



State of
New Hampshire

HOUSE RECORD

Second Year of the 164th General Court

Calendar and Journal of the 2016 Session

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

Vol. 38

Concord, N.H.

Thursday, January 7, 2016

No. 6

HOUSE JOURNAL No. 1 (Cont.)

Wednesday, January 6, 2016

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

HOUSE JOURNAL NO. 2

Thursday, January 7, 2016

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

Prayer was offered by Guest Chaplain, Rabbi Robin Nafshi of Temple Beth Jacob in Concord.

Our God, and the God of all people: God of the poor and God of the powerful; God of the rich and God of the wretched; God of hubris and God of humility; God of those who believe and God of those who are beleaguered; God of those who have no God: We come together this morning – in this place of privilege and power – to pray on behalf of those who have been chosen to lead our great State of New Hampshire. On this day of deliberation, may You open our eyes so that we might see the possibilities that lie in front of us. May we hear the cries of those who are in pain – who suffer from the inequities and inequalities that plague our cities and towns. And may we hear the exuberance of those who are inspired by hope and the promise of tomorrow. May this be a day of transformation. May you, our legislators, find ways to connect with one another – to build bridges of cooperation and collaboration that break down the barriers of political isolation and one-upmanship. May every disagreement that occurs in this room be for the sake of a common vision of a path to improve our State – to improve our communities – to improve this sacred chamber – to improve ourselves. May you treat one another with dignity and respect. May you heed God's call to avoid lashon hara – hateful speech – as God teaches that such speech damages the speaker, the hearer, and the person about whom the speaker speaks. God, You have given us the ability to learn and to grow. May we strive to accept the individual gifts that we all bring to our collective work. May we treasure the possibilities that emerge from our deliberations. And may the work that we do bring us one more step closer to the perfection of Your all too imperfect world. Help us to see Your presence wherever we gaze. Forgive us for our weaknesses. Push us to go beyond our limitations. God, help these men and women work together to do the vitally important work of shepherding our great state of New Hampshire toward a path of compassion and wholeness. Heal our divisions. And let us say: Amen.

Rep. June Frazer, member from Concord, led the Pledge of Allegiance.

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

LEAVES OF ABSENCE

Reps. Ronald Belanger, Cynthia Chase, Donovan, Doucette, Emerson, Barbara French, Kellogg, Knowles, Major, Priestley, Chip Rice, Sanders, Stephen Schmidt, Seidel and Douglas Thomas, the day, illness.

Reps. Abramson, Bailey, Baroody, Barry, Bennett, Booras, Bouldin, Duane Brown, Rebecca Brown, Butler, Crawford, DiSilvestro, Fisher, Friel, Fromuth, Gardner, Goulette, Haefner, Hagan, Martha Hennessey, Higgins, Hill, Hirsch, Kenison, McBeath, Milz, Nigrello, William O'Brien, O'Connor, O'Hearne, O'Neil, Oligny, Packard, Piper, Russell, Sad, Marjorie Smith, Suzanne Smith, Timothy Smith, Southworth, Sterling, Stevens, Joe Sweeney, Tamburello, True, Verschueren and Zaricki, the day, important business.

Reps. Cohen and Ferrante, the day, illness in the family.

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

INTRODUCTION OF GUESTS

Hannah Rowe, granddaughter of Rep. Rowe, and Isabel Cullen, students at Souhegan High School, Pages for the day.

Ernest Kastning, guest of Rep. Kuch. Alexander Roubian and Alan Rice, guests of Reps. Hoell and Burt. Stephanie Mills and Patricia Voisy, mother and grandmother of the singer, guests of the Concord Delegation. Andrew Rowe, son of Rep. Rowe. Sarah Jasper, daughter and guest of the Speaker.

SPECIAL GUEST PRESENTATION

The Honorable Jim Gilmore, former Governor of the Commonwealth of Virginia, and 2016 Presidential candidate, addressed the House.

REGULAR CALENDAR CONT'D FROM JANUARY 6, 2016

HB 372, relative to certain private employers under workers' compensation. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John O'Connor for the Majority of Environment and Agriculture. This bill solves a problem for small entrepreneurial farmers who find the need to use occasional or casual labor a few hours a week, perhaps on a weekend, to perform tasks such as overseeing a U-pick plot, harvesting remaining fruit, or picking up pumpkins. Currently, they are required to purchase yearly workers compensation insurance for such labor. This bill allows the farmer/owner to be exempted from this requirement, provided the farmer/owner has an aggregated payroll of less than \$10,000 per year and is covered by a liability insurance policy of not less than \$300,000 and medical payment coverage of not less than \$5,000. Vote 15-2.

Rep. Christy Bartlett for the Minority of Environment and Agriculture. This bill would allow Employers Liability (EL) in place of Workers' Compensation (WC) for small farmers. The issue is whether EL provides adequate coverage for an injured employee in a hazardous job, for which all agree that many farm operations include. EL requires that the injured employee prove negligence on the part of the employer, which could require the hiring of an attorney by the employee. The insurance carrier only represents the interests of the employer and has a limit of liability coverage, above which there would be no additional coverage. WC provides no-fault coverage for medical costs, loss of income, a survivor and death benefit, and re-training if necessary. The insurance carrier handles the claim with the injured employee from the time of notice. Farm operations have many tasks, some of which can be very hazardous and some employees could be quite young. Handling of large animals such as swine, horses, and cows are included in the classification. Operating farm machinery may also be done without a great deal of training for occasional employees. Even small farms have tractors and other equipment, and many small farms do not own new equipment with modern safety features. In addition, there are no monoline Employers Liability insurance carriers. Coverage would only be obtainable as part of a farmowner policy; which, again, is a very limited market in NH with few insurance companies writing this coverage. Many small farmers are unlikely to purchase a farmowners policy due to the increased cost. For little, if any, premium savings, this bill would not adequately protect an injured employee. The limits of an Employers Liability policy may also not protect the assets of the employer/farmer.

MOTION TO LAY ON THE TABLE

Rep. Hinch moved that **HB 372**, relative to certain private employers under workers' compensation, be laid on the table.

Motion adopted.

REGULAR CALENDAR CONT'D

HB 499, permitting New Hampshire farmers to sell certain farm raised animals directly to the public. **OUGHT TO PASS WITH AMENDMENT.**

Rep. George Saunderson for Environment and Agriculture. This bill as amended would enable farmers who raise bison, a species exempt from US Department of Agriculture (USDA) inspection requirements, to put the animal down at the farm, have it butchered at a federally inspected custom exempt facility, and then directly sell the meat to consumers at his or her farm, farm stand, farmers' markets, or to restaurants. Keeping in mind the importance of food safety, the committee thoroughly studied this issue and crafted an amendment that adequately protects the consumers of New Hampshire, while at the same time encouraging the production and accessibility of local food within the state. Vote 15-2.

Amendment (2473h)

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

AN ACT permitting New Hampshire farmers to sell farm-raised bison directly to the public.

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

1 New Paragraph; Food Service Licensure; Exemption; Bison. Amend RSA 143-A:5 by inserting after paragraph VIII the following new paragraph:

IX. A farm owned or operated by any person, firm, or corporation that raises bison and sells bison for human consumption, and the direct sale within this state of the carcasses, parts, meat, and meat food products of such animals to the consumer from such farm, at the producer's farm stand, and by the producer at farmers' markets and licensed restaurants.

2 New Paragraph; Meat Inspection; Exemption; Bison. Amend RSA 427:16 by inserting after paragraph IV the following new paragraph:

V. The slaughter of bison shall be exempt from the provisions of this subdivision requiring inspection of the slaughter of animals and preparation of the carcasses, parts thereof, meat and meat food products for sale within this state to the public. The slaughter of the bison shall be permitted only:

(a) When the owner of the bison designates a slaughter area on the farm premises.

(b) When the bison is slaughtered humanely under RSA 427:33 by the owner or the owner's full time or seasonal employee.

(c) From September 1 to April 30.

(d) When no more than 12 hours passes from the time of slaughter to the placement of the carcass in a refrigerated facility.

(e) When a veterinarian licensed under RSA 332-B conducts an ante-mortem inspection of each bison on the day of slaughter, witnesses the slaughter, conducts a post-mortem inspection of the carcass, and documents his or her inspection in a report on forms provided by the state veterinarian.

(f) When the veterinarian and owner shall make a report of the slaughter which contains the following:

(1) Name, address, phone number of animal owner.

(2) Identification number on animal (to assure same carcass arrives at butcher).

(3) Date, time, location of examination.

(4) Statement that the examination was visual.

(5) Live animal was examined both at rest and in motion.

(6) Ante-mortem examination stating live animal is free from any observed abnormalities, including but not limited to:

(A) No observed lameness, stiffness, abnormal body positions (e.g. tucked abdomen, arched back, extended neck or tail, etc).

(B) No abnormal discharges or odors.

(C) No blisters or vesicles observed.

(D) No abnormal growths, swellings, enlargements, injuries, loss of hair or other skin lesions, infestations (e.g. maggots), labored breathing, diarrhea.

(E) Animal did not appear abnormally nervous or restless, excessively anxious or upset, depressed, disinterested, blind.

(F) Animal did not stagger, circle, head press, salivate excessively, rub or scratch excessively.

(G) Both eyes present and normal.

(7) Post-mortem examination stating carcass is free from any observed abnormalities, including:

(A) Mouth, tongue, eyes appear normal.

(B) Lymph nodes appear normal.

(C) No observed lumps, bumps, growths.

(D) No abnormal odors or discharges.

(E) No adhesions or ongoing infectious processes.

(8) This statement: "A veterinarian licensed to practice in the state shall be held harmless from either criminal or civil liability for any decisions made for services rendered in good faith under the provisions of RSA 427:16, V. Such a veterinarian is, therefore, protected from a lawsuit for his or her part in any illness, product quality failure, or other concern resulting from the products of this animal." Liability for any illness or product quality failure shall rest solely and completely with the animal owner.

(9) A certification by the animal owner that this animal is free from antibiotic, dewormer, and chemical residues, and that the label instructions were followed regarding the withdrawal of such substances.

(10) Signature blocks for both the veterinarian and the animal owner.

(g) When such animal is transported to and processed at a facility that is eligible to conduct custom exempt activities as regulated by the United States department of agriculture pursuant to 21 U.S.C. section 23(a) and associated departmental regulations.

(h) When the owner of the bison shall retain the original copy of the report made in subparagraph (f). A copy of such report shall accompany the bison carcass to the processing establishment. The processing establishment shall retain a copy of the report for one year. For purposes of this paragraph, a processing establishment includes professional meat cutters which are open year round.

(i) If bison meat is ground for sale, then it shall be tested by the processing establishment for *Escherichia coli* and *Salmonella* at the bison owner's expense.

3 New Subdivision; Meat from Bison; Labeling. Amend RSA 143-A by inserting after section 17 the following new subdivision:

Meat from Bison

143-A:18 Labeling; Meat from Bison. All packaging containing carcasses, parts, meat, and meat food products of bison exempt from the requirements of RSA 427 sold by a farm shall be clearly labeled to include a description of the product, the name, address, and telephone number of the farm where the product originates, and the date of slaughter.

143-A:19 Purchase of Uninspected Bison by Licensed Restaurants.

I. A licensed restaurant may purchase uninspected, processed, bison from bison producers exempt from the requirements of RSA 427. All packaging containing uninspected bison shall be clearly labeled to include, but not be limited to, the following information: the name and address of the farm where the product originates and the date of slaughter.

II. For at least 90 days from the date of each purchase, the licensed restaurant shall keep on file the receipt of purchase to include the product purchased, the date of purchase, the name of the producer, the name and address of the farm, and phone number.

III. The licensed restaurant shall clearly label any menu item containing uninspected bison with the following statement: "This product has been raised and processed on a New Hampshire farm and is exempt from state and federal inspection."

4 New Subdivision; Meat from Bison; Labeling. Amend RSA 427 by inserting after section 59 the following new subdivision:

Meat from Bison

427:60 Labeling; Meat from Bison. All packaging containing carcasses, parts, meat, and meat food products of bison exempt from the requirements of RSA 427 sold by a farm shall be clearly labeled to include a description of the product, the name, address, and telephone number of the farm where the product originates, and the date of slaughter.

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

2015-2473h

AMENDED ANALYSIS

This bill allows the sale of bison meat and meat food products to the public.

This bill also describes the inspection process for sellable bison meat.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

MOTION TO SPECIAL ORDER

Rep. A. Christie moved that **HB 475**, prohibiting the state from engaging in acts of civil forfeiture, be made a Special Order immediately following action on HB 636-FN, relative to forfeiture of property, from the Committee on Judiciary.

REGULAR CALENDAR CONT'D

HB 488, relative to an abusive work environment and the health and safety of public employees. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Schmidt for Executive Departments and Administration. This bill establishes a commission to develop a policy for NH state agencies to prevent abusive work environments. Governor Hassan adopted a 'Respect in the Workplace Initiative' in May 2015 designed to ensure that disrespectful behavior is addressed immediately when it is detected. The sponsor and the committee agree that employee conduct is more appropriately addressed by internal policies rather than legislation. Therefore, all agree that this bill is not necessary. Vote 12-0.

Committee report adopted.

HB 533, relative to arc-fault circuit-breaker protection in residential construction. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. J.R. Hoell for the Majority of Executive Departments and Administration. The bill as amended will allow an exception to the electrical code under certain circumstances. Arc fault circuit interrupter (AFCI) devices are designed to disable an electrical circuit that is experiencing electrical arcs. These sensitive devices frequently trip when no fault exists, leading to homeowner frustration or worse, the disabling of critical or life-safety equipment. Unlike ground fault interrupter (GFI) devices, AFCIs can trip when a motor turns on (refrigerator, vacuum, medical equipment, etc.). This bill will grant an exception to the building code in that it allows an electrician to replace an AFCI circuit breaker with a standard breaker when the homeowner is experiencing problems. Replacement can occur only after the integrity of the circuit has been confirmed and the possibility of faults have been eliminated. The bill does not remove the requirement for the installation of AFCI devices from the code, but allows their removal only when problems are being experienced. The bill

requires code enforcement officials to be notified when an AFCI device has been removed. Vote 6-5.

Rep. Peter Schmidt for the Minority of Executive Departments and Administration. This bill deals with a very difficult and subtle issue: how to protect the general public while still allowing for an exception from code requirements in appropriate cases, when working with modern safety developments in electrical technology. The case in point involves the arc-fault circuit interrupter (AFCI), a relatively new electric circuit protection device currently required in new construction in NH. The ED&A Committee heard persuasive testimony relative to an elderly NH resident with severe respiratory problems requiring her to use an oxygen generator, i.e. a clear life-safety issue. Her oxygen device caused frequent nuisance tripping of the AFCI in her bedroom circuit, which resulted in onerous and unacceptable conditions for her to reset the AFCI and continue use of her oxygen generator. As introduced, this bill was unacceptably wide-ranging in the committee's view, but the matter required remediation, as well. An ED&A subcommittee met some 10 times with stakeholders from affected sectors. The minority recognizes the good work of all involved, but believes the issue is best left in the hands of the oversight boards of the relevant trades, which can act with much faster and more expert remedial steps.

Majority Amendment (2515h)

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

AN ACT relative to installation requirements for arc-fault circuit interrupters.

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

1 New Section; New Hampshire Building Code; Installation of Arc-Fault Circuit Interrupters; Exception. Amend RSA 155-A by inserting after section 3-b the following new section:

155-A:3-c Installation of Arc-Fault Circuit Interrupters (AFCI); Exception. Notwithstanding any provision of the state building code or state fire code requiring the installation of arc-fault circuit interrupters, after repeated tripping of an AFCI device and determination the branch circuit is not causing the AFCI to trip, an AFCI device may be replaced with one without AFCI protection in accordance with this section.

I. All receptacle outlets supplied by the branch circuit without AFCI protection shall be marked "No AFCI Protection."

II. Incident reports shall be filed by registered letter or email with a read receipt requested:

(a) By the property owner to all occupants as applicable; and

(b) By the electrician with the electricians' board if he or she is performing the replacement.

III. The time periods for the AFCI device replacement and incident reporting shall be as follows:

(a) The device without AFCI protection shall be permitted to remain in place for the period of time it takes for the manufacturer to resolve the matter.

(b) The incident report shall be postmarked within 5 working days or by email with an electronic read receipt request within 5 working days of replacing the AFCI device.

2 Effective Date. This act shall take effect January 1, 2017.

2015-2515h

AMENDED ANALYSIS

This bill permits an arc-fault circuit interrupter (AFCI) device to be replaced with a device without AFCI protection in certain circumstances.

Majority committee amendment adopted.

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

Rep. Peter Schmidt spoke against.

Rep. Proulx spoke in favor and yielded to questions.

On a division vote, with 204 members having voted in the affirmative and 104 in the negative, the majority committee report was adopted and ordered to third reading.

HB 602-FN, relative to the use of drones. OUGHT TO PASS WITH AMENDMENT.

Rep. Mark Proulx for Executive Departments and Administration. Drones have a number of very reasonable and beneficial uses for the purposes of commerce, law enforcement and government. They are also becoming increasingly popular among hobbyists. In fact, it is estimated that 1 million drones will be sold during the holiday season this year. HB 602 as amended is the first step in codifying some basic drone regulation at the state level. The bill is designed to establish sensible standards for public and private drone users that balance the many social and economic benefits with the need to protect public and private property and individual privacy rights. Vote 12-0.

Amendment (2493h)

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

1 New Chapter; Drones. Amend RSA by inserting after chapter 644 the following new chapter:

CHAPTER 644-A DRONES

644-A:1 Definitions. In this chapter:

- I. "Airspace" means the space above the ground in New Hampshire.
- II. "Automated surveillance" means surveillance employing a mechanical or electronic device, computer or software, including but not limited to facial recognition technology, that functions continuously without continuous input from a human operator.
- III. "Commercial purpose" means to exchange for money, goods or services or to exchange with the intention of directly or indirectly benefiting any business or other undertaking intended for profit.
- IV. "Critical infrastructure" means a petroleum or chemical production, transportation, storage or processing facility; a chemical manufacturing facility; a pipeline and any appurtenance thereto; a wastewater treatment facility; a water treatment facility; a power generating station, plant or substation and any appurtenance thereto; any transmission line that is owned in whole or in part by a utility regulated under state law; a telecommunications central switching office; a flood control, hydroelectric power generation or water supply dam or reservoir; a county, city, or town jail or detention facility, police station or fire station; and any prison, facility, or institution under the control of the department of corrections. The term shall not include any facility or infrastructure of a utility that is located underground.
- V. "Drone" means a powered, aerial vehicle, excluding a geosynchronous satellite, that:
 - (a) Does not carry a human operator;
 - (b) Uses aerodynamic forces to provide vehicle lift;
 - (c) Can fly autonomously or be piloted remotely; and
 - (d) May be expendable or recoverable.
- VI. "Government" means the federal government, the state government and any political subdivisions thereof, and state and municipal agencies and departments, including employees and agents.
- VII. "Image" means a record, including a photograph, of thermal, infrared, ultraviolet, visible light, or other electromagnetic waves; sound waves; odors; or other physical phenomena which captures conditions existing on or about real property or an individual located on that property.
- VIII. "Imaging device" means a mechanical, digital, or electronic viewing device; still camera; camcorder; motion picture camera; or any other instrument, equipment, or format capable of recording, storing, or transmitting an image.
- IX. "Individual" means a living human being.
- X. "Information" means any evidence, images, sounds, or data gathered by a drone.
- XI. "Law enforcement agency" means a lawfully established state, county, or municipal agency that is responsible for the prevention and detection of crime, local government code enforcement, and the enforcement of the criminal laws.
- XII. "Law enforcement officer" means a duly sworn employee of a law enforcement agency who is invested with the power of arrest or the detection of crime.
- XIII. "Person" means individuals, partnerships, limited liability companies, corporations and any other organizations, including for-profit and not-for-profit entities, but excluding government.
- XIV. "Surveillance" means the willful act of tracking or following, while photographing, taking images of, listening to, or making a recording of: (a) a recognizable individual or a group of individuals, including their movements, activities or communications, or (b) motor vehicles identifiable by their license plates. The term does not include such activities on real estate in which a person has a legal interest.

644-A:2 Government Use of Drones Limited; Exceptions.

