, Jonathan
 McNamara, Richard
 O'Neil, William
 Pellegrino, Anthony
 Proulx, Mark
 Rowe, Robert
 Smith, Timothy
 Straight, Phillip
 Walsh, Robert

Baroody, Benjamin
 Booras, Efsthathia
 Christie, Rick
 Edwards, Elizabeth
 Freitas, Mary
 Goley, Jeffrey
 Griffin, Barbara
 Hansen, Peter
 Hinch, Richard
 Kurk, Neal
 Marston, Dick
 Moore, Josh
 Ober, Lynne
 Peterson, Ken
 Roberts, Carol
 Shattuck, Gilman
 Snow, Kendall
 Sullivan, Daniel
 Williams, Kermit

Beaulieu, Jane
 Brown, Pamela
 Cote, David
 Estevez, Eric
 Gagne, Larry
 Gonzalez, Carlos
 Guerette, C. Lee
 Harvey, Suzanne
 Infantine, William
 LeBrun, Donald
 McCarthy, Peggy
 O'Brien, Michael
 Ohm, Bill
 Pierce, David
 Rosenwald, Cindy
 Shaw, Barbara
 Soucy, Timothy
 Sullivan, Victoria
 Wolf, Terry

MERRIMACK

Alicea, Caroletta
 Doherty, David
 Gile, Mary
 Kenison, Linda
 Long, Douglas
 Myler, Mel
 Rogers, Katherine
 Turcotte, Alan

Bartlett, Christy
 Ebel, Karen
 Henle, Paul
 Kidder, David
 Luneau, David
 Patten, Dick
 Saunderson, George
 Wallner, Mary Jane

Bradley, Paula
 Frazer, June
 Hirsch, Geoffrey
 Kotowski, Frank
 MacKay, James
 Ratzki, Mario
 Schuett, Dianne
 Wheeler, Deborah

Carson, Clyde
 French, Barbara
 Karrick, David
 Kuch, Bill
 Moffett, Howard
 Rice, Harold (Chip)
 Shurtleff, Stephen

ROCKINGHAM

Abrami, Patrick
 Bates, David
 Cahill, Michael
 Christie, Andrew
 Doucette, Fred
 Fesh, Robert
 Gordon, Pamela
 Hodgdon, Bruce
 Lovejoy, Patricia
 McBeath, Rebecca
 Nigrello, Robert
 Potucek, John
 Simpson, Alexis
 Ward, Gerald
 Weyler, Kenneth

Allen, Mary
 Belanger, Ronald
 Cali-Pitts, Jacqueline
 Cushing, Robert
 Duarte, Joe
 Francese, Paula
 Gordon, Richard
 Hoelzel, Kathleen
 Major, Norman
 McMahon, Charles
 O'Connor, John
 Priestley, Anne
 Sweeney, Joe
 Ward, Joanne
 Woitkun, Steven

Azarian, Gary
 Berrien, Skip
 Cardon, G. Thomas
 DeSimone, Debra
 Elliott, Robert
 Friel, William
 Griffin, Mary
 Introne, Robert
 Manning, John
 Milz, David
 Packard, Sherman
 Prudhomme-O'Brien, Katherine
 Sytek, John
 Webb, James

Barnes, Arthur
 Borden, David
 Chirichiello, Brian
 Devine, James
 Ferrante, Beverly
 Gannon, William
 Heffron, Frank
 Kolodziej, Walter
 Matthews, Carolyn
 Moody, Marcia
 Pantelakos, Laura
 Rice, Frederick
 Vose, Michael
 Welch, David

STRAFFORD

Baber, William
 DiSesa, Len
 Kaen, Naida
 Schmidt, Peter
 Sprague, Dale
 Wall, Janet

Bixby, Peter
 Gardner, Janice
 Leeman, Don
 Smith, Marjorie
 Stevens, Audrey
 Ward, Kenneth

Burton, Wayne
 Gray, James
 Mullen, John
 Southworth, Thomas
 Treleaven, Susan

Cilley, Jacalyn
 Horrigan, Timothy
 Rollo, Deanna
 Spang, Judith
 Verschueren, James

SULLIVAN

Cloutier, John
 O'Hearne, Andrew

Gagnon, Raymond
 Oxenham, Lee

Gottling, Suzanne
 Schmidt, Andrew

Grenier, James
 Smith, Steven

and floor amendment (1468h) failed.

The question now being adoption of the motion of Ought to Pass.
 Rep. Zaricki offered floor amendment (1472h).

Floor Amendment (1472h)

Amend RSA 284-B:14 as inserted by section 1 of the bill by replacing it with the following:
 284-B:14 Number of Gaming Licenses.

I. The commission may award category 1 gaming licenses and category 2 gaming licenses, as defined in paragraphs II and III of this section.

