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Thursday, February 4, 2016

No. 11

HOUSE JOURNAL No. 4 (Cont.)

Wednesday, January 27, 2016

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

HOUSE JOURNAL No. 5

Thursday, February 4, 2016

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Dr. Peter Chamberland, Pastor of Granite State Baptist Church in Concord.

Let's pray. Our gracious heavenly Father, I thank You for the access that You've given to us. Thank You for the opportunity to gather together. Thank you, Lord, for this governing body in the State of New Hampshire that are ministers not only to our state but also to our nation and mostly to all Mighty God. Thank You for the responsibility that they take so near and dear to their hearts. What I ask that You would be with our state over the next few days, Lord, as we make important presidential decisions. What I ask that You would be with our citizens, that You would protect and watch over them. Lord, as our decisions are made here in this House, that You would guide and direct with Your sovereign and divine wisdom. Lord, through every situation, that You would protect our children through the great drug crisis that goes across our state that You would watch over them. Be with the matters that arise today. Be with the honorable Governor as she comes in to deliver her State of the State Address, decisions that need to be made for the progress and going forward in the State of New Hampshire. Guide and direct with great wisdom. We thank You for what You will do in our midst. Amen.

Representative Mangipudi, member from Nashua, led the Pledge of Allegiance.

The National Anthem was sung by Mr. Leonard Bell, U.S. Navy retired.

LEAVES OF ABSENCE

Reps. Bartlett, Beaudoin, Chris Brown, Comtois, Duarte, June Frazer, Gargas, Hodgdon, Kellogg, Kenison, Knowles, Ley, Patrick Long, Lundgren, Priestley, Sanders, Robert Walsh and Wheeler, the day, illness.

Reps. Bailey, Baroody, Beaulieu, Duane Brown, Rebecca Brown, Bush, Chris Christiansen, Coffey, Crawford, DiSilvestro, Doucette, Froburg, Gardner, Gile, Goulette, Martha Hennessey, Hess, Hull, Hurt, Jones, Major, Milz, Nordgren, Olin, Parison, Parker, Peckham, Piper, Pitre, Schleien, Sherman, Stepanek, Sylvia, Sytek, Tamburello, Franklin Tilton, Tucker, White, Whitehouse and Woitkun, the day, important business.

Reps. Nelson, Chip rice, Carol Roberts and Vann, the day, illness in the family.

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

INTRODUCTION OF GUESTS

Joseph Bell, student at Bishop Brady High School and Samuel Alicea, student at Merrimack Valley High School and grandson of Rep. Alicea, Pages for the day.

Students from the University of Southern Florida, guests of Rep. Cordelli. Jodi Hoyt, guest of Rep. Irwin. Evan Oxenham, husband of Rep. Oxenham. Cheryl Ann Turcotte, wife of Rep. Alan Turcotte. Stephanie Alicea, daughter of Rep. Alicea. Candice Benson, guest of Rep. Sanborn.

RESOLUTION

Reps. Hinch and Shurtleff offered the following: RESOLVED, that the House of Representatives notify the Honorable Senate that it is ready to meet in Joint Convention for the purpose of hearing the State of the State Address by her Excellency, Governor Margaret Wood Hassan.
Motion adopted.

The House recessed at 1:10 p.m.

RECESS

The House reconvened at 1:15 p.m.

(Speaker Jasper in the Chair)

SENATE MESSAGE

The Senate is ready to meet with the House of Representatives in Joint Convention for the purpose of hearing the State of the State Address by her Excellency, Governor Margaret Wood Hassan.

The Clerk introduced and the Sergeant-at-Arms escorted the Honorable Senate and Senate President, Chuck Morse.

JOINT CONVENTION

(Speaker Jasper presiding)

INTRODUCTION OF SPECIAL GUESTS

The Clerk introduced and the Sergeant-at-Arms escorted the following: Deputy Administrative Judge of the Circuit Courts, David D. King. Administrative Judge of the Circuit Court, Edwin W. Kelly. Chief Justice of the Superior Court, Tina Nadeau. Associate Justice of the Supreme Court, Robert J. Lynn. Associate Justice of the Supreme Court, Carol Ann Conboy. Senior Associate Justice of the Supreme Court, Gary E. Hicks. Chief Justice of the Supreme Court, Linda Stewart Dalianis. State Treasurer, William F. Dwyer. Executive Councilor, Joseph D. Kenney, Executive Councilor, Colin Van Ostern. Executive Councilor, Christopher R. Sununu. Executive Councilor, Christopher C. Pappas.

The Clerk introduced and the Sergeant-at-Arms escorted Governor Margaret Wood Hassan, Ben and Thomas Hassan.

Governor Hassan presented her State of the State Address to the Joint Convention.

STATE OF THE STATE ADDRESS

Mr. Speaker, Mr. Senate President, Madam Chief Justice, Honorable members of the House, Senate and Executive Council, my fellow citizens: I am honored to stand before you today to discuss our work together to set the foundation for a new generation of economic growth that will help build a stronger, more innovative New Hampshire. I'd like to take a moment to recognize our extraordinary First Gentleman, my husband Tom. Tom and I are blessed with a strong and loving family – here today with us our son Ben, my mother Peggy, sister Franny and our family of the heart, Joyce and Liz. Our daughter Meg couldn't join us today, but I owe thanks to all of my family for their steadfast support and love. This week, as our country's focus turns toward New Hampshire and our First In The Nation primary, Americans will see that the state of our state is strong – and getting stronger. By partnering together over the past three years, and bringing the traditions of hard work, collaboration and bipartisan problem-solving back to Concord, we have come a long way since the depths of the recession. Our unemployment rate continues to fall and is now 3.1 percent, which is the fourth-lowest in the country and the lowest level in nearly 15 years. And for the third year in a row, New Hampshire was ranked as the strongest state in the Union based on more than a dozen measures of our economy, the safety of our communities, and our quality of life. Our greatest strength is – and always has been – the citizens of New Hampshire. We combine a sense of community and independence unlike anywhere else, and it's that "all-hands-on-deck" spirit that keeps our state moving forward. That spirit shines through in the brave men and women of the New Hampshire National Guard, who respond to emergencies and disasters while protecting our nation, both at home and abroad. We can also see that spirit in all of our active duty servicemen and women, and our veterans, who have served bravely in defense of our freedom. Today – and every day – we thank all of our service members, veterans and their families whose selfless sacrifices make the American Dream possible. Thank you as well to all of our dedicated law enforcement officers, fire fighters and other first responders for all that you do to keep our communities safe. Every single day, Granite Staters roll up their sleeves and work together to solve problems and improve our communities, setting a strong example for us here in Concord. And following that lead, we continue to prove that we can bridge the political divide and accomplish great things together. That started with enacting two fiscally responsible, bipartisan budgets – while holding the line against a sales or an income tax. We came together and lowered taxes for small businesses, while protecting our ability to invest in critical economic priorities now and into the future. Priorities like encouraging innovation, making college

more affordable for all of our people, ensuring that hard-working Granite Staters have access to quality, affordable health care, combating the heroin and opioid crisis, and fixing our roads and bridges. We put our state's financial house in order, working across party lines to end expensive lawsuits that threatened our long-term financial outlook and our bond rating. Thanks to a strong economy and careful management of our state budget, we finished Fiscal Year 2015 with a 62 million dollar surplus – doubling our Rainy Day Fund to its highest level since Fiscal Year 2009. This would not have been possible without our dedicated public servants, who continue to do more with less. Thank you to our commissioners, and to all of our hard-working state employees, for your service to the people of New Hampshire. We have made real bipartisan progress to set the foundation for a new generation of innovative economic growth. But our work to keep New Hampshire moving forward must never cease. While our state's economy remains ahead of the curve, the American economy has fundamentally changed. It is critical that we equip our people to adapt to this changing economy so that we can build a future where everyone has the opportunity to get ahead and stay ahead. A future where New Hampshire's innovative companies can create more high-quality, 21st century jobs that will support a thriving middle class. And a future where our vibrant communities remain destinations for families, visitors and young people. We know that our people, our families and our businesses cannot grow and thrive without safe communities. And that is why the first and foremost responsibility of government is keeping our citizens safe. Thanks to our remarkable public safety officials, we are one of the safest states in the nation. But we all know that the heroin and opioid crisis remains the most pressing public health and public safety issue facing our state. Last year alone, more than 400 Granite Staters died from a drug overdose, with the majority of those deaths caused by fentanyl, heroin or another opioid. And thousands more overdosed, their lives saved only by the quick action of first responders, medical providers or family and friends. Drug overdoses are now the second-most common cause of death in New Hampshire. Today, more Granite Staters are killed by overdoses than by diabetes, breast cancer or motor vehicle accidents. We all recognize the serious threat that substance abuse poses to our people and to our high quality of life, and we have been working together to strengthen our efforts to combat this crisis. I applaud the Joint Legislative Task Force on the Heroin and Opioid Epidemic for its hard work. And I commend members of both parties for quickly acting last month to send bipartisan legislation to my desk. Thanks to that swift action, we are cracking down on fentanyl, streamlining access to treatment and strengthening our prescription drug monitoring program. But we know that this fight is far from over. We must be constant and focused in our work to strengthen these efforts, and to give patients, providers, families, educators and law enforcement better tools to combat this horrible epidemic. Combating the scourge of addiction requires us at times to change the way we have always done things, at a quicker pace than is sometimes comfortable. And it also requires additional resources and dollars. While some may say that we can't afford to take steps that require additional funding, I believe that we can't afford not to. Our economy continues to strengthen, and revenues are already more than 40 million dollars above projections this fiscal year. We can afford to address this challenge – and we must. There remains broad, bipartisan consensus around many of the other items that I proposed in November. And I thank the Senate for passing many of these measures this morning. That includes providing additional support to law enforcement in our hardest-hit communities. We have allocated funding for the State Police to assist the Manchester Police Department's "Operation Granite Hammer" in seizing illicit drugs and arresting street-level dealers. With Chief Willard's leadership, Manchester has seen great success with this initiative – and we remain profoundly grateful for law enforcement's leadership and dedication. But Manchester is not alone in facing these challenges. We need to expand this effort to support local law enforcement across the entire state. While we must continue supporting law enforcement on the front lines, every police chief I have spoken with makes it clear that we can't arrest our way out of this problem. Strengthening our prevention, treatment and recovery efforts and removing the stigma of addiction remain critical parts of a comprehensive approach. To help prevent addiction in the first place, we are working with local school districts to help our young people understand the dangers of substance abuse. Both chambers have passed legislation to build on those efforts, and we will continue working to strengthen youth prevention programs. We also know that this epidemic stems in part from the overuse, misuse and abuse of addictive prescription opioids, so we are working to improve provider training and prevent the overprescribing of opioids. We have started a series of nationally recognized provider trainings, and in the last several months, the boards of medicine, nursing and dental examiners have set a strong example by adopting emergency rules on the prescribing of opioids. Now, we must build on this example by requiring the boards governing all prescribers to adopt updated, permanent rules, this year. We must also ensure that providers have the tools they need to turn these trainings and rules into action. That includes upgrading technology to strengthen our prescription drug monitoring program and to ensure that more prescribers can use it in a timely fashion. And while our work to increase the safe and effective use of Narcan has saved lives, Narcan is not a cure. Addiction is a disease, and we must ensure that those afflicted with addiction can access services to treat this illness, just as we would for any other chronic condition. That means strengthening support for the Governor's Commission on Alcohol and Drug Abuse Prevention, Treatment and Recovery and empowering first responders to connect those who they treat for an overdose with ongoing support from counselors. Across the state, those in recovery and families who have lost loved ones have shared