- I. Except as provided in paragraph II:
 - (a) No government shall use a drone, or obtain, receive, use, or retain information acquired by or through a drone, to engage in surveillance, to acquire evidence, or to enforce laws;
 - (b) No government shall use a drone equipped with an imaging device to record an image of an identifiable individual on privately-owned real property in violation of such individual's reasonable expectation of privacy without his or her consent. For purposes of this subparagraph, an individual is presumed to have a reasonable expectation of privacy on privately-owned real property if he or she (i) is within an enclosed structure or (ii) is not observable by individuals located at ground level in a public place where they have a legal right to be, regardless of whether he or she is observable from the air; and
 - (c) No government shall operate a drone at a height of less than 250 feet over privately-owned real property unless it has the consent of its owner.
- II.(a) Notwithstanding the provisions of paragraph I, a government may use a drone, or obtain, receive, use or retain information acquired by or through a drone, for law enforcement purposes under the following conditions only:
 - (1) If surveillance is undertaken, with the prior consent of the person who is the subject of surveillance and the owner or lessee of the property which is the subject of the surveillance.

(2) If a government first obtains a search warrant signed by a judge and based on probable cause or the use of a drone is pursuant to a legally-recognized exception to the warrant requirement. A search warrant authorizing the use of a drone shall specify the period for which operation of the drone is authorized, which period shall not exceed 10 days unless subsequently renewed by a judge.

(3) If a government possesses reasonable suspicion that, under particular circumstances, swift action is needed to prevent imminent harm to life or serious damage to property, or to forestall the imminent escape of a suspect, or the destruction of evidence, or to assist in locating missing, abducted or lost individuals, hunters or hikers, or to rescue persons in natural disasters, injured persons or persons in need of medical assistance.

(4) To counter a high risk of a terrorist attack or incident by a specific individual or organization which the United States Department of Homeland Security determines that credible intelligence indicates that there is such a risk.

(5) To increase situational awareness in understanding the nature, scale, and scope of an incident which has occurred and for planning and coordinating an effective and legal response, provided the incident is limited geographically and in time.

(6) To support the tactical deployment of law enforcement personnel and equipment in emergency situations.

(7) To document a specific crime scene, traffic crash scene or other major incident scene, such as a disaster caused by natural or human activity, provided such documentation is conducted in a geographically confined and time-limited manner.

(8) For purposes of training law enforcement officers or others in the proper, safe, and legal use of drones.

(b) A government which uses a drone, or obtains, receives, uses or retains information acquired by or through a drone, pursuant to paragraph II may do so only if (i) specifically authorized by the chief law enforcement officer of a law enforcement agency, or a supervisor designated by the chief law enforcement officer, (ii) is not operated in an unsafe manner and (iii) is not operated in violation of United States Federal Aviation Administration regulations.

(c) The use of a drone by a government under subparagraphs II(a)(4) shall be limited to a period of 48 hours of its initial use after which a search warrant or other court order signed by a judge shall be required. The use of a drone by a government under subparagraphs II(a)(5)-(8) shall be limited to a period of 48 hours of its initial use after which reauthorization shall be required

(d) Within 5 business days of the initiation of the use of a drone under paragraph II(a), the government shall report in writing the use of a drone to the attorney general who shall annually post such reports on the department of justice website in a searchable format.

III. Unless the fact of a violation is being disputed, information obtained by a government in violation of paragraphs I and II shall, within 12 hours after the discovery of the violation, be permanently and irretrievably destroyed, shall not be transferred to another government or person, shall not be admissible in any judicial or administrative proceeding and shall not be used to establish reasonable suspicion or probable cause to believe that an offense has been committed.

IV. Images of identifiable individuals obtained by a government pursuant to paragraphs I or II shall be blurred, deleted or otherwise de-identified as soon as practicable but in any case within 30 days after being obtained unless such images may be evidence in a criminal investigation.

V. No government shall own, use, or exercise control over a drone that is equipped with any kind of lethal or non-lethal weapon.

VI. Notwithstanding paragraph V, a law enforcement agency may use a drone to disperse lachrymatory agents to quell a violent mass civil disorder or riot as defined in RSA 644:1 where:

(a) The purpose of the use of the chemical agent is to disperse the crowd and the use of other lesser forms of force have been exhausted, are unavailable, or would be clearly ineffective;

(b) The agency has obtained a court order authorizing its use or there is such an imminent or ongoing threat to life, serious bodily injury, arson, ongoing looting, or substantial damage to property that exigent circumstances require immediate action to prevent further serious harm that would be reasonably likely to occur in the time that it would take to obtain a court order;

(c) The crowd has ignored, failed, or refused to disperse after being given a lawful order to disperse or withdraw given immediately prior to the use of the chemical agent;

(d) The wind speed and direction and other climatic conditions are such that it is likely the dispersion of the chemical agent will be confined to the immediate area of the riot or illegal gathering, time has been provided for the crowd to disperse, and the effect of chemical agent on uninvolved persons who might experience an abnormally adverse reaction to the agent is taken into consideration; and

(e) The dispersal method used by a drone is restricted to powder or aerosol form and shall not include tear gas projectiles, canisters, or barricade piercing projectiles fired into rioters from the air.

VII. A government that owns, uses, or exercises control over a drone that causes injury to a person or a person's property shall be liable for such injury.

VIII. A government that owns, uses, or exercises control over one or more drones shall annually on July 1 submit a written or electronic report to the attorney general containing information on the number of such drones, the number of times each such drone was used during the prior year and, in general terms, the purpose of each such use. The attorney general shall annually post such reports on the department of justice website in a searchable format.

644-A:3 Non-government Use of Drones Limited; Exceptions.

I. No person shall use a drone to engage in automated surveillance.

II. No person shall use a drone to engage in surveillance for commercial purposes without the prior consent of each affected person and each owner or possessor of affecting buildings or structures or parts thereof. It shall not be a defense to a charge of violating this chapter that the buildings or structures were not marked with a no-trespassing sign or similar notice.

III. No person shall use a drone equipped with an imaging device to record an image of an identifiable individual on privately-owned real property in which the person does not have a legally-recognized interest in violation of such individual's reasonable expectation of privacy without his or her consent. For purposes of this subparagraph, an individual is presumed to have a reasonable expectation of privacy on privately-owned real property if he or she (i) is within an enclosed structure or (ii) is not observable by individuals located at ground level in a public place where they have a legal right to be, regardless of whether he or she is observable from the air.

IV. No person shall:

(a) Operate a drone within a horizontal distance of 500 feet or a vertical distance of 400 feet from critical infrastructure without the written consent of the owner of the critical infrastructure;

(b) Allow a drone to make contact with critical infrastructure facility, including any individual or object on the premises of or within the critical infrastructure; or

(c) Allow a drone to come within a distance of a critical infrastructure facility that is close enough to interfere with the operations of or cause a disturbance to the facility or its occupants.

V. No person shall own, use, or exercise control over a drone that is equipped with any kind of lethal or non-lethal weapon. This prohibition shall not apply to a person who is a federal government military contractor using or exercising control over a drone which is equipped with a non-lethal weapon and which is flying over real property in which the person has a legal interest.

VI. Any person that owns, uses, or exercises control over a drone in this state that causes injury to a person or a person's property shall be liable for the injury.

VII. No person shall use a drone to harass or stalk another person.

VIII. No person shall operate a drone at a height of less than 250 feet over privately-owned real property unless the person has the consent of its owner.

644-A:4 Airport Prohibition. No government or person shall operate a drone within 5 miles of any airport in this state in a manner that does not comply with relevant federal law and Federal Aviation Administration regulations and guidelines in effect at the time.

644-A:5 Identification. Each owner of a drone shall identify the drone with the owner's name, address and telephone number in permanent ink in a font size not less than 12 picas.

644-A:6 General Prohibition. Except as otherwise provided in this chapter, no government shall use an imaging device to record an image of an identifiable individual on privately-owned real property in violation of such individual's reasonable expectation of privacy without his or her consent, nor shall any person use an imaging device to record an image of an identifiable individual on privately-owned real property in which the person does not have a legally-recognized interest in violation of such individual's reasonable expectation of privacy without his or her consent. For purposes of this subparagraph, an individual is presumed to have a reasonable expectation of privacy on privately-owned real property if he or she (i) is within an enclosed structure or (ii) is not observable by individuals located at ground level in a public place where they have a legal right to be, regardless of whether he or she is observable from the air.

644-A:7 Federal Preemption. If federal law preempts any provision of this chapter, that provision shall not apply.

644-A:8 Construction. This chapter shall be construed to provide the greatest possible protection of the privacy of the people of this state. Nothing in this chapter shall be construed to impose liability in connection with newsgathering activity.

644-A:9 Penalties.

I. A government employee or agent who violates RSA 644-A:2, other than the reporting requirements in 644-A:2, II(c) and 644-A:2, VIII, shall be guilty of a class A misdemeanor. A government employee or agent who violates the reporting requirements in RSA 644-A:2, II(c) or 644-A:2, VIII shall be guilty of a violation for a first offense and a misdemeanor for any subsequent offense.

II. A government which violates RSA 644-A:2 may be subject to a civil penalty of up to \$10,000 which shall be deposited in the general fund of the state.

III. A person who suffers damages or injury caused by a government's use of a drone pursuant to this chapter may bring a civil action to recover actual damages which shall be limited to medical expenses, treatment, and rehabilitation, property damage, permanent physical impairment, court costs, and reasonable attorney's fees from the government. No claim for pain and suffering, emotional distress, mental anguish, disfigurement, loss of enjoyment, loss of companionship, services, or consortium, or other non-pecuniary losses shall be compensable under this chapter. This paragraph shall not be construed as a waiver of the sovereign immunity of the state.

IV. A person who violates RSA 644-A:3, I-VII shall be guilty of a class A misdemeanor.

V. Any person who suffers injury caused by a drone operated in violation of this chapter shall be entitled to damages from the person who committed the violation of not less than \$1,000 and an award of reasonable attorney fees.

VI. In addition to any other remedies allowed by law, a person who willfully gains unauthorized control over a drone shall be liable to the owner of the drone in an amount of not less than \$1,000 and an award of reasonable attorney fees.

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

2015-2493h

AMENDED ANALYSIS

This bill regulates the use of drones by government agencies and individuals. It establishes criminal penalties and civil remedies for violations of the law.

Committee amendment adopted.

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

Rep. Hoell spoke against.

Rep. Kurk spoke in favor and yielded to questions.

Rep. Edwards requested a roll call; sufficiently seconded.

YEAS 246 – NAYS 66

YEAS - 246

BELKNAP

Dumais, Russell
Gallagher, Brian

Fields, Dennis
LeBreche, Shari

Flanders, Donald
Tilton, Franklin

Fraser, Valerie

CARROLL

Buco, Thomas
McCarthy, Frank
Ticehurst, Susan

Chandler, Gene
McConkey, Mark
Umberger, Karen

Comeau, Ed
Nelson, Bill

Cordelli, Glenn
Parker, Harold

CHESHIRE

Abbott, Michael
Johnsen, Gladys
Pearson, William
Tatro, Bruce

Ames, Richard
Ley, Douglas
Roberts, Kris
Tilton, Benjamin

Berch, Paul
Mann, John
Robertson, Timothy
Weber, Lucy

Bordenet, John
Parkhurst, Henry
Shepardson, Marjorie

COOS

Fothergill, John
Richardson, Herbert
Thomas, Yvonne

Froburg, Alethea
Rideout, Leon

Moynihan, Wayne
Theberge, Robert

Rappaport, Laurence
Tholl, John

GRAFTON

Abel, Richard
Darrow, Stephen
Ladd, Rick
Shackett, Jeffrey

Almy, Susan
Ford, Susan
Maes, Kevin
Sykes, George

Brown, Chris
Gionet, Edmond
Massimilla, Linda
Townsend, Charles

Cooney, Mary
Hennessey, Erin
Nordgren, Sharon
White, Andrew

HILLSBOROUGH

Backus, Robert
Boehm, Ralph
Coffey, James
Ferreira, Elizabeth
Gagne, Larry
Gould, Linda
Hansen, Peter
Hinck, Richard
Jack, Martin
Long, Patrick
McNamara, Richard

Balcom, John
Brown, Pamela
Cornell, Patricia
Flanagan, Jack
Gargasz, Carolyn
Griffin, Barbara
Harvey, Suzanne
Hogan, Edith
Kurk, Neal
Mangipudi, Latha
O'Brien, Michael

Beaulieu, Jane
Byron, Frank
Cote, David
Forest, Armand
Goley, Jeffrey
Guerette, C. Lee
Heath, Mary
Hopper, Gary
LeBrun, Donald
Manley, Jonathan
Ober, Lynne

Belanger, James
Christensen, Chris
Danielson, David
Freitas, Mary
Gorman, Mary
Hansberry, Daniel
Herbert, Christopher
Infantine, William
Leishman, Peter
McCarthy, Peggy
Ober, Russell

Ohm, Bill
 Peterson, Ken
 Rice, Kimberly
 Rowe, Robert
 Shaw, Barbara
 Straight, Phillip
 Ulery, Jordan
 Wolf, Terry

Palmer, Barry
 Pierce, David
 Roberts, Carol
 Sanborn, Laurie
 Smith, Gregory
 Sullivan, Daniel
 Vann, Ivy
 Woodbury, David

Parison, James
 Porter, Marjorie
 Rosenwald, Cindy
 Scontsas, Lisa
 Snow, Kendall
 Takesian, Charlene
 Walsh, Robert

Pellegrino, Anthony
 Proulx, Mark
 Rouillard, Claire
 Shattuck, Gilman
 Soucy, Timothy
 Twombly, Timothy
 Williams, Kermit

MERRIMACK

Alicea, Caroletta
 Deloge, Helen
 French, Harold
 Karrick, David
 Long, Douglas
 Moffett, Howard
 Ratzki, Mario
 Shurtleff, Stephen

Bartlett, Christy
 Doherty, David
 Gile, Mary
 Kidder, David
 Luneau, David
 Myler, Mel
 Rogers, Katherine
 Turcotte, Alan

Bradley, Paula
 Ebel, Karen
 Henle, Paul
 Kotowski, Frank
 MacKay, James
 Parent, Jason
 Saunderson, George
 Wallner, Mary Jane

Carson, Clyde
 Frazer, June
 Horn, Werner
 Kuch, Bill
 Marple, Richard
 Patten, Dick
 Schuett, Dianne
 Walsh, Thomas

ROCKINGHAM

Abrami, Patrick
 Berrien, Skip
 Chase, Francis
 DeSimone, Debra
 Emerick, J. Tracy
 Gordon, Richard
 Harris, Jeffrey
 Katsakiores, Phyllis
 Manning, John
 Pantelakos, Laura
 Rice, Frederick
 Sytek, John
 Ward, Joanne
 Woitkun, Steven

Allen, Mary
 Borden, David
 Christie, Andrew
 Devine, James
 Fesh, Robert
 Green, Dennis
 Heffron, Frank
 Kolodziej, Walter
 Matthews, Carolyn
 Peckham, Michele
 Schroadter, Adam
 Tilton, Rio
 Webb, James

Azarian, Gary
 Cahill, Michael
 Cook, Allen
 DiFranco, Debbie
 Francese, Paula
 Griffin, Mary
 Hoelzel, Kathleen
 Lovejoy, Patricia
 McKinney, Betsy
 Potucek, John
 Sherman, Thomas
 Vose, Michael
 Welch, David

Barnes, Arthur
 Cardon, G. Thomas
 Cushing, Robert
 Elliott, Robert
 Gordon, Pamela
 Guthrie, Joseph
 Introne, Robert
 Lundgren, David
 Moody, Marcia
 Prudhomme-O'Brien, Katherine
 Simpson, Alexis
 Ward, Gerald
 Weyler, Kenneth

STRAFFORD

Baber, William
 Burton, Wayne
 Graham, Robert
 Mullen, John
 Spang, Judith
 Sullivan
 Cloutier, John
 Irwin, Virginia
 Schmidt, Andrew

Beaudoin, Steven
 Cheney, Catherine
 Gray, James
 Pitre, Joseph
 Sprague, Dale

 Gagnon, Raymond
 Laware, Thomas
 Smith, Steven

Bickford, David
 Cilley, Jacalyn
 Kaen, Naida
 Rollo, Deanna
 Sprague, Susan

Bixby, Peter
 DiSesa, Len
 Leeman, Don
 Schmidt, Peter
 Wall, Janet

Grenier, James
 Rollins, Skip

NAYS - 66

BELKNAP

Aldrich, Glen
 Sylvia, Michael

Howard, Jr., Raymond
 Vadney, Herbert

Hurt, George

Spanos, Peter

CARROLL

Avellani, Lino

Wright, Ted

CHESHIRE

Eaton, Daniel

Hunt, John

McConnell, James

Phillips, Larry

GRAFTON

Hull, Robert

Johnson, Eric

HILLSBOROUGH

Ammon, Keith
 Christie, Rick
 Estevez, Eric
 Marston, Dick
 Murotake, David
 Sullivan, Victoria

Biggie, Barbara
 Eastman, Eric
 Gidge, Kenneth
 McClarren, Donald
 Murphy, Keith

Burt, John
 Edelblut, Frank
 Halstead, Carolyn
 McLean, Mark
 Notter, Jeanine

Christiansen, Lars
 Edwards, Elizabeth
 Lachance, Joseph
 Moore, Josh
 Simmons, Tammy

MERRIMACK

Brewster, Michael
 McGuire, Dan

Hoell, J.R.
 Seaworth, Brian

Martin, John
 Wheeler, Deborah

McGuire, Carol

ROCKINGHAM

Baldasaro, Alfred
Chirichiello, Brian
Hodgdon, Bruce
Osborne, Jason

Bates, David
Dean-Bailey, Yvonne
Itse, Daniel
Spillane, James

Bush, Carol
Duarte, Joe
Kappler, Lawrence
Tasker, Kyle

Cali-Pitts, Jacqueline
Gannon, William
McMahon, Charles

STRAFFORD

DeLemus, Susan
Jones, Laura

Groen, Warren
Kaczynski, Jr., Thomas

Hannon, Joseph
Turcotte, Leonard

Horrigan, Timothy
Wuelper, Kurt

SULLIVAN

Converse, Larry

and the committee report was adopted and referred to the Committee on Criminal Justice and Public Safety.

SPECIAL ORDER

HB 240, prohibiting law enforcement agencies from using a drone to collect evidence. **OUGHT TO PASS.** Rep. Arthur Barnes for Criminal Justice and Public Safety. This bill prohibits the use of drones to obtain evidence unless authorized in certain circumstances. The first exception is to counter a high-risk of a terrorist attack. The second exception is where a law enforcement agency first obtains a search warrant. The third exception is where a law enforcement agency has reasonable suspicion that swift action is needed to prevent imminent danger to life, serious danger to property, forestall the imminent escape of a suspect or destruction of evidence, or to facilitate the search for a missing person. Vote 15-2.

MOTION TO LAY ON THE TABLE

Rep. Tholl moved that HB 240, prohibiting law enforcement agencies from using a drone to collect evidence, be laid on the table.

Motion adopted.

REGULAR CALENDAR CONT'D

HB 661-FN, relative to record keeping for sold or transferred animals. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew Christie for the Majority of Executive Departments and Administration. This bill deals with reporting requirements for animal shelters and for animals transported into NH. As originally presented, the bill would have required very detailed records to be kept on each transferred animal. It met with a great deal of opposition as that level of detail was felt to be unnecessary and burdensome by those in the industry. Over the summer, a subcommittee worked on the bill and got agreement by all interested parties that NH would use a standard grid sheet for reporting as is used in many other states. The amendment adds this to the law and also places the responsibility for the custody and storage of reports submitted to the state with the Department of Agriculture, Markets and Food as part of the license renewal process. Vote 6-5.

Rep. J.R. Hoell for the Minority of Executive Departments and Administration. The committee amendment rewrites the bill in its entirety and now addresses animals going into and out of shelters. The second and third sections of the amendment also make clerical corrections to RSA 437:1 and 437:10. However, the committee amendment does not address the fact that the current law is so broad that a family which ends up with a pregnant animal, and subsequently a litter of dogs or cats, cannot sell them to good homes without breaking the law. The minority believes that if we are going to make changes to RSA 437, we should correct the overly broad definitions and write the statute so that it covers those in the business of raising and selling animals and does not prohibit the family who finds themselves with a pregnant animal, or who wants to breed their animal to have some additional pets.