II. The category 1 license shall authorize:

(a) The operation of not more than 160 table games, provided that the licensee's application shall propose operation of at least 80 table games; and

(b) The operation of no more than 3,500 slot machines, provided that the licensee's application shall propose operation of at least 2,000 slot machines.

III. The category 2 license shall authorize:

(a) The operation of no more than 80 table games, provided that the licensee's application shall propose operation of at least 25 table games; and

(b) The operation of no more than 1,500 slot machines, provided that the licensee's application shall propose operation of at least 750 slot machines.

IV. No entity shall hold both the category 1 and category 2 licenses.

AMENDED ANALYSIS

This bill:

I. Establishes the gaming commission and places the lottery commission and racing and charitable gaming commission under its jurisdiction as separate divisions.

II. Allows for the selection and operation of casinos in New Hampshire, including the operation of video slot machines and table games.

III. Establishes the gaming enforcement unit in the division of state police.

IV. Distributes proceeds from gross slot machine income and gross table game income to reimburse the gaming regulatory oversight authority for certain expenses and to pay for the operation of the gaming commission.

V. Distributes a percentage of proceeds from gross slot machine revenue and gross table game revenue to the host community, those communities abutting the host community, the host county, the department of health and human services to support addiction programs to cities and towns under the revenue sharing agreement, and the gaming regulatory fund.

VI. Establishes the gaming regulatory fund.

Rep. Fisher spoke in favor and yielded to questions.

Rep. Schleien spoke in favor.

Reps. Lachance and Eaton spoke against.

Rep. Azarian requested a roll call; sufficiently seconded.

YEAS 87 - NAYS 279

YEAS - 87

BELKNAP

Aldrich, Glen
Luther, Robert

Dumais, Russell
Sylvia, Michael

Fisher, Robert
Vadney, Herbert

Howard, Jr., Raymond

CARROLL

Avellani, Lino

Comeau, Ed

McCarthy, Frank

CHESHIRE

McConnell, Jim

Roberts, Kris

Robertson, Timothy

COOS

Rideout, Leon

GRAFTON

Higgins, Patricia

Ingbretson, Paul

Johnson, Eric

HILLSBOROUGH

Adams, Christopher
Burt, John
Edwards, Elizabeth
Goulette, William
Murphy, Keith
Schleien, Eric
Stepanek, Stephen
Zaricki, Nick

Ammon, Keith
Christensen, Chris
Ferreira, Elizabeth
Hogan, Edith
O'Brien, William
Scoutsas, Lisa
Sullivan, Victoria

Boehm, Ralph
Donovan, Daniel
Fromuth, Bart
McLean, Mark
Ober, Russell
Seidel, Carl
Sweeney, Shawn

Bouldin, Amanda
Eastman, Eric
Gould, Linda
Moore, Josh
Rice, Kimberly
Simmons, Tammy
Twombly, Timothy

MERRIMACK

Brewster, Michael
Hoell, J.R.
McGuire, Carol
Walsh, Thomas

French, Harold
Horn, Werner
McGuire, Dan

Hess, David
Kuch, Bill
Parent, Jason

Hill, Gregory
Martin, John
Seaworth, Brian

ROCKINGHAM

Abramson, Max
Itse, Daniel
Rice, Frederick
Tasker, Kyle

Emerick, J. Tracy
Kappler, Lawrence
Schroadter, Adam
True, Chris

Hagan, Joseph
Kellogg, Shem
Spillane, James
Vose, Michael

Harris, Jeffrey
Osborne, Jason
Tamburello, Daniel

STRAFFORD

Beaudoin, Steven
Hannon, Joseph
Turcotte, Leonard

Cheney, Catherine
Jones, Laura
Whitehouse, Joshua

DeLemus, Susan
Kaczynski, Jr., Thomas
Wuelper, Kurt

Groen, Warren
Knowles, Robert

SULLIVAN

Bridge, Ernest

Converse, Larry

NAYS - 279**BELKNAP**

Fields, Dennis
LeBreche, Shari

Fraser, Valerie
Spanos, Peter

Gallagher, Brian
Tilton, Franklin

Hurt, George

CARROLL

Buco, Thomas
Crawford, Karel
Schmidt, Stephen

Butler, Edward
McConkey, Mark
Ticehurst, Susan

Chandler, Gene
Nelson, Bill
Umberger, Karen

Cordelli, Glenn
Parker, Harold

CHESHIRE

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

Ames, Richard
Eaton, Daniel
Mann, John
Sad, Tara
Tilton, Benjamin

Berch, Paul
Emerson, Susan
Parkhurst, Henry
Shepardson, Marjorie
Weber, Lucy

Bordenet, John
Hunt, John
Pearson, William
Sterling, Franklin

COOS

Fothergill, John
Theberge, Robert

Froburg, Alethea
Tholl, John

Moynihan, Wayne
Thomas, Yvonne

Rappaport, Laurence

GRAFTON

Abel, Richard
Brown, Chris
Ford, Susan
Hull, Robert
Nordgren, Sharon
Townsend, Charles

