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HOUSE RECORD

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Concord, N.H.

Wednesday, February 10, 2016

No. 16

HOUSE JOURNAL No. 5 (Cont.)

Thursday, February 4, 2016

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

HOUSE JOURNAL No. 6

Wednesday, February 10, 2016

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

Prayer was offered by House Chaplain, Reverend Kate Atkinson, Rector of St. Paul's Church in Concord.

Timeless, eternal God, we give You thanks for the reminder we receive on this holy day: that we come from dust and will one day return to dust. Whatever our individual beliefs or creed or tradition may be, we all share a common mortality. Inspire us to treasure this wondrous gift of life to use our time on earth wisely, and to make the most of every opportunity. Help us to focus on those things that are life-giving, and strengthen us to accomplish all that we are called to do, to use our time and our gifts wisely and well.

A Prayer of Saint Augustine

Almighty God, in whom we live and move and have our being,
You have made us for yourself and our hearts are restless until they rest in You:
Grant us purity of heart and strength of purpose,
That no selfish passion may hinder us from knowing Your will;
No weakness from doing it;
But that in Your light we may see light
To the glory of Your name. Amen.

Representative Pearson, member from Keene, led the Pledge of Allegiance.

The National Anthem was performed by a quintet from the New Hampshire Symphony; Jacqueline DeVoe on the flute; Andrea Bonsignore on the Oboe; Marguerite Levin on the Clarinet; Michael Weinstein on the Horn; and Gregory Newton on the Bassoon.

LEAVES OF ABSENCE

Reps. Chris Brown, Comtois, Emerson, Forest, Gardner, Gargas, Kellogg, Knowles, Major, Marston, Priestley, Sanders, Twombly, Robert Walsh and Wheeler, the day, illness.

Reps. Barry, Bouldin, Bush, Fisher, Goulette, Hess, Hurt, Olinny, Russell, Sanborn and Tamburello, the day, important business.

INTRODUCTION OF GUESTS

Madison Norris, student at Hollis-Brookline High School, Page for the day.

Bebe Casey, guest of Rep. Ebel. Aileen Cormier, guest of Rep. Balcom. Gates Ingram, guest of Rep. Ticehurst. Joe Doiron, guest of Rep. Joe Sweeney. Rosanna Eubank and Kai Dude, guests of Rep. Douglas Long. Ann Royce and Heather Ames, guest and wife of Rep. Ames. Honorable Suzanne Mercer Vail, former member from Nashua, guest of Reps. Horrigan and Harvey. Fourth Graders from Broken Ground School in Concord, guests of the House.

INTRODUCTION OF SPECIAL GUESTS

Christopher Kobach, Secretary of State for the State of Kansas, guest of the House.

CONSENT CALENDAR

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

HB 1495-FN-L, relative to insurance incentives to lower costs of health care, removed by Rep. Kurk.

HB 1189-FN, relative to aid granted to Dartmouth College to assist indigent students from New Hampshire, removed by Rep. Cushing.

HB 1566-FN, relative to out-of-state transportation companies, removed by Rep. Martel.

HB 1581-FN-A, establishing a special marriage officiant license, removed by Rep. Cushing.

HB 1593-FN-L, restricting fees for obtaining copies of public records and requiring certain information on public official and legislative financial disclosure forms, removed by Rep. Hoell.

HB 1693-FN-L, abolishing fluoridation in water, removed by Rep. Valerie Fraser.

Consent Calendar adopted.

HB 1434-FN, relative to out-of-home placements under the child protection act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kimberly Rice for Children and Family Law. This bill as amended reinforces the requirement that the judges provide a written finding to keep a child in out-of-home placement after the preliminary hearing of an abuse and neglect proceeding. The written finding gives the estranged child and parent facts to rebut for reconsideration, de novo hearing, or appeal. This is a further attempt to ensure removal from the home only occurs when necessary. Vote 14-2.

Amendment (0225h)

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

1 Statement of Findings. The general court finds that the relationship between children and their parents is so fundamental to the wellbeing of society that unwarranted interference in that relationship is a harm to children, parents, and society as a whole. Furthermore, the failure to enumerate offenses is a violation of the Constitution of the State of New Hampshire Part 1, Article 15.