Majority Amendment (2508h)

Amend the bill by replacing the title with the following:

AN ACT relative to record keeping for sold or transferred animals and making certain technical corrections to the law governing the sale or transfer of animals.

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

1 New Section; Record Keeping; Licensed Animal Shelters. Amend RSA 437 by inserting after section 8 the following new section:

437:8-a Record Keeping; Licensed Animal Shelters.

I. Each licensee shall compile and keep on its premises a record of the total number of dogs and cats admitted, including animals in shelter and animals admitted but currently in foster care or at another offsite facility, in a reporting period specified with beginning and ending dates for the animal count. The total number shall be subdivided by dog and cat and further divided into the number of adults at time of intake and the number up to 5 months old at time of intake, with these numbers further divided into the following classifications:

(a) The total number of live animals admitted, subdivided into the following categories: stray or at-large admitted through animal control or stated to be without an owner or free-roaming; relinquished or otherwise admitted by owner; owner-intended euthanasia, meaning the admission of an animal whose owner brought the animal to the shelter with the intent of requesting euthanasia; transferred from another shelter; transferred from out of state; large scale seizure support, or other purposes; and other intakes, including impounds for cruelty cases and protective custody, pets born while in care, and other types of admission not otherwise covered by these categories;

(b) The subtotal of live outcomes for the animals, further subdivided into the following categories: final adoption, meaning permanently left the shelter's possession and not including animals placed in foster care or on overnight trial stays; stray or owner-relinquished animal returned to owner; transferred out of the shelter's possession to another entity; returned to field, meaning returning, after altering, to the stray capture location as free-roaming animals; and other live outcomes, such as barn cat programs;

(c) The subtotal of other outcomes for the animals, further subdivided into the following categories: died in care while sheltered; lost in care, meaning the outcome is unknown, such as due to escape or to not being recorded and unknown; all euthanasia other than that performed as owner-intended euthanasia; and owner-intended euthanasia, meaning only those animals whose owners brought them to the shelter with the intent of using euthanasia services; and

(d) The total outcomes, combining the subtotals for live and other outcomes.

II. For animals transported into New Hampshire for the purpose of sale or transfer, the following information shall be provided to the department of agriculture, markets, and food whether the originator source was a licensed animal shelter, or breeding facility:

(a) The original source for each animal, to include state and city of origin, and name and license number of organization sending animal to New Hampshire.

(b) The method of transport: the name and license number under RSA 437:3 of the person or organization which transported the animal to New Hampshire, and of the licensed organization that accepted the animal for further sale, adoption, or transfer.

(c) For how long, and where, the animal was kept quarantined in New Hampshire prior to being offered for sale, adoption, or transfer, as required under RSA 437:10, V.

(d) If the animal was dead on arrival, the likely cause of death.

III. Each licensee shall submit records, as described in this section, to the department of agriculture, markets, and food, annually as part of its license renewal application. The department shall store such records described in this section for a period of 3 years. The department shall make this information available to the public on its website, as soon as practicable upon receipt of such records.

2 Technical Correction. Amend RSA 437:1 to read as follows:

437:1 License Required. No person, firm, corporation or other entity shall engage in the business of transferring with or without a fee or donation required, to the public, live animals or birds customarily used as household pets unless the premises on which they are housed, harbored or displayed for such purposes are duly licensed and inspected by the department of agriculture, markets, and food of the state of New Hampshire. This section shall also apply to commercial kennels and to any person, firm, corporation, or other entity engaged in the business of, including activity as a broker, transferring live animals or birds customarily used as household pets for transfer to the public, with or without a fee required, and whether or not a physical facility is owned by the licensee in New Hampshire when transfer to the final owner occurs within New Hampshire. These provisions shall not ~~[effect]~~ **affect** the provisions of RSA 437:7.

3 Technical Correction. Amend RSA 437:10, II to read as follows:

II. The original of the official health certificate accompanying the dog, cat, or ferret offered for transfer by a licensee shall be kept on the premises where dogs, cats, and ferrets are displayed, and made available for inspection upon request. The public will be informed of ~~[their]~~ **its** right to inspect the health certificate for each dog, cat, or ferret by a sign prominently displayed in the area where the dogs, cats, or ferrets are displayed. Upon transfer of the dog, cat, or ferret, this health certificate shall be updated by the licensee if any other medication or treatment has been given by a licensed veterinarian or the licensee to the dog, cat, or ferret and shall be given to the transferee in addition to any other documents which are customarily delivered to the transferee. The transferee may accept a dog, cat, or ferret that has a noncontagious illness that has caused it to fail its examination by a licensed veterinarian for an official health certificate under paragraph I; the transferee shall sign a waiver that indicates the transferee has knowledge of the dog, cat, or ferret's noncontagious medical condition and then submit such waiver to the licensee who shall send a copy to the state veterinarian.

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

2015-2508h
AMENDED ANALYSIS

This bill requires licensed animal transferors to keep certain records and submit copies of such records to the department of agriculture, markets and food.

This bill also makes technical corrections to the statutes regarding animal transfers.
Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
On a division vote, with 158 members having voted in the affirmative and 151 in the negative, the majority committee report was adopted and ordered to third reading.

SB 58, relative to the United States flag worn as a patch. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Mark Proulx for the Majority of Executive Departments and Administration. This bill prohibits the uniforms of all state and local law enforcement, fire and first responder personnel in New Hampshire from wearing a “reverse image” of the US flag on their uniforms. The “reverse image” flag patch was adopted by the US Army as a symbol of respect for the flag. The Army uniform guide requires a flag patch on the right shoulder sleeve of a uniform to be worn so that the star field faces forward giving “the effect of the flag flying in the breeze as the wearer moves forward.” This is meant to ensure that the flag always appears to be advancing rather than retreating. Although the US Flag Code requires specific orientations for a flag in public display, it does not specify how it must be oriented when affixed to a military, fire, or police uniform. The committee is not aware of any analysis of the number of flag patches that would have to be replaced if this bill is adopted. Vote 8-3.

Rep. J.R. Hoell for the Minority of Executive Departments and Administration. The bill simply sets a standard for the wearing of flags by state and municipal personnel. The minority of the committee finds the use of a backward American flag on military uniforms to be contrary to, and in violation of the US Flag Code, Title 4, Subsections 7, 8 and 10. Under these sections, the display of the flags is meticulously outlined and never allows for the symbol of our country to be displayed backward anywhere. Furthermore, we believe that in 2005 the Secretary of the Army overstepped his authority in ordering the display of a backward flag to be affixed to the US Army uniform. While adding a true representation of the American flag to a military uniform is allowed under the Flag Code, a backward flag is not. Under US Constitution, article 10 (States Rights), NH has the authority to make laws that state employees wear the proper American Flag on their uniform. This complies with state law since we adopted the US Flag Code, sections 1-10 as the state Flag Code in 2011 (RSA 3-E). Lastly, the state has the authority to set basic guidelines for uniforms that are worn by state and municipal employees. This bill does not impact the private citizens of the state in any manner and therefore the argument that this bill violates First Amendment rights is unfounded.

Majority committee report adopted.

HB 376-FN-A, appropriating funds to the department of environmental services for the purpose of funding eligible and completed drinking water, wastewater, and landfill closure projects under the state aid grant program. **INEXPEDIENT TO LEGISLATE.**

Rep. J. Tracy Emerick for Finance. This bill was intended to (a) replace funds for eligible and completed drinking water, wastewater and landfill closure projects under the state aid grant program that DES removed from their budget to meet the Governor’s cuts in FY15 budget and (b) to provide funding for the 16/17 biennium. HB 1 included full funding for such projects for FY16 and FY17, plus a footnote was written on that line to prohibit the governor from raiding that line to pay for other programs, thus ensuring that towns would get their 2016 and 2017 allocation. The governor did not choose to budget replacement money for the FY15 cuts. However, those cuts did not eliminate funding; instead municipalities eligible for the grants remain on the list and are to receive the grants in the current FY16-FY17 budget period. When the governor cut the monies from FY15, it extended the life of the payments as opposed to reducing the amount owed. The committee recommends ITL for two reasons: it is unnecessary because the majority of the monies were budgeted in the passed version of HB 1, and if OTP it would require retroactive opening of the last budget to restore the monies cut from FY15. Because municipalities will eventually get all monies owed to them, the committee decided to support the governor’s decision not to retroactively pay the FY15 monies. Vote 15-10.

Rep. Lynne Ober spoke in favor.

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

YEAS 184 – NAYS 130

**YEAS - 184
BELKNAP**

Aldrich, Glen
Fraser, Valerie
LeBreche, Shari
Tilton, Franklin

Dumais, Russell
Gallagher, Brian
Luther, Robert
Vadney, Herbert

Fields, Dennis
Howard, Jr., Raymond
Spanos, Peter

Flanders, Donald
Hurt, George
Sylvia, Michael

CARROLL

Avellani, Lino
McCarthy, Frank
Umberger, Karen

Chandler, Gene
McConkey, Mark
Wright, Ted

Comeau, Ed
Nelson, Bill

Cordelli, Glenn
Parker, Harold

CHESHIRE

Hunt, John

McConnell, James

Roberts, Kris

Tilton, Benjamin

COOS

Fothergill, John
Tholl, John

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Darrow, Stephen
Ingbretson, Paul

Gionet, Edmond
Johnson, Eric

Hennessey, Erin
Ladd, Rick

Hull, Robert
Shackett, Jeffrey

HILLSBOROUGH

Ammon, Keith
Boehm, Ralph
Coffey, James
Estevez, Eric
Gould, Linda
Hinch, Richard
Kurk, Neal
McClarren, Donald
Murphy, Keith
Ohm, Bill
Peterson, Ken
Rouillard, Claire
Smith, Gregory
Takesian, Charlene

Balcom, John
Burt, John
Danielson, David
Ferreira, Elizabeth
Griffin, Barbara
Hogan, Edith
Lachance, Joseph
McLean, Mark
Notter, Jeanine
Palmer, Barry
Pierce, David
Rowe, Robert
Souza, Kathleen
Twombly, Timothy

Belanger, James
Byron, Frank
Eastman, Eric
Flanagan, Jack
Halstead, Carolyn
Hopper, Gary
LeBrun, Donald
Moore, Josh
Ober, Lynne
Parison, James
Proulx, Mark
Scotsas, Lisa
Straight, Phillip
Ulery, Jordan

Biggie, Barbara
Christie, Rick
Edelblut, Frank
Gagne, Larry
Hansen, Peter
Infantine, William
Marston, Dick
Murotake, David
Ober, Russell
Pellegrino, Anthony
Rice, Kimberly
Simmons, Tammy
Sullivan, Victoria
Wolf, Terry

MERRIMACK

Brewster, Michael
Kidder, David
Marple, Richard
Parent, Jason

French, Harold
Kotowski, Frank
Martin, John
Seaworth, Brian

Hoell, J.R.
Kuch, Bill
McGuire, Carol
Walsh, Thomas

Horn, Werner
Long, Douglas
McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Barnes, Arthur
Chase, Francis
Dean-Bailey, Yvonne
Elliott, Robert
Gordon, Richard
Harris, Jeffrey
Itse, Daniel
Lundgren, David
McMahon, Charles
Prudhomme-O'Brien, Katherine
Tasker, Kyle
Webb, James

Allen, Mary
Bates, David
Chirichiello, Brian
DeSimone, Debra
Emerick, J. Tracy
Green, Dennis
Hodgdon, Bruce
Kappler, Lawrence
Manning, John
Osborne, Jason
Rice, Frederick
Tilton, Rio
Welch, David

Azarian, Gary
Bush, Carol
Christie, Andrew
Devine, James
Fesh, Robert
Griffin, Mary
Hoelzel, Kathleen
Katsakiores, Phyllis
Matthews, Carolyn
Peckham, Michele
Spillane, James
Vose, Michael
Weyler, Kenneth

Baldasaro, Alfred
Cardon, G. Thomas
Cook, Allen
Duarte, Joe
Gannon, William
Guthrie, Joseph
Introne, Robert
Kolodziej, Walter
McKinney, Betsy
Potucek, John
Sytek, John
Ward, Joanne
Woitkun, Steven

STRAFFORD

Beaudoin, Steven
Graham, Robert
Jones, Laura
Pitre, Joseph

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

Cheney, Catherine
Groen, Warren
Leeman, Don
Wuelper, Kurt

DeLemus, Susan
Hannon, Joseph
Mullen, John

SULLIVAN

Grenier, James
Smith, Steven

Laware, Thomas

Rollins, Skip

Schmidt, Andrew

NAYS - 130**CARROLL**

Buco, Thomas

Ticehurst, Susan

CHESHIRE

Abbott, Michael
Eaton, Daniel
Parkhurst, Henry
Shepardson, Marjorie

Ames, Richard
Johnsen, Gladys
Pearson, William
Tatro, Bruce

Berch, Paul
Ley, Douglas
Phillips, Larry
Weber, Lucy

Bordenet, John
Mann, John
Robertson, Timothy

COOS

Froburg, Alethea

Moynihan, Wayne

Theberge, Robert

Thomas, Yvonne

GRAFTONAbel, Richard
Ford, Susan
Sykes, GeorgeAlmy, Susan
Maes, Kevin
Townsend, CharlesBrown, Chris
Massimilla, Linda
White, AndrewCooney, Mary
Nordgren, Sharon**HILLSBOROUGH**Backus, Robert
Christiansen, Lars
Forest, Armand
Gorman, Mary
Heath, Mary
Long, Patrick
McNamara, Richard
Rosenwald, Cindy
Snow, Kendall
Walsh, RobertBeaulieu, Jane
Cornell, Patricia
Freitas, Mary
Guerette, C. Lee
Herbert, Christopher
Mangipudi, Latha
O'Brien, Michael
Sanborn, Laurie
Soucy, Timothy
Williams, KermitBrown, Pamela
Cote, David
Gidge, Kenneth
Hansberry, Daniel
Jack, Martin
Manley, Jonathan
Porter, Marjorie
Shattuck, Gilman
Sullivan, Daniel
Woodbury, DavidChristensen, Chris
Edwards, Elizabeth
Goley, Jeffrey
Harvey, Suzanne
Leishman, Peter
McCarthy, Peggy
Roberts, Carol
Shaw, Barbara
Vann, Ivy**MERRIMACK**Alicea, Caroletta
Deloge, Helen
Gile, Mary
MacKay, James
Ratzki, Mario
Shurtleff, StephenBartlett, Christy
Doherty, David
Henle, Paul
Moffett, Howard
Rogers, Katherine
Turcotte, AlanBradley, Paula
Ebel, Karen
Karrick, David
Myler, Mel
Saunderson, George
Wallner, Mary JaneCarson, Clyde
Frazer, June
Luneau, David
Patten, Dick
Schuett, Dianne
Wheeler, Deborah**ROCKINGHAM**Berrien, Skip
Cushing, Robert
Heffron, Frank
Schroadter, AdamBorden, David
DiFranco, Debbie
Lovejoy, Patricia
Sherman, ThomasCahill, Michael
Francesce, Paula
Moody, Marcia
Simpson, AlexisCali-Pitts, Jacqueline
Gordon, Pamela
Pantelakos, Laura
Ward, Gerald**STRAFFORD**Baber, William
DiSesa, Len
Schmidt, Peter
Wall, JanetBixby, Peter
Horriggan, Timothy
Spang, JudithBurton, Wayne
Kaen, Naida
Sprague, DaleCilley, Jacalyn
Rollo, Deanna
Treleaven, Susan**SULLIVAN**Cloutier, John
Irwin, VirginiaConverse, Larry
Oxenham, Lee

Gagnon, Raymond

Gottling, Suzanne

and the committee report was adopted.

HB 500, repealing the prohibition on the use of silencing devices for taking wildlife. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James Spillane for the Majority of Fish and Game and Marine Resources. This bill brings New Hampshire in line with the hunting laws in a majority of the states, as 37 states currently allow the use of suppressors when hunting. Maine has just joined the ranks of those allowing use. This bill will allow hunters to prevent irreparable hearing damage and cut down on noise complaints. Vote 7-5.

Rep. Jonathan Manley for the Minority of Fish and Game and Marine Resources. Many groups are against this bill including the Department of Fish and Game, NH Timberland Owners Association, NH Guides Association, and many landowners. Those who favor it claim it would help protect hearing, but there are other devices that can adequately serve this function.

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

Rep. Manley spoke against and yielded to questions.

Rep. Burt spoke in favor and yielded to questions.

Rep. Notter requested a roll call; sufficiently seconded.

YEAS 184 – NAYS 124**YEAS - 184
BELKNAP**Aldrich, Glen
Howard, Jr., Raymond
Sylvia, MichaelDumais, Russell
Hurt, George
Tilton, FranklinFraser, Valerie
LeBreche, Shari
Vadney, HerbertGallagher, Brian
Luther, Robert

CARROLL

Avellani, Lino
McConkey, Mark

Chandler, Gene
Umberger, Karen

Comeau, Ed
Wright, Ted

McCarthy, Frank

CHESHIRE

Hunt, John

McConnell, James

Phillips, Larry

COOS

Fothergill, John
Theberge, Robert

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Darrow, Stephen
Ingbretson, Paul

Gionet, Edmond
Johnson, Eric

Hennessey, Erin
Ladd, Rick

Hull, Robert
White, Andrew

HILLSBOROUGH

Ammon, Keith
Biggie, Barbara
Christensen, Chris
Eastman, Eric
Forest, Armand
Goley, Jeffrey
Halstead, Carolyn
Hopper, Gary
Long, Patrick
McLean, Mark
Notter, Jeanine
Palmer, Barry
Proulx, Mark
Sanborn, Laurie
Smith, Gregory
Sullivan, Victoria
Woodbury, David

Balcom, John
Boehm, Ralph
Christie, Rick
Edelblut, Frank
Gagne, Larry
Gorman, Mary
Hansen, Peter
Kurk, Neal
Marston, Dick
Moore, Josh
Ober, Lynne
Parison, James
Rice, Kimberly
Scotsas, Lisa
Snow, Kendall
Twombly, Timothy

Beaulieu, Jane
Burt, John
Coffey, James
Ferreira, Elizabeth
Gargas, Carolyn
Gould, Linda
Hinch, Richard
Lachance, Joseph
McCarthy, Peggy
Murotake, David
Ober, Russell
Pellegrino, Anthony
Rouillard, Claire
Shaw, Barbara
Soucy, Timothy
Ulery, Jordan

Belanger, James
Byron, Frank
Danielson, David
Flanagan, Jack
Gidge, Kenneth
Griffin, Barbara
Hogan, Edith
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Ohm, Bill
Peterson, Ken
Rowe, Robert
Simmons, Tammy
Straight, Phillip
Wolf, Terry

MERRIMACK

Brewster, Michael
Kotowski, Frank
McGuire, Carol
Walsh, Thomas

French, Harold
Kuch, Bill
McGuire, Dan

Hoell, J.R.
Marple, Richard
Parent, Jason

Horn, Werner
Martin, John
Seaworth, Brian

ROCKINGHAM

Abrami, Patrick
Cardon, G. Thomas
Dean-Bailey, Yvonne
Duarte, Joe
Gordon, Richard
Harris, Jeffrey
Itse, Daniel
Manning, John
Osborne, Jason
Rice, Frederick
Tasker, Kyle
Ward, Joanne
Woitkun, Steven

Baldasaro, Alfred
Chase, Francis
DeSimone, Debra
Elliott, Robert
Green, Dennis
Hodgdon, Bruce
Kappler, Lawrence
Matthews, Carolyn
Peckham, Michele
Schroadter, Adam
Tilton, Rio
Webb, James

Bates, David
Chirichiello, Brian
Devine, James
Emerick, J. Tracy
Griffin, Mary
Hoelzel, Kathleen
Katsakiores, Phyllis
McKinney, Betsy
Potucek, John
Spillane, James
Tucker, Pamela
Welch, David

Bush, Carol
Cook, Allen
DiFranco, Debbie
Gannon, William
Guthrie, Joseph
Introne, Robert
Kolodziej, Walter
McMahon, Charles
Prudhomme-O'Brien, Katherine
Sytek, John
Vose, Michael
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
DeLemus, Susan
Hannon, Joseph
Mullen, John
Wuelper, Kurt