Almy, Susan
Brown, Duane
Gionet, Edmond
Ladd, Rick
Piper, Wendy
White, Andrew

Bailey, Brad
Cooney, Mary
Hennessey, Erin
Maes, Kevin
Smith, Suzanne

Bennett, Travis
Darrow, Stephen
Hennessey, Martha
Massimilla, Linda
Sykes, George

HILLSBOROUGH

Backus, Robert
Belanger, James
Byron, Frank
Cote, David
Estevez, Eric
Gagne, Larry
Gonzalez, Carlos
Haefner, Robert
Heath, Mary
Jack, Martin
Lachance, Joseph
Manley, Jonathan
McClarren, Donald
O'Neil, William
Parison, James
Porter, Marjorie
Rouillard, Claire
Shaw, Barbara
Soucy, Timothy
Takesian, Charlene
Wolf, Terry

Balcom, John
Biggie, Barbara
Christiansen, Lars
Danielson, David
Flanagan, Jack
Gargas, Carolyn
Gorman, Mary
Hansberry, Daniel
Herbert, Christopher
Judy, Jean
LeBrun, Donald
Marston, Dick
McNamara, Richard
Ober, Lynne
Pellegrino, Anthony
Proulx, Mark
Rowe, Robert
Smith, Gregory
Souza, Kathleen
Ulery, Jordan
Woodbury, David

Baroody, Benjamin
Booras, Efsthathia
Christie, Rick
DiSilvestro, Linda
Forest, Armand
Gidge, Kenneth
Griffin, Barbara
Hansen, Peter
Hinch, Richard
Katsiantonis, Thomas
Leishman, Peter
Martel, Andre
Notter, Jeanine
Ohm, Bill
Peterson, Ken
Roberts, Carol
Sanborn, Laurie
Smith, Timothy
Straight, Phillip
Walsh, Robert

Beaulieu, Jane
Brown, Pamela
Cohen, Alan
Edelblut, Frank
Freitas, Mary
Goley, Jeffrey
Guerette, C. Lee
Harvey, Suzanne
Infantine, William
Kurk, Neal
Long, Patrick
McCarthy, Peggy
O'Brien, Michael
Palmer, Barry
Pierce, David
Rosenwald, Cindy
Shattuck, Gilman
Snow, Kendall
Sullivan, Daniel
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Doherty, David
Gile, Mary

Bartlett, Christy
Ebel, Karen
Henle, Paul

Bradley, Paula
Frazer, June
Hirsch, Geoffrey

Carson, Clyde
French, Barbara
Karrick, David

Kenison, Linda
Luneau, David
Myler, Mel
Rogers, Katherine
Turcotte, Alan

Kidder, David
MacKay, James
Patten, Dick
Saunderson, George
Wallner, Mary Jane

Kotowski, Frank
Marple, Richard
Ratzki, Mario
Schuett, Dianne
Wheeler, Deborah

Long, Douglas
Moffett, Howard
Rice, Harold (Chip)
Shurtleff, Stephen

ROCKINGHAM

Abrami, Patrick
Bates, David
Bush, Carol
Chase, Francis
DeSimone, Debra
Elliott, Robert
Friel, William
Griffin, Mary
Hoelzel, Kathleen
Lundgren, David
McBeath, Rebecca
Moody, Marcia
Packard, Sherman
Prudhomme-O'Brien, Katherine
Thomas, Douglas
Welch, David

Allen, Mary
Belanger, Ronald
Cahill, Michael
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Gannon, William
Guthrie, Joseph
Introne, Robert
Major, Norman
McKinney, Betsy
Nigrello, Robert
Pantelakos, Laura
Simpson, Alexis
Ward, Gerald
Weyler, Kenneth

Azarian, Gary
Berrien, Skip
Cali-Pitts, Jacqueline
Christie, Andrew
Doucette, Fred
Fesh, Robert
Gordon, Pamela
Heffron, Frank
Kolodziej, Walter
Manning, John
McMahon, Charles
O'Connor, John
Potucek, John
Sweeney, Joe
Ward, Joanne
Woitkun, Steven

Barnes, Arthur
Borden, David
Cardon, G. Thomas
Cushing, Robert
Duarte, Joe
Francese, Paula
Gordon, Richard
Hodgdon, Bruce
Lovejoy, Patricia
Matthews, Carolyn
Milz, David
Oigny, Jeffrey
Priestley, Anne
Sytek, John
Webb, James
Wood, David

STRAFFORD

Baber, William
Burton, Wayne
Gray, James
Mullen, John
Schmidt, Peter
Sprague, Dale
Wall, Janet