2 New Paragraphs; Child's Welfare and Findings Regarding Removal. Amend RSA 169-C:6-b by inserting after paragraph II the following new paragraphs:

III. If the court orders that a child be removed from his or her home at the preliminary hearing under RSA 169-C:15, the adjudicatory hearing under RSA 169-C:18, the dispositional hearing under RSA 169-C:19, or the final hearing under RSA 169-C:21, the court order for removal shall include specific written findings regarding the need for the out-of-home placement. The order shall enumerate specific instances of abuse or neglect, include a general description of incidents and dates where available, and summarize the evidence the court relied upon in ordering the placement.

IV. If the removal order does not comply with the requirements of paragraph III, the judge shall make a written finding to justify the out-of-home placement.

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

2016-0225h

AMENDED ANALYSIS

This bill requires an order to remove a child from his or her home under the child protection act to include written findings with regard to the need for the out-of-home placement.

Referred to the Committee on Criminal Justice and Public Safety.

HB 1159-FN, relative to sale of tobacco products. **REFER FOR INTERIM STUDY.**

Rep. Pamela Tucker for Commerce and Consumer Affairs. This bill's original intent was to clarify the definition of tobacco products in the state liquor laws. After further discussion we found too many issues with the language in the statutes and determined that we need to recodify our statutes. The committee recommends referring this bill for Interim Study in order to address these inconsistencies and to provide an opportunity to create the right language. Vote 19-1.

HB 1182-FN, relative to fees for sales of wine by manufacturers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Pamela Tucker for Commerce and Consumer Affairs. This bill, as amended, forms a study committee to find the right balance for applying the tax on wine manufacturers and to bring the reporting requirements in line with federal reporting requirements. Currently, New Hampshire taxes wine sold by manufacturers directly to consumers at 5% of the retail sale price. Reporting for the federal government is based on gallons, not dollars, so the committee hopes to find a more efficient way to combine the tax. This committee's responsibility is to rectify this difference and make it easier for our wine manufacturers to do the reporting. Vote 18-1.

Amendment (0260h)

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

AN ACT establishing a committee to study fees for sales of wine by manufacturers.

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

1 Committee Established. There is established a committee to study fees for sales of wine by manufacturers.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall study fees for sales of wine by manufacturers. The committee's study shall include an examination of federal reporting requirements for wine manufacturers licensed in New Hampshire. The committee shall determine what fee would be revenue neutral if New Hampshire switched from the current percentage of sales fee to a per gallon fee for wine manufacturers. The committee shall solicit input from the liquor commission, other state agencies, and private businesses as deemed relevant to the committee.

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

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

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

2016-0260h

AMENDED ANALYSIS

This bill establishes a committee to study fees for sales of wine by manufacturers.

Referred to the Committee on Ways and Means.

HB 1685-FN, relative to mortgage bankers, brokers, and services. **OUGHT TO PASS WITH AMENDMENT.** Rep. Laurie Sanborn for Commerce and Consumer Affairs. This bill makes several common sense changes in an effort to clean up, organize and clarify regulations related to mortgage servers. It also simplifies the advertising disclosure requirements and removes the requirement for annual reports because the Banking Department now receives quarterly reports through the Nationwide Mortgage Licensing System and Registry (NMLS). The committee amendment restores an exemption for three real estate transactions in a 12 month period, makes a typographical correction and ensures that the maximum penalty for not filing reports remains the same as the current law. Vote 17-0.

Amendment (0388h)

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

AN ACT relative to mortgage bankers, brokers, and servicers.

Amend RSA 397-A:4 as inserted by section 1 of the bill by inserting after paragraph IV the following new paragraph:

V. An owner of real property who, in any consecutive 12-month period, makes no more than 3 mortgage loans to purchasers of the property for all or part of the purchase price of the real estate against which the mortgage is secured.

Amend RSA 397-A:16, I as inserted by section 1 of the bill by replacing it with the following:

I. Mortgage bankers, mortgage brokers, or mortgage servicers may charge fees and points for services rendered in conjunction with the origination, closing, and servicing of loans. If any fee is collected in advance of the closing of the loan, the mortgage banker or mortgage broker shall provide the borrower with a written explanation of the purpose and disposition of the fee. A mortgage banker or mortgage broker may charge an application fee which may include the direct costs incurred by the mortgage banker or mortgage broker for processing an application, and for a real estate appraisal, a credit bureau report, or income verification, or other third party services.