their stories, inspiring us with their bravery and making a profound difference in the lives of countless others battling addiction. To support them, we must ensure that New Hampshire citizens have access to immediate treatment and a robust, long-term recovery system. There is also broad consensus that we should expand existing drug courts and establish new drug courts across the state to help prevent people from slipping back into addiction and crime. But drug courts can only work if they are backed by increased treatment capacity. While we have revised licensing requirements to make it easier for providers to open treatment facilities, New Hampshire has for too long lagged behind other states for treatment capacity. That is one of the many reasons why we must reauthorize the bipartisan New Hampshire Health Protection Program without delay. Already, thousands of Granite Staters have accessed substance abuse and behavioral health services through our bipartisan expansion plan. And experts have said that re-authorizing expansion is essential to increasing treatment capacity in New Hampshire. We also know that reauthorizing expansion is critical to the health and well-being of all of our citizens, our businesses, and our economy. Just ask Damber, from Manchester, whose lack of insurance almost kept her from completing her nursing program at Plymouth State. Thanks to expansion, she received coverage and was able to continue pursuing her dream of becoming a nurse. Or ask Deborah and her husband Damon, from Conway, who own a small snow and tree removal business. They could not afford insurance for the 17 years before the New Hampshire Health Protection Program began. Thanks to coverage under expansion, Deborah received her first physical in nearly 20 years, and a doctor found and treated a number of health issues that would have increasingly threatened her ability to work. And Damon now has the peace of mind that comes with health insurance as he confronts the physically demanding tasks that come with their business. Thousands of our friends and neighbors have similar stories. More than 46,000 hard-working Granite Staters now have the health and financial security that comes with quality, affordable health coverage thanks to our bipartisan expansion plan. Since expansion began, hospitals have seen a significant decline in inpatient, outpatient and emergency room visits by uninsured Granite Staters. That means our hospitals now provide less uncompensated care, reducing the shifting of healthcare costs onto all of our people and businesses. The state has also seen an increase in revenues from the insurance premium tax, and we are beginning to see cost-savings elsewhere thanks to preventive and primary care and other benefits covered by expansion. Combined, these measures are expected to save taxpayers a total of 29 million dollars in avoided costs over the next biennium. With the expansion population now on private insurance through our premium assistance program, we are helping retain competition in our insurance marketplace, competition that will strengthen options and affordability for all Granite Staters. It's clear that the New Hampshire Health Protection Program is making a real difference for our people and boosting our economy, and we must re-authorize it now. As we continue our work to keep our communities healthy and to combat the heroin and opioid crisis facing our state, we must also confront other threats to the safety and well-being of our people. From the evolving and unique threats posed by the likes of ISIS and other terrorist organizations, to the increasing acts of gun violence and mass shootings across the country, we must continue to be vigilant in our efforts to keep our communities safe and secure. This includes our ongoing work to expand our Information and Analysis Center, enhance safety plans at our public schools, institute active shooter trainings for police departments across the state, and strengthen cyber security. And it has never been more important than it is now for New Hampshire to continue our strong practice of unified training and community policing. The Police Standards and Training Council helps prepare our dedicated officers for the challenges and dangers that they face every day. And right now, the council is facing a funding crisis. We cannot let down our dedicated and brave law enforcement officers or the people they protect. We must maintain our commitment to public safety and pass legislation that adequately funds police training. It is also our responsibility to ensure a safe environment for children, and in the rare instances where their families harm them, we must protect them. In preparation for an independent, expert review of New Hampshire's child protective services at the Division of Children Youth and Families, the Department of Justice is partnering with DCYF to provide training so that case workers can better identify potential crimes when evaluating cases of abuse and neglect. In addition, the Legislative Commission to Review Child Abuse Fatalities has recommended legislation to strengthen child abuse investigations – legislation that I stand ready to sign. Our safe and healthy communities are the foundation of our state, and one of the reasons that New Hampshire is such a great place to live and to raise a family. And to maintain our high quality of life, we must continue working to advance other critical priorities that support economic growth and help innovative businesses create jobs - the kind of jobs that will strengthen and grow our middle class. We need to ensure that our workforce has a deep pool of highly skilled workers to meet the needs of our innovative businesses. We need a solid, modern transportation infrastructure and a more affordable energy future in order for our economy to thrive. And our small, nimble state government must remain responsive to the needs of the business community to support economic development. When I visit businesses across the state, they continue to tell me that a strong, highly educated workforce remains their number-one need. A strong workforce begins with a strong education at all levels – from early childhood, to our K-12 system, to higher education. A high school degree is rarely enough for jobs in the changing economy, and our people need access to affordable higher education in order to climb the ladder of opportunity. We have made important progress to hold down the cost of higher education. We froze in-state tuition at our university system for the first time in 25 years. And we lowered tuition at our community colleges. A new

partnership is bringing state and local government together with the education community and other stakeholders to work toward a new 65 by 25 goal – ensuring that 65 percent of New Hampshire's population holds a postsecondary credential or degree by 2025. That goal is achievable – but only if everyone in this room continues working together to make higher education more attainable for all Granite Staters. We must also continue working to prepare our students at the K-12 level for higher education and the challenges of the changing economy. That is why together, we increased math requirements for our students and building on the efforts of our STEM Task Force, we are developing stronger science standards for our K-12 public schools, developing new options for math classes and integrating coding into our curriculum for a 21st-century education. Across the country, New Hampshire is recognized as a leader in competency-based education. Through our PACE pilot program, seven school districts and one charter school are now reducing the level of standardized testing in favor of more locally managed assessments that are integrated into the student's day-to-day work – a model that is expanding nationally based on our success. But in order to ensure that our schools can continue to be innovators in public education, we must meet our financial commitment to all of our students by fully funding adequacy this year. It's also critical that we continue to focus on early childhood education, which is a fundamental aspect of long-term success. Spark New Hampshire has outlined a framework to ensure that our state's children have the opportunity that they deserve to live healthy lives, receive a high-quality education, and experience economic stability at home. And to build on those efforts, we must also continue working to make full-day kindergarten a reality statewide. But as we educate our young people and build the highly skilled workforce of the future, innovative businesses looking to grow here in New Hampshire need more workers now. We have an opportunity to better use the talent of our own people right here in New Hampshire, helping our businesses thrive while closing the opportunity gap for New Hampshire's children and families. We are proud that New Hampshire's child poverty rate is among the lowest in the nation, but no child should live in poverty. And the best indicator of the long-term success of a child is the success of his or her parents. Children whose parents are able to work their way into the middle class are themselves more likely to stay in the middle class. The successful New Hampshire Working program is helping people stay at work, return to work and get ready to work. And today I am announcing a new plan – Gateway to Work – that complements New Hampshire Working to help develop and expand our workforce as our economy continues to strengthen, while at the same time closing the opportunity gap for our families. As with New Hampshire Working, Gateway to Work repurposes existing federal funds to help Granite Staters succeed in the workforce. With this new initiative, we have the opportunity to help those on the New Hampshire Health Protection Program or other state programs move into jobs that pay sustainable wages – lessening their need for public assistance. Through Gateway to Work, we will strengthen job training, create new apprenticeship opportunities, help remove the barriers that cause too many of our citizens to fail in the workplace, and help our young people get a leg up on their futures. First, we know that many good-paying jobs at innovative employers like Dartmouth-Hitchcock, Albany/Safran and Dyn require more than a high school education. So we will establish a partnership between the community college system and the business community to create apprenticeship programs in high-need areas such as advanced manufacturing, information technology networking, and health care. These are solid, good-paying career pathways that will help expand our middle class. Second, while businesses need workers, they are often reluctant to risk the investment of time and money that comes from hiring someone who may require additional training or who lacks reliable access to child care and transportation. We will help overcome such obstacles for workers and businesses by providing employers with job-training grants and salary support for eligible workers for six weeks. This will help ensure that workers can get a fair shot at a new career, while providing businesses with the workforce that they need to grow and thrive. Third, we also know that there are individuals who face significant barriers to joining the workforce. Goodwill of Northern New England and Families in Transition have begun a pilot project in Manchester to help individuals served by the Temporary Assistance to Needy Families program overcome barriers and enter the workforce. We will partner with these non-profits and other organizations willing to address this challenge through efforts such as increasing case management, eliminating child care co-pays for TANF clients and expanding in-home visitation to work with more at-risk parents. Each of these steps will help these individuals enter and stay in the workforce. Finally, because work experience as a young person can help ensure success in school and in the workforce later in life, we will strengthen our efforts to prepare at-risk youth for the workplace. We will expand after-school and summer youth employment programs for young people, including apprenticeships and on-the-job training. And we will create a pilot program that will allow counselors to work with at-risk middle schoolers to develop education and career plans. Through Gateway to Work, we can provide more of the workers our businesses need to thrive. And we can help give more of our families the opportunity to work their way to self-sufficiency and into the middle class. This effort will also help address the healthcare workforce shortage in fields from direct care workers to pediatric nurses to psychologists. But we must do more. In our bipartisan budget, we provided resources to the Department of Health and Human Services to examine healthcare workforce shortage issues. And I will be appointing a Task Force to work with the department on that effort and to bring forward creative solutions. From those who experience disabilities to New Hampshire's seniors, addressing this shortage will allow more Granite Staters to stay at home and live

independently. But to help ensure that all of our workers are able to succeed and fully support their families, we must finally restore and increase the minimum wage in New Hampshire. As we invest in giving families the opportunity to work their way to a better future, we know that the success of both our established businesses and new start-ups also depends on our efforts to continue strengthening our transportation infrastructure. Innovative public-private partnerships like Pettengill Road in Londonderry are attracting job-creating businesses to the Granite State, and the Ten-Year Transportation Plan is the next step in our work to strengthen our infrastructure. I have put forward a ten-year plan that advances critical transportation goals while maintaining fiscal responsibility and living within our projected revenues. It is a plan to preserve and fix our bridges. A plan to preserve good roads now in order to avoid more expensive projects later. A plan that begins the first phase of widening the portion of Route 106 critical for access to the New Hampshire Motor Speedway, and a plan that completes the expansion of Interstate 93. It advances and accelerates the Exit 4A project in Londonderry and Derry, which represents one of the most promising economic development opportunities in the state. And it leverages federal funds for the environmental and engineering work necessary to move forward with commuter rail from Boston to Nashua and Manchester. Each of these critical transportation projects will help set the foundation for long-term economic growth, and we must pass a Ten-Year Plan that supports these important priorities. As we work to strengthen our transportation infrastructure, we also recognize that high energy costs remain a burden on people and businesses across our region. We must strengthen our energy infrastructure and diversify our energy resources to reduce costs for our families and businesses, to create jobs, and to reach a more reliable clean-energy future. As large-scale energy projects are considered, we must work to ensure that any proposed project will deliver real benefits to our ratepayers, while incorporating local viewpoints and protecting our communities and our natural resources. And we must continue to be a leader in promoting clean air and combating climate change, which threatens our economic future and the health of our citizens. Throughout our efforts, we must never take our eyes off the imperative of building a cleaner and more sustainable energy future. Thanks to initiatives like RGGI, our Renewable Portfolio Standard and our long-term energy strategy, our growing clean energy sector recently ranked New Hampshire as one of the top five states for renewable energy. In recent years, New Hampshire's families and businesses have invested millions of dollars in our local economy by installing solar arrays and other renewable generation facilities, decreasing the need for new transmission projects in the future. This makes our families and businesses, and our entire state, more energy independent. It also benefits our local economy. A New Hampshire Cleantech Council report estimated that fifteen to twenty thousand New Hampshire workers are now employed by the clean tech industry, at wages significantly higher than the state's average annual wage. Because of our clean energy sector's success, we are now at the statutory limit on net metering, which is a critical tool for individuals and businesses to be compensated for the energy they provide to the electric grid and to other customers. We must continue our clean energy progress, and I support the efforts from members of both parties to lift the cap on net metering. Supporting our emerging clean energy sector is critical to protecting the natural beauty that makes New Hampshire a special place to live, work, visit and raise a family. But we must also step up efforts to ensure clean water for future generations. As we prepare for the final decision in the MtBE case, we must have a plan ready for the funds if the previous decisions stand. That is why we should create a trust fund to ensure that these dollars are used for their intended purpose – removing MtBE contamination and ensuring that all Granite Staters have access to clean drinking water now and into the future. We know that transportation, affordable energy, and clean air and water are critical to a thriving economy, but we also know that there is more we must do to support our job-creating businesses. We have worked to support economic development opportunities in every corner of our state. That includes working across party lines to help move forward the redevelopment of the Balsams in the North Country – a bold vision that has the potential to revitalize the North Country's economy and have a ripple effect across the entire state. This process involved relevant state agencies and the legislature acting quickly, showing just how nimble our small state government can be. Such responsiveness is a leading economic advantage for our state. New Hampshire was also ranked as the fifth-best state for entrepreneurship, and we must continue to build on this progress. Through Live Free and Start, we are bringing together business leaders and entrepreneurs to make it easier for innovative companies to start up and grow. We have worked to modernize our securities regulations, ease the process for registering a business, and connect our start-up community with angel investors in order to increase access to capital. And Live Free and Start will continue working to help innovation-based businesses start, connect and succeed in New Hampshire. Each of these individual efforts – from combating the heroin and opioid crisis and reauthorizing the New Hampshire Health Protection Program, to workforce development and supporting innovative businesses, to reducing energy costs and protecting our environment – are fundamental to our shared economic success. We've come a long way from the depths of the recession – working together to address the priorities that are critical to supporting our vibrant communities, encouraging a thriving economy with a strong middle class, and maintaining the high quality of life that we are known for in New Hampshire. But our work to advance these priorities must continue if we are to help our citizens adapt to the changing economy and build a stronger, more innovative New Hampshire. A New Hampshire where all of our people and businesses have a fair shot to get ahead and stay ahead. These are the