Berube, Roger
Cilley, Jacalyn
Horrigan, Timothy
Parsons, Robbie
Smith, Marjorie
Stevens, Audrey
Ward, Kenneth

Bickford, David
DiSesa, Len
Kaen, Naida
Pitre, Joseph
Southworth, Thomas
Treleaven, Susan

Bixby, Peter
Gardner, Janice
Leeman, Don
Rollo, Deanna
Spang, Judith
Verschueren, James

SULLIVAN

Cloutier, John
Laware, Thomas
Schmidt, Andrew

Gagnon, Raymond
O'Hearne, Andrew
Smith, Steven

Gottling, Suzanne
Oxenham, Lee

Grenier, James
Rollins, Skip

and floor amendment (1472h) failed.

The question now being adoption of the motion of Ought to Pass.

MOTION TO SUSPEND HOUSE RULES

Rep. Abramson moved that House Rules be so far suspended as to allow consideration at the present time of a non-germane floor amendment.

Rep. Abramson spoke in favor.

Motion failed lacking the necessary two-thirds vote.

The question now being adoption of the motion of Ought to Pass.

Reps. Andrew Schmidt, Cheney and Hess spoke against.

Reps. Lovejoy, Backus and Dan McGuire spoke against and yielded to questions.

Reps. Estevez, Webb, Lachance and Azarian spoke in favor.

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

YEAS 156 - NAYS 208

YEAS - 156 BELKNAP

Fields, Dennis

CARROLL

Buco, Thomas
Umberger, Karen

Butler, Edward

McConkey, Mark

Schmidt, Stephen

CHESHIRE

Abbott, Michael
Johnsen, Gladys
Weber, Lucy

Ames, Richard
Sad, Tara

Berch, Paul
Tatro, Bruce

Eaton, Daniel
Tilton, Benjamin

COOS

Rideout, Leon

Theberge, Robert

Holl, John

Thomas, Yvonne

GRAFTON

Gionet, Edmond

Ladd, Rick

Massimilla, Linda

HILLSBOROUGH

Balcom, John
Brown, Pamela
Cote, David
Flanagan, Jack
Gidge, Kenneth
Griffin, Barbara
Herbert, Christopher
Lachance, Joseph
Marston, Dick
McNamara, Richard
Ober, Lynne
Pellegrino, Anthony
Scotsas, Lisa
Soucy, Timothy
Takesian, Charlene
Zaricki, Nick

Baroody, Benjamin
Byron, Frank
DiSilvestro, Linda
Forest, Armand
Goley, Jeffrey
Guerette, C. Lee
Hinch, Richard
Leishman, Peter
Martel, Andre
O'Brien, Michael
Ober, Russell
Pierce, David
Shaw, Barbara
Stepanek, Stephen
Ulery, Jordan

Beaulieu, Jane
Christensen, Chris
Donovan, Daniel
Freitas, Mary
Gonzalez, Carlos
Haefner, Robert
Infantine, William
Long, Patrick
McCarthy, Peggy
O'Brien, William
Ohm, Bill
Proulx, Mark
Smith, Gregory
Straight, Phillip
Walsh, Robert

Booras, Efsthia
Christiansen, Lars
Estevez, Eric
Gagne, Larry
Gorman, Mary
Heath, Mary
Judy, Jean
Manley, Jonathan
McClarren, Donald
O'Neil, William
Palmer, Barry
Rice, Kimberly
Snow, Kendall
Sullivan, Daniel
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Martin, John
Shurtleff, Stephen

Doherty, David
Patten, Dick
Turcotte, Alan

French, Harold
Rogers, Katherine
Walsh, Thomas

Kotowski, Frank
Schuett, Dianne

ROCKINGHAM

Allen, Mary
Belanger, Ronald
Chase, Francis
Devine, James
Ferrante, Beverly
Griffin, Mary
Manning, John
O'Connor, John
Priestley, Anne
Webb, James
Wood, David

Azarian, Gary
Cahill, Michael
Chirichiello, Brian
Doucette, Fred
Fesh, Robert
Guthrie, Joseph
McMahon, Charles
Oligny, Jeffrey
Sweeney, Joe
Welch, David

Barnes, Arthur
Cali-Pitts, Jacqueline
Cushing, Robert
Duarte, Joe
Friel, William
Kolodziej, Walter
Milz, David
Pantelakos, Laura
Sytek, John
Weyler, Kenneth

Bates, David
Cardon, G. Thomas
DeSimone, Debra
Elliott, Robert
Gannon, William
Lundgren, David
Nigrello, Robert
Potucek, John
Tasker, Kyle
Woitkun, Steven