Amend RSA 397-A:13, V as inserted by section 1 of the bill by replacing it with the following:

V. Any mortgage banker, mortgage broker, or mortgage servicer failing to file the mortgage call report required by this section within the time prescribed may be required to pay to the department a penalty of \$25 for each calendar day the mortgage call report is overdue up to a maximum penalty of \$625 per mortgage call report.

2016-0388h
AMENDED ANALYSIS

This bill defines and regulates mortgage servicers.
Referred to the Committee on Ways and Means.

HB 1584-FN, relative to minimum and maximum sentences for felony convictions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dick Marston for Criminal Justice and Public Safety. This bill as introduced dealt with minimum and maximum sentences for felony convictions. The committee believes that the credit for serving time in county jails in lieu of paying a fine, which has not been updated in 20 years, needs to be addressed. The amendment, which replaces the bill, brings the daily rate from \$50 per day to \$125 per day which more accurately reflects the actual cost of incarceration. The association of counties states that there will be no added cost to the counties and the committee believes that it will also reduce costs to the counties. Vote 14-0.

Amendment (0100h)

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

AN ACT relative to the discharge of a person committed for nonpayment of a fine.

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

1 Discharge of Person Committed in Default of Payment of Fine. Amend RSA 618:8 and 618:9 to read as follows:

618:8 At End of Term, or on Payment of Balance. Any person sentenced conditionally to pay a fine or to be imprisoned for a term shall be discharged at the expiration of the term, and may be discharged at any time on payment of the balance of the fine, after deducting [\$50] **\$125** for each day such person has been imprisoned under the sentence.

618:9 Committal for Nonpayment; Term. Whenever a person is committed to a county correctional facility in default of payment of a fine imposed by a justice of a superior court or a district court, he or she shall be discharged from custody by the superintendent thereof at the expiration of a number of days after the date of his or her commitment equal to one day for each [\$50] **\$125** of the fine so imposed. The superintendent shall keep a record of all discharges made under the provisions of this section.

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

2016-0100h
AMENDED ANALYSIS

The bill increases the daily amount deducted for a person who is committed for nonpayment of a fine.
Referred to the Committee on Ways and Means.

HB 1675-FN-A, relative to the legalization and taxation of marijuana. **INEXPEDIENT TO LEGISLATE.**
Rep. Arthur Barnes for Criminal Justice and Public Safety. This bill would legalize the possession of 2.2 pounds of marijuana for personal use for persons over the age of 18, license wholesale and retail sale of marijuana, and create marijuana retail sales cultivation and testing facilities. It would allow the cultivation of 6 plants for personal use and establish a \$30 per ounce tax on marijuana at the wholesale level. The committee felt that adopting this bill would send the wrong message during the time of an opioid crisis and that the amount legalized is excessive, allowing those under 18 ample ways to obtain this federally illegal drug. Vote 14-1.

HB 1351, relative to the laws governing chartered public schools. **INEXPEDIENT TO LEGISLATE.**
Rep. James Grenier for Education. This bill would require all charter schools to comply with the same laws and rules governing regular public schools. The members of the House Education recognized this bill would destroy the concept of charter schools and they would cease to exist. Vote 19-0.

HB 1485, relative to private rights of action under the pupil safety and violence prevention act. **INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Cordelli for Education. This bill grew out of a case of bullying in which the school principal ignored the situation. The proposed remedy, however, would expose the school district to many law suits and massive legal bills. Suits could be brought whenever a parent was not satisfied with the district remedy, or even unaware of the remedy. Vote 18-2.

HB 1652-FN-A, establishing a teacher preparation for mathematics education scholarship program. **REFER FOR INTERIM STUDY.**

Rep. Mary Heath for Education. The Education Committee finds unanimously that this bill needs further research, reviews and development. The committee recognizes the difficulty in securing qualified mathematics' educators and that the NH Department of Education lists "Mathematics Educator" on the critical shortage list and has done so for over ten years. The committee also recognizes the need to fully engage the NH University System Teacher Preparation Programs in the design of a plan to increase the numbers of qualified math educators in our schools. Furthermore, after a review of student math scores over the last ten years and

the impetus to improve such scores, the committee requests Interim Study with regard to the most effective ways to recruit and attract mathematic teachers and to explore a variety of options from scholarships to loan forgiveness to increase the number of math educators. Vote 20-0.