priorities that I have fought for since becoming Governor, and these are the priorities I will continue working on with Republicans, Democrats and Independents now and into the future. This week – more than ever – the eyes of our nation are upon New Hampshire. As the spotlight turns toward our state, Americans will see the vibrant and robust citizen-led democracy that makes New Hampshire the perfect place to host the nation's first presidential primary. They will also see a place where we make government work for our people and our businesses. A place where we embrace individualism and community like nowhere else. A place where we overcome our political differences, move past the inevitable arguments, and come together to make progress for our people, our communities and our economy. And a place where we are facing the challenges of a changing economy head on, keeping our communities safe and secure, and working together to help our families and businesses adapt and thrive. I look forward to continuing that important work with all of you. Thank you.

Rep. Hinch and Sen. Bradley moved that the Joint Convention arise.

Motion adopted.

The Joint Convention adjourned.

HOUSE SESSION (Speaker Jasper in the Chair)

CONSENT CALENDAR

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

HB 1389, prohibiting a town meeting from materially changing a petitioned warrant article in a town that has adopted the official ballot referendum form of meeting, removed by Rep. Spillane.

HB 1621-FN-L, relative to sanctuary cities, removed by Rep. Baldasaro.

HB 1295-FN, eliminating the bureau of certificate of title, removed by Rep. Marple.

Consent Calendar adopted.

HB 1620-FN-A, relative to forensic child abuse evaluations and making an appropriation for the training of forensic child abuse specialists. **INEXPEDIENT TO LEGISLATE.**

Rep. Kimberly Rice for Children and Family Law. The committee concluded the bill's concept needs to be worked on because it does not meet the needs as described in this bill. Vote 11-0.

HB 1651, establishing a commission to study the collection of child abuse data. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Martha Hennessey for Children and Family Law. This bill as amended directs the current commission to review child abuse fatalities to identify all potential sources of child abuse and neglect data and recommend a comprehensive system for coordinated reporting to a central source. Vote 12-0.

Amendment (0097h)

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

AN ACT relative to the duties of the commission to review child abuse fatalities.

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

1 New Subparagraph; Duties of the Commission to Review Child Abuse Fatalities; Identification of Sources of Child Abuse Data. Amend RSA 169-C:39-k, III by inserting after subparagraph (d) the following new subparagraph:

(e) Identify all potential sources of child abuse and neglect data and recommend a comprehensive system for coordinated reporting to a central source. The commission shall solicit information and testimony from individuals and entities with experience and expertise relevant to the study, including the division of public health services, the department of safety, the Crimes Against Children Research Center at the university of New Hampshire, the Granite State Children's Alliance, the New Hampshire Association of Chiefs of Police, the New Hampshire Hospital Association, and a circuit court judge of the family division.

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

2016-0097h AMENDED ANALYSIS

This bill directs the commission to review child abuse fatalities to identify all potential sources of child abuse and neglect data and recommend a comprehensive system for coordinated reporting to a central source.

HB 1168, relative to decrees pro confesso in title dispute actions. **INEXPEDIENT TO LEGISLATE.**

Rep. David Woodbury for Judiciary. In essence, this bill seeks to avoid default judgment in title dispute actions once a respondent has filed an answer. Defaults under the present practice may be entered by the court for various reasons. Presumably, this bill would remove the judge's discretion to manage litigation in an orderly manner. Secondly, this bill calls for a noticed hearing or assessment of damages, but such damages are not assessed in title disputes, the subject of this bill. Vote 17-0.

HB 1107, changing the name of Sargent's Purchase to Marilla Ricker. **INEXPEDIENT TO LEGISLATE.** Rep. Bruce Tatro for Municipal and County Government. Marilla Ricker was a person who has contributed to the state and such contributions deserve recognition. An extensive amount of information on her history was demonstrated to the committee. However, changing the name of Sargent's Purchase which was also named from NH historical events seemed inappropriate. Suggestions such as naming un-named areas or erecting a monument to Marilla's recognition were mentioned but the committee saw no support in re-naming an already named unincorporated area even if there were not recorded residents. The costs of changing maps and other material and the realization that Mount Washington would no longer be in Sargent's Purchase and would now be in Marilla Ricker township was discounted by the committee. Vote 12-0.

HB 1123, relative to a property tax exemption for certain stand-by generators. **INEXPEDIENT TO LEGISLATE.** Rep. James Coffey for Municipal and County Government. This bill proposes to allow cities and towns to grant a property tax exemption for residential standby generators to all persons over age 65 or with a "medical necessity." Determination of the medical necessity was problematic with no reference to either a VA or Social Security defined disability. Existing statutes already address the aged population with local exemptions and the committee felt these statutes more than covered anything presented in this bill. The committee also heard that some towns do not bother to assess these units. Vote 15-0.

HB 1230, relative to information on dog licenses. **INEXPEDIENT TO LEGISLATE.** Rep. Keith Ammon for Municipal and County Government. The purpose of this bill is admirable and the mandate is minimal. At the time of issuing a dog license, the issuing authority would be required to ask the owner if there should be a second contact name added to the license. This would facilitate a second contact person in the event the original could not be contacted or, in emergencies, if the original person was unable to care for the dog. It would simply direct the licensing authority to add the name of that contact person with contact information. The possibility that this would require a change to the form used for licensing was considered but the sponsor felt that simply adding the information to the bottom of the form would be sufficient. However, the committee felt it inevitable that the license form would require a change and any software recording licensing would be affected and require a change. There appears to be no impediment to adding a note on the license form to indicate a second contact person but mandating it would likely impose a financial burden. Vote 13-0.

HB 1243-FN-L, relative to storm water or sewage penalties. **OUGHT TO PASS WITH AMENDMENT.** Rep. Ken Peterson for Municipal and County Government. The main purpose of this bill was to reduce the maximum penalty for violations pertaining to sewage and storm water ordinances. The current maximum fine of \$10,000 per day was felt to be excessive and the sponsors wished to modify this to a maximum amount of \$1,000 per day. After hearing testimony that these fines are not automatically enacted and only become an issue when the violator either refuses to respond to notices of violations or refuses to take remedial action, the proposed maximum amount was deemed to be too minimal to serve as a deterrent. The committee felt that the original amount should remain since the existing statute states that the penalty is "not to exceed \$10,000 per day of violation" and the municipality already has the ability to set \$1,000 as the maximum penalty. However, other wording in the statute was deemed in need of some attention and the committee opted to amend the current statute in other areas. The committee felt that communities with relatively few and/or smaller violations would enact smaller maximum fines than those communities that might have to enact larger fines for larger and/or recurring major violations. Language was added to allow ordinances or bylaws to include a schedule of penalties for violations up to the current maximum allowed. Vote 14-1.

Amendment (0112h)

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

1 New Paragraph; Sewers; Bylaws and Ordinances. Amend RSA 149-I:6 by inserting after paragraph I-a the following new paragraph:

I-b. Any ordinances or bylaws adopted pursuant to this section may include a schedule of penalties for violations of the requirements adopted to ensure the proper maintenance and operation of the sewage system, stormwater system, or stormwater utility, as applicable. Any penalty so established shall constitute the civil penalty under paragraph II and shall be enforceable in the same manner. Any such penalty may be in any amount up to the maximum stated in paragraph II.

2 Sewers; Bylaws and Ordinances. Amend RSA 149-I:6, II to read as follows:

II. Any person who violates any ordinance or bylaw adopted pursuant to paragraph I *or I-a* of this section shall be subject to a civil penalty not to exceed \$10,000 per day of such violation. ***Each day a violation continues shall be a separate offense. In addition, the municipality may petition the court for any appropriate action to prevent, enjoin, abate, or remove the violation.***

3 New Paragraphs; Sewers; Bylaws and Ordinances. Amend RSA 149-I:6 by inserting after paragraph III the following new paragraphs:

IV. In any action brought by a municipality for injunctive relief or recovery of civil penalties under paragraph II in which the municipality prevails, the court shall award to the municipality its costs and reasonable attorney fees actually expended in pursuing the action, to be paid by the violator. For the purposes of this paragraph, recoverable costs shall include all out-of-pocket expenses actually incurred, including but not limited to inspection fees, expert fees, and investigatory expenses.

V. If any violation of a local ordinance or bylaw under paragraph I or I-a results in the expenditure of public funds by a municipality which are not reimbursed under paragraph IV, the court in its discretion may order, as an additional civil penalty, that a violator make restitution to the municipality for the funds expended.

VI. The superior court may, upon a petition filed by a municipality and after notice and a preliminary hearing as in the case of prejudgment attachments under RSA 511-A, require an alleged violator to post a bond with the court to secure payment of any penalty or remedy or the performance of any injunctive relief which may be ordered or both. At the hearing, the burden shall be on the municipality to show that it is likely to prevail on the merits, that the penalties or remedies sought are likely to be awarded by the court in an amount consistent with the bond sought, and that the bond represents the amount of the projected expense of compliance with the injunctive relief sought.

VII. The municipality may commence an action for civil penalties under paragraph II either in the district court pursuant to RSA 502-A:11-a, or in the superior court.

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

Referred to the Committee on Judiciary.

HB 1375, relative to charter commissions for budgets in official ballot jurisdictions. **OUGHT TO PASS.**

Rep. Keith Ammon for Municipal and County Government. This bill is the result of a study committee's work over the summer and combines the intent of both SB 242 and HB 689. In SB2 towns and school districts, the current one-size-fits-all method of calculating default budgets and dealing with proposed budgets at the deliberative session doesn't work for every community. This enabling legislation would allow a municipality to establish a charter commission with the sole mission of creating a new budgeting process that works best for the community. The charter commission would operate under defined procedures in existing statutes. Vote 16-0.

HB 1526-FN-L, providing for the election of members of the county convention as a separate county office. **INEXPEDIENT TO LEGISLATE.**

Rep. Catherine Cheney for Municipal and County Government. This bill would have the county convention be elected from at large citizens and would eliminate the requirement that the convention be composed of state representatives. A state representative could still serve as a member of the convention but would have to be elected to that office. In the two largest counties in NH, this would have required an additional election of hundreds of individuals. The insight and knowledge obtained at the state level by elected state representatives in the routine performance of their duties is beneficial in making decisions at the county level. The result could be that the county delegation and the county convention would be composed of two different groups of people. The bill also prohibits a person elected to the county convention from holding many other elected offices. The costs of administering such an election process was not disclosed although this bill was headed to another committee to deal with the financial implications. The committee felt, at this time, the current composition was not in need of any change without further study. Vote 15-0.