STRAFFORD

Baber, William
Gray, James
Rollo, Deanna
Ward, Kenneth

Berube, Roger
Horriggan, Timothy
Sprague, Dale

Cilley, Jacalyn
Leeman, Don
Stevens, Audrey

Gardner, Janice
Mullen, John
Verschuere, James

SULLIVAN

Cloutier, John
Laware, Thomas

Converse, Larry
O'Hearne, Andrew

Gagnon, Raymond
Rollins, Skip

Grenier, James
Smith, Steven

NAYS - 208**BELKNAP**

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

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

Fisher, Robert
Hurt, George
Sylvia, Michael

Fraser, Valerie
LeBreche, Shari
Tilton, Franklin

CARROLL

Avellani, Lino
Crawford, Karel
Ticehurst, Susan

Chandler, Gene
McCarthy, Frank

Comeau, Ed
Nelson, Bill

Cordelli, Glenn
Parker, Harold

CHESHIRE

Bordenet, John
Mann, John
Phillips, Larry
Sterling, Franklin

Chase, Cynthia
McConnell, Jim
Roberts, Kris

Emerson, Susan
Parkhurst, Henry
Robertson, Timothy

Hunt, John
Pearson, William
Shepardson, Marjorie

COOS

Fothergill, John

Froburg, Alethea

Moynihan, Wayne

Rappaport, Laurence

GRAFTON

Abel, Richard
Brown, Chris
Ford, Susan
Hull, Robert
Nordgren, Sharon
Townsend, Charles

Almy, Susan
Brown, Duane
Hennessey, Erin
Ingbertson, Paul
Piper, Wendy

Bailey, Brad
Cooney, Mary
Hennessey, Martha
Johnson, Eric
Smith, Suzanne

Bennett, Travis
Darrow, Stephen
Higgins, Patricia
Maes, Kevin
Sykes, George

HILLSBOROUGH

Adams, Christopher
 Biggie, Barbara
 Christie, Rick
 Edelblut, Frank
 Gargas, Carolyn
 Hansen, Peter
 Jack, Martin
 McLean, Mark
 Parison, James
 Rosenwald, Cindy
 Schleien, Eric
 Smith, Timothy
 Twombly, Timothy

Ammon, Keith
 Boehm, Ralph
 Cohen, Alan
 Edwards, Elizabeth
 Gould, Linda
 Harvey, Suzanne
 Katsiantonis, Thomas
 Moore, Josh
 Peterson, Ken
 Rouillard, Claire
 Seidel, Carl
 Souza, Kathleen
 Wolf, Terry

Backus, Robert
 Bouldin, Amanda
 Danielson, David
 Ferreira, Elizabeth
 Goulette, William
 Hogan, Edith
 Kurk, Neal
 Murphy, Keith
 Porter, Marjorie
 Rowe, Robert
 Shattuck, Gilman
 Sullivan, Victoria
 Woodbury, David

Belanger, James
 Burt, John
 Eastman, Eric
 Fromuth, Bart
 Hansberry, Daniel
 Hopper, Gary
 LeBrun, Donald
 Notter, Jeanine
 Roberts, Carol
 Sanborn, Laurie
 Simmons, Tammy
 Sweeney, Shawn

MERRIMACK

Bartlett, Christy
 Ebel, Karen
 Henle, Paul
 Hoell, J.R.
 Kidder, David
 MacKay, James
 Moffett, Howard
 Saunderson, George

Bradley, Paula
 Frazer, June
 Hess, David
 Horn, Werner
 Kuch, Bill
 Marple, Richard
 Myler, Mel
 Seaworth, Brian

Brewster, Michael
 French, Barbara
 Hill, Gregory
 Karrick, David
 Long, Douglas
 McGuire, Carol
 Ratzki, Mario
 Wallner, Mary Jane

Carson, Clyde
 Gile, Mary
 Hirsch, Geoffrey
 Kenison, Linda
 Luneau, David
 McGuire, Dan
 Rice, Harold (Chip)
 Wheeler, Deborah

ROCKINGHAM

Abrami, Patrick
 Bush, Carol
 Gordon, Pamela
 Heffron, Frank
 Itse, Daniel
 Major, Norman
 Moody, Marcia
 Rice, Frederick
 Tamburello, Daniel
 Ward, Gerald

Abramson, Max
 Christie, Andrew
 Gordon, Richard
 Hodgdon, Bruce
 Kappler, Lawrence
 Matthews, Carolyn
 Osborne, Jason
 Schroadter, Adam
 Thomas, Douglas
 Ward, Joanne

Berrien, Skip
 Emerick, J. Tracy
 Hagan, Joseph
 Hoelzel, Kathleen
 Kellogg, Shem
 McBeath, Rebecca
 Packard, Sherman
 Simpson, Alexis
 True, Chris