Bickford, David
Graham, Robert
Jones, Laura
Pitre, Joseph

Bixby, Peter
Gray, James
Kaczynski, Jr., Thomas
Sprague, Dale

Cheney, Catherine
Groen, Warren
Leeman, Don
Turcotte, Leonard

SULLIVAN

Converse, Larry
Schmidt, Andrew

Grenier, James
Smith, Steven

Laware, Thomas

Rollins, Skip

NAYS - 124**BELKNAP**

Fields, Dennis

Flanders, Donald

Spanos, Peter

CARROLL

Buco, Thomas
Ticehurst, Susan

Cordelli, Glenn

Nelson, Bill

Parker, Harold

CHESHIRE

Abbott, Michael
Eaton, Daniel
Parkhurst, Henry
Tatro, Bruce

Ames, Richard
Johnsen, Gladys
Pearson, William
Tilton, Benjamin

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

Bordenet, John
Mann, John
Shepardson, Marjorie

COOS

Froburg, Alethea

Moynihan, Wayne

Thomas, Yvonne

GRAFTON

Abel, Richard
Ford, Susan
Townsend, Charles

Almy, Susan
Maes, Kevin

Brown, Chris
Massimilla, Linda

Cooney, Mary
Sykes, George

HILLSBOROUGH

Backus, Robert
Cote, David
Guerette, C. Lee
Herbert, Christopher
Mangipudi, Latha
Pierce, David
Souza, Kathleen
Walsh, Robert

Brown, Pamela
Edwards, Elizabeth
Hansberry, Daniel
Infantine, William
Manley, Jonathan
Porter, Marjorie
Sullivan, Daniel
Williams, Kermit

Christiansen, Lars
Estevez, Eric
Harvey, Suzanne
Jack, Martin
McNamara, Richard
Roberts, Carol
Takesian, Charlene

Cornell, Patricia
Freitas, Mary
Heath, Mary
Leishman, Peter
O'Brien, Michael
Shattuck, Gilman
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Deloge, Helen
Gile, Mary
Long, Douglas
Myler, Mel
Saunderson, George
Wheeler, Deborah

Bartlett, Christy
Doherty, David
Henle, Paul
Luneau, David
Patten, Dick
Schuett, Dianne

Bradley, Paula
Ebel, Karen
Karrick, David
MacKay, James
Ratzki, Mario
Shurtleff, Stephen

Carson, Clyde
Frazer, June
Kidder, David
Moffett, Howard
Rogers, Katherine
Turcotte, Alan

ROCKINGHAM

Allen, Mary
Borden, David
Fesh, Robert
Lovejoy, Patricia
Simpson, Alexis

Azarian, Gary
Cahill, Michael
Francesse, Paula
Moody, Marcia
Ward, Gerald

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

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

STRAFFORD

Baber, William
Horrigan, Timothy
Spang, Judith

Burton, Wayne
Kaen, Naida
Treleaven, Susan

Cilley, Jacalyn
Rollo, Deanna
Wall, Janet

DiSesa, Len
Schmidt, Peter

SULLIVAN

Cloutier, John
Oxenham, Lee

Gagnon, Raymond

Gottling, Suzanne

Irwin, Virginia

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

HB 505, relative to baiting for game birds and game animals by persons with a disability. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Douglas Long for the Majority of Fish and Game and Marine Resources. It was determined after many subcommittee work sessions and much discussion that the wording of the bill is insufficient and unclear. Specifically, the existing definition within the Fish and Game laws of "person with a disability" would be given too broad a meaning. Vote 10-2.

Rep. James Spillane for the Minority of Fish and Game and Marine Resources. This bill attempts to close a loophole that discriminates against disabled people who are not in a wheelchair and do not have veteran status. An equal playing field in the baiting and hunting of deer for all disabled people is all the bill is seeking to accomplish. Majority committee report adopted.

HB 518, relative to authority to establish fees for licenses issued by the fish and game department. **INEXPEDIENT TO LEGISLATE.**

Rep. James Spillane for Fish and Game and Marine Resources. This bill no longer has any purpose as its intended consequence, to authorize the Fish and Game Department to establish license and permit fees, has already been adopted into law through passage of HB 212 last session. Vote 7-5.

Committee report adopted.

The House recessed at 11:50 a.m.

RECESS

The House reconvened at 1:00 p.m.

(Speaker Jasper in the Chair)

SPECIAL GUEST PRESENTATION

Mrs. Carly Fiorina, 2016 Presidential candidate, addressed the House.

MOTION TO VACATE

Rep. Andrew Christie moved that the House vacate the reference of **HB 1474**, requiring the collection of data relative to firearm related deaths and injuries, to the Committee on Executive Departments and Administration. Motion adopted.

The Speaker referred **HB 1474** to the Committee on Criminal Justice and Public Safety.

MOTION TO VACATE

Rep. Rowe moved that the House vacate the reference of **HB 1261**, relative to multiple indictments in criminal prosecutions, **HB 1287**, repealing a provision of the harassment statute, and **HB 1448**, relative to contact between a plaintiff and defendant subject to a protective order, to the Committee on Judiciary. Motion adopted.

The Speaker referred **HB 1261**, **HB 1287** and **HB 1448** to the Committee on Criminal Justice and Public Safety.

MOTION TO SPECIAL ORDER

Rep. Abrami moved that **HB 634-FN-A**, relative to applying the interest and dividends tax to trusts, increasing exemptions, and extending the tax to capital gains; and relative to homeowners property tax relief, be made a Special Order as the next order of business.

Motion adopted.

SPECIAL ORDER

HB 634-FN-A, relative to applying the interest and dividends tax to trusts, increasing exemptions, and extending the tax to capital gains; and relative to homeowners property tax relief. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Bill Ohm for the Majority of Ways and Means. This bill creates a new tax on capital gains that applies to individuals. While individual exemptions are increased, the tax is expected to raise approximately \$90 million. New Hampshire has no income tax on wages, and the majority feels that one effect of the bill is to extend an income tax on seniors, those who have built up a nest egg of stocks, bonds and CD's for retirement income. The committee did adopt an amendment that removed the application of the proposed tax to trusts but the majority is opposed to new taxes. Vote 12-7.

Rep. Richard Ames for the Minority of Ways and Means. This bill modifies New Hampshire's existing tax on investment income. It does this by extending to capital gains the existing 5% tax on interest and dividends. With this modification, all forms of individual investment income, i.e., of income derived from the ownership of assets including interest, dividends and capital gains (e.g. stock trades), will be equally taxed. The bill also cuts taxes by increasing exemptions from the 5% tax: the individual exemption allowed in our current tax on investment income will go up from \$2,400 to \$5,000, the combined married couple exemption will go up from \$4,800 to \$10,000, and additional exemptions for the blind, disabled and elderly will go up from \$1,200 to \$2,500. The bill also includes provisions expanding the reach of the existing Low and Moderate Income Homeowners Property Tax Relief Program. With all of these changes, the fiscal note estimates New Hampshire will realize about \$90 million annually in net new revenue (after accounting for the increase in personal exemptions), collected primarily from relatively high income taxpayers. The capital gains loophole primarily benefits the wealthiest 1% of New Hampshire residents. These are taxpayers who already pay a federal capital gains tax, and by closing this loophole in New Hampshire, they can deduct the state tax off of their federal return and New Hampshire keeps more money in the state rather than sending it to the federal government. Because of the increased exemptions, because most current interest and dividends taxpayers do not receive substantial capital gains income, and because of the changes in the Low and Moderate Income Property Tax Relief Program, roughly 55,000 New Hampshire residents will pay less in taxes if the amended HB 634 becomes law. With the minority amendment, additional direct and indirect property taxpayer and local government tax and budget relief will come from the amended bill's allocation of \$75.2 million of the new revenue to enable the state to begin meeting its responsibilities under several core statutory state aid programs: local revenue sharing, catastrophic special education aid, school building aid, and local employer retirement cost sharing. The bill establishes a new capital gains reserve fund, using a rolling three-year historical average to constrain budgetary reliance on estimated capital gains revenue and establishing a

prudential reserve fund system that will set aside excess amounts collected in unexpectedly high revenue years and make those amounts available to cover short-falls in unexpectedly bad revenue years. Responding to concerns expressed at public hearing, the minority amendment removes all provisions that would have extended the tax on interest, dividends and capital gains to irrevocable trusts.

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

Rep. Ames spoke against.

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

YEAS 197 – NAYS 109

YEAS - 197

BELKNAP

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

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

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

Flanders, Donald
Hurt, George
Tilton, Franklin

CARROLL

Avellani, Lino
McCarthy, Frank
Umberger, Karen

Buco, Thomas
McConkey, Mark
Wright, Ted

Comeau, Ed
Nelson, Bill

Cordelli, Glenn
Parker, Harold

CHESHIRE

Hunt, John

McConnell, James

Tilton, Benjamin

COOS

Fothergill, John
Tholl, John

Rappaport, Laurence
Thomas, Yvonne

Richardson, Herbert

Rideout, Leon

GRAFTON

Darrow, Stephen
Johnson, Eric

Gionet, Edmond
Ladd, Rick

Hennessey, Erin
Massimilla, Linda

Hull, Robert
Shackett, Jeffrey

HILLSBOROUGH

Adams, Christopher
Belanger, James
Byron, Frank
Coffey, James
Forest, Armand
Gorman, Mary
Hansen, Peter
Infantine, William
Marston, Dick
Moore, Josh
O'Brien, Michael
Palmer, Barry
Proulx, Mark
Sanborn, Laurie
Souza, Kathleen
Twombly, Timothy

Ammon, Keith
Biggie, Barbara
Christensen, Chris
Danielson, David
Gagne, Larry
Gould, Linda
Hinch, Richard
Kurk, Neal
McCarthy, Peggy
Murotake, David
Ober, Lynne
Parison, James
Rice, Kimberly
Scontsas, Lisa
Straight, Phillip
Ulery, Jordan

Balcom, John
Boehm, Ralph
Christiansen, Lars
Eastman, Eric
Gargas, Carolyn
Griffin, Barbara
Hogan, Edith
Lachance, Joseph
McClarren, Donald
Murphy, Keith
Ober, Russell
Pellegrino, Anthony
Rouillard, Claire
Simmons, Tammy
Sullivan, Victoria
Wolf, Terry

Beaulieu, Jane
Burt, John
Christie, Rick
Ferreira, Elizabeth
Goley, Jeffrey
Halstead, Carolyn
Hopper, Gary
LeBrun, Donald
McLean, Mark
Notter, Jeanine
Ohm, Bill
Peterson, Ken
Rowe, Robert
Smith, Gregory
Takesian, Charlene

MERRIMACK

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

Ebel, Karen
Horn, Werner
Marple, Richard
Parent, Jason

French, Harold
Kotowski, Frank
Martin, John
Seaworth, Brian

Hess, David
Kuch, Bill
McGuire, Carol
Turcotte, Alan

ROCKINGHAM

Abrami, Patrick
Barnes, Arthur
Chase, Francis
Dean-Bailey, Yvonne
Elliott, Robert
Gordon, Richard
Harris, Jeffrey
Kappler, Lawrence
Manning, John
Osborne, Jason

Allen, Mary
Bates, David
Chirichiello, Brian
DeSimone, Debra
Emerick, J. Tracy
Green, Dennis
Hodgdon, Bruce
Katsakiores, Phyllis
Matthews, Carolyn
Peckham, Michele

Azarian, Gary
Bush, Carol
Christie, Andrew
Devine, James
Fesh, Robert
Griffin, Mary
Hoelzel, Kathleen
Kolodziej, Walter
McKinney, Betsy
Potucek, John

Baldasaro, Alfred
Cardon, G. Thomas
Cook, Allen
Duarte, Joe
Gannon, William
Guthrie, Joseph
Itse, Daniel
Lundgren, David
McMahon, Charles
Prudhomme-O'Brien, Katherine

Rice, Frederick
Tilton, Rio
Webb, James

Schroadter, Adam
Tucker, Pamela
Welch, David

Spillane, James
Vose, Michael
Weyler, Kenneth

Tasker, Kyle
Ward, Joanne
Woitkun, Steven

STRAFFORD

Beaudoin, Steven
DeLemus, Susan
Hannon, Joseph
Kaen, Naida
Sprague, Dale

Berube, Roger
Graham, Robert
Horrigan, Timothy
Leeman, Don
Turcotte, Leonard

Bickford, David
Gray, James
Jones, Laura
Mullen, John
Wall, Janet

Cheney, Catherine
Groen, Warren
Kaczynski, Jr., Thomas
Pitre, Joseph
Wuelper, Kurt

SULLIVAN

Grenier, James

Laware, Thomas

Rollins, Skip

Smith, Steven

NAYS - 109 CARROLL

Ticehurst, Susan

CHESHIRE

Abbott, Michael
Eaton, Daniel
Parkhurst, Henry
Tatro, Bruce

Ames, Richard
Johnsen, Gladys
Phillips, Larry
Weber, Lucy

Berch, Paul
Ley, Douglas
Robertson, Timothy

Bordenet, John
Mann, John
Shepardson, Marjorie

COOS

Moynihan, Wayne

GRAFTON

Abel, Richard
Ford, Susan
White, Andrew

Almy, Susan
Maes, Kevin

Brown, Chris
Sykes, George

Cooney, Mary
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Cote, David
Gidge, Kenneth
Heath, Mary
Long, Patrick
Pierce, David
Shaw, Barbara
Vann, Ivy

Brown, Pamela
Edwards, Elizabeth
Guerette, C. Lee
Herbert, Christopher
Mangipudi, Latha
Porter, Marjorie
Snow, Kendall
Walsh, Robert

Cohen, Alan
Estevez, Eric
Hansberry, Daniel
Jack, Martin
Manley, Jonathan
Roberts, Carol
Soucy, Timothy
Williams, Kermit

Cornell, Patricia
Freitas, Mary
Harvey, Suzanne
Leishman, Peter
McNamara, Richard
Shattuck, Gilman
Sullivan, Daniel
Woodbury, David

MERRIMACK

Alicea, Caroletta
Deloge, Helen
Henle, Paul
Moffett, Howard
Saunderson, George

Bartlett, Christy
Doherty, David
Karrick, David
Myler, Mel
Schuett, Dianne

Bradley, Paula
Frazer, June
Luneau, David
Ratzki, Mario
Shurtleff, Stephen

Carson, Clyde
Gile, Mary
MacKay, James
Rogers, Katherine
Wheeler, Deborah

ROCKINGHAM

Berrien, Skip
Cushing, Robert
Heffron, Frank
Pantelakos, Laura

Borden, David
DiFranco, Debbie
Introne, Robert
Sherman, Thomas

Cahill, Michael
Francese, Paula
Lovejoy, Patricia
Simpson, Alexis

Cali-Pitts, Jacqueline
Gordon, Pamela
Moody, Marcia
Ward, Gerald

STRAFFORD

Baber, William
DiSesa, Len
Treleaven, Susan

Bixby, Peter
Rollo, Deanna

Burton, Wayne
Schmidt, Peter

Cilley, Jacalyn
Spang, Judith

SULLIVAN

Cloutier, John
Irwin, Virginia

Converse, Larry
Oxenham, Lee

Gagnon, Raymond
Schmidt, Andrew

Gottling, Suzanne

and the majority committee report was adopted.
Rep. Introne voted Nay and intended to vote Yea.

INTRODUCTION OF SPECIAL GUESTS

The Honorable Jose Oliva, Ray Rodrigues, Richard Corcoran, Carlos Trujillo, Joe Felix Diaz and Slayter Bayliss, State Representatives from Florida, guests of the House.

REGULAR CALENDAR CONT'D

SCACR 5, relating to legal actions. Providing that taxpayers have standing to bring actions against the government. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Paul Berch for the Majority of Judiciary. CACR 5 proposes a major change as to who can take a matter to court, namely the standing to sue. It would allow any resident taxpayer to challenge any and all revenue bills passed, or intended to pass into law by our state, county and municipalities, whether or not the person suing is affected by the tax imposed. In common language, CACR 5 would change the requirement that the person bringing the suit “have skin in the game.” In 2010 and 2014, the New Hampshire Supreme Court clarified that the State Constitution requires this concept of standing. CACR 5 seeks to amend the New Hampshire Constitution to allow a taxpayer to sue a governmental body for a declaratory judgment (a type of court action that challenges the validity of the law) without any claim of personal harm beyond his or her status as a taxpayer. This would allow a court to judge the legality of each and every revenue bill and even to impose injunctive relief and stop a revenue expenditure until the suit makes its way through the court system. The delay could be months or years. Members of the Judiciary Committee understood and were sympathetic regarding the issues involved in requiring traditional standing and looked at alternatives in considerable detail. Ultimately, the committee found that CACR 5 suffered from both conceptual and practical flaws. CACR 5 would allow the courts to take on an improper supervisory role over much of the activities of the co-equal branches of government and by changing the fundamental role of the Judicial Branch in our balanced system of government, CACR 5 would decrease the authority of the Legislative and Executive Branches, while greatly increasing the power of the Judicial Branch. The committee also found many practical problems with this proposed legislation – from definition of terms to lack of clarity of who is covered by the amendment; it would allow people who have no relation to an action to intervene or possibly appeal actions already settled by the parties; it could result in increases in costs to citizens and governmental bodies as well as delays in resolution of issues between citizens and their government; it could result in an increase in “drive-by” litigation, some potentially harassing or vindictive in nature. A significant increase in the caseload of the Judicial Branch could reasonably be expected. For the above reasons, the bipartisan majority of the committee cannot recommend passage of CACR 5. Vote 16-2.

Rep. Kurt Wuelper for the Minority of Judiciary. CACR 5 intends to restore the ability of citizens to have a court declare whether government actions are unlawful by giving them “standing” (even though the party taking action has not shown to be damaged) which the New Hampshire Supreme Court has denied them for the last several years. These so called “taxpayer suits” have been in our courts at least since 1863. The New Hampshire Supreme Court in 1952 ruled “it is plain that every taxpayer of a town has a vital interest in and a right to the preservation of an orderly and lawful government regardless of whether his purse is immediately touched,” and again in 1974 ruled “it is well settled in this state that plaintiffs, as taxpayers, have standing to seek redress for the unlawful acts of their public officials.” But, in 2010, that court restricted that “well settled” right to taxpayers whose “rights are impaired or prejudiced,” excluding anyone who has not suffered a direct financial loss. To correct that misreading of RSA 491:22, in 2012, the General Court added language specifically restoring the right to sue if taxpayers were not personally injured. But, in 2014, the Supreme Court declared that restoration unconstitutional, prompting introduction of CACR 5. The minority believes that citizens should have the right to a “lawful and orderly” government and that access to the courts without being damaged should be a primary means of constraining government to lawful actions. In addition, any unlawful government action violates that right, so CACR 5 empowers taxpayers to sue over “conduct in violation of law, ordinance or constitutional provision,” extending the “lawful and orderly” requirement to every level of government in New Hampshire. The majority fears the courts would be deluged with lawsuits under CACR 5 delaying the implementation of a law or municipal ordinance and giving the Judicial Branch excessive power over the other two branches, but the minority believes history has shown otherwise. CACR 5 continues the General Court’s attempt to restore the right New Hampshire citizens had between 1863 and 2010 to sue for lawful government and provides important protection for all New Hampshire taxpayers.

MOTION TO LAY ON THE TABLE

Rep. Hinch moved that **SCACR 5**, relating to legal actions. Providing that taxpayers have standing to bring actions against the government, be laid on the table.

Motion adopted.

HB 636-FN, relative to forfeiture of property. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Paul Berch for the Majority of Judiciary. Forfeiture, under federal and state law, is a legal tool that allows law enforcement to seize contraband and property on suspicion that it is involved in criminal activity and which seizure is subject to final approval by the courts. The purpose of this legislation is to modernize and clarify New Hampshire forfeiture laws. This bill does so in four ways. First, unless the person is un-

available, such as due to death or incapacity, a criminal conviction or agreement of the parties is required for forfeiture to occur. Second, the burden of proof on the State is clarified to be "clear and convincing" evidence. Third, the rights of an innocent owner to return of property and the procedure to be used is set forth. Finally, disposition of forfeited property is to the Department of Administrative Services and forfeited currency is to the General Fund, after payment of liens and any court-ordered non-personnel expenses. The committee discussed at some length the question of whether forfeited funds should be kept in part by the local department which handled the police work as well as the Attorney General's Office or whether the fund should more properly be part of the state treasury. Although the sums are very small (\$50-60,000 overall and less than half of that to all local police departments combined), it was felt that it was important for the public to perceive and believe that the police solely act on the needs of law enforcement and not for purposes of their own revenue enhancement. By having any forfeited funds go to the General Fund, the question of conflict of interest is eliminated. Vote 14-5.