HB 1251-FN-A, requiring the department of transportation to upgrade a portion of road in the town of Pittsfield. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark McConkey for Public Works and Highways. Main Street in Pittsfield is an unnumbered state highway and unnumbered state highways have traditionally not been a part of the ten year transportation plan. Historically these categories of highways are funded through the betterment program or other state local match programs. Although not totally reconstructed, a portion of the road in question was paved last year and another portion is scheduled for this season. There are many unnumbered state highways throughout the state that have not received any work in recent years, but the Department of Transportation has recognized the need in Pittsfield and is addressing it. There are state local match programs available should the town wish to avail themselves of these opportunities. Vote 16-0.

HB 1567-FN-A, authorizing friends of animal number plates. **INEXPEDIENT TO LEGISLATE.**

Rep. Alan Cohen for Transportation. The committee evaluated the bill in relation to all such specialty license plates. Based on previous testimony by the Department of Safety, the cost of producing specialty license plates is approximately \$300K based substantially on the cost of software changes. Vote 18-0.

HB 1583-FN, allowing for voluntary donations to veterans' organizations through a check-off box on driver's license applications and automobile registration forms. **REFER FOR INTERIM STUDY.**

Rep. Karel Crawford for Transportation. Although the committee felt that this was a well intended bill there were too many unanswered questions of constitutionality in collecting the funds, and how DMV would actually administer the program. Vote 18-0.

HB 1655-FN, relative to registration fees for agricultural/industrial utility vehicles. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Chris True for Transportation. This bill returns the registration fee pertaining to agricultural/industrial utility vehicles to its 2014 level. The amendment clarifies existing confusion among town and city clerks regarding whether industrial utility vehicles are eligible as agricultural vehicles. The amendment also maintains the current flat fee of \$5. Vote 16-0.

Amendment (0193h)

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

AN ACT relative to the municipal registration fee for an agricultural/industrial utility vehicle used exclusively for farming or agriculture.

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

1 Fees for Registration Permits. Amend RSA 261:153, I to read as follows:

I. The treasurer of each city, or such other person as the city government may designate, and the town clerk of each town shall collect fees for such permits as follows: on each vehicle offered for registration a sum equal to 18 mills on each dollar of the maker's list price for a current model year vehicle, 15 mills on each dollar of the maker's list price for the first preceding model year vehicle, 12 mills on each dollar of the maker's list price for the second preceding model year vehicle, 9 mills on each dollar of the maker's list price for the third preceding model year vehicle, 6 mills on each dollar of the maker's list price for the fourth preceding model year vehicle, and 3 mills on each dollar of the maker's list price for the fifth preceding model year vehicle and any model year prior thereto. In no event, however, shall the fee be less than \$5. Registration permit fees for construction equipment, as defined in RSA 259:42, shall be governed by RSA 261:64. The director shall make the final determination of any vehicle model year in any case in which a dispute arises. The fee collected hereunder for a vehicle used only in the manner and for the purposes specified in RSA 261:82 **and for an agricultural/industrial utility vehicle used exclusively for farming or agriculture** shall be \$5; and provided further, that the fee collected hereunder for a farm tractor shall be \$5. In cases of doubt, the director may investigate for the purpose of determining eligibility for limited purpose registrations.

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

2016-0193h

AMENDED ANALYSIS

This bill establishes the municipal registration fee for an agricultural/industrial utility vehicle used exclusively for farming or agriculture.

Referred to the Committee on Ways and Means.

HB 1666-FN, relative to certain definitions in the motor vehicles law. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas Walsh for Transportation. This bill would effectively repeal registration requirements for all non-commercial New Hampshire vehicles. The magnitude of the fiscal impact makes it impossible to pass. Vote 18-0.

REGULAR CALENDAR

HB 1272-FN, relative to bus transportation for chartered public school students. **OUGHT TO PASS.**

Rep. Ralph Boehm for Education. This bill provides for transportation to public charter schools if the charter school is in the school district. This bill only mandates bus transportation in accordance with the same terms and conditions as they provide to their regular public schools. Current law states that transportation be provided for private schools in the school district. Vote 11-8.

Rep. Ladd offered floor amendment (0414h).

Floor Amendment (0414h)

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

1 Chartered Public Schools; Establishment. Amend RSA 194-B:2, V to read as follows:

V. Attendance at a chartered public school for the purposes of transportation shall not constitute assignment under the provisions of RSA 189:6 and RSA 189:8. Pupils who reside in the school district in which the chartered public school is located shall be provided transportation to that school by the district on the same terms and conditions as they provide to their regular public schools. Current law states that transportation be provided for private schools in the school district. ***regular public schools within that district and utilizing the same regular bus schedules and routes that are provided to pupils attending public schools within that district.*** [However, any added costs for such transportation services shall be borne by the chartered public school.]

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

Rep. Ladd spoke in favor.

Floor amendment (0414h) adopted.

Committee report of Ought to Pass with Amendment adopted and ordered to third reading.

HB 1127, relative to qualifications of referees in the superior courts and circuit courts. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mark McLean for the Majority of Judiciary. RSA 490-F:15 grants the circuit court the power to assign referees to any non-jury case including marital cases. In some cases these referees and masters are former or retired judges, retired clerks, or retired court staff, but as the existing statutes do not specify the qualifications required, those currently holding positions as referees come from a wide range of experience level. This latitude of experience has the potential to create inconsistency in the application of justice in the court. Additionally, because referees and masters who are not former judges are not officers of the state (they are employees only), there is no legislative or executive oversight of these positions. This bill seeks to introduce a modest provision requiring that all referees, marital referees, or marital masters who are not former or retired judges be commissioned as justices of the peace. The committee reviewed the requirements to serve as a justice of the peace and found that they were not overly burdensome. Because justices of the peace are public state officers who receive their commission from the Governor and Council, this bill will make it possible for the legislative or executive branch to oversee referees and masters. Vote 10-8.

Rep. David Woodbury for the Minority of Judiciary. Requiring a referee or master of become a justice of the peace not only subjects that person to removal by bill of address, but more importantly subjects that person to what amounts to a retention election when their commission expires. This subjects the master/referee to the push and pull of partisan politics by having to curry favor with a majority of Governor and Council upon renewal of their commission. This runs counter to our entire state history of fostering judicial independence. This bill represents bad policy and should be rejected.

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

Rep. Woodbury spoke against and yielded to questions.

Rep. McLean spoke in favor and yielded to questions.

Rep. Dan McGuire requested a roll call; sufficiently seconded.

YEAS 185 - NAYS 124**YEAS - 185****BELKNAP**

Aldrich, Glen
Fraser, Valerie
Luther, Robert

Dumais, Russell
Gallagher, Brian
Russell, David

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

Flanders, Donald
LeBreche, Shari
Vadney, Herbert

CARROLL

Avellani, Lino
McCarthy, Frank
Wright, Ted

Chandler, Gene
McConkey, Mark

Comeau, Ed
Schmidt, Stephen

Cordelli, Glenn
Umberger, Karen

CHESHIRE

Hunt, John
Tilton, Benjamin

McConnell, James

Shepardson, Marjorie

Sterling, Franklin

COOS

Fothergill, John
Tholl, John

Rappaport, Laurence
Thomas, Yvonne

Richardson, Herbert

Rideout, Leon

GRAFTON

Darrow, Stephen
Johnson, Eric

Gionet, Edmond
Ladd, Rick

Hennessey, Erin
Shackett, Jeffrey

Ingbretson, Paul

HILLSBOROUGH

Adams, Christopher
Belanger, James
Burt, John
Danielson, David
Estevez, Eric
Gagne, Larry
Guerette, C. Lee
Hinch, Richard
Lachance, Joseph
McLean, Mark
Notter, Jeanine
Palmer, Barry
Proulx, Mark
Sanborn, Laurie
Smith, Gregory
Twombly, Timothy

Ammon, Keith
Biggie, Barbara
Byron, Frank
Donovan, Daniel
Ferreira, Elizabeth
Gonzalez, Carlos
Haefner, Robert
Hogan, Edith
LeBrun, Donald
Moore, Josh
Ober, Lynne
Pellegrino, Anthony
Rice, Kimberly
Scoutsas, Lisa
Souza, Kathleen
Ulery, Jordan

Balcom, John
Boehm, Ralph
Christiansen, Lars
Eastman, Eric
Flanagan, Jack
Gould, Linda
Halstead, Carolyn
Hopper, Gary
McCarthy, Peggy
Murotake, David
Ober, Russell
Peterson, Ken
Rouillard, Claire
Seidel, Carl
Straight, Phillip
Wolf, Terry

Barry, Richard
Bouldin, Amanda
Christie, Rick
Edelblut, Frank
Fromuth, Bart
Griffin, Barbara
Hansen, Peter
Kurk, Neal
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pierce, David
Rowe, Robert
Simmons, Tammy
Sullivan, Victoria

MERRIMACK

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

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

Hill, Gregory
Kotowski, Frank
Martin, John
Seaworth, Brian

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

ROCKINGHAM

Abrami, Patrick
Bates, David
Cook, Allen
Emerick, J. Tracy
Gannon, William
Guthrie, Joseph
Introne, Robert
Kolodziej, Walter
Nigrello, Robert
Potucek, John
Spillane, James
True, Chris
Welch, David

Abramson, Max
Belanger, Ronald
Dean-Bailey, Yvonne
Ferrante, Beverly
Gordon, Richard
Hagan, Joseph
Itse, Daniel
Manning, John
O'Connor, John
Prudhomme-O'Brien, Katherine
Tasker, Kyle
Vose, Michael
Weyler, Kenneth

Allen, Mary
Chirichiello, Brian
Devine, James
Fesh, Robert
Green, Dennis
Harris, Jeffrey
Kappler, Lawrence
Matthews, Carolyn
Osborne, Jason
Rice, Frederick
Thomas, Douglas
Ward, Joanne

Barnes, Arthur
Christie, Andrew
Elliott, Robert
Friel, William
Griffin, Mary
Hoelzel, Kathleen
Katsakiores, Phyllis
McMahon, Charles
Packard, Sherman
Schroadter, Adam
Tilton, Rio
Webb, James

STRAFFORD

Bickford, David
Gray, James
Leeman, Don

Cheney, Catherine
Groen, Warren
Mullen, John

DeLemus, Susan
Hannon, Joseph
Turcotte, Leonard

Graham, Robert
Kaczynski, Jr., Thomas
Wuelper, Kurt

SULLIVAN

Grenier, James
Smith, Steven

Laware, Thomas

Rollins, Skip

Schmidt, Andrew

NAYS - 124**CARROLL**

Buco, Thomas

Butler, Edward

Ticehurst, Susan

CHESHIRE

Abbott, Michael
Chase, Cynthia
Pearson, William
Sad, Tara

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

Berch, Paul
Johnsen, Gladys
Roberts, Kris
Weber, Lucy

Bordenet, John
Mann, John
Robertson, Timothy

COOS

Moynihan, Wayne

Theberge, Robert

GRAFTON

Abel, Richard
Higgins, Patricia
Sykes, George

Almy, Susan
Maes, Kevin
Townsend, Charles

Cooney, Mary
Massimilla, Linda

Ford, Susan
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Cote, David
Gidge, Kenneth
Harvey, Suzanne
Jeudy, Jean
Marston, Dick
Porter, Marjorie
Smith, Timothy
Williams, Kermit

Brown, Pamela
Edwards, Elizabeth
Goley, Jeffrey
Heath, Mary
Leishman, Peter
McNamara, Richard
Rosenwald, Cindy
Snow, Kendall
Woodbury, David

Cohen, Alan
Forest, Armand
Gorman, Mary
Herbert, Christopher
Mangipudi, Latha
O'Brien, Michael
Shattuck, Gilman
Sullivan, Daniel

Cornell, Patricia
Freitas, Mary
Hansberry, Daniel
Jack, Martin
Manley, Jonathan
O'Neil, William
Shaw, Barbara
Takesian, Charlene

MERRIMACK

Alicea, Caroletta
Doherty, David
Hirsch, Geoffrey
Moffett, Howard
Rogers, Katherine
Turcotte, Alan