Borden, David
 Francese, Paula
 Harris, Jeffrey
 Introne, Robert
 Lovejoy, Patricia
 McKinney, Betsy
 Prudhomme-O'Brien, Katherine
 Spillane, James
 Vose, Michael

STRAFFORD

Beaudoin, Steven
 Cheney, Catherine
 Hannon, Joseph
 Knowles, Robert
 Smith, Marjorie
 Turcotte, Leonard

Bickford, David
 DeLemus, Susan
 Jones, Laura
 Parsons, Robbie
 Southworth, Thomas
 Wall, Janet

Bixby, Peter
 DiSesa, Len
 Kaczynski, Jr., Thomas
 Pitre, Joseph
 Spang, Judith
 Whitehouse, Joshua

Burton, Wayne
 Groen, Warren
 Kaen, Naida
 Schmidt, Peter
 Treleaven, Susan
 Wuelper, Kurt

SULLIVAN

Gottling, Suzanne

Oxenham, Lee

Schmidt, Andrew

and the motion of Ought to Pass failed.

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

On a division vote, 223 members having voted in the affirmative and 141 in the negative, the minority committee report was adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Hess moved that the House reconsider its action whereby, on a division vote of 223-141, the House adopted the minority committee report of Inexpedient to Legislate on **SB 113-FN-A-L**, relative to video lottery and table gaming.

Rep. Hess spoke against.

Motion failed.

REGULAR CALENDAR CONT'D

SB 154, authorizing the department of safety to set fees for motorcycle rider education programs. **OUGHT TO PASS.**

Rep. Bill H. Ohm for Ways and Means. Fees for this popular program are set under statute by the department of public safety for non-residents. No mention is made of fees for residents. This bill codifies the current practice of setting fees for residents. The bill is supported by motorcycle dealers who often purchase the education program for their customers. Approximately 3,000 riders have participated to date. Vote 19-0. Committee report adopted and ordered to third reading.

SB 211-FN, relative to taxation of employee leasing companies under the business enterprise tax. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick F. Abrami for Ways and Means. This bill, as amended by the committee, clarifies the tax situation of businesses that lease employees. Testimony indicated that many smaller businesses require special expertise in areas such as regulatory compliance, but do not desire, or are not of a size to hire full time employees. Employee leasing companies have filled that need. The question then arises as to who is liable for the BET of the leased employee. Current law charges the tax to the leasing company. Logic says the company actually using the employee should be paying the BET and gaining the credit to their BPT as originally intended by the legislature. This bill clarifies legislative intent by allowing the client company to pay the BET. Vote 19-0.

Amendment (1240h)

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

1 New Section; Business Enterprise Tax; Employee Leasing Companies. Amend RSA 77-E by inserting after section 13 the following new section:

77-E:13-a Employee Leasing Companies.

I. For the purposes of the provisions of RSA 277-B:9, I(h), an employee leasing company and client company may elect to make the client company solely responsible for paying the tax imposed by RSA 77-E, and include in the client company's compensation portion of the enterprise value tax base those wages paid to the leased employees.

II. If the employee leasing company and the client company make such an election, the client company shall be eligible for the credit provided in RSA 77-A:5, X.

III.(a) In order to make the election under paragraph I, the client company and the employee leasing company shall file the forms required by the department pursuant to rules adopted by the commissioner under RSA 541-A.

(b) For an election to be effective for any given tax year, forms required to be filed with the commissioner shall be filed prior to the end of the employee leasing company's tax year.

(c) An election under this section shall remain in effect until the employee leasing company and the client company both notify the department of the termination of an election described in paragraph I on forms required by the department pursuant to rules adopted by the commissioner under RSA 541-A.

IV. For purposes of this section, the terms "employee leasing company" and "client company" shall have the same meaning as in RSA 277-B:2.

2 New Section; Employee Leasing Companies; Tax Credits. Amend RSA 277-B by inserting after section 17 the following new section:

277-B:17-a Tax Credits and Other Incentives. For purposes of determination of tax credits, grants, or any other economic incentives provided by this state or other government entity that are based on employment, leased employees shall be deemed employees solely of the client company if an election is made pursuant to RSA 77-E:13-a. A client company shall be entitled to the benefit of any tax credit, economic incentive, or other benefit arising as the result of the employment of leased employees of such client company. Notwithstanding that the employee leasing company is the W-2 reporting employer, the client company shall continue to qualify for such benefit, incentive, or credit. If a grant or amount of any such incentive is based on the number of employees, then each client company shall be treated as employing only those leased employees co-employed by the client company. Leased employees working for other client companies of the employee leasing company shall not be counted together. Each employing leasing company shall provide, upon request by a client company, state agency, or department responsible for administration of any such tax credit or economic incentive, employment information reasonably required by such agency or department and necessary to support any request, claim, application, or other action by a client company seeking any such tax credit or economic incentive.