Rep. Timothy Horrigan for the Minority of Judiciary. Under existing law, the proceeds from civil forfeiture are placed in a Drug Forfeiture Fund, pursuant to RSA 318-b:17-c. The minority concluded that it would be unwise to eliminate this fund, which helps local agencies fight the opioid epidemic. Each of our communities has unique needs to combat drug addiction. The dedicated drug fund would allow the best use of the funds in meeting the needs specific community needs.

Majority Amendment (2507h)

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

1 New Section; Property Subject to Forfeiture. Amend RSA 617 by inserting after section 1 the following new section:

617:1-a Criminal Forfeiture; Property Subject to Forfeiture.

I. Subsequent to a criminal conviction pursuant to a statute that authorizes forfeiture, including but not limited to RSA 318-B:17-b, the court may order the person convicted to forfeit:

- (a) Property the person derived from the commission of the crime;
- (b) Property directly traceable to property derived from the commission of the crime; and
- (c) Instrumentalities the person used in the commission of the crime.

II. When a conviction or agreement of the parties is not possible due to the person's death, incompetence, unavailability, or not being within the jurisdiction of the court, or the person to be charged cannot be identified, forfeiture proceedings may be commenced.

III. Property may be forfeited if the state establishes that the property is forfeitable by clear and convincing evidence.

IV. Nothing in this section shall prevent property from being forfeited by plea agreement approved by the presiding criminal court or other agreement of the parties.

V. At the request of any party, the civil portion of the forfeiture proceeding may be stayed by the court.

2 New Section; Forfeiture; Innocent Owner. Amend RSA 617 by inserting after section 4 the following new section:

617:4-a Innocent Owner. In addition to any other remedy provided by law, any person claiming to be an innocent owner of property seized for purposes of forfeiture may petition the court, after 10 days from the date of seizure, for return of the property. No item or property interest shall be subject to forfeiture unless the alleged innocent owner thereof was a consenting party to the crime. This provision shall not apply to property seized as evidence in a pending criminal investigation or prosecution.

3 New Section; Disposition of Unclaimed Property and Proceeds. Amend RSA 617 by inserting after section 10 the following new section:

617:11 Disposition of Property and Proceeds.

I. Notwithstanding any other provision of law, at any time when unclaimed property or contraband held for evidentiary purposes is no longer needed for that purpose, the court may order the state to deliver any unclaimed property, other than currency, to the commissioner of the department of administrative services, to deliver any currency to the state treasurer, and to destroy any contraband within 30 days.

II. If the forfeiture is granted, the court may order the state to deliver any currency to the state treasurer and any other property to the commissioner of the department of administrative services within 30 days. The commissioner of the department of administrative services shall dispose of the forfeited property at public auction.

III. Upon motion, the court may order that a portion of the currency seized or proceeds from public auction be used to pay reasonable non-personnel expenses of the seizure, storage, and maintenance of custody of any forfeited items.

IV. The auction proceeds and forfeited currency shall be forwarded to the state treasurer and shall be used first to pay all outstanding recorded liens on the forfeited property, then to comply with an order of the court to pay reasonable non-personnel expenses, with all remaining funds to be deposited into the state's general fund.

4 Forfeiture of Items Used in Connection with Drug Offense. Amend RSA 318-B:17-b, II(e) to read as follows:

(e) The department of justice shall, within 60 days of the seizure, ~~either~~ file a petition in the superior court having jurisdiction under this section ~~or seek administrative forfeiture pursuant to RSA 318-B:17-d~~. If no such petition is filed ~~or administrative procedure initiated~~ within 60 days, the items or property interest seized shall be released or returned to the owners.

5 Forfeiture of Items Used in Connection with Drug Offense; Reference to Drug Forfeiture Fund Removed. Amend RSA 318-B:17-b, II-a(e) to read as follows:

(e) In the case of moneys, file a motion for transfer of evidence under RSA 595-A:6. Upon the court's granting of the motion the moneys shall be immediately forwarded to an interest-bearing seized asset escrow account to be administered by the attorney general. Upon resolution of the forfeiture proceeding the moneys deposited shall be transferred to the ~~drug forfeiture~~ **general** fund or returned to the owners thereof as directed by the court. Unless otherwise ordered by a court in a specific case, interest on all moneys deposited in the seized asset escrow account shall be deposited annually into the ~~drug forfeiture fund established under RSA 318-B:17-c~~ **general fund**.

6 Disposition of Funds Obtained by the Attorney General. Amend RSA 7:6-e, III to read as follows:

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

7 Repeal. The following are repealed:

I. RSA 318-B:17-b, V, relative to the distribution of proceeds from items forfeited from drug offenses.

II. RSA 318-B:17-c, establishing the drug forfeiture fund.

III. RSA 318-B:17-d, relative to administrative forfeiture of items used in connection with drug offenses.

IV. RSA 6:12, I(b)(19), relative to the drug forfeiture fund.

8 Effective Date. This act shall take effect January 1, 2017.

2015-2507h

AMENDED ANALYSIS

This bill limits forfeiture to cases in which the state has found by clear and convincing evidence that the property was derived from, or used in, the commission of a crime. The bill also requires the state to deposit proceeds from forfeited property in the general fund.

Majority committee amendment adopted.

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

Rep. Horrigan offered floor amendment (3050h).

Floor Amendment (3050h)

Amend RSA 617:11, IV as inserted by section 3 of the bill by replacing it with the following:

IV. The auction proceeds and forfeited currency shall be forwarded to the state treasurer and shall be used first to pay all outstanding recorded liens on the forfeited property, then to comply with an order of the court to pay reasonable non-personnel expenses, with all remaining funds to be deposited into the drug forfeiture fund established in RSA 318-B:17-c.

Amend the bill by replacing all after section 4 with the following:

5 Effective Date. This act shall take effect January 1, 2017.

2015-3050h

AMENDED ANALYSIS

This bill limits forfeiture to cases in which the state has obtained a conviction and found by clear and convincing evidence that the property was derived from, or used in, the commission of a crime.

Rep. Horrigan spoke in favor.

Rep. Sylvia spoke against.

Rep. Dan McGuire spoke against and yielded to questions.

On a division vote, with 153 members having voted in the affirmative and 156 in the negative, floor amendment (3050h) failed.

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

Majority committee report adopted and referred to the Committee on Finance.

SPECIAL ORDER

HB 475, prohibiting the state from engaging in acts of civil forfeiture. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J.R. Hoell for Executive Departments and Administration. Civil forfeiture allows police to seize — and then keep or sell — any property they allege is involved in a crime. Owners need not ever be arrested or convicted of a crime for their cash, cars, or even real estate to be taken away permanently by

the government. The intent of the civil forfeiture laws was to cripple large-scale criminal enterprises by diverting their resources and ensuring that criminals do not profit from their crimes. Unfortunately, this authority has been abused and has left citizens with legal costs to recover their property when they have done nothing wrong. The initial language of the bill required all public servants who engage in the act of civil forfeiture to be punished and lose their jobs. The committee thought the drafting was overly broad and unenforceable. Furthermore, last spring the ED&A Committee retained the bill with the impression that the other civil asset forfeiture bill filed in 2015 (HB 636) would be going forward. Unfortunately, both HB 475 and HB 636 were retained and nothing was accomplished this past year to correct the issues that we heard about in committee. A subcommittee was formed to investigate the issues associated with civil forfeiture and requests were made of the Attorney General to document what guidelines were being used within the state. The Attorney General's office did not provide this information to the subcommittee. After further work over the summer and fall, the House Judiciary Committee has given a positive report to HB 636. To ensure that the issue of civil asset forfeiture is properly addressed and that some changes to the statutes are made, the committee decided to recommend amending the bill to create a legislative study committee. The committee thought it wise to keep the bill alive in case HB 636 stalled for any reason. Vote 11-0.

Amendment (2517h)

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

AN ACT establishing a committee to study civil forfeiture.

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

1 Committee Established. There is established a committee to study civil forfeiture.

2 Membership and Compensation.

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

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

(b) Three members of the senate, appointed by the president of the senate.

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

3 Duties. The committee shall study the civil forfeiture statutes in New Hampshire and evaluate the impact on the citizens of our state.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2016.

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

2015-2517h

AMENDED ANALYSIS

This bill establishes a committee to study civil forfeiture in New Hampshire.

MOTION TO LAY ON THE TABLE

Rep. Andrew Christie moved that **HB 475**, prohibiting the state from engaging in acts of civil forfeiture, be laid on the table.

Motion adopted.

REGULAR CALENDAR CONT'D

SB 203-FN, relative to review of eligibility for workers' compensation. **OUGHT TO PASS WITH AMENDMENT.** Rep. Tammy Simmons for Labor, Industrial and Rehabilitative Services. The goal of the original bill and the impact it would have on a small number of injured workers with very unique situations was understood by the Labor Committee. However, it was felt that the bill would have had too broad of a negative impact on the ability of insurance carriers to close indemnity claims after 4 years and instead carriers would have to continually re-open cases. After hearing extensive testimony, the bipartisan committee amendment changes the bill to prospectively address cases where medical treatment is purposely postponed for the medical benefit of the injured worker and allows the injured worker to appeal claims for indemnity. A floor amendment will be offered to address the effective date. Vote 14-0.

Amendment (2543h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Workers' Compensation; Review of Eligibility for Compensation. Amend RSA 281-A:48 by inserting after paragraph I the following new paragraph:

I-a. Any party at interest with regard to an injury occurring after January 1, 2016, where medical treatment for that injury is purposefully and intentionally postponed for medical reasons beyond the fourth anniversary of the date of denial or the last payment of compensation, may petition the commissioner to review such denial or award of compensation made pursuant to RSA 281-A:40 by filing a petition with the commissioner no later than 180 days after the date of the postponed treatment. A written acknowledgment by the employee and notification to the workers' compensation carrier shall be included in the worker's medical record including the medical reason for postponing the medical procedure. Any award or denial of indemnity payments made under this paragraph shall not extend the time frame under paragraph I.

2015-2543h

AMENDED ANALYSIS

This bill allows an injured worker whose treatment is purposely postponed for medical treatment beyond the fourth anniversary of the date of denial or last payment of compensation to petition the commissioner of labor, within a certain time frame, to review such denial or award of compensation.
Committee amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.
Rep. Infantine offered floor amendment (2570h).

Amendment (2570h)

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect 90 days after its passage.

Rep. Infantine spoke in favor.

Floor amendment (2570h) adopted.

Committee report adopted and ordered to third reading.

SB 238-FN, relative to the workers' compensation appeals board. **OUGHT TO PASS.**

Rep. Leonard Turcotte for Labor, Industrial and Rehabilitative Services. Both the House (HB 521) and Senate introduced nearly identical versions of this bill. After much internal discussion and minor amendments by both the House and Senate we believe the Senate version of the bill is appropriate. Vote 14-0.

Rep. Infantine spoke in favor.

Committee report adopted and referred to the Committee on Finance.

SB 136, establishing a committee to review constitutional amendments pending in Congress regarding the Citizens United decision and related cases that have been introduced in the United States Supreme Court. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Richard Hinch for the Majority of Legislative Administration. This bill establishes a legislative committee to review the impact of the Citizens United decision and constitutional amendments relating to this decision that are currently pending in Congress. As written, the committee is required to file a report on November 1, 2015, which is just over two weeks after the date of the executive session. The majority of the committee believed that by sending this bill to Interim Study, the issue of whether a study committee remains necessary can and will be debated, and recommendations for future legislation can be filed based on those findings, if necessary. Vote 7-3.

Rep. Lucy Weber for the Minority of Legislative Administration. SB 136, in its current form, simply establishes a four member, bipartisan committee to review all constitutional amendments pending in Congress on the subject of the Citizens United decision. The review committee would then communicate its recommendations, if any, for further action to both the NH legislature and the NH congressional delegation. Members of the minority are of the opinion that further study of the language of the bill, as opposed to the study of the actual issue, is unnecessary, unproductive and a waste of time and resources. It is clear that NH citizens want the issue of campaign financing to be addressed, preferably sooner rather than later. Putting any action off for another election cycle simply fails to address the problem. The floor amendment simply extends the time for the committee to report, adding an interim report by June 1, 2016 and a final report by November 1, 2016.

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

Reps. Weber and Elliott spoke against.

Rep. Hinch spoke in favor.

Rep. Ford requested a roll call; sufficiently seconded.

YEAS 152 – NAYS 154**YEAS - 152
BELKNAP**

Aldrich, Glen
Howard, Jr., Raymond
Sylvia, Michael

Dumais, Russell
Hurt, George
Tilton, Franklin

Fields, Dennis
Luther, Robert
Vadney, Herbert

Fraser, Valerie
Spanos, Peter

CARROLL

Avellani, Lino
McConkey, Mark
Umberger, Karen

Comeau, Ed
Nelson, Bill
Wright, Ted

Cordelli, Glenn
Parker, Harold

McCarthy, Frank
Ticehurst, Susan

CHESHIRE

Bordenet, John

Hunt, John

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

Tholl, John

GRAFTON

Darrow, Stephen
Shackett, Jeffrey

Gionet, Edmond

Johnson, Eric

Ladd, Rick

HILLSBOROUGH

Ammon, Keith
Boehm, Ralph
Christie, Rick
Ferreira, Elizabeth
Griffin, Barbara
Hogan, Edith
Marston, Dick
Moore, Josh
Ohm, Bill
Pierce, David
Rowe, Robert
Smith, Gregory
Ulery, Jordan

Balcom, John
Burt, John
Coffey, James
Gagne, Larry
Halstead, Carolyn
Kurk, Neal
McCarthy, Peggy
Murphy, Keith
Palmer, Barry
Proulx, Mark
Sanborn, Laurie
Souza, Kathleen
Vann, Ivy

Belanger, James
Byron, Frank
Danielson, David
Gargas, Carolyn
Hansen, Peter
Lachance, Joseph
McClarren, Donald
Notter, Jeanine
Parison, James
Rice, Kimberly
Scotsas, Lisa
Sullivan, Victoria
Wolf, Terry

Biggie, Barbara
Christensen, Chris
Eastman, Eric
Gould, Linda
Hinch, Richard
LeBrun, Donald
McLean, Mark
Ober, Lynne
Pellegrino, Anthony
Rouillard, Claire
Simmons, Tammy
Twombly, Timothy

MERRIMACK

French, Harold
Kuch, Bill
Parent, Jason

Hess, David
Martin, John
Seaworth, Brian

Horn, Werner
McGuire, Carol
Walsh, Thomas

Kotowski, Frank
McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Bates, David
Dean-Bailey, Yvonne
Gannon, William
Hoelzel, Kathleen
Kolodziej, Walter
McMahon, Charles
Prudhomme-O'Brien, Katherine
Tasker, Kyle
Ward, Joanne
Woitkun, Steven

Allen, Mary
Bush, Carol
Devine, James
Griffin, Mary
Introne, Robert
Lundgren, David
Osborne, Jason
Rice, Frederick
Tilton, Rio
Webb, James

Baldasaro, Alfred
Chase, Francis
Duarte, Joe
Harris, Jeffrey
Itse, Daniel
Matthews, Carolyn
Peckham, Michele
Schroadter, Adam
Tucker, Pamela
Welch, David

Barnes, Arthur
Christie, Andrew
Emerick, J. Tracy
Hodgdon, Bruce
Kappler, Lawrence
McKinney, Betsy
Potucek, John
Spillane, James
Vose, Michael
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Gray, James
Leeman, Don
Turcotte, Leonard

Cheney, Catherine
Groen, Warren
Mullen, John
Whitehouse, Joshua

DeLemus, Susan
Hannon, Joseph
Pitre, Joseph
Wuelper, Kurt

Graham, Robert
Kaczynski, Jr., Thomas
Sprague, Dale

SULLIVAN

Laware, Thomas

Smith, Steven

**NAYS - 154
BELKNAP**

Flanders, Donald

Gallagher, Brian

Varney, Peter

CARROLL

Buco, Thomas

CHESHIRE

Abbott, Michael
Johnsen, Gladys
Parkhurst, Henry
Shepardson, Marjorie

Ames, Richard
Ley, Douglas
Pearson, William
Tilton, Benjamin

Berch, Paul
Mann, John
Phillips, Larry
Weber, Lucy

Eaton, Daniel
McConnell, James
Robertson, Timothy

COOS

Fothergill, John

Moynihan, Wayne

Thomas, Yvonne

GRAFTON

Abel, Richard
Ford, Susan
Massimilla, Linda
White, Andrew

Almy, Susan
Hennessey, Erin
Nordgren, Sharon

Brown, Chris
Hull, Robert
Sykes, George

Cooney, Mary
Maes, Kevin
Townsend, Charles

HILLSBOROUGH

Adams, Christopher
Christiansen, Lars
Edwards, Elizabeth
Gidge, Kenneth
Hansberry, Daniel
Infantine, William
Mangipudi, Latha
O'Brien, Michael
Rosenwald, Cindy
Soucy, Timothy
Walsh, Robert

Backus, Robert
Cohen, Alan
Estevez, Eric
Goley, Jeffrey
Harvey, Suzanne
Jack, Martin
Manley, Jonathan
Peterson, Ken
Shattuck, Gilman
Straight, Phillip
Williams, Kermit

Beaulieu, Jane
Cornell, Patricia
Forest, Armand
Gorman, Mary
Heath, Mary
Leishman, Peter
McNamara, Richard
Porter, Marjorie
Shaw, Barbara
Sullivan, Daniel
Woodbury, David

Brown, Pamela
Cote, David
Freitas, Mary
Guerette, C. Lee
Herbert, Christopher
Long, Patrick
Murotake, David
Roberts, Carol
Snow, Kendall
Takesian, Charlene

MERRIMACK

Alicea, Caroletta
Carson, Clyde
Frazer, June
Karrick, David
MacKay, James
Ratzki, Mario
Shurtleff, Stephen

Bartlett, Christy
Deloge, Helen
Gile, Mary
Kidder, David
Marple, Richard
Rogers, Katherine
Turcotte, Alan

Bradley, Paula
Doherty, David
Henle, Paul
Long, Douglas
Moffett, Howard
Saunderson, George
Wallner, Mary Jane

Brewster, Michael
Ebel, Karen
Hoell, J.R.
Luneau, David
Myler, Mel
Schuett, Dianne
Wheeler, Deborah

ROCKINGHAM

Azarian, Gary
Cali-Pitts, Jacqueline
DiFranco, Debbie
Gordon, Pamela
Heffron, Frank
Moody, Marcia
Ward, Gerald

Berrien, Skip
Cardon, G. Thomas
Elliott, Robert
Gordon, Richard
Katsakiores, Phyllis
Pantelakos, Laura

Borden, David
Cook, Allen
Fesh, Robert
Green, Dennis
Lovejoy, Patricia
Sherman, Thomas

Cahill, Michael
Cushing, Robert
Francese, Paula
Guthrie, Joseph
Manning, John
Simpson, Alexis

STRAFFORD

Baber, William
Burton, Wayne
Jones, Laura
Spang, Judith

Berube, Roger
Cilley, Jacalyn
Kaen, Naida
Treleaven, Susan

Bickford, David
DiSesa, Len
Rollo, Deanna
Wall, Janet

Bixby, Peter
Horrigan, Timothy
Schmidt, Peter

SULLIVAN

Cloutier, John
Grenier, James

Converse, Larry
Irwin, Virginia

Gagnon, Raymond
Oxenham, Lee

Gottling, Suzanne
Rollins, Skip

and the majority committee report failed.

MOTION TO LAY ON THE TABLE

Rep. Hinch moved that **SB 136**, establishing a committee to review constitutional amendments pending in Congress regarding the Citizens United decision and related cases that have been introduced in the United States Supreme Court, be laid on the table.

Rep. Shurtleff requested a roll call; sufficiently seconded.