Bradley, Paula
Ebel, Karen
Karrick, David
Myler, Mel
Saunderson, George
Wallner, Mary Jane

Carson, Clyde
French, Barbara
Luneau, David
Patten, Dick
Schuett, Dianne

Deloge, Helen
Henle, Paul
MacKay, James
Ratzki, Mario
Shurtleff, Stephen

ROCKINGHAM

Berrien, Skip
Cardon, G. Thomas
Gordon, Pamela
Pantelakos, Laura

Borden, David
Cushing, Robert
Heffron, Frank
Simpson, Alexis

Cahill, Michael
DiFranco, Debbie
Lovejoy, Patricia
Ward, Gerald

Cali-Pitts, Jacqueline
Francese, Paula
McBeath, Rebecca

STRAFFORD

Baber, William
DiSesa, Len
Schmidt, Peter
Sprague, Dale

Berube, Roger
Horrigan, Timothy
Smith, Marjorie
Treleaven, Susan

Bixby, Peter
Kaen, Naida
Southworth, Thomas
Verschueren, James

Burton, Wayne
Rollo, Deanna
Spang, Judith
Wall, Janet

SULLIVAN

Cloutier, John
Irwin, Virginia

Converse, Larry
O'Hearne, Andrew

Gagnon, Raymond
Oxenham, Lee

Gottling, Suzanne

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

SPECIAL ORDER

HB 1350, relative to allodial rights and violations of the oath of office. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary Hopper for Judiciary. This bill would require that any public official who knowingly diminishes the allodial land right of a New Hampshire resident would be tried for treason. An allodial land right is an absolute right to your land and any building on it. If it is absolute, it can't be taxed, zoned, or taken via eminent domain. The majority of the Judiciary Committee found the sponsors' understanding of land rights, at the time of Constitution was written, to be inconsistent with the Constitution itself. In 1784, Part I, Article 6 [Morality and Piety] said, "Legislature to authorize from time to time, the several towns, parishes, bodies-corporate, or religious societies within this State, to make adequate provision at their own expense, for the support and maintenance of public Protestant teachers of piety, religion and morality." This was followed by the legislature requiring that each town tax its people based on their property value, in order to hire teachers. If the founders of this state had believed in allodial land rights, they wouldn't have taxed the people's property. Vote 16-1.

Rep. Marple spoke against.

Rep. Hopper spoke in favor.

Committee report adopted.

SPECIAL ORDER

CACR 15, relating to the election of judges. Providing that judges be elected for specific terms.

INEXPEDIENT TO LEGISLATE.

Rep. Timothy Horrigan for Judiciary. This resolution is the most recent version of an idea which has been proposed and rejected many times before: electing judges. The committee concluded that this proposal should be rejected again. Throughout the history of our state, judges have been appointed by the Governor and Executive Council after an exhaustive selection process. The people have ample opportunity to comment on the judicial nominees' qualifications and personal character throughout this selection process. Once in office, judges are held to the highest personal and professional standards and they can be removed from office if they behave badly, but they are free of outside political pressure. Our judges do not have to run for re-election, which means they do not have to promise to rule one way or another on certain types of cases just to get political endorsements, nor do they have to raise campaign funds. Our judges can remain truly impartial and independent. The committee finally notes that no one aside from the prime sponsor showed up to testify in favor of this resolution, the prime sponsor gave only a brief oral presentation, and the resolution as introduced failed to address a number of essential issues, e.g., the length of the judges' terms, and who would be qualified to run for judicial office. Vote 16-0.

Rep. Horrigan spoke in favor.

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

YEAS 220 – NAYS 85**YEAS - 220****BELKNAP**

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

Fields, Dennis
LeBreche, Shari

Flanders, Donald
Luther, Robert

Gallagher, Brian
Russell, David

CARROLL

Buco, Thomas
Schmidt, Stephen

Butler, Edward
Ticehurst, Susan

Chandler, Gene
Umberger, Karen

McConkey, Mark

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Robertson, Timothy
Tatro, Bruce

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

Berch, Paul
Hunt, John
Phillips, Larry
Shepardson, Marjorie

Bordenet, John
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Roberts, Kris
Sterling, Franklin

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Thomas, Yvonne

Richardson, Herbert

Theberge, Robert

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Abel, Richard
Hennessey, Erin
Massimilla, Linda
Townsend, Charles

Almy, Susan
Higgins, Patricia
Shackett, Jeffrey

Cooney, Mary
Ladd, Rick
Smith, Suzanne

Ford, Susan
Maes, Kevin
Sykes, George

HILLSBOROUGH

Backus, Robert
Biggie, Barbara
Cohen, Alan
Eastman, Eric
Freitas, Mary
Gonzalez, Carlos
Guerette, C. Lee
Hansen, Peter
Hinch, Richard
Kurk, Neal
Manley, Jonathan
O'Brien, Michael
Pellegrino, Anthony
Proulx, Mark
Seidel, Carl
Snow, Kendall
Williams, Kermit

Balcom, John
Brown, Pamela
Cornell, Patricia
Edwards, Elizabeth
Gagne, Larry
Gorman, Mary
Haefner, Robert
Harvey, Suzanne
Hopper, Gary
LeBrun, Donald
McCarthy, Peggy
O'Neil, William
Peterson, Ken
Rosenwald, Cindy
Shattuck, Gilman
Straight, Phillip
Wolf, Terry

Barry, Richard
Byron, Frank
Cote, David
Flanagan, Jack
Gidge, Kenneth
Gould, Linda
Halstead, Carolyn
Heath, Mary
Jack, Martin
Leishman, Peter
McLean, Mark
Ober, Russell
Pierce, David
Rouillard, Claire
Smith, Gregory
Sullivan, Daniel
Woodbury, David

Belanger, James
Christiansen, Lars
Danielson, David
Forest, Armand
Goley, Jeffrey
Griffin, Barbara
Hansberry, Daniel
Herbert, Christopher
Judy, Jean
Mangipudi, Latha
McNamara, Richard
Palmer, Barry
Porter, Marjorie
Rowe, Robert
Smith, Timothy
Takesian, Charlene

MERRIMACK

Alicea, Caroletta
Doherty, David
Hirsch, Geoffrey
Long, Douglas
Myler, Mel
Rogers, Katherine
Turcotte, Alan

Bradley, Paula
Ebel, Karen
Karrick, David
Luneau, David
Parent, Jason
Saunderson, George
Wallner, Mary Jane

Carson, Clyde
French, Barbara
Kidder, David
MacKay, James
Patten, Dick
Schuett, Dianne
Walsh, Thomas

Deloge, Helen
Henle, Paul
Kotowski, Frank
Moffett, Howard
Ratzki, Mario
Shurtleff, Stephen

ROCKINGHAM

Abrami, Patrick
Cahill, Michael
Cushing, Robert
Elliott, Robert
Friel, William
Hagan, Joseph
Kappler, Lawrence
Matthews, Carolyn
O'Connor, John
Rice, Frederick
Webb, James

Allen, Mary
Cali-Pitts, Jacqueline
Dean-Bailey, Yvonne
Ferrante, Beverly
Gordon, Pamela
Heffron, Frank
Katsakiores, Phyllis
McBeath, Rebecca
Packard, Sherman
Simpson, Alexis
Welch, David

Berrien, Skip
Cardon, G. Thomas
Devine, James
Fesh, Robert
Griffin, Mary
Hoelzel, Kathleen
Kolodziej, Walter
McMahon, Charles
Pantelakos, Laura
Tilton, Rio

Borden, David
Christie, Andrew
DiFranco, Debbie
Francese, Paula
Guthrie, Joseph
Introne, Robert
Lovejoy, Patricia
Nigrello, Robert
Prudhomme-O'Brien, Katherine
Ward, Gerald

STRAFFORD

Baber, William
Burton, Wayne
Gray, James
Schmidt, Peter
Sprague, Dale
Wuelper, Kurt

Berube, Roger
Cheney, Catherine
Horrigan, Timothy
Smith, Marjorie
Treleaven, Susan

Bickford, David
DiSesa, Len
Kaen, Naida
Southworth, Thomas
Verschueren, James

Bixby, Peter
Graham, Robert
Rollo, Deanna
Spang, Judith
Wall, Janet

SULLIVAN

Cloutier, John
Grenier, James
Schmidt, Andrew

Converse, Larry
Irwin, Virginia
Smith, Steven

Gagnon, Raymond
O'Hearne, Andrew

Gottling, Suzanne
Oxenham, Lee

NAYS - 85**BELKNAP**

Vadney, Herbert

CARROLL

Avellani, Lino
Wright, Ted

Comeau, Ed

Cordelli, Glenn

McCarthy, Frank

CHESHIRE

McConnell, James Tilton, Benjamin

COOS

Rappaport, Laurence Rideout, Leon

GRAFTON

Darrow, Stephen Gionet, Edmond Ingbretson, Paul Johnson, Eric

HILLSBOROUGH

Adams, Christopher	Ammon, Keith	Boehm, Ralph	Burt, John
Christie, Rick	Donovan, Daniel	Edelblut, Frank	Estevez, Eric
Ferreira, Elizabeth	Fromuth, Bart	Hogan, Edith	Lachance, Joseph
Marston, Dick	McClarren, Donald	Moore, Josh	Murotake, David
Murphy, Keith	Notter, Jeanine	Ohm, Bill	Rice, Kimberly
Sanborn, Laurie	Scotsas, Lisa	Simmons, Tammy	Souza, Kathleen
Sullivan, Victoria	Twombly, Timothy	Ulery, Jordan	

MERRIMACK

Brewster, Michael	French, Harold	Hill, Gregory	Hoell, J.R.
Horn, Werner	Kuch, Bill	Marple, Richard	Martin, John
McGuire, Carol	McGuire, Dan	Seaworth, Brian	

ROCKINGHAM

Abramson, Max	Barnes, Arthur	Bates, David	Chirichiello, Brian
Cook, Allen	Emerick, J. Tracy	Gannon, William	Gordon, Richard
Green, Dennis	Harris, Jeffrey	Itse, Daniel	Manning, John
Osborne, Jason	Potucek, John	Schroadter, Adam	Spillane, James
Tasker, Kyle	Thomas, Douglas	True, Chris	Vose, Michael
Ward, Joanne	Weyler, Kenneth		

STRAFFORD

DeLemus, Susan	Groen, Warren	Hannon, Joseph	Kaczynski, Jr., Thomas
Leeman, Don	Mullen, John	Turcotte, Leonard	

SULLIVAN

Laware, Thomas Rollins, Skip
and the committee report was adopted.

HB 1214, allowing towns and cities to authorize an additional surcharge on hotel occupancy under the meals and rooms tax. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Franklin Sterling for the Majority of Municipal and County Government. Towns and cities would be authorized to levy a local tax on hotel occupancy under this proposed bill. Although minimal, it would establish yet another tax and it is unclear what the costs of administering this program would be. The bill implies that the tax would simply be administered under the current Meals and Rooms Tax program but the funds received would have to be returned to the municipality which collected it and would not be subject to the education funding that is part of the current Meals and Rooms Tax structure. Therefore, it would require separate accounting and possibly additional costs at the state level which would need to be considered in setting budgets. Setting a new tax on room occupancy that would vary from municipality to municipality could have an adverse effect on tourism and the unintended consequences of such a change are undeterminable at this time. The committee felt this legislation, although permitted in other states, was not in keeping with our low tax image. Vote 10-6. Rep. Marjorie Porter for the Minority of Municipal and County Government. As we are all aware, budgetary constraints have resulted in the state reducing the share of the meals and rooms tax revenues sent back to cities and towns by tens of millions of dollars over the past several budget cycles. Communities which are tourist destinations have been hit particularly hard by this downshifting. Local property tax payers must foot the costs for the extra municipal services needed when their populations swell during tourist season. Extra police may be needed or specialized fire equipment must be purchased, for example. HB 1214 allows these communities, if they so choose, to add an additional surcharge, not to exceed \$2.00, on hotel occupancy within the municipality under the meals and room tax. In this way, visitors would help pay for services they use, and the burden on local taxpayers would be reduced. This is enabling legislation, and allows for local control.