HB 1667-FN-L, repealing the statutes authorizing the department of education. **INEXPEDIENT TO LEGISLATE.**

Rep. Terry Wolf for Education. The NH Department of Education has many roles, such as: the oversight of higher education, standards and certification, school building aid, educational credentialing and career school licensing. This bill would eliminate the DOE's role in each of these areas. Vote 19-0.

HB 1292, relative to the use of abandoned agricultural property. **OUGHT TO PASS.**

Rep. Michele Peckham for Environment and Agriculture. RSA 674:32-b, the Right to Farm statute, refers to the "disuse" of farmland in two places. This bill simply changes the word "disuse" to "abandonment" in order to protect farmers who, through no fault of their own, let their land fall into disuse for a season because of illness, accident, or generational transfer of the farm. The word "abandonment" implies that the farmer left without an intent to come back to farming. Vote 17-0.

Referred to the Committee on Municipal and County Government.

HB 1404-FN, relative to certain director positions in the insurance department. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Schmidt for Executive Departments and Administration. This bill is a request of the Insurance Department and constitutes a housekeeping action, allowing the department to manage several already existing positions in a more efficient manner. This change will enable the department to more effectively and competitively recruit staff replacements in the future. Vote 15-1.

Amendment (0079h)

Amend the bill by replacing sections 1 and 2 with the following:

1 Insurance Department; Department Positions. Amend RSA 400-A:6, VII to read as follows:

VII. The commissioner shall appoint, as the commissioner's assistants, *a director of examinations, a life, accident and health director, a life, accident and health actuary, a health policy legal counsel*, a health care policy analyst, a health care statistician, a general counsel, an insurance fraud attorney, a senior insurance fraud investigator, *a property and casualty director, a property and casualty actuary*, an assistant property and casualty actuary, *a workers' compensation analyst*, a compliance and enforcement counsel, *a communications director*, and a health reform coordinator, each of whom shall serve at the pleasure of the commissioner during good behavior. The *director of examinations, life, accident and health director, life, accident and health actuary, health policy legal counsel*, health care policy analyst, health care statistician, general counsel, insurance fraud attorney, senior insurance fraud investigator, *property and casualty director, property and casualty actuary*, assistant property and casualty actuary, *workers' compensation analyst*, compliance and enforcement counsel, *communications director*, and health reform coordinator, shall perform such duties and exercise such powers as the commissioner may authorize.

2 Insurance Department; Department Positions. RSA 400-A:6, VII is repealed and reenacted to read as follows:

VII. The commissioner shall appoint, as the commissioner's assistants, a director of examinations, a life accident and health director, a life, accident and health actuary, a health policy legal counsel, a health care policy analyst, a health care statistician, a general counsel, an insurance fraud attorney, a senior insurance fraud investigator, a property and casualty director, a property and casualty actuary, an assistant property and casualty actuary, a workers' compensation analyst, a compliance and enforcement counsel, a financial examination supervisor, a communications director, and a health reform coordinator, each of whom shall serve at the pleasure of the commissioner during good behavior. The director of examinations, life, accident and health director, life, accident and health actuary, health policy legal counsel, health care policy analyst, health care statistician, general counsel, insurance fraud attorney, senior insurance fraud investigator, property and casualty director, property and casualty actuary, assistant property and casualty actuary, workers' compensation analyst, compliance and enforcement counsel, communications director, and health reform coordinator, shall perform such duties and exercise such powers as the commissioner may authorize.

Referred to the Committee on Finance.

HB 1556-FN, relative to Lucky 7 tickets. **REFER FOR INTERIM STUDY.**

Rep. Jeffrey Goley for Executive Departments and Administration. This bill would increase the maximum price for a Lucky 7 ticket from \$.50 to \$1, increase the hours of sales of Lucky 7 tickets, and increase the deal fee. This bill is very similar to HB 1545 which is currently in the Ways and Means Committee, so the sponsor and majority of the ED&A Committee agreed to refer the bill for Interim Study. Vote 15-1.

HB 1594-FN, relative to emergency medical services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark Proulx for Executive Departments and Administration. This bill amends the regulation of emergency medical care providers so that it is more in line with the regulation of other medical professions. It

provides increased safety to patients by requiring a criminal history record check for licensure and expanding the grounds for license revocation. It also allows emergency medical providers to work in all licensed health care facilities in addition to hospitals. Vote 14-1.