YEAS 152 – NAYS 157

**YEAS - 152
BELKNAP**

Aldrich, Glen
Fraser, Valerie
Spanos, Peter

Dumais, Russell
Howard, Jr., Raymond
Sylvia, Michael

Fields, Dennis
Hurt, George
Tilton, Franklin

Flanders, Donald
Luther, Robert
Vadney, Herbert

CARROLL

Avellani, Lino
Nelson, Bill

Cordelli, Glenn
Umberger, Karen

McCarthy, Frank
Wright, Ted

McConkey, Mark

CHESHIRE

Bordenet, John

Hunt, John

COOS

Richardson, Herbert

Rideout, Leon

Tholl, John

GRAFTON

Gionet, Edmond

Johnson, Eric

Ladd, Rick

HILLSBOROUGH

Ammon, Keith
Boehm, Ralph
Christie, Rick
Ferreira, Elizabeth
Griffin, Barbara
Hogan, Edith
LeBrun, Donald
McLean, Mark
Notter, Jeanine
Palmer, Barry
Proulx, Mark
Sanborn, Laurie
Souza, Kathleen
Ulery, Jordan

Balcom, John
Burt, John
Danielson, David
Gagne, Larry
Halstead, Carolyn
Infantine, William
Marston, Dick
Moore, Josh
Ober, Lynne
Parison, James
Rice, Kimberly
Scotsas, Lisa
Straight, Phillip
Wolf, Terry

Belanger, James
Byron, Frank
Eastman, Eric
Gargas, Carolyn
Hansen, Peter
Kurk, Neal
McCarthy, Peggy
Murotake, David
Ober, Russell
Pellegrino, Anthony
Rouillard, Claire
Simmons, Tammy
Sullivan, Victoria

Biggie, Barbara
Christensen, Chris
Edelblut, Frank
Gould, Linda
Hinch, Richard
Lachance, Joseph
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pierce, David
Rowe, Robert
Smith, Gregory
Twombly, Timothy

MERRIMACK

Brewster, Michael
Horn, Werner
Martin, John
Walsh, Thomas

French, Harold
Kotowski, Frank
McGuire, Carol

Hess, David
Kuch, Bill
McGuire, Dan

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

ROCKINGHAM

Abrami, Patrick
Bates, David
Dean-Bailey, Yvonne
Gannon, William
Hodgdon, Bruce
Kolodziej, Walter
McKinney, Betsy
Prudhomme-O'Brien, Katherine
Tasker, Kyle
Ward, Joanne
Woitkun, Steven

Allen, Mary
Bush, Carol
Devine, James
Green, Dennis
Hoelzel, Kathleen
Lundgren, David
McMahon, Charles
Rice, Frederick
Tilton, Rio
Webb, James

Baldasaro, Alfred
Chase, Francis
Duarte, Joe
Griffin, Mary
Introne, Robert
Manning, John
Osborne, Jason
Schroadter, Adam
Tucker, Pamela
Welch, David

Barnes, Arthur
Christie, Andrew
Emerick, J. Tracy
Harris, Jeffrey
Kappler, Lawrence
Matthews, Carolyn
Potucek, John
Spillane, James
Vose, Michael
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Gray, James
Kaczynski, Jr., Thomas
Sprague, Dale

Cheney, Catherine
Groen, Warren
Leeman, Don
Turcotte, Leonard

DeLemus, Susan
Hannon, Joseph
Mullen, John
Whitehouse, Joshua

Graham, Robert
Jones, Laura
Pitre, Joseph

SULLIVAN

Laware, Thomas

Smith, Steven

NAYS - 157**BELKNAP**

Gallagher, Brian

Varney, Peter

CARROLL

Buco, Thomas

Comeau, Ed

Parker, Harold

Ticehurst, Susan

CHESHIRE

Abbott, Michael
Johnsen, Gladys
Parkhurst, Henry
Shepardson, Marjorie

Ames, Richard
Ley, Douglas
Pearson, William
Tatro, Bruce

Berch, Paul
Mann, John
Phillips, Larry
Tilton, Benjamin

Eaton, Daniel
McConnell, James
Robertson, Timothy
Weber, Lucy

COOS

Fothergill, John

Moynihan, Wayne

Rappaport, Laurence

Thomas, Yvonne

GRAFTON

Abel, Richard
Darrow, Stephen
Maes, Kevin
Sykes, George

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

Brown, Chris
Hennessey, Erin
Nordgren, Sharon
White, Andrew

Cooney, Mary
Hull, Robert
Shackett, Jeffrey

HILLSBOROUGH

Adams, Christopher
Christiansen, Lars
Cote, David
Freitas, Mary
Guerette, C. Lee
Herbert, Christopher
Mangipudi, Latha
Peterson, Ken
Shattuck, Gilman
Sullivan, Daniel
Williams, Kermit

Backus, Robert
Coffey, James
Edwards, Elizabeth
Gidge, Kenneth
Hansberry, Daniel
Jack, Martin
Manley, Jonathan
Porter, Marjorie
Shaw, Barbara
Takesian, Charlene
Woodbury, David

Beaulieu, Jane
Cohen, Alan
Estevez, Eric
Goley, Jeffrey
Harvey, Suzanne
Leishman, Peter
McNamara, Richard
Roberts, Carol
Snow, Kendall
Vann, Ivy

Brown, Pamela
Cornell, Patricia
Forest, Armand
Gorman, Mary
Heath, Mary
Long, Patrick
O'Brien, Michael
Rosenwald, Cindy
Soucy, Timothy
Walsh, Robert

MERRIMACK

Alicea, Caroletta
Deloge, Helen
Gile, Mary
Luneau, David
Myler, Mel
Schuett, Dianne
Wallner, Mary Jane

Bartlett, Christy
Doherty, David
Henle, Paul
MacKay, James
Ratzki, Mario
Seaworth, Brian
Wheeler, Deborah

Bradley, Paula
Ebel, Karen
Karrick, David
Marple, Richard
Rogers, Katherine
Shurtleff, Stephen

Carson, Clyde
Frazer, June
Kidder, David
Moffett, Howard
Saunderson, George
Turcotte, Alan

ROCKINGHAM

Azarian, Gary
Cali-Pitts, Jacqueline
DiFranco, Debbie
Gordon, Pamela
Itse, Daniel
Pantelakos, Laura
Ward, Gerald

Berrien, Skip
Cardon, G. Thomas
Elliott, Robert
Gordon, Richard
Katsakiores, Phyllis
Peckham, Michele

Borden, David
Cook, Allen
Fesh, Robert
Guthrie, Joseph
Lovejoy, Patricia
Sherman, Thomas

Cahill, Michael
Cushing, Robert
Francese, Paula
Heffron, Frank
Moody, Marcia
Simpson, Alexis

STRAFFORD

Baber, William
Burton, Wayne
Kaen, Naida
Treleaven, Susan

Berube, Roger
Cilley, Jacalyn
Rollo, Deanna
Wall, Janet

Bickford, David
DiSesa, Len
Schmidt, Peter
Wuelper, Kurt

Bixby, Peter
Horrigan, Timothy
Spang, Judith

SULLIVAN

Cloutier, John
Grenier, James

Converse, Larry
Irwin, Virginia

Gagnon, Raymond
Oxenham, Lee

Gottling, Suzanne
Rollins, Skip

and the motion failed.

Rep. Weber moved the minority committee report of Ought to Pass and offered floor amendment (2477h).

Floor Amendment (2477h)

Amend the bill by replacing section 5 with the following:

5 Report. The committee shall submit an initial report of its findings and any recommendations for proposed legislation or resolution on or before June 1, 2016 and a final report of its findings and any recommendations for proposed legislation or resolution on or before November 1, 2016 to the New Hampshire congressional delegation, the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library.

Rep. Weber spoke in favor.

On a division vote, with 178 members having voted in the affirmative and 130 in the negative, floor amendment (2477h) was adopted.

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

Rep. Shurtleff requested a roll call; sufficiently seconded.

YEAS 156 – NAYS 152

YEAS - 156

BELKNAP

Gallagher, Brian

Hurt, George

Varney, Peter

CARROLL

Buco, Thomas

Comeau, Ed

Ticehurst, Susan

CHESHIRE

Abbott, Michael
Johnsen, Gladys
Parkhurst, Henry
Shepardson, Marjorie

Ames, Richard
Ley, Douglas
Pearson, William
Tatro, Bruce

Berch, Paul
Mann, John
Phillips, Larry
Tilton, Benjamin

Eaton, Daniel
McConnell, James
Robertson, Timothy
Weber, Lucy

COOS

Fothergill, John

Moynihan, Wayne

Rappaport, Laurence

Thomas, Yvonne

GRAFTON

Abel, Richard
Darrow, Stephen
Maes, Kevin
Townsend, Charles

Almy, Susan
Ford, Susan
Massimilla, Linda
White, Andrew

Brown, Chris
Hennessey, Erin
Nordgren, Sharon

Cooney, Mary
Hull, Robert
Sykes, George

HILLSBOROUGH

Backus, Robert
Coffey, James
Edwards, Elizabeth
Gidge, Kenneth
Hansberry, Daniel
Jack, Martin
Manley, Jonathan
Porter, Marjorie
Shattuck, Gilman
Sullivan, Daniel
Williams, Kermit

Beaulieu, Jane
Cohen, Alan
Estevez, Eric
Goley, Jeffrey
Harvey, Suzanne
Leishman, Peter
McNamara, Richard
Roberts, Carol
Shaw, Barbara
Takesian, Charlene
Woodbury, David

Brown, Pamela
Cornell, Patricia
Forest, Armand
Gorman, Mary
Heath, Mary
Long, Patrick
O'Brien, Michael
Rosenwald, Cindy
Snow, Kendall
Vann, Ivy

Christiansen, Lars
Cote, David
Freitas, Mary
Guerette, C. Lee
Herbert, Christopher
Mangipudi, Latha
Peterson, Ken
Rowe, Robert
Soucy, Timothy
Walsh, Robert

MERRIMACK

Alicea, Caroletta
Deloge, Helen
Gile, Mary
Luneau, David
Ratzki, Mario
Shurtleff, Stephen

Bartlett, Christy
Doherty, David
Henle, Paul
MacKay, James
Rogers, Katherine
Turcotte, Alan

Bradley, Paula
Ebel, Karen
Karrick, David
Moffett, Howard
Saunderson, George
Wallner, Mary Jane

Carson, Clyde
Frazer, June
Kidder, David
Myler, Mel
Schuett, Dianne
Wheeler, Deborah

ROCKINGHAM

Azarian, Gary
Cahill, Michael
Cushing, Robert
Fesh, Robert
Guthrie, Joseph
Lovejoy, Patricia
Simpson, Alexis

Berrien, Skip
Cali-Pitts, Jacqueline
DiFranco, Debbie
Francese, Paula
Heffron, Frank
Moody, Marcia
Ward, Gerald

Borden, David
Cardon, G. Thomas
Duarte, Joe
Gordon, Pamela
Itse, Daniel
Pantelakos, Laura

Bush, Carol
Cook, Allen
Elliott, Robert
Gordon, Richard
Katsakiores, Phyllis
Sherman, Thomas

STRAFFORD

Baber, William
Burton, Wayne
Kaen, Naida
Treleaven, Susan

Berube, Roger
Cilley, Jacalyn
Rollo, Deanna
Wall, Janet

Bickford, David
DiSesa, Len
Schmidt, Peter
Wuelper, Kurt

Bixby, Peter
Horrigan, Timothy
Spang, Judith

SULLIVAN

Cloutier, John
Grenier, James
Rollins, Skip

Converse, Larry
Irwin, Virginia

Gagnon, Raymond
Laware, Thomas

Gottling, Suzanne
Oxenham, Lee

NAYS - 152**BELKNAP**

Aldrich, Glen
Fraser, Valerie
Sylvia, Michael

Dumais, Russell
Howard, Jr., Raymond
Tilton, Franklin

Fields, Dennis
Luther, Robert
Vadney, Herbert

Flanders, Donald
Spanos, Peter

CARROLL

Avellani, Lino
Nelson, Bill

Cordelli, Glenn
Parker, Harold

McCarthy, Frank
Umberger, Karen

McConkey, Mark
Wright, Ted

CHESHIRE

Bordenet, John

Hunt, John

COOS

Richardson, Herbert	Rideout, Leon	Tholl, John
---------------------	---------------	-------------

GRAFTON

Gionet, Edmond	Johnson, Eric	Ladd, Rick	Shackett, Jeffrey
----------------	---------------	------------	-------------------

HILLSBOROUGH

Adams, Christopher	Ammon, Keith	Balcom, John	Belanger, James
Biggie, Barbara	Boehm, Ralph	Burt, John	Byron, Frank
Christensen, Chris	Christie, Rick	Danielson, David	Eastman, Eric
Edelblut, Frank	Ferreira, Elizabeth	Gagne, Larry	Gargas, Carolyn
Gould, Linda	Griffin, Barbara	Halstead, Carolyn	Hansen, Peter
Hinch, Richard	Hogan, Edith	Infantine, William	Kurk, Neal
Lachance, Joseph	LeBrun, Donald	Marston, Dick	McCarthy, Peggy
McClarren, Donald	McLean, Mark	Moore, Josh	Murotake, David
Murphy, Keith	Notter, Jeanine	Ober, Lynne	Ober, Russell
Ohm, Bill	Palmer, Barry	Parison, James	Pellegrino, Anthony
Pierce, David	Proulx, Mark	Rice, Kimberly	Rouillard, Claire
Sanborn, Laurie	Scotsas, Lisa	Simmons, Tammy	Smith, Gregory
Souza, Kathleen	Straight, Phillip	Sullivan, Victoria	Twombly, Timothy
Ulery, Jordan	Wolf, Terry		

MERRIMACK

Brewster, Michael	French, Harold	Hess, David	Hoell, J.R.
Horn, Werner	Kotowski, Frank	Kuch, Bill	Long, Douglas
Marple, Richard	Martin, John	McGuire, Carol	McGuire, Dan
Parent, Jason	Seaworth, Brian	Walsh, Thomas	

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Baldasaro, Alfred	Barnes, Arthur
Bates, David	Chase, Francis	Christie, Andrew	Dean-Bailey, Yvonne
Devine, James	Emerick, J. Tracy	Gannon, William	Green, Dennis
Griffin, Mary	Harris, Jeffrey	Hodgdon, Bruce	Hoelzel, Kathleen
Introne, Robert	Kappler, Lawrence	Kolodziej, Walter	Lundgren, David
Manning, John	Matthews, Carolyn	McKinney, Betsy	McMahon, Charles
Osborne, Jason	Peckham, Michele	Potucek, John	Prudhomme-O'Brien, Katherine
Rice, Frederick	Schroadter, Adam	Spillane, James	Tasker, Kyle
Tilton, Rio	Tucker, Pamela	Vose, Michael	Ward, Joanne
Webb, James	Welch, David	Weyler, Kenneth	Woitkun, Steven

STRAFFORD

Beaudoin, Steven	Cheney, Catherine	DeLemus, Susan	Graham, Robert
Gray, James	Groen, Warren	Hannon, Joseph	Jones, Laura
Kaczynski, Jr., Thomas	Leeman, Don	Mullen, John	Sprague, Dale
Turcotte, Leonard	Whitehouse, Joshua		

SULLIVAN

Smith, Steven

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

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Shurtleff moved that the House reconsider its action whereby, on a roll call vote of 156-152, the House adopted the minority committee report of Ought to Pass with Amendment on **SB 136**, establishing a committee to review constitutional amendments pending in Congress regarding the Citizens United decision and related cases that have been introduced in the United States Supreme Court.

Rep. Shurtleff spoke against.

Rep. Burt requested a roll call; sufficiently seconded.

YEAS 160 – NAYS 149**YEAS - 160****BELKNAP**

Aldrich, Glen	Dumais, Russell	Flanders, Donald	Fraser, Valerie
Howard, Jr., Raymond	Hurt, George	Luther, Robert	Spanos, Peter
Sylvia, Michael	Tilton, Franklin	Vadney, Herbert	Varney, Peter

CARROLL

Avellani, Lino	Comeau, Ed	Cordelli, Glenn	McCarthy, Frank
McConkey, Mark	Nelson, Bill	Parker, Harold	Umberger, Karen
Wright, Ted			

CHESHIRE

Hunt, John

COOS

Richardson, Herbert

Rideout, Leon

Tholl, John

GRAFTONGionet, Edmond
Shackett, Jeffrey

Ingbretson, Paul

Johnson, Eric

Ladd, Rick

HILLSBOROUGHAdams, Christopher
Biggie, Barbara
Christensen, Chris
Eastman, Eric
Gargas, Carolyn
Hansen, Peter
Kurk, Neal
McCarthy, Peggy
Murotake, David
Ober, Russell
Pellegrino, Anthony
Rouillard, Claire
Simmons, Tammy
Sullivan, VictoriaAmmon, Keith
Boehm, Ralph
Christie, Rick
Edelblut, Frank
Gould, Linda
Hinch, Richard
Lachance, Joseph
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pierce, David
Rowe, Robert
Smith, Gregory
Twombly, TimothyBalcom, John
Burt, John
Coffey, James
Ferreira, Elizabeth
Griffin, Barbara
Hogan, Edith
LeBrun, Donald
McLean, Mark
Notter, Jeanine
Palmer, Barry
Proulx, Mark
Sanborn, Laurie
Souza, Kathleen
Ulery, JordanBelanger, James
Byron, Frank
Danielson, David
Gagne, Larry
Halstead, Carolyn
Infantine, William
Marston, Dick
Moore, Josh
Ober, Lynne
Parison, James
Rice, Kimberly
Scotsas, Lisa
Straight, Phillip
Wolf, Terry**MERRIMACK**Brewster, Michael
Horn, Werner
Marple, Richard
Parent, JasonFrench, Harold
Kotowski, Frank
Martin, John
Seaworth, BrianHess, David
Kuch, Bill
McGuire, Carol
Walsh, ThomasHoell, J.R.
Long, Douglas
McGuire, Dan**ROCKINGHAM**Abrami, Patrick
Bates, David
Cook, Allen
Emerick, J. Tracy
Griffin, Mary
Introne, Robert
Matthews, Carolyn
Potucek, John
Spillane, James
Vose, Michael
Weyler, KennethAllen, Mary
Bush, Carol
Dean-Bailey, Yvonne
Fesh, Robert
Harris, Jeffrey
Kappler, Lawrence
McMahon, Charles
Prudhomme-O'Brien, Katherine
Tasker, Kyle
Ward, Joanne
Woitkun, StevenBaldasaro, Alfred
Chase, Francis
Devine, James
Gannon, William
Hodgdon, Bruce
Kolodziej, Walter
Osborne, Jason
Rice, Frederick
Tilton, Rio
Webb, JamesBarnes, Arthur
Christie, Andrew
DiFranco, Debbie
Green, Dennis
Hoelzel, Kathleen
Lundgren, David
Peckham, Michele
Schroadter, Adam
Tucker, Pamela
Welch, David**STRAFFORD**Beaudoin, Steven
Gray, James
Kaczynski, Jr., Thomas
Turcotte, LeonardCheney, Catherine
Groen, Warren
Leeman, Don
Whitehouse, JoshuaDeLemus, Susan
Hannon, Joseph
Mullen, John
Wuelper, KurtGraham, Robert
Jones, Laura
Sprague, Dale**SULLIVAN**

Laware, Thomas

Smith, Steven

NAYS - 149**BELKNAP**

Fields, Dennis

Gallagher, Brian

CARROLL

Buco, Thomas

Ticehurst, Susan

CHESHIREAbbott, Michael
Eaton, Daniel
McConnell, James
Robertson, Timothy
Weber, LucyAmes, Richard
Johnsen, Gladys
Parkhurst, Henry
Shepardson, MarjorieBerch, Paul
Ley, Douglas
Pearson, William
Tatro, BruceBordenet, John
Mann, John
Phillips, Larry
Tilton, Benjamin**COOS**

Fothergill, John

Moynihan, Wayne

Rappaport, Laurence

Thomas, Yvonne

GRAFTON

Abel, Richard

Almy, Susan

Brown, Chris

Cooney, Mary

Darrow, Stephen
Maes, Kevin
Townsend, Charles

Ford, Susan
Massimilla, Linda
White, Andrew

Hennessey, Erin
Nordgren, Sharon

Hull, Robert
Sykes, George

HILLSBOROUGH

Backus, Robert
Cohen, Alan
Estevez, Eric
Goley, Jeffrey
Harvey, Suzanne
Leishman, Peter
McNamara, Richard
Roberts, Carol
Snow, Kendall
Vann, Ivy

Beaulieu, Jane
Cornell, Patricia
Forest, Armand
Gorman, Mary
Heath, Mary
Long, Patrick
O'Brien, Michael
Rosenwald, Cindy
Soucy, Timothy
Walsh, Robert

Brown, Pamela
Cote, David
Freitas, Mary
Guerette, C. Lee
Herbert, Christopher
Mangipudi, Latha
Peterson, Ken
Shattuck, Gilman
Sullivan, Daniel
Williams, Kermit

Christiansen, Lars
Edwards, Elizabeth
Gidge, Kenneth
Hansberry, Daniel
Jack, Martin
Manley, Jonathan
Porter, Marjorie
Shaw, Barbara
Takesian, Charlene
Woodbury, David

MERRIMACK

Alicea, Caroletta
Deloge, Helen
Gile, Mary
Luneau, David
Ratzki, Mario
Shurtleff, Stephen

Bartlett, Christy
Doherty, David
Henle, Paul
MacKay, James
Rogers, Katherine
Turcotte, Alan

Bradley, Paula
Ebel, Karen
Karrick, David
Moffett, Howard
Saunderson, George
Wallner, Mary Jane

Carson, Clyde
Frazer, June
Kidder, David
Myler, Mel
Schuett, Dianne
Wheeler, Deborah

ROCKINGHAM

Azarian, Gary
Cali-Pitts, Jacqueline
Elliott, Robert
Guthrie, Joseph
Lovejoy, Patricia
Pantelakos, Laura

Berrien, Skip
Cardon, G. Thomas
Francese, Paula
Heffron, Frank
Manning, John
Sherman, Thomas

Borden, David
Cushing, Robert
Gordon, Pamela
Itse, Daniel
McKinney, Betsy
Simpson, Alexis

Cahill, Michael
Duarte, Joe
Gordon, Richard
Katsakiores, Phyllis
Moody, Marcia
Ward, Gerald

STRAFFORD

Baber, William
Burton, Wayne
Kaen, Naida
Treleaven, Susan

Berube, Roger
Cilley, Jacalyn
Rollo, Deanna
Wall, Janet

Bickford, David
DiSesa, Len
Schmidt, Peter

Bixby, Peter
Horrigan, Timothy
Spang, Judith

SULLIVAN

Cloutier, John
Grenier, James

Converse, Larry
Irwin, Virginia

Gagnon, Raymond
Oxenham, Lee

Gottling, Suzanne
Rollins, Skip

and the motion was adopted.