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

Reps. Porter and Frederick Rice spoke against and yielded to questions.

Reps. Pantelakos and Herbert spoke against.

Rep. Sterling spoke in favor.

Rep. Pantelakos requested a roll call; sufficiently seconded.

YEAS 185 – NAYS 119**YEAS - 185
BELKNAP**

Aldrich, Glen
Fraser, Valerie
Luther, Robert

Dumais, Russell
Gallagher, Brian
Spanos, Peter

Fields, Dennis
Howard, Jr., Raymond
Vadney, Herbert

Flanders, Donald
LeBreche, Shari

CARROLL

Avellani, Lino
Cordelli, Glenn

Buco, Thomas
McConkey, Mark

Chandler, Gene
Schmidt, Stephen

Comeau, Ed
Umberger, Karen

CHESHIRE

Abbott, Michael
Sterling, Franklin

Hunt, John
Tatro, Bruce

McConnell, James

Roberts, Kris

COOS

Fothergill, John
Tholl, John

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Darrow, Stephen
Ladd, Rick

Gionet, Edmond
Shackett, Jeffrey

Hennessey, Erin

Johnson, Eric

HILLSBOROUGH

Adams, Christopher
Belanger, James
Burt, John
Danielson, David
Ferreira, Elizabeth
Gidge, Kenneth
Haefner, Robert
Hogan, Edith
LeBrun, Donald
Moore, Josh
Ober, Lynne
Pellegrino, Anthony
Rosenwald, Cindy
Scoutsas, Lisa
Smith, Timothy
Takesian, Charlene

Ammon, Keith
Biggie, Barbara
Byron, Frank
Eastman, Eric
Flanagan, Jack
Gonzalez, Carlos
Halstead, Carolyn
Hopper, Gary
McCarthy, Peggy
Murotake, David
Ober, Russell
Pierce, David
Rouillard, Claire
Seidel, Carl
Souza, Kathleen
Twombly, Timothy

Balcom, John
Boehm, Ralph
Christie, Rick
Edelblut, Frank
Fromuth, Bart
Gould, Linda
Hansen, Peter
Kurk, Neal
McClarren, Donald
Murphy, Keith
Ohm, Bill
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Straight, Phillip
Ulery, Jordan

Barry, Richard
Bouldin, Amanda
Cote, David
Estevez, Eric
Gagne, Larry
Griffin, Barbara
Hinch, Richard
Lachance, Joseph
McLean, Mark
Notter, Jeanine
Palmer, Barry
Rice, Kimberly
Sanborn, Laurie
Smith, Gregory
Sullivan, Victoria
Wolf, Terry

MERRIMACK

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

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

Hill, Gregory
Kotowski, Frank
Martin, John
Patten, Dick

Hoell, J.R.
Kuch, Bill
McGuire, Carol
Seaworth, Brian

ROCKINGHAM

Abrami, Patrick
Bates, David
Cook, Allen
Emerick, J. Tracy
Gannon, William
Guthrie, Joseph
Introne, Robert
Kolodziej, Walter
O'Connor, John
Prudhomme-O'Brien, Katherine
Thomas, Douglas
Ward, Joanne

Abramson, Max
Belanger, Ronald
Dean-Bailey, Yvonne
Ferrante, Beverly
Gordon, Richard
Hagan, Joseph
Itse, Daniel
Manning, John
Osborne, Jason
Schroadter, Adam
Tilton, Rio
Webb, James

Allen, Mary
Cardon, G. Thomas
Devine, James
Fesh, Robert
Green, Dennis
Harris, Jeffrey
Kappler, Lawrence
Matthews, Carolyn
Packard, Sherman
Spillane, James
True, Chris
Welch, David

Barnes, Arthur
Chirichiello, Brian
Elliott, Robert
Friel, William
Griffin, Mary
Hoelzel, Kathleen
Katsakiores, Phyllis
McMahon, Charles
Potucek, John
Tasker, Kyle
Vose, Michael
Weyler, Kenneth

STRAFFORD

Bickford, David
Gray, James
Leeman, Don
Turcotte, Leonard

Cheney, Catherine
Groen, Warren
Mullen, John
Verschuere, James

DeLemus, Susan
Hannon, Joseph
Sprague, Dale
Wuelper, Kurt

Graham, Robert
Kaczynski, Jr., Thomas
Treleaven, Susan

SULLIVAN

Grenier, James

Laware, Thomas

Rollins, Skip

Smith, Steven

NAYS - 119**CARROLL**

Butler, Edward	McCarthy, Frank	Ticehurst, Susan	Wright, Ted
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CHESHIRE

Ames, Richard	Berch, Paul	Bordenet, John	Chase, Cynthia
Eaton, Daniel	Johnsen, Gladys	Mann, John	Pearson, William
Phillips, Larry	Robertson, Timothy	Sad, Tara	Shepardson, Marjorie
Tilton, Benjamin	Weber, Lucy		

COOS

Moynihan, Wayne	Theberge, Robert	Thomas, Yvonne
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GRAFTON

Abel, Richard	Almy, Susan	Cooney, Mary	Ford, Susan
Higgins, Patricia	Maes, Kevin	Massimilla, Linda	Smith, Suzanne
Sykes, George	Townsend, Charles		

HILLSBOROUGH

Backus, Robert	Brown, Pamela	Christiansen, Lars	Cohen, Alan
Cornell, Patricia	Donovan, Daniel	Edwards, Elizabeth	Forest, Armand
Freitas, Mary	Goley, Jeffrey	Gorman, Mary	Guerette, C. Lee
Hansberry, Daniel	Harvey, Suzanne	Heath, Mary	Herbert, Christopher
Jack, Martin	Judy, Jean	Leishman, Peter	Mangipudi, Latha
Manley, Jonathan	Marston, Dick	McNamara, Richard	O'Brien, Michael
O'Neil, William	Peterson, Ken	Porter, Marjorie	Shattuck, Gilman
Snow, Kendall	Sullivan, Daniel	Williams, Kermit	Woodbury, David

MERRIMACK

Alicea, Caroletta	Bradley, Paula	Carson, Clyde	Deloge, Helen
Doherty, David	Ebel, Karen	French, Barbara	Henle, Paul
Hirsch, Geoffrey	Karrick, David	Luneau, David	MacKay, James
Moffett, Howard	Myler, Mel	Ratzki, Mario	Rogers, Katherine
Saunderson, George	Schuetz, Dianne	Turcotte, Alan	Wallner, Mary Jane

ROCKINGHAM

Berrien, Skip	Borden, David	Cahill, Michael	Cali-Pitts, Jacqueline
Cushing, Robert	DiFranco, Debbie	Francese, Paula	Gordon, Pamela
Heffron, Frank	Lovejoy, Patricia	McBeath, Rebecca	Nigrello, Robert
Pantelakos, Laura	Rice, Frederick	Simpson, Alexis	Ward, Gerald

STRAFFORD

Baber, William	Bixby, Peter	Burton, Wayne	DiSesa, Len
Horrigan, Timothy	Kaen, Naida	Rollo, Deanna	Schmidt, Peter
Smith, Marjorie	Southworth, Thomas	Spang, Judith	Wall, Janet

SULLIVAN

Cloutier, John	Converse, Larry	Gagnon, Raymond	Gottling, Suzanne
Irwin, Virginia	O'Hearne, Andrew	Oxenham, Lee	Schmidt, Andrew

and the majority committee report was adopted.

HB 1221, relative to excluding certain one-time expenditures from the default budget in official ballot municipalities. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Franklin Sterling for the Majority of Municipal and County Government. This bill is yet another attempt to define what items are "one time expenses" for the purpose of creating a "default" budget in official ballot communities and school districts. The committee recommended Inexpedient to Legislate as this definition might work for the school district of the sponsors, it will certainly be a change to what other districts are doing and we will see another bill next session to change the definition yet again. The committee felt that HB 1375 was the better solution. Vote 12-4.

Rep. Catherine Cheney for the Minority of Municipal and County Government. The committee heard there is a need to solve the problem of default budgets in official ballot municipalities and this needs more study which this bill might have done.

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

Rep. Abramson spoke against.

Rep. Sterling spoke in favor.

On a division vote, with 224 members having voted in the affirmative and 67 in the negative, the majority committee report was adopted.

HB 1402, prohibiting the state and political subdivisions from acquiring military-equipped vehicles or equipment which are not readily available in an open national commercial market. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Franklin Sterling for the Majority of Municipal and County Government. HB 1402 would prohibit the state and political subdivisions from acquiring military-equipped vehicles or equipment not readily available on the commercial market. This is identical to HB 407 introduced in 2015. HB 1402 has the same fault as the previous bill in that it calls for any hardware or equipment already in the possession of municipalities be forfeited but does not provide an entity to turn it over to. HB 407 was turned into a study committee with a reporting date of November 2016. The study committee has not completed its work at this time and should be allowed to complete its work before any legislation is introduced on this subject. Although there is committee support for addressing this issue, it was felt premature to adopt legislation that is subject to change based on any study committee findings. The committee options, therefore, would be Inexpedient to Legislate (ITL) or Refer for Interim Study (RIS). Since there is likely to be new legislation that will result from the current study committee, RIS seemed to be a duplication of effort, ITL was deemed the appropriate motion. Vote 11-4. Rep. Keith Ammon for the Minority of Municipal and County Government. Police departments should be part of the community and not styled after an occupying military force. The proliferation of military-style weapons among domestic law enforcement is a troubling trend. Last year President Obama issued an executive order limiting the types of weapons and equipment that domestic police departments are allowed to possess. However, executive orders can be reversed by the next administration. The minority felt that killing this bill sends the wrong message regarding this issue and instead wanted the bill Referred for Interim Study. A study committee created by a similar bill last year is still meeting and has yet to release its findings. Defining military style equipment may be difficult to do. We wouldn't want to prevent police departments from obtaining defensive gear that would protect the safety of officers. Perhaps, though, it is possible to codify some of the rules contained in the President's executive order into New Hampshire law, so that it cannot easily be reversed by a future presidential administration.

MOTION TO LAY ON THE TABLE

Rep. Hoell moved that **HB 1402**, prohibiting the state and political subdivisions from acquiring military-equipped vehicles or equipment which are not readily available in an open national commercial market, be laid on the table. Motion adopted.

REGULAR CALENDAR CONT'D

HB 1576-FN-L, repealing the licensure of dogs. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Susan Treleven for the Majority of Municipal and County Government. The proposal to eliminate licensing of dogs has been before this legislature several times and was always defeated. Although there is evidence that this practice was instituted to fund "damage done by dogs" to local sheep, it has become more than that today. The fact that other animals are not required to be licensed was brought up but most of those cited were animals that are normally confined and most not subject to spreading rabies. Without licensing, strays would be almost impossible to identify, the requirement for rabies vaccinations could be largely ignored and many programs of benefit to the public would go unfunded. Testing for rabies at the State Diagnostic Lab would be curtailed as well as other animal related programs and even the office of the State Veterinarian would suffer. The committee saw little support for this legislation, which was also the case in prior year attempts to do the same. Vote 12-3. Rep. Keith Ammon for the Minority of Municipal and County Government. The history of dog licensure can be traced back to the 1800s when it was a community fund to be used to compensate farmers for damage to their livestock by dogs. It has since morphed into a compulsory regulatory scheme, and once a tax or regulatory scheme is in place it's almost impossible to dislodge it. Outside interests lobby to keep it. Quite often, if a dog owner forgets to renew their license, warrants are issued by the town and the police are dispatched to their home to remind them to pay. This seems like a preposterous use of law enforcement resources. The United Kingdom abolished mandatory dog licensing in 1987 and canine chaos has not ensued. Some dog owners resent being taxed on their best friend. Majority committee report adopted.