3 Employee Leasing Companies; Co-Employment; Election. Amend RSA 277-B:9, I(h) to read as follows:

(h) Paying the tax imposed by RSA 77-E and inclusion in its compensation portion of the base tax those wages paid to its leased employees, ***unless an election is made pursuant to RSA 77-E:13-a.***

4 Applicability. The provisions of this act shall apply to taxable periods beginning on or after January 1, 2016.

5 Effective Date. This act shall take effect July 1, 2015.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

BILLS REMOVED FROM THE CONSENT CALENDAR**SB 13**, relative to the disposition of dedicated funds. **INEXPEDIENT TO LEGISLATE.**

Rep. Dan McGuire for Finance. This bill purports to require a two-thirds vote of the legislature in order to repurpose the money in (raid) a dedicated fund. Unfortunately, the legislature cannot be constrained by law in this way. Any subsequent piece of legislation, passed by a simple majority vote, could repeal or suspend this provision. To accomplish this goal a constitutional amendment would be needed. These have been tried in the past, such as last year's CACR 19, which a House interim study did not recommend for future legislation. They recognized the inconsistency in creating a dedicated fund with a majority vote, but requiring a two-thirds vote to terminate it. For all these reasons, SB 13 is inexpedient to legislate. Vote 22-0.

Rep. Dan McGuire spoke in favor and yielded to questions.

Rep. Bixby spoke against and requested a roll call; not sufficiently seconded.

On a division vote, 289 members having voted in the affirmative and 51 in the negative, the committee report was adopted.

SB 243, relative to nonpublic sessions under the right-to-know law. **OUGHT TO PASS.**

Rep. Kurt F. Wuelper for Judiciary. Currently the right-to-know law allows nonpublic sessions for suits against towns. This bill extends the right to hold nonpublic session to cases in which the public body is the plaintiff. The committee concurred that discussion of legal strategy or potential settlements should be allowed to remain confidential through nonpublic meetings. Vote 15-1.

Rep. Fromuth spoke against.

MOTION TO LAY ON THE TABLE

Rep. Sylvia moved that **SB 243**, relative to nonpublic sessions under the right-to-know law, be laid on the table. On a division vote, 160 members having voted in the affirmative and 176 in the negative, the motion failed.

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

Rep. Wuelper spoke in favor.

On a division vote, 265 members having voted in the affirmative and 72 in the negative, the committee report was adopted and ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Andrew Schmidt moved that the House reconsider its action whereby, on a division vote of 186-146, the House adopted the motion of Inexpedient to Legislate on **SB 69**, establishing a commission to study social impact bond funding for early childhood education for at-risk students.

Rep. Gile spoke in favor.

Rep. Packard spoke against.

On a division vote, 144 members having voted in the affirmative and 189 in the negative, the motion failed.

RESOLUTION

Rep. Flanagan offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, May 6, 2015 at 10:00 a.m.

Motion adopted.

LATE SESSION

Third reading and final passage

SB 53, repealing the interagency coordinating council for women offenders and relative to the membership of the interbranch criminal and juvenile justice council.

SB 72, establishing a commission to study the use of police personnel files as they relate to the Laurie List.

SB 92, establishing a committee to study public access to political campaign information.

SB 251, relative to regulations for commercial composters.

SB 90, relative to the judicial branch budget.

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.

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.

SB 78, relative to original and youth operators' licenses.

SB 171, establishing a committee to study issues concerning parking for those with walking disabilities.

SB 231, relative to the month of inspection for municipal fleets.

SB 134-FN, relative to the escheat of United States savings bonds.

SB 116-FN, repealing the license requirement for carrying a concealed pistol or revolver.

SB 236-FN, relative to alcohol ignition interlock requirements.

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.

SB 249, relative to the Hampton and Exeter district divisions of the circuit court.

SB 230-FN-L, relative to speed limits on state roads that are seasonally congested by pedestrian and bicycle traffic.

SB 252, establishing a committee to study a number plate commemorating Laconia Motorcycle Week.

SB 154, authorizing the department of safety to set fees for motorcycle rider education programs.

SB 211-FN, relative to taxation of employee leasing companies under the business enterprise tax.

SB 243, relative to nonpublic sessions under the right-to-know law.

UNANIMOUS CONSENT

Rep. Notter requested Unanimous Consent of the House regarding Colonel Charles Shelton, the last official prisoner of war from the Vietnam War.

Rep. Notter addressed the House.

RECESS MOTION

Rep. Flanagan moved that the House stand in recess for the purposes of the introduction of bills, receiving Senate messages, enrolled bill amendments, enrolled bill reports and forming Committees of Conference.

Motion adopted.

The House recessed at 1:40 p.m.

RECESS

(Rep. Packard in the Chair)

ENROLLED BILL AMENDMENT

HB 408, making a technical correction relative to fees for chiropractors.