MOTION TO LAY ON THE TABLE

Reps. Hinch and Shurtleff moved that **SB 136**, establishing a committee to review constitutional amendments pending in Congress regarding the Citizens United decision and related cases that have been introduced in the United States Supreme Court, be laid on the table.

Motion adopted.

MOTION TO RECESS

Rep. Kappler moved that the House stand in Recess until January 20, 2016.

Rep. Simmons spoke against.

Rep. Kappler spoke in favor.

Rep. Kappler withdrew his motion to Recess.

REMOVED FROM THE TABLE

Reps. Hinch and Shurtleff moved that **SB 136**, establishing a committee to review constitutional amendments pending in Congress regarding the Citizens United decision and related cases that have been introduced in the United States Supreme Court, be removed from the table.

Motion adopted.

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

Rep. Shurtleff requested a roll call; sufficiently seconded.

YEAS 144 – NAYS 159

**YEAS - 144
BELKNAP**

Gallagher, Brian

Varney, Peter

CARROLL

Buco, Thomas

Ticehurst, Susan

CHESHIREAbbott, Michael
Eaton, Daniel
McConnell, James
Robertson, Timothy
Weber, LucyAmes, Richard
Johnsen, Gladys
Parkhurst, Henry
Shepardson, MarjorieBerch, Paul
Ley, Douglas
Pearson, William
Tatro, BruceBordenet, John
Mann, John
Phillips, Larry
Tilton, Benjamin**COOS**

Fothergill, John

Moynihan, Wayne

Rappaport, Laurence

Thomas, Yvonne

GRAFTONAbel, Richard
Darrow, Stephen
Massimilla, Linda
White, AndrewAlmy, Susan
Ford, Susan
Nordgren, SharonBrown, Chris
Hull, Robert
Sykes, GeorgeCooney, Mary
Maes, Kevin
Townsend, Charles**HILLSBOROUGH**Backus, Robert
Christiansen, Lars
Edwards, Elizabeth
Gidge, Kenneth
Guerette, C. Lee
Herbert, Christopher
Mangipudi, Latha
Peterson, Ken
Shaw, Barbara
Takesian, Charlene
Woodbury, DavidBaroody, Benjamin
Cohen, Alan
Estevez, Eric
Goley, Jeffrey
Hansberry, Daniel
Jack, Martin
Manley, Jonathan
Porter, Marjorie
Snow, Kendall
Vann, IvyBeaulieu, Jane
Cornell, Patricia
Forest, Armand
Gonzalez, Carlos
Harvey, Suzanne
Leishman, Peter
McNamara, Richard
Rosenwald, Cindy
Soucy, Timothy
Walsh, RobertBrown, Pamela
Cote, David
Freitas, Mary
Gorman, Mary
Heath, Mary
Long, Patrick
O'Brien, Michael
Shattuck, Gilman
Sullivan, Daniel
Williams, Kermit**MERRIMACK**Alicea, Caroletta
Deloge, Helen
Gile, Mary
Luneau, David
Ratzki, Mario
Shurtleff, StephenBartlett, Christy
Doherty, David
Henle, Paul
MacKay, James
Rogers, Katherine
Turcotte, AlanBradley, Paula
Ebel, Karen
Karrick, David
Moffett, Howard
Saunderson, George
Wallner, Mary JaneCarson, Clyde
Frazer, June
Kidder, David
Myler, Mel
Schuett, Dianne
Wheeler, Deborah**ROCKINGHAM**Azarian, Gary
Cali-Pitts, Jacqueline
Elliott, Robert
Guthrie, Joseph
Moody, Marcia
Ward, GeraldBerrien, Skip
Cardon, G. Thomas
Francese, Paula
Heffron, Frank
Pantelakos, LauraBorden, David
Cushing, Robert
Gordon, Pamela
Itse, Daniel
Sherman, ThomasCahill, Michael
DiFranco, Debbie
Gordon, Richard
Lovejoy, Patricia
Simpson, Alexis**STRAFFORD**Baber, William
Cilley, Jacalyn
Rollo, Deanna
Wall, JanetBickford, David
DiSesa, Len
Schmidt, PeterBixby, Peter
Horrigan, Timothy
Spang, JudithBurton, Wayne
Kaen, Naida
Treleaven, Susan**SULLIVAN**Cloutier, John
Irwin, VirginiaConverse, Larry
Oxenham, LeeGagnon, Raymond
Rollins, Skip

Gottling, Suzanne

NAYS - 159**BELKNAP**Aldrich, Glen
Fraser, Valerie
Spanos, PeterDumais, Russell
Howard, Jr., Raymond
Sylvia, MichaelFields, Dennis
Hurt, George
Tilton, FranklinFlanders, Donald
Luther, Robert
Vadney, Herbert**CARROLL**Avellani, Lino
McCarthy, Frank
Umberger, KarenChandler, Gene
McConkey, Mark
Wright, TedComeau, Ed
Nelson, BillCordelli, Glenn
Parker, Harold**CHESHIRE**

Hunt, John

COOS

Richardson, Herbert

Rideout, Leon

Tholl, John

GRAFTONGionet, Edmond
Ladd, Rick

Hennessey, Erin

Ingbretson, Paul

Johnson, Eric

HILLSBOROUGHAdams, Christopher
Biggie, Barbara
Christensen, Chris
Eastman, Eric
Gargas, Carolyn
Hansen, Peter
Kurk, Neal
McCarthy, Peggy
Murotake, David
Ober, Russell
Proulx, Mark
Sanborn, Laurie
Straight, Phillip
Wolf, TerryAmmon, Keith
Boehm, Ralph
Christie, Rick
Edelblut, Frank
Gould, Linda
Hinch, Richard
Lachance, Joseph
McClarren, Donald
Murphy, Keith
Parison, James
Rice, Kimberly
Simmons, Tammy
Sullivan, VictoriaBalcom, John
Burt, John
Coffey, James
Ferreira, Elizabeth
Griffin, Barbara
Hogan, Edith
LeBrun, Donald
McLean, Mark
Notter, Jeanine
Pellegrino, Anthony
Rouillard, Claire
Smith, Gregory
Twombly, TimothyBelanger, James
Byron, Frank
Danielson, David
Gagne, Larry
Halstead, Carolyn
Infantine, William
Marston, Dick
Moore, Josh
Ober, Lynne
Pierce, David
Rowe, Robert
Souza, Kathleen
Ulery, Jordan**MERRIMACK**Brewster, Michael
Horn, Werner
Marple, Richard
Seaworth, BrianFrench, Harold
Kotowski, Frank
Martin, John
Walsh, ThomasHess, David
Kuch, Bill
McGuire, CarolHoell, J.R.
Long, Douglas
McGuire, Dan**ROCKINGHAM**Abrami, Patrick
Bates, David
Cook, Allen
Emerick, J. Tracy
Griffin, Mary
Introne, Robert
Manning, John
Osborne, Jason
Rice, Frederick
Tilton, Rio
Webb, JamesAllen, Mary
Bush, Carol
Dean-Bailey, Yvonne
Fesh, Robert
Harris, Jeffrey
Kappler, Lawrence
Matthews, Carolyn
Peckham, Michele
Schroadter, Adam
Tucker, Pamela
Welch, DavidBaldasaro, Alfred
Chase, Francis
Devine, James
Gannon, William
Hodgdon, Bruce
Katsakiores, Phyllis
McKinney, Betsy
Potucek, John
Spillane, James
Vose, Michael
Weyler, KennethBarnes, Arthur
Christie, Andrew
Duarte, Joe
Green, Dennis
Hoelzel, Kathleen
Kolodziej, Walter
McMahon, Charles
Prudhomme-O'Brien, Katherine
Tasker, Kyle
Ward, Joanne
Woitkun, Steven**STRAFFORD**Beaudoin, Steven
Gray, James
Kaczynski, Jr., Thomas
Turcotte, LeonardCheney, Catherine
Groen, Warren
Leeman, Don
Whitehouse, JoshuaDeLemus, Susan
Hannon, Joseph
Mullen, John
Wuelper, KurtGraham, Robert
Jones, Laura
Sprague, Dale**SULLIVAN**

Laware, Thomas

Smith, Steven

and the motion failed.

Rep. Kurk moved Inexpedient to Legislate.

Rep. Spanos requested a roll call; sufficiently seconded.

YEAS 166 – NAYS 137**YEAS - 166****BELKNAP**Aldrich, Glen
Fraser, Valerie
Spanos, Peter
Varney, PeterDumais, Russell
Howard, Jr., Raymond
Sylvia, MichaelFields, Dennis
Hurt, George
Tilton, FranklinFlanders, Donald
Luther, Robert
Vadney, Herbert**CARROLL**Avellani, Lino
Cordelli, Glenn
Parker, HaroldBuco, Thomas
McCarthy, Frank
Umberger, KarenChandler, Gene
McConkey, Mark
Wright, TedComeau, Ed
Nelson, Bill**CHESHIRE**

Bordenet, John

Hunt, John

COOS

Fothergill, John

Richardson, Herbert

Rideout, Leon

Tholl, John

GRAFTONGionet, Edmond
Ladd, Rick

Hennessey, Erin

Ingbretson, Paul

Johnson, Eric

HILLSBOROUGHAdams, Christopher
Biggie, Barbara
Christensen, Chris
Danielson, David
Gagne, Larry
Griffin, Barbara
Hogan, Edith
LeBrun, Donald
McLean, Mark
Notter, Jeanine
Pellegrino, Anthony
Rouillard, Claire
Smith, Gregory
Twombly, TimothyAmmon, Keith
Boehm, Ralph
Christiansen, Lars
Eastman, Eric
Gargas, Carolyn
Halstead, Carolyn
Infantine, William
Marston, Dick
Moore, Josh
Ober, Lynne
Pierce, David
Rowe, Robert
Souza, Kathleen
Ulery, JordanBalcom, John
Burt, John
Christie, Rick
Edelblut, Frank
Gonzalez, Carlos
Hansen, Peter
Kurk, Neal
McCarthy, Peggy
Murotake, David
Ober, Russell
Proulx, Mark
Sanborn, Laurie
Straight, Phillip
Wolf, TerryBelanger, James
Byron, Frank
Coffey, James
Ferreira, Elizabeth
Gould, Linda
Hinch, Richard
Lachance, Joseph
McClarren, Donald
Murphy, Keith
Parison, James
Rice, Kimberly
Simmons, Tammy
Sullivan, Victoria**MERRIMACK**Brewster, Michael
Horn, Werner
Marple, Richard
Seaworth, BrianFrench, Harold
Kotowski, Frank
Martin, John
Walsh, ThomasHess, David
Kuch, Bill
McGuire, CarolHoell, J.R.
Long, Douglas
McGuire, Dan**ROCKINGHAM**Abrami, Patrick
Barnes, Arthur
Christie, Andrew
Duarte, Joe
Green, Dennis
Hoelzel, Kathleen
Kolodziej, Walter
McMahon, Charles
Prudhomme-O'Brien, Katherine
Tasker, Kyle
Ward, Joanne
Woitkun, StevenAllen, Mary
Bates, David
Cook, Allen
Emerick, J. Tracy
Griffin, Mary
Introne, Robert
Manning, John
Osborne, Jason
Rice, Frederick
Tilton, Rio
Webb, JamesAzarian, Gary
Bush, Carol
Dean-Bailey, Yvonne
Fesh, Robert
Harris, Jeffrey
Kappler, Lawrence
Matthews, Carolyn
Peckham, Michele
Schroadter, Adam
Tucker, Pamela
Welch, DavidBaldasaro, Alfred
Chase, Francis
Devine, James
Gannon, William
Hodgdon, Bruce
Katsakiores, Phyllis
McKinney, Betsy
Potucek, John
Spillane, James
Vose, Michael
Weyler, Kenneth**STRAFFORD**Beaudoin, Steven
Gray, James
Kaczynski, Jr., Thomas
Turcotte, LeonardCheney, Catherine
Groen, Warren
Leeman, Don
Whitehouse, JoshuaDeLemus, Susan
Hannon, Joseph
Mullen, John
Wuelper, KurtGraham, Robert
Jones, Laura
Sprague, Dale**SULLIVAN**

Laware, Thomas

Smith, Steven

**NAYS - 137
BELKNAP**

Gallagher, Brian

CARROLL

Ticehurst, Susan

CHESHIREAbbott, Michael
Johnsen, Gladys
Parkhurst, Henry
Shepardson, MarjorieAmes, Richard
Ley, Douglas
Pearson, William
Tatro, BruceBerch, Paul
Mann, John
Phillips, Larry
Tilton, BenjaminEaton, Daniel
McConnell, James
Robertson, Timothy
Weber, Lucy**COOS**

Moynihan, Wayne

Rappaport, Laurence

Thomas, Yvonne

GRAFTON

Abel, Richard

Almy, Susan

Brown, Chris

Cooney, Mary

Darrow, Stephen
Massimilla, Linda
White, Andrew

Ford, Susan
Nordgren, Sharon

Hull, Robert
Sykes, George

Maes, Kevin
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Cohen, Alan
Estevez, Eric
Goley, Jeffrey
Harvey, Suzanne
Leishman, Peter
McNamara, Richard
Rosenwald, Cindy
Soucy, Timothy
Walsh, Robert

Baroody, Benjamin
Cornell, Patricia
Forest, Armand
Gorman, Mary
Heath, Mary
Long, Patrick
O'Brien, Michael
Shattuck, Gilman
Sullivan, Daniel
Williams, Kermit

Beaulieu, Jane
Cote, David
Freitas, Mary
Guerette, C. Lee
Herbert, Christopher
Mangipudi, Latha
Peterson, Ken
Shaw, Barbara
Takesian, Charlene
Woodbury, David

Brown, Pamela
Edwards, Elizabeth
Gidge, Kenneth
Hansberry, Daniel
Jack, Martin
Manley, Jonathan
Porter, Marjorie
Snow, Kendall
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Deloge, Helen
Gile, Mary
Luneau, David
Ratzki, Mario
Shurtleff, Stephen

Bartlett, Christy
Doherty, David
Henle, Paul
MacKay, James
Rogers, Katherine
Turcotte, Alan

Bradley, Paula
Ebel, Karen
Karrick, David
Moffett, Howard
Saunderson, George
Wallner, Mary Jane

Carson, Clyde
Frazer, June
Kidder, David
Myler, Mel
Schuett, Dianne
Wheeler, Deborah

ROCKINGHAM

Berrien, Skip
Cardon, G. Thomas
Francese, Paula
Heffron, Frank
Pantelakos, Laura

Borden, David
Cushing, Robert
Gordon, Pamela
Itse, Daniel
Sherman, Thomas

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

Cali-Pitts, Jacqueline
Elliott, Robert
Guthrie, Joseph
Moody, Marcia
Ward, Gerald

STRAFFORD

Baber, William
Cilley, Jacalyn
Rollo, Deanna
Wall, Janet

Bickford, David
DiSesa, Len
Schmidt, Peter

Bixby, Peter
Horrigan, Timothy
Spang, Judith

Burton, Wayne
Kaen, Naida
Treleven, Susan

SULLIVAN

Cloutier, John
Irwin, Virginia

Converse, Larry
Oxenham, Lee

Gagnon, Raymond
Rollins, Skip

Gottling, Suzanne

and the motion was adopted.

(Rep. Chandler in the Chair)

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Carol McGuire moved that the House reconsider its action whereby, on a roll call vote of 166-137, the House adopted the motion of Inexpedient to Legislate on **SB 136**, establishing a committee to review constitutional amendments pending in Congress regarding the Citizens United decision and related cases that have been introduced in the United States Supreme Court.

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

Motion failed.

REGULAR CALENDAR CONT'D

HB 226, allowing municipalities to borrow from any fund controlled by such municipality under certain conditions. **INEXPEDIENT TO LEGISLATE.**

Rep. James Coffey for Municipal and County Government. This bill would allow a municipality to borrow from existing funds that have been set aside for particular purposes for future expenditures. While using funds which have been set aside and are not currently in use is like borrowing from one's own savings account sounds like a great idea, looking deeper into it brought out some unintended pitfalls. Despite a constructive attempt to alter the original bill with an amendment, a bi-partisan majority of the Municipal and County Government Committee believes that potential problems still exist. The bill allows the governing body of a municipality to borrow beyond its current fiscal year with a 2/3 vote of the legislative body. This means that for a town it could only be accomplished at an annual meeting and would resemble a self-funded bond issue. It would also require a higher percentage to pass in SB 2 municipalities which normally require a sixty percent vote. The idea of reducing municipal costs by safe use of a temporary surplus in another fund should be explored further, but this bill could create more problems than it resolves. Vote 10-3.

Committee report adopted.

HB 430, relative to extending the veterans' property tax credit to all honorably discharged veterans. **OUGHT TO PASS.**

Rep. Francis Chase for Municipal and County Government. This bill was one of three that concerned veterans' issues and was considered, by the committee, to be the most deserving. Municipalities vote to set the maximum amount of a tax credit given to eligible veterans between \$50 and \$500. There is a gap in the eligibility period at the end of the Korean War and the beginning of the Viet Nam conflict where veterans who served, regardless of where, are not eligible. This causes a veteran who may have served in a combat area to be denied the credit while a veteran serving in the States during another period is eligible. The current statute does not address where one served as much as when. Some veterans were getting the credit but lost it when some municipalities realized there was a gap in the eligibility period. This bill removes that gap and treats all veterans serving during the entire period the same without discrimination. The subject of making this enabling was not considered seriously by the committee as it would have created different classes of veterans between municipalities. Vote 13-0. Committee report adopted and ordered to third reading.