HB 1212, naming welcome center at exit 44 on Interstate 93 in honor of Raymond S. Burton. **OUGHT TO PASS.**

Rep. Erin Hennessey for Public Works and Highways. This bill seeks to name the Interstate 93 Exit 44 welcome center after the late executive councilor Raymond S. Burton. Councilor Burton was instrumental in the opening of the exit 44 welcome center in the late 1980's. He also enthusiastically and tirelessly served his constituents of the North Country for over 32 years. The committee heard testimony that this bill has received wide-spread support in the local community. This bill has no fiscal impact. Vote 14-0. Committee report adopted and ordered to third reading.

HB 1430-FN, relative to registration of compact utility tractors. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas Walsh for Transportation. This bill as amended simply clarifies the definition of compact utility tractor for registration and operation purposes. The committee amendment fixes a possible scenario where a lawn mower might have required registration. Vote 16-0.

Amendment (0130h)

Amend the bill by replacing section 1 with the following:

1 Words and Phrases; Compact Utility Trailer Added. Amend RSA 259:13-a to read as follows:

259:13-a **Compact Utility Tractor.** ***“Compact utility tractor” shall mean any self-propelled 4-wheel vehicle utilizing diesel fuel, with a rated horsepower not to exceed 28 horsepower, that is capable of carrying not more than one occupant, is equipped by the manufacturer with at least one PTO (power take-off) in addition to any PTO installed for the purpose of an under-tractor mower deck, and has no provision for carrying a load other than attached implements such as snowplows, tool boxes, or bucket loaders.***

Amend the bill by replacing section 3 with the following:

3 Operation on Ways. Amend RSA 265:160 to read as follows:

265:160 Utility Vehicles **and Compact Utility Tractors**; Operation on Ways Restricted. No person shall operate a utility vehicle, including an agricultural/industrial utility vehicle as defined in RSA 259:2-a, **a compact utility tractor, as defined in RSA 259:13-a**, or an off highway recreational vehicle as defined in RSA 259:69, except on a way where the posted speed limit is 40 miles per hour or less **or, in the case of compact utility tractor, 35 miles per hour or less**, and the route or crossing being used is open to such vehicles and at such times and under any other special operating conditions established by the government authority having control of the way. Any person operating or in actual physical control of such a vehicle upon a way shall hold a valid driver's license.

Amend the bill by replacing section 5 with the following:

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

Committee amendment adopted.

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

Rep. Steven Smith offered floor amendment (0270h).

Floor Amendment (0270h)

Amend RSA 259:13-a as inserted by section 1 of the bill by replacing it with the following:

259:13-a **Compact Utility Tractor.** ***“Compact utility tractor” shall mean any self-propelled 4-wheel vehicle utilizing diesel fuel, with a rated horsepower not to exceed 28 horsepower, that is capable of carrying not more than one occupant, is equipped by the manufacturer with at least one PTO (power take-off) in addition to any PTO installed for the purpose of an under-tractor mower deck, and has no provision for carrying a load other than attached implements such as snowplows, tool boxes, or bucket loaders.***

Amend the bill by replacing section 3 with the following:

3 Operation on Ways. Amend RSA 265:160 to read as follows:

265:160 Utility Vehicles **and Compact Utility Tractors**; Operation on Ways Restricted. No person shall operate a utility vehicle, including an agricultural/industrial utility vehicle as defined in RSA 259:2-a, **a compact utility tractor, as defined in RSA 259:13-a**, or an off highway recreational vehicle as defined in RSA 259:69, except on a way where the posted speed limit is 40 miles per hour or less **or, in the case of compact utility tractor, 35 miles per hour or less**, and the route or crossing being used is open to such vehicles and at such times and under any other special operating conditions established by the government authority having control of the way. Any person operating or in actual physical control of such a vehicle upon a way shall hold a valid driver's license.

Amend the bill by replacing section 5 with the following:

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

Rep. Steven Smith spoke in favor.

Floor amendment (0270h) adopted.

Committee report adopted and referred to the Committee on Finance.

HB 1446, relative to enforcement of the prohibition on the use of mobile electronic devices while driving. **INEXPEDIENT TO LEGISLATE.**

Rep. Werner Horn for Transportation. The “Hands-Free Law” (RSA 265:79-c) in its present incarnation was the result of over a year's worth of study and consultation. This bill seeks to modify a law before the implications of the current law are fully understood. By making this law enforceable as a secondary offense it would prevent law enforcement from pulling over a driver so distracted by their device they do not notice the presence of a law enforcement officer watching them from an adjacent vehicle. Law enforcement officers are currently empowered to address dangerous behavior pro-actively without waiting for the distracted driver to strike someone else. Vote 15-3.

Rep. Horn spoke in favor.

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

YEAS 198 – NAYS 100**YEAS - 198
BELKNAP**Dumais, Russell
Russell, DavidFields, Dennis
Spanos, Peter

Flanders, Donald

LeBreche, Shari

CARROLLBuco, Thomas
McConkey, MarkButler, Edward
Schmidt, StephenChandler, Gene
Ticehurst, SusanMcCarthy, Frank
Umberger, Karen**CHESHIRE**Abbott, Michael
Chase, Cynthia
Pearson, William
Shepardson, Marjorie
Weber, LucyAmes, Richard
Eaton, Daniel
Phillips, Larry
Sterling, FranklinBerch, Paul
Johnsen, Gladys
Roberts, Kris
Tatro, BruceBordenet, John
Mann, John
Sad, Tara
Tilton, Benjamin**COOS**Fothergill, John
Theberge, RobertMoynihan, Wayne
Tholl, JohnRappaport, Laurence
Thomas, Yvonne

Richardson, Herbert

GRAFTONAbel, Richard
Ford, Susan
Maes, Kevin
Sykes, GeorgeAlmy, Susan
Hennessey, Erin
Massimilla, Linda
Townsend, CharlesCooney, Mary
Higgins, Patricia
Shackett, JeffreyDarrow, Stephen
Ladd, Rick
Smith, Suzanne**HILLSBOROUGH**Backus, Robert
Brown, Pamela
Cote, David
Flanagan, Jack
Gidge, Kenneth
Haefner, Robert
Hinch, Richard
LeBrun, Donald
McClarren, Donald
Pellegrino, Anthony
Proulx, Mark
Seidel, Carl
Souza, Kathleen
Wolf, TerryBalcom, John
Christiansen, Lars
Danielson, David
Forest, Armand
Gorman, Mary
Hansberry, Daniel
Jack, Martin
Leishman, Peter
McNamara, Richard
Peterson, Ken
Rosenwald, Cindy
Shattuck, Gilman
Straight, Phillip
Woodbury, DavidBarry, Richard
Cohen, Alan
Donovan, Daniel
Freitas, Mary
Gould, Linda
Harvey, Suzanne
Jeudy, Jean
Mangipudi, Latha
O'Brien, Michael
Pierce, David
Rouillard, Claire
Smith, Timothy
Takesian, CharleneBiggie, Barbara
Cornell, Patricia
Eastman, Eric
Gagne, Larry
Guerette, C. Lee
Heath, Mary
Kurk, Neal
Manley, Jonathan
O'Neil, William
Porter, Marjorie
Rowe, Robert
Snow, Kendall
Williams, Kermit**MERRIMACK**Alicea, Caroletta
Doherty, David
Hirsch, Geoffrey
Kotowski, Frank
Myler, Mel
Rogers, Katherine
Wallner, Mary JaneBradley, Paula
Ebel, Karen
Horn, Werner
Luneau, David
Parent, Jason
Saunderson, George
Walsh, ThomasCarson, Clyde
French, Barbara
Karrick, David
MacKay, James
Patten, Dick
Schuett, DianneDeloge, Helen
Henle, Paul
Kidder, David
Moffett, Howard
Ratzki, Mario
Shurtleff, Stephen**ROCKINGHAM**Abrami, Patrick
Berrien, Skip
Cardon, G. Thomas
Elliott, Robert
Griffin, Mary
Hoelzel, Kathleen
Manning, John
Nigrello, Robert
Potucek, John
Ward, GeraldAllen, Mary
Borden, David
Cushing, Robert
Fesh, Robert
Guthrie, Joseph
Introne, Robert
Matthews, Carolyn
O'Connor, John
Prudhomme-O'Brien, Katherine
Welch, DavidBarnes, Arthur
Cahill, Michael
Devine, James
Francese, Paula
Hagan, Joseph
Kappler, Lawrence
McBeath, Rebecca
Packard, Sherman
Rice, FrederickBelanger, Ronald
Cali-Pitts, Jacqueline
DiFranco, Debbie
Gordon, Pamela
Heffron, Frank
Lovejoy, Patricia
McMahon, Charles
Pantelakos, Laura
Simpson, Alexis**STRAFFORD**Baber, William
DiSesa, Len
Kaen, Naida
Southworth, ThomasBickford, David
Graham, Robert
Rollo, Deanna
Treleaven, SusanBixby, Peter
Gray, James
Schmidt, Peter
Verschueren, JamesCheney, Catherine
Horrigan, Timothy
Smith, Marjorie
Wall, Janet

SULLIVAN

Cloutier, John
Grenier, James
Oxenham, Lee

Converse, Larry
Irwin, Virginia
Rollins, Skip

Gagnon, Raymond
Laware, Thomas
Schmidt, Andrew

Gottling, Suzanne
O'Hearne, Andrew
Smith, Steven

NAYS - 100**BELKNAP**

Aldrich, Glen
Vadney, Herbert

Fraser, Valerie

Howard, Jr., Raymond

Luther, Robert

CARROLL

Avellani, Lino

Comeau, Ed

Cordelli, Glenn

Wright, Ted

CHESHIRE

Hunt, John

McConnell, James

COOS

Rideout, Leon

GRAFTON

Gionet, Edmond

Ingbretson, Paul

Johnson, Eric

HILLSBOROUGH

Adams, Christopher
Burt, John
Edwards, Elizabeth
Gonzalez, Carlos
Hogan, Edith
McCarthy, Peggy
Murphy, Keith
Ohm, Bill
Simmons, Tammy
Twombly, Timothy

Ammon, Keith
Byron, Frank
Estevez, Eric
Griffin, Barbara
Hopper, Gary
McLean, Mark
Notter, Jeanine
Rice, Kimberly
Smith, Gregory
Ulery, Jordan

Belanger, James
Christie, Rick
Ferreira, Elizabeth
Halstead, Carolyn
Lachance, Joseph
Moore, Josh
Ober, Lynne
Sanborn, Laurie
Sullivan, Daniel

Boehm, Ralph
Edelblut, Frank
Fromuth, Bart
Hansen, Peter
Marston, Dick
Murotake, David
Ober, Russell
Scotsas, Lisa
Sullivan, Victoria

MERRIMACK

Brewster, Michael
Kuch, Bill
McGuire, Carol

French, Harold
Long, Douglas
McGuire, Dan

Hill, Gregory
Marple, Richard
Seaworth, Brian

Hoell, J.R.
Martin, John
Turcotte, Alan

ROCKINGHAM

Abramson, Max
Dean-Bailey, Yvonne
Gannon, William
Itse, Daniel
Schroadter, Adam
True, Chris
Weyler, Kenneth

Bates, David
Emerick, J. Tracy
Gordon, Richard
Katsakiores, Phyllis
Spillane, James
Vose, Michael

Chirichiello, Brian
Ferrante, Beverly
Green, Dennis
Kolodziej, Walter
Tasker, Kyle
Ward, Joanne

Cook, Allen
Friel, William
Harris, Jeffrey
Osborne, Jason
Thomas, Douglas
Webb, James

STRAFFORD

DeLemus, Susan
Leeman, Don
Turcotte, Leonard

Groen, Warren
Mullen, John
Wuelper, Kurt

Hannon, Joseph
Spang, Judith

Kaczynski, Jr., Thomas
Sprague, Dale

and the committee report was adopted.

HB 1697-FN, relative to the operation and insurance of transportation network companies. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Thomas Walsh for the Majority of Transportation. This bill establishes insurance guidelines and consumer protections for transportation network companies and their customers. This statewide framework is supported by the industry and creates a growth environment. The committee amendment clarifies when additional insurance coverage is required for vehicles engaging in transport part time. Vote 14-2.