Amendment (0192h)

Amend the bill by inserting after section 6 the following and renumbering the original section 7 to read as 8, respectively:

7 Emergency Medical Services; Definitions. Amend RSA 153-A:2, XI to read as follows:

XI. "Facility" means a hospital as defined in RSA 151:2, I(a) *and (d)*.

Referred to the Committee on Criminal Justice and Public Safety.

HB 1671-FN, establishing an office of inspector general. **INEXPEDIENT TO LEGISLATE.**

Rep. J.R. Hoell for Executive Departments and Administration. This bill seeks to create an office of Inspector General. This office would be tasked with the initiation of inspections to address fraud and abuse. The office would also be the agency to receive any criminal complaints regarding abuse by government. Sponsors of the bill expressed support for another bill with a similar purpose. The similar bill, HB 1433, establishes an Office of Ombudsman in the Department of State. The committee would like to work further on this concept and therefore believes that HB 1671 is not necessary. Vote 14-0.

HB 1373-FN, adding 2 alternative treatment centers under the law governing use of cannabis for therapeutic purposes. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen Schmidt for Health, Human Services and Elderly Affairs. The medical cannabis law is still in the early implementation stage. The committee felt it was inappropriate at this time to consider changes to the law. Following full implementation and evaluation of the program, recommended changes may be suggested to the medical cannabis council for consideration. Vote 15-0.

HB 1520, relative to the membership of the medical review subcommittee. **INEXPEDIENT TO LEGISLATE.**

Rep. John Fothergill for Health, Human Services and Elderly Affairs. This bill is not necessary because the intent to increase the membership of the medical review subcommittee by adding 2 additional physician members was accomplished in SB 576 (Chapter 2, Laws of 2016) which was signed into law in January this year. Vote 16-0.

HB 1550-FN, relative to the duties of the ombudsman. **INEXPEDIENT TO LEGISLATE.**

Rep. Joanne Ward for Health, Human Services and Elderly Affairs. Although well meaning, this bill would expand the duties of the Ombudsman Office of the Department of Health and Human Services to investigate any complaints against the office from not only clients and caregiver, but to any family member. The Office of the Ombudsman is fully-staffed and timely investigates complaints. It was the finding of the committee that this level of involvement was not necessary and would add significant costs to the program. Vote 18-0.

HB 1565-FN, relative to transportation companies under the Medicaid managed care program. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald LeBrun for Health, Human Services and Elderly Affairs. It is the opinion of the committee that this bill would be better handled as a contractual issue. This determination came as the result of lengthy debate from numerous presenters. There is no need for legislation. Vote 15-1.

HB 1573-FN, relative to brokers arranging transportation for Medicaid patients. **INEXPEDIENT TO LEGISLATE.**

Rep. Kendall Snow for Health, Human Services and Elderly Affairs. This bill which gives first priority to in-state transportation companies, is unclear as to which programs it impacts, whether it applies to who gets first priority when contracting with providers, or scheduling transits. Also discriminating against out-of-state providers will institute a violation of medicaid and Medicare statutes and could threaten receiving federal matching funds. Vote 15-1.

HB 1668-FN, establishing a registry for persons convicted of heroin-related offenses and requiring registration of heroin offenders. **INEXPEDIENT TO LEGISLATE.**

Rep. John Fothergill for Health, Human Services and Elderly Affairs. This bill establishes a registry of persons convicted of heroin-related offenses. The vast majority of testimony spoke against the bill including the NH Department of Safety. The committee felt the bill would create an undue hardship for people trying to reclaim their life through treatment, or rehabilitation. Vote 15-0.

HB 1574-FN-A, relative to the penalty assessment fund and requiring payment into the penalty assessment for persons performing court-mandated community service. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph Hagan for Judiciary. Under current law, clerks of each court collect penalty assessments and distribute 66.6% to New Hampshire Police Standards and Training (Police Academy) and the remaining 33.3% equally to the Victim's Assistance Fund and Judicial Branch Information Technology Fund, the latter which funds the E-court initiatives. This bill would remove the Judicial Branch Information Technology Fund from

the revenue stream of penalty assessments, putting the modernization of the courts at risk. The committee recognized the need for funding police training but not at the expense of modernizing court processes in the computer age. In addition, this bill would have assessed a \$2.00 per hour penalty for community service which the committee felt violated the spirit of assessing service in lieu of fine. Vote 16-0.