SB 146, relative to accessory dwelling units. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James Belanger for Municipal and County Government. Senate Bill 146, a bill relative to accessory dwelling units, is much improved since its inception. A bipartisan subcommittee received substantive input from planning and zoning experts, municipal officials, and private industry representatives as well as several governing bodies. The resulting bill responds to overwhelming consumer demand for housing diversity and affordability, while at the same time, minimizing the potential for unintended consequences with careful wording. The bill allows accessory dwelling units to be established in the predominantly residential areas of all New Hampshire communities. This will help serve the needs of our state's aging and disabled populations, and will help address the desire of our younger residents to remain here to live and work by providing more affordable housing options. The bill includes several carefully drafted safeguards that ensure important municipal controls. Such controls include the ability to adopt conditional use or special exception requirements, the ability to require the "look and feel" of single family homes, incorporation of the accessory dwelling unit into the primary dwelling, and sizing and setback regulations that address well-grounded concerns about overburdening and unreasonable impacts upon neighbors and residential neighborhoods. The legislation also clarifies that municipalities may allow detached accessory dwelling units, but they are not required to do so. Finally, the bill allows municipalities to count qualifying accessory dwelling units toward their required fair share under the state's workforce housing law. The amended bill is an effective compromise that addresses almost every concern that was raised before the committee, and it contains numerous safeguards that will protect municipal interests while also helping to meet the needs of our changing population and allowing all homeowners fuller use of their property. Vote 11-2.

Amendment (2424h)

Amend the bill by replacing section 2 with the following:

2 New Subdivision; Accessory Dwelling Units. Amend RSA 674 by inserting after section 70 the following new subdivision:

Accessory Dwelling Units

674:71 Definition. As used in this subdivision, "accessory dwelling unit" means a residential living unit that is within or attached to a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

674:72 Accessory Dwelling Units.

I. A municipality that adopts a zoning ordinance pursuant to the authority granted in this chapter shall allow accessory dwelling units as a matter of right or by either conditional use permit pursuant to RSA 674:21 or by special exception, in all zoning districts that permit single-family dwellings. One accessory dwelling unit shall be allowed without additional requirements for lot size, frontage, space limitations, or other controls beyond what would be required for a single-family dwelling without an accessory dwelling unit. The municipality is not required to allow more than one accessory dwelling unit for any single-family dwelling.

II. If a zoning ordinance contains no provisions pertaining to accessory dwelling units, then one accessory dwelling unit shall be deemed a permitted accessory use, as a matter of right, to any single-family dwelling in the municipality, and no municipal permits or conditions shall be required other than a building permit, if necessary.

III. An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit, but a municipality shall not require that it remain unlocked.

IV. Any municipal regulation applicable to single-family dwellings shall also apply to the combination of a principal dwelling unit and an accessory dwelling unit including, but not limited to lot coverage standards and standards for maximum occupancy per bedroom consistent with policy adopted by the United States Department of Housing and Urban Development. A municipality may require adequate parking to accommodate an accessory dwelling unit.

V. The applicant for a permit to construct an accessory dwelling unit shall make adequate provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with RSA 485-A:38, but separate systems shall not be required for the principal and accessory dwelling units.

VI. A municipality may require owner occupancy of one of the dwelling units, but it shall not specify which unit the owner must occupy. A municipality may require that the owner demonstrate that one of the units is his or her principal place of residence, and the municipality may establish reasonable regulations to enforce such a requirement.

VII. A municipality may establish standards for accessory dwelling units for the purpose of maintaining the aesthetic continuity with the principal dwelling unit as a single-family dwelling. A municipality may also establish minimum and maximum sizes for an accessory dwelling unit, provided that size may not be restricted to less than 750 square feet.

VIII. A municipality may not require a familial relationship between the occupants of an accessory dwelling unit and the occupants of a principal dwelling unit.

IX. A municipality may not limit an accessory dwelling unit to only one bedroom.

X. An accessory dwelling unit may be deemed a unit of workforce housing for purposes of satisfying the municipality's obligation under RSA 674:59 if the unit meets the criteria in RSA 674:58, IV for rental units.

674:73 Detached Accessory Dwelling Units. A municipality is not required to but may permit detached accessory dwelling units. Detached accessory dwelling units shall comply with the requirements of, and any municipal ordinances or regulations adopted pursuant to, RSA 674:72, IV through IX. If a municipality allows detached accessory dwelling units, it may require an increased lot size.

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect June 1, 2017.

Committee amendment adopted.

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

Rep. Beaulieu offered floor amendment (3060h).

Floor Amendment (3060h)

Amend RSA 674:72, VI-VIII as inserted by section 2 of the bill by replacing them with the following:

VI. A municipality shall require owner occupancy of one of the dwelling units, but it shall not specify which unit the owner must occupy. A municipality may require that the owner demonstrate that one of the units is his or her principal place of residence, and the municipality may establish reasonable regulations to enforce such a requirement.

VII. A municipality shall establish standards for accessory dwelling units for the purpose of maintaining the aesthetic continuity with the principal dwelling unit as a single-family dwelling. A municipality may also establish minimum and maximum sizes for an accessory dwelling unit, provided that size may not be restricted to less than 750 square feet.

VIII. A municipality shall require a familial relationship between the occupants of an accessory dwelling unit and the occupants of a principal dwelling unit.

Amend RSA 674:72 as inserted by section 2 of the bill by deleting paragraph X.

Amend section 2 of the bill by deleting RSA 674:73.

Rep. Beaulieu spoke in favor and yielded to questions.

(Speaker Jasper in the Chair)

Rep. Beaulieu withdrew floor amendment (3060h).

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

Rep. Barbara Griffin spoke against and yielded to questions.

Rep. Beaudoin spoke against.

Rep. Porter spoke in favor and yielded to questions.

Rep. Almy requested a roll call; sufficiently seconded.

YEAS 188 – NAYS 93

YEAS - 188

BELKNAP

Aldrich, Glen

Gallagher, Brian

Spanos, Peter

CARROLL

Avellani, Lino
McConkey, Mark

Buco, Thomas
Parker, Harold

Comeau, Ed
Ticehurst, Susan

McCarthy, Frank
Umberger, Karen

CHESHIRE

Abbott, Michael

Ames, Richard

Berch, Paul

Bordenet, John

Eaton, Daniel
Mann, John
Robertson, Timothy
Weber, Lucy

Hunt, John
McConnell, James
Shepardson, Marjorie

Johnsen, Gladys
Pearson, William
Tatro, Bruce

Ley, Douglas
Phillips, Larry
Tilton, Benjamin

COOS

Moynihan, Wayne

Tholl, John

GRAFTON

Abel, Richard
Gionet, Edmond
Massimilla, Linda
White, Andrew

Almy, Susan
Hennessey, Erin
Nordgren, Sharon

Brown, Chris
Ingretson, Paul
Sykes, George

Cooney, Mary
Maes, Kevin
Townsend, Charles

HILLSBOROUGH

Ammon, Keith
Belanger, James
Coffey, James
Edwards, Elizabeth
Gargas, Carolyn
Guereffe, C. Lee
Hinch, Richard
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Parison, James
Rice, Kimberly
Smith, Gregory
Sullivan, Victoria
Woodbury, David

Backus, Robert
Biggie, Barbara
Cohen, Alan
Estevez, Eric
Gidge, Kenneth
Halstead, Carolyn
Infantine, William
Leishman, Peter
McLean, Mark
O'Brien, Michael
Pellegrino, Anthony
Sanborn, Laurie
Snow, Kendall
Vann, Ivy

Balcom, John
Brown, Pamela
Eastman, Eric
Ferreira, Elizabeth
Goley, Jeffrey
Harvey, Suzanne
Jack, Martin
Mangipudi, Latha
McNamara, Richard
Ober, Lynne
Porter, Marjorie
Shattuck, Gilman
Soucy, Timothy
Walsh, Robert

Baroody, Benjamin
Burt, John
Edelblut, Frank
Freitas, Mary
Gonzalez, Carlos
Heath, Mary
Lachance, Joseph
Manley, Jonathan
Moore, Josh
Ober, Russell
Proulx, Mark
Simmons, Tammy
Sullivan, Daniel
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Deloge, Helen
Gile, Mary
Kuch, Bill
McGuire, Dan
Rogers, Katherine
Turcotte, Alan

Bartlett, Christy
Doherty, David
Henle, Paul
Luneau, David
Moffett, Howard
Schuett, Dianne
Wallner, Mary Jane

Bradley, Paula
Frazer, June
Hoell, J.R.
MacKay, James
Myler, Mel
Seaworth, Brian

Carson, Clyde
French, Harold
Karrick, David
Martin, John
Ratzki, Mario
Shurtleff, Stephen

ROCKINGHAM

Abrami, Patrick
Borden, David
Christie, Andrew
DiFranco, Debbie
Gordon, Pamela
Hoelzel, Kathleen
Katsakiores, Phyllis
McMahon, Charles
Potucek, John
Simpson, Alexis

Azarian, Gary
Cahill, Michael
Cushing, Robert
Elliott, Robert
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Moody, Marcia
Rice, Frederick
Spillane, James

Bates, David
Cali-Pitts, Jacqueline
Dean-Bailey, Yvonne
Fesh, Robert
Guthrie, Joseph
Itse, Daniel
Lovejoy, Patricia
Osborne, Jason
Schroadter, Adam
Ward, Gerald

Berrien, Skip
Chase, Francis
Devine, James
Francese, Paula
Heffron, Frank
Kappler, Lawrence
Matthews, Carolyn
Pantelakos, Laura
Sherman, Thomas
Webb, James

STRAFFORD

Baber, William
DiSesa, Len
Horrigan, Timothy
Spang, Judith

Bixby, Peter
Gray, James
Jones, Laura
Treleaven, Susan

Burton, Wayne
Groen, Warren
Kaen, Naida
Wall, Janet

DeLemus, Susan
Hannon, Joseph
Schmidt, Peter

SULLIVAN

Cloutier, John
Irwin, Virginia

Converse, Larry
Oxenham, Lee

Gagnon, Raymond
Smith, Steven

Gottling, Suzanne

NAYS - 93

BELKNAP

Dumais, Russell
Howard, Jr., Raymond
Vadney, Herbert

Fields, Dennis
Hurt, George
Varney, Peter

Flanders, Donald
Luther, Robert

Fraser, Valerie
Tilton, Franklin

CARROLL

Chandler, Gene

Cordelli, Glenn

Nelson, Bill

Wright, Ted

COOS

Fothergill, John	Richardson, Herbert	Rideout, Leon	Thomas, Yvonne
------------------	---------------------	---------------	----------------

GRAFTON

Darrow, Stephen	Hull, Robert	Johnson, Eric	Ladd, Rick
-----------------	--------------	---------------	------------

HILLSBOROUGH

Adams, Christopher	Beaulieu, Jane	Boehm, Ralph	Byron, Frank
Christensen, Chris	Christie, Rick	Cornell, Patricia	Danielson, David
Forest, Armand	Gagne, Larry	Gorman, Mary	Gould, Linda
Griffin, Barbara	Hansberry, Daniel	Hogan, Edith	Kurk, Neal
Long, Patrick	Marston, Dick	Murotake, David	Pierce, David
Rouillard, Claire	Rowe, Robert	Shaw, Barbara	Souza, Kathleen
Straight, Phillip	Takesian, Charlene	Twombly, Timothy	Ulery, Jordan
Wolf, Terry			

MERRIMACK

Brewster, Michael	Ebel, Karen	Hess, David	Horn, Werner
Kidder, David	Kotowski, Frank	Long, Douglas	Marple, Richard
McGuire, Carol	Saunderson, George	Walsh, Thomas	Wheeler, Deborah

ROCKINGHAM

Allen, Mary	Barnes, Arthur	Bush, Carol	Cook, Allen
Emerick, J. Tracy	Gordon, Richard	Green, Dennis	Harris, Jeffrey
Hodgdon, Bruce	Manning, John	Peckham, Michele	Tasker, Kyle
Tilton, Rio	Vose, Michael	Ward, Joanne	Welch, David
Weyler, Kenneth	Woitkun, Steven		

STRAFFORD

Beaudoin, Steven	Bickford, David	Cheney, Catherine	Graham, Robert
Kaczynski, Jr., Thomas	Leeman, Don	Mullen, John	Sprague, Dale
Turcotte, Leonard	Wuelper, Kurt		

SULLIVAN

Laware, Thomas Rollins, Skip
and the committee report was adopted and ordered to third reading.

HB 297, protecting individual customer data from disclosure by a public utility. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Glen Aldrich for the Majority of Science, Technology and Energy. The purpose of this bill is to protect utility customer's personal data and to streamline the exchange of customer complaint data between the PUC and the office of consumer advocate. No evidence surfaced that utility customer's data was in any way at risk. In fact all utilities stated they took great pains to protect this data. It seems this bill was a solution looking for a problem. The PUC said that it already has the authority to share customer complaint data with the consumer advocate making this bill unnecessary. Vote 12-8.

Rep. David Borden for the Minority of Science, Technology and Energy. Although the NH executive branch is one of the least expensive in the nation on a per capita basis, there are processes which are overly bureaucratic and wasteful. The minority feels that it is the role of the legislature to streamline processes thus lowering the cost of government. The Public Utilities Commission requested this bill as a way to improve the flow and usefulness of customer information while also protecting privacy rights.

MOTION TO LAY ON THE TABLE

Rep. Introne moved that **HB 297**, protecting individual customer data from disclosure by a public utility, be laid on the table.

Motion adopted.

REGULAR CALENDAR CONT'D

HB 334, relative to the sale of personally identifiable information by Internet service providers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert Backus for Science, Technology and Energy. This bill, as amended, establishes a committee to study ways of requiring internet service providers to keep the personal information of customers confidential. It would establish a committee of 5 members, 3 members of the House and 2 members of the Senate. The Study Committee is to issue its report by November 1, 2016. As originally presented, the bill would have defined personally identifiable information, internet service provider, and require a customer to "opt in," rather than "opt out," before personally identifying information could be shared. While the committee generally shared the sponsor's concern about securing the privacy of personally

identifiable information from unwanted disclosure to third parties, it became clear that this was a subject that required more time and expertise than was readily available to the committee or the sponsor. With the agreement of the sponsor, the bill was then amended to provide for a study committee so that necessary legal and technical assistance could be brought to bear to help assure effective legislation may be introduced as a result. Vote 14-6.

Amendment (2359h)

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

AN ACT establishing a committee to study ways of requiring Internet entities to keep the personal information of customers confidential.

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

1 Committee Established. There is established a committee to study ways of requiring Internet entities to keep the personal information of customers confidential.

2 Membership and Compensation.

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

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

(b) Two members of the senate, appointed by the president of the senate.

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

3 Duties. The committee shall:

I. Define "Internet service providers".

II. Define "personally identifiable information".

III. Establish criteria for protecting the personally identifiable information of New Hampshire residents from being shared by entities that obtain such information by providing Internet service.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2016

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

2015-2359h

AMENDED ANALYSIS

This bill establishes a committee to study ways of requiring Internet entities to keep the personal information of customers confidential.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 369-FN-A-L, establishing a defined contribution retirement plan for public employees. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Frank Edelblut for the Majority of Special Committee on Public Employee Pension Plans. The committee recommends Interim Study to allow further exploration of "stacked hybrid" plans using this bill as a framework. Stacked plans return a component of a defined benefit plan (DB) up to a certain wage level with a defined contribution plan (DC) above that level. Vote 8-5.

Rep. Jeffrey Goley for the Minority of Special Committee on Public Employee Pension Plans. The reason for referring this bill for Interim Study was to use it as a vehicle to look at and study stacked hybrid plans. We believe the committee already has the ability to look at and study any plan without the need of legislation. There have already been numerous study commissions that have looked at the retirement system, including the subject addressed in this bill, which is establishing a defined contribution plan. If legislation is needed going forward there is already a bill that has been introduced for the upcoming session dealing with cash balance plans that can be used. Therefore the minority of the committee this legislation is not needed.

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

Rep. Goley spoke against and yielded to questions.

Rep. Edelblut spoke in favor.

Majority committee report adopted.

HB 556-FN-L, establishing a cash balance plan for public employees in the retirement system. **REFER FOR INTERIM STUDY.**

Rep. Gary Azarian for Special Committee on Public Employee Pension Plans. The majority of the committee recommended Interim Study for this bill for the following reason. 1) This bill, as presented, is a bare bones approach to moving the system towards a cash balance plan. The complexities to move New Hampshire to a cash balance plan modeled after the successful plans of Nebraska and Kansas merit a true Interim Study so that successful legislation can be brought forward for the benefit of the state, those employees currently in the system, and those who will join the system. Vote 9-4.

MOTION TO LAY ON THE TABLE

Rep. Goley moved that **HB 556-FN-L**, establishing a cash balance plan for public employees in the retirement system, be laid on the table.

On a division vote, with 130 members having voted in the affirmative and 139 in the negative, the motion failed.

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

On a division vote, with 170 members having voted in the affirmative and 97 in the negative, the committee report was adopted.

SPECIAL ORDERED

Without objection, the Speaker made the remaining bills on today's calendar Special Orders for the Session of January 20, 2016.

RESOLUTION

Rep. Hinch offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet, Wednesday, January 20, 2016 at 10:00 a.m..

LATE SESSION

Third Reading and Final Passage

HB 499, permitting New Hampshire farmers to sell farm-raised bison directly to the public.

HB 533, to installation requirements for arc-fault circuit interrupters.

HB 661-FN, relative to record keeping for sold or transferred animals and making certain technical corrections to the law governing the sale or transfer of animals.

HB 500, repealing the prohibition on the use of silencing devices for taking wildlife.

SB 203-FN, relative to review of eligibility for workers' compensation.

HB 430, relative to extending the veterans' property tax credit to all honorably discharged veterans.

SB 146, relative to accessory dwelling units.

HB 334, establishing a committee to study ways of requiring Internet entities to keep the personal information of customers confidential.

RECESS MOTION

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

Motion adopted.

The House recessed at 4:30 p.m.

RECESS

(Rep. Hoelzel in the Chair)

RESOLUTION

Rep. Hinch offered the following: **RESOLVED**, that late drafting and introduction having been approved by the Rules Committee and in accordance with the list in the possession of the Clerk, House Bill numbered 1698 shall be by this resolution read a first and second time by the therein listed title, sent for printing and referred to the therein designated committee.

Motion adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 1698-FN, relative to an integrative approach to substance abuse disorders. (V. Fraser, Belk. 1; Rouillard, Hills. 6; Suzanne Smith, Graf. 8; L. Ober, Hills. 37; Cheney, Straf. 17; Bradley, Dist 3; Health, Human Services and Elderly Affairs)

**SENATE MESSAGES
CONCURRENCE**

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

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

NONCONCURRENCE

HB 346, relative to criminal history records checks for school employees and volunteers.

HB 463, relative to state agency communications.

HB 529, relative to party conventions.

REFERRED FOR INTERIM STUDY

HB 689, relative to adoption of a default budget.

RECESS

(Speaker Jasper in the Chair)

RESOLUTION

Rep. Chandler offered the following: RESOLVED, that late drafting and introduction having been approved by the Rules Committee and in accordance with the list in the possession of the Clerk, House Bill numbered 1699 shall be by this resolution read a first and second time by the therein listed title, sent for printing and referred to the therein designated committee.

Motion adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 1699-FN-A-L, establishing a licensed alcohol and drug counselor in the bureau of emergency medical services to develop a training program for fire and emergency medical services personnel and making an appropriation therefor. (Hinch, Hills. 21; Bradley, Dist 3; Executive Departments and Administration)

REFERRAL DECLINED

Rep. Andrew Christie, Chairman of the Committee on Executive Departments and Administration, under the provisions of House Rule 46 (f), declined the referral of **HB 301**, establishing a committee to study New Hampshire's statewide longitudinal data system and any other department of education maintained database that contains student level.

RECESS

(Speaker Jasper in the Chair)

RESOLUTION

Rep. Hinch offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 369, 447 AND 576 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Motion adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 369-FN, requiring public schools to include drug and alcohol education as part of their health education curriculum. (Education)

SB 447-FN, establishing a commission to study Narcan. (Criminal Justice and Public Safety)

SB 576-FN-A, relative to the penalty for possession and use of fentanyl-class drugs, insurance coverage for substance use disorders, the funding of the controlled drug prescription health and safety program, the membership of the board of medicine, and prescribers of controlled drugs. (Criminal Justice and Public Safety)

**SENATE MESSAGES
CONCURRENCE**

HB 502, relative to petitions for verification of checklists.

NONCONCURRENCE

HB 521, relative to the size of the pool of the workers' compensation appeals board.

RECESS