Rep. Werner Horn for the Minority of Transportation. Regulating one segment of an industry creates a special class. This bill as amended will remove from a municipality the responsibility for regulating a ground transportation business operating in their towns or cities. Transportation network companies have a business model that has been directly challenged in separate cities and towns by existing ground transportation companies. This legislation is a direct response to those challenges by seeking immunity and autonomy from regulation in the very communities they operate in. Innovative business models should not enjoy special legislative protections that place existing industries at a disadvantage.

Majority Amendment (0176h)

Amend RSA 376-A:8 through RSA 376-A:10 as inserted by section 1 of the bill by replacing them with the following:

376-A:8 Financial Responsibility of TNCs. On or before the effective date of this chapter and thereafter:

I. Every TNC driver, or TNC on behalf of the driver, shall maintain primary motor vehicle insurance that recognizes that the driver is a TNC driver or otherwise uses a vehicle to transport passengers for compensation and covers the driver:

- (a) While the driver is logged on to the TNC's digital network or
- (b) While the driver is engaged in a prearranged ride.

II. The following motor vehicle insurance requirements shall apply while a participating TNC driver is logged on to the TNC's digital network but is not engaged in a prearranged ride:

(a) Primary motor vehicle liability insurance, consistent with RSA 259:61, in the amount of at least \$50,000 for death and bodily injury per person; \$100,000 for death and bodily injury per incident; and \$25,000 for property damage, including the duty to defend.

(b) Coverage consistent with New Hampshire financial responsibility laws.

III. The coverage requirements of paragraph II may be satisfied by any of the following:

- (a) Motor vehicle insurance maintained by the TNC driver or
- (b) Motor vehicle insurance maintained by the TNC or
- (c) Any combination of subparagraphs (a) and (b).

IV. The following motor vehicle insurance requirements shall apply while a TNC driver is engaged in a prearranged ride:

(a) Primary motor vehicle liability insurance, consistent with RSA 259:61, that provides at least \$1,000,000 for death, bodily injury, and property damage and includes the duty to defend.

(b) Coverage consistent with New Hampshire financial responsibility laws.

V. The coverage requirements of paragraph IV may be satisfied by any of the following:

- (a) Motor vehicle insurance maintained by the TNC driver or
- (b) Motor vehicle insurance maintained by the TNC or
- (c) Any combination of subparagraphs (a) and (b).

VI. If insurance maintained by the TNC driver in paragraphs II and IV has lapsed or does not provide the required coverage, insurance maintained by the TNC shall provide the coverage required by this section beginning with the first dollar of a claim and shall have the duty to defend and indemnify such claim.

VII. Coverage under a motor vehicle insurance policy maintained by the TNC shall not be dependent on a personal motor vehicle insurer first denying a claim nor shall a personal motor vehicle insurance policy be required to first deny a claim.

VIII. Insurance required by this section shall be placed with an admitted insurer that has the requisite certificate of authority to write motor vehicle insurance pursuant to RSA 401:1. Insurance required under this section may be placed with an unadmitted surplus lines insurer consistent with the provisions of RSA 405:24 through RSA 405:31.

IX. Every TNC driver shall carry physical or electronic proof of coverage satisfying paragraphs II and IV with him or her at all times during his or her use of a vehicle in connection with a TNC's digital network. In the event of an accident, a TNC driver shall provide this insurance coverage information to the directly interested parties, automobile insurers, and investigating police officers. Upon request, a TNC driver shall also disclose to directly interested parties, automobile insurers, and investigating police officers, whether he or she was logged on to the TNC's digital network or on a prearranged ride at the time of an accident.

376-A:9 Disclosures. Before accepting a request for a prearranged ride on the TNC's digital network, every TNC shall disclose in writing to the TNC driver the following:

I. The insurance coverage, including the types of coverage and the limits for each coverage, that the TNC provides while the TNC driver uses a personal vehicle in connection with a TNC's digital network and

II. That the TNC driver's own motor vehicle insurance policy might not provide any coverage while the TNC driver is logged on to the TNC's digital network or is engaged in a prearranged ride, depending on its terms.

376-A:10 Motor Vehicle Insurance Provisions.

I. Insurers that write motor vehicle insurance in New Hampshire may exclude any and all coverage afforded under the policy issued to an owner or operator of a personal vehicle for any loss or injury that occurs while a TNC driver is logged on to a TNC's digital network or while a driver provides a prearranged ride. The right to exclude all coverage may apply to any coverage included in a motor vehicle insurance policy including, but not limited to:

- (a) Liability coverage for bodily injury and property damage.
- (b) Uninsured and underinsured motorist coverage.
- (c) Medical payments coverage.
- (d) Comprehensive physical damage coverage.
- (e) Collision physical damage coverage.

If the coverage has been excluded under this paragraph, and the insurance required to be maintained by the TNC driver under RSA 376-A:8, II and IV has lapsed or does not provide the required coverage, the state financial responsibility requirements in RSA 259:61, I, including costs of defense, shall be satisfied by the TNC's motor vehicle insurance policy, beginning with the first dollar of a claim. Nothing in this section implies or requires that a personal motor vehicle insurance policy provide coverage while the TNC driver is logged on to the TNC's digital network, while the TNC driver is engaged in a prearranged ride, or while the TNC driver otherwise uses a vehicle to transport passengers for compensation. Nothing in this section shall be deemed to preclude an insurer from providing coverage for the TNC driver's vehicle, if it chooses to do so by contract or endorsement.

II. No automobile insurer that excludes the coverage described in RSA 376-A:8 shall have a duty to defend or indemnify any claim expressly excluded thereunder. Nothing in this section shall be deemed to invalidate or limit an exclusion contained in a policy, including any policy in use or approved for use in New Hampshire prior to the enactment of this chapter, that excludes coverage for vehicles used to carry persons or property for a charge or available for hire by the public. An automobile insurer that defends or indemnifies a claim against a driver that is excluded under the terms of its policy, shall have a right of contribution against other insurers that provide automobile insurance to the same driver in satisfaction of the coverage requirements of RSA 376-A:8 at the time of loss.

III. In a claims coverage investigation, TNCs and any insurer potentially providing coverage under RSA 376-A:8 shall cooperate in facilitating the exchange of relevant information with directly involved parties and any insurer of the TNC driver if applicable, including the precise times that a TNC driver logged on and off of the TNC's digital network in the 12 hour period immediately preceding and in the 12 hour period immediately following the accident and disclose to one another a clear description of the coverage, exclusions, and limits provided under any automobile insurance maintained under RSA 376-A:8.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Sanborn offered floor amendment (0405h).

Floor Amendment (0405h)

Amend RSA 376-A:3, II as inserted by section 1 of the bill by replacing it with the following:

II. The department shall issue a permit to each applicant that meets the requirements for a TNC under this chapter, and pays an annual permit fee of \$500 to the department.

Rep. Sanborn spoke in favor.

Rep. Steven Smith spoke in favor and yielded to questions.

Floor amendment (0405h) adopted.

Majority committee report adopted and referred to the Committee on Commerce and Consumer Affairs.

BILLS REMOVED FROM THE CONSENT CALENDAR

HB 1389, prohibiting a town meeting from materially changing a petitioned warrant article in a town that has adopted the official ballot referendum form of meeting. **INEXPEDIENT TO LEGISLATE.**

Rep. Bruce Tatro for Municipal and County Government. This bill would change the way a petitioned warrant article is treated in a deliberative session and would treat petitioned warrant articles differently in SB 2 communities and in traditional town meeting communities. A petitioned warrant article is already restricted as to the changes which may be made to it before it is presented to the voters. After it is introduced to the voters it should be treated like any other warrant article. The petition restrictions are only applicable to protect the article from being changed prior to introduction at the meeting where the voters have control over the article. Not allowing the voters to change one article while allowing changes to another is discriminatory and results in unequal treatment between articles. It could be used to convince submitters to make sure all articles presented to the town meeting are petitioned articles which would remove the ability for the voters to enact changes and significantly reduce the reasons for attending the deliberative session which is already affected with low attendance. There is also no reason to treat a petitioned warrant article in an official ballot municipality differently than one in a traditional meeting municipality. Vote 13-3.

Rep. Spillane spoke against and yielded to questions.

Rep. Tatro spoke in favor and yielded to questions.

On a division vote, with 194 members having voted in the affirmative and 100 in the negative, the committee report was adopted.

HB 1621-FN-L, relative to sanctuary cities. **INEXPEDIENT TO LEGISLATE.**

Rep. James Belanger for Municipal and County Government. A sanctuary city is a municipality that has opted not to enforce any immigration laws and allow those illegals to reside in their community. There are currently no sanctuary cities in NH and committee members doubted there ever would be. This bill would simply mandate that there could not be such a community in the state and the committee felt it was unnecessary.

Testimony was heard regarding pitfalls of a community allowing such residency but, in the end, the question was legislation that would prohibit something from existing that was highly unlikely to exist in the first place. Imposing legislation upon communities to prevent something from happening that was unlikely to happen is precedent setting and might open the door to a huge amount of prohibitive legislation. NH is a permissive state and we all know that municipalities can now only do what is permitted by the state. Since sanctuary cities are not permitted then they are deemed to be prohibited and this bill is unnecessary. Vote 13-2.

MOTION TO LAY ON THE TABLE

Rep. Potucek moved that **HB 1621-FN-L**, relative to sanctuary cities, be laid on the table.

On a division vote, with 247 members having voted in the affirmative and 47 in the negative, the motion was adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR CONT'D

HB 1295-FN, eliminating the bureau of certificate of title. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry Gagne for Transportation. This bill would eliminate the Bureau of Certificate of Title and would decrease state revenue by over \$10 million in the first year. Additionally vehicle titles prove ownership, adding value both to citizens and businesses. Vote 18-0.

Rep. Marple spoke against.

Rep. Steven Smith spoke in favor.

Committee report adopted.

RESOLUTION

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

LATE SESSION

Third Reading and Final Passage

HB 1651, relative to the duties of the commission to review child abuse fatalities.

HB 1375, relative to charter commissions for budgets in official ballot jurisdictions.

HB 1272-FN, relative to bus transportation for chartered public school students.

HB 1127, relative to qualifications of referees in the superior courts and circuit courts.

HB 1212, naming welcome center at exit 44 on Interstate 93 in honor of Raymond S. Burton.

UNANIMOUS CONSENT

Rep. Fothergill requested Unanimous Consent of the House regarding Cancer prevention month.

Rep. Fothergill addressed the House.

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 4:45 p.m.

RECESS

(Rep. Kotowski in the Chair)

RESOLUTION

Rep. Ebel 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 Bills numbered 1700 and 1701 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.

Motion adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 1700-FN, relative to abuse-deterrent opioid drug products. (Sherman, Rock 24: Rosenwald, Hills 30; Hinch, Hills 21; Bradley, Dist 3: Commerce and Consumer Affairs)

HB 1701-FN, relative to specialty care in drop-in or walk-in clinics. (Hannon, Straf 25: Health, Human Services and Elderly Affairs)

COMMITTEE ASSIGNMENT

The Speaker made the following changes to committee assignment:
Rep. Jeffrey Shackett on the Committee on Public Works and Highways.

RECESS

(Rep. Tholl in the Chair)

ENROLLED BILL AMENDMENT

SB 146, relative to accessory dwelling units. (Amendment printed SJ 2-11-16)
Adopted.

SENATE MESSAGES**REFERRED FOR INTERIM STUDY**

HB 141, relative to rulemaking authority concerning practice standards and safe and secure operation of pharmacies.

CONCURRENCE WITH AMENDMENTS

SB 144, relative to carry-over coverall bingo and shared carry-over coverall bingo.

NONCONCURRENCE WITH AMENDMENTS

SB 45, establishing a commission to study opioid use in workers' compensation cases.

SB 64-FN, relative to payment for filling prescriptions and enforcement concerning prices for filling certain prescriptions.

RECESS