Amendment (1407-EBA)

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

AN ACT making a technical correction relative to fees for chiropractors and relative to the licensure of audiologists.

Adopted.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 175, 275 and 310 and Senate Bills numbered 12, 16, 33, 43, 44, 47, 48, 54, 65, 71, 91, 94, 101, 103, 143, 166, 168, 172, 173, 182, 183, 195, 208, 222 and 259.

Rep. Hinch, Sen. Prescott for the Committee

RECESS

(Rep. Welch in the Chair)

ENROLLED BILL AMENDMENT

SB 11, recodifying the Uniform Interstate Family Support Act. (Amendment printed SJ 4-30-15)

Adopted.

SENATE MESSAGES**CONCURRENCE**

HB 108-FN, relative to sealing nonpublic session minutes.

HB 109-FN-L, relative to the testing of backflow devices.

HB 118, relative to vehicular assault.

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

HB 121, making a technical correction to the negligent driving statute.

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

HB 136, prohibiting tanning facilities from tanning persons under 18 years of age.

HB 146, relative to the board of dental examiners.

HB 147, relative to the homestead exemption amount.

HB 148, limiting the authority of delegates to Article V conventions.

HB 149, relative to qualifications for the office of county commissioner.

HB 151, establishing a committee to study end-of-life decisions.

HB 155, relative to municipal contracts for police chief.

HB 158, requiring the managing agent to return the records of a condominium association upon the request of the association.

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

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

HB 184, relative to travel insurance.

HB 193, relative to utility assessments for the use of village district roads.

HB 200, allowing homestead food operations exempt from licensure to sell homestead food products at retail food stores.

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

HB 205-L, relative to lending practices of energy efficiency and clean energy districts.

HB 254, relative to exceptions to restrictions on boating.

HB 308, relative to the supervision of a real estate office and the duties of a facilitator under the real estate practice act.

HB 326, relative to the board of registration of medical technicians.

HB 336, relative to seasons for hunting by crossbow.

HB 354, relative to the closing of clam, oyster, and other bivalve areas for restoration.

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

HB 422-FN, relative to certification of death certificates by physician assistants.

HB 423, designating the bobcat as the New Hampshire state wildcat.

HB 478, relative to rulemaking for market conduct record retention and production.

HB 481, relative to commercial insurance.

HB 482, relative to the insurance claims adjuster definition.

HB 492, relative to military and historic re-enactments and commemorations.

HB 497, relative to interference with a cemetery burial plot.

HB 503, relative to presidential primary ballots.

HB 520, establishing privacy protections for student online personal information.

HB 522, making certain changes in the law governing toxic substances in the workplace to comply with federal law.

HB 523, relative to the jurisdiction of the penalty appeal board.

HB 526, relative to transfers of appropriations in Carroll county.

HB 545, relative to eligibility for office.

HB 559-FN, relative to vehicle registration by entities doing business in New Hampshire.

HB 604, relative to the use of mixed use school busses by special education pupils.

HB 607, relative to fees for carrying a concealed firearm.

HB 610, relative to a school board vote on the reassignment of a pupil.

HB 621-FN, establishing fines for violations of the "wide berth" laws.

HB 644-FN, relative to regulation of small loans, title loans, and payday loans.

HB 664-FN, consolidating existing oil pollution funds.

NONCONCURRENCE

HB 124, relative to the implementation of new college and career readiness standards.

HB 136, prohibiting tanning facilities from tanning persons under 18 years of age.

HB 150, establishing a commission to study the legalization, regulation, and taxation of marijuana.

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 554-FN, relative to sales of beer in refillable containers.

RE-REFERRED TO COMMITTEE

HB 169, relative to table stakes poker.

HB 192, relative to the valuation of utility property.

HB 195, relative to continuing care communities.

HB 331, relative to absences among selectmen on election day.

HB 353, relative to the governance of condominium unit owners' associations.

HB 555, relative to participation of chartered public school students in school district co-curricular activities.

LAID ON THE TABLE

HB 227, relative to eminent domain on public lands.

HB 364, relative to renewal fees administered by the office of professional licensing.

HB 411, prohibiting the payment of subminimum wages to persons with disabilities.

HB 658-FN, prohibiting collective bargaining agreements that require employees to join a labor union.

CONCURRENCE WITH AMENDMENTS

SB 14, making technical corrections to the laws relative to the judicial council and repealing a limitation on compensation of counsel for indigent defendants.

SB 20-FN-L, establishing a commission on historic burial grounds and cemeteries.

SB 70, relative to the processing of lobster tails.

SB 80, relative to the state trails plan and establishing a committee on rail trails.

SB 98, relative to third party review required by the planning board.

SB 148, relative to the shellfish inspection program.

RECESS