HB 1611-FN-L, allowing a public body or agency to charge a fee for costs of retrieving public records under the right-to-know law. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Sylvia for Judiciary. This bill would allow a public body to charge for the cost of retrieving, copying and redacting confidential and other exempt information requested under the right-to-know Law. While the majority believes there should be a limit to excessive requests under RSA 91-A, the committee felt public bodies currently have the ability to fend off frivolous requests. The bill as written would create a barrier to government transparency. Vote 16-1.

HB 1531, permitting the legislature to open the state house on weekends. **OUGHT TO PASS.**

Rep. Stephen Shurtleff for Legislative Administration. This bill would allow the New Hampshire Legislature to enter into a memorandum of understanding with a non-profit entity to enable the New Hampshire State House to be open on Saturdays. The memorandum would address issues including security, staffing, hours of operation, and janitorial services. All expenses incurred would be borne by the non-profit entity. The final memorandum must be approved by the Joint Facilities Committee before Saturday openings would be permitted. Vote 9-0.

Referred to the Committee on Finance.

HB 1602-FN-A-L, establishing a road usage fee and making an appropriation therefor. **REFER FOR INTERIM STUDY.**

Rep. Mark McConkey for Public Works and Highways. The bill evolved from a mechanism to create a fair and level playing field for alternative fuel vehicles to ensure owners of these vehicles pay their fair share for using New Hampshire's roads and bridges. While many feel this concept should be adopted the proposed bill evolved into what some consider a way to raise extra revenue for the Department of Transportation. The proposed bill would not only level the playing field for alternative fuel vehicles but would have raised fees on so called high mileage vehicles. The full committee supports a recommendation of Interim Study. Vote 18-0.

HB 1291, eliminating the land use board, establishing an advisory board, and requiring approval of federal land acquisitions by the governor, executive council, and general court. **INEXPEDIENT TO LEGISLATE.**

Rep. Judith Spang for Resources, Recreation and Development. This bill addresses the process by which the federal government acquires land in New Hampshire. The committee felt that adding a vote of the General Court to the approval process that already includes the Governor and Council, the Department of Resources and Economic Development (DRED), and a local municipal vote is excessive. The proposed advisory board of five landowners to review federal land acquisition would not include membership specifically from the area involved. The current process is thorough. DRED evaluates the terms and conditions of acquisitions and adherence to NH statutory limits on the amount of land the federal government can own in the state. The percentage of a municipality's total assessed valuation that the federal government may own is being addressed by another House bill. Vote 16-0.

HB 1536-FN-A, relative to funding for search and rescue operations of the fish and game department, and applying resident fishing licenses to use by the purchaser's family. **INEXPEDIENT TO LEGISLATE.**

Rep. David Russell for Resources, Recreation and Development. The funding for search and rescue operations by the Fish and Game Department comes from boat, snowmobile, and OHRV registrations. If there is a shortfall, the department pays for the remainder using hunting and fishing license revenue. Removing this dedicated source of funding and replacing it with an appropriation from the General Fund was not seen as a stable source of revenue for the program and also loses out on any future revenue growth from increased numbers of registrations. Testimony from the department shows that the Search and Rescue Fund will close without a deficit. Regarding the part of the bill creating a family fishing license, children under 16 already do not need a license to fish. Such a license would also create a challenge for enforcement, requiring conservation officers to verify the marital status of an adult fishing under another person's license. Vote 17-0.

HB 1149, requiring a royalty on the price of natural gas conveyed by pipeline intended for use in a foreign country. **INEXPEDIENT TO LEGISLATE.**

Rep. Douglas Thomas for Science, Technology and Energy. This bill seeks to compensate property owners directly affected by any pipeline or utility company by charging a royalty on all natural gas specifically exported for use in a foreign country. This would be in addition to any compensation previously given to the landowners by the transmission company. The committee heard testimony that this could be in direct contradiction to the Commerce Clause of the US Constitution on those projects that are interstate. Although a few states do charge royalties on gas production, there is no production within New Hampshire. Pipeline companies do not own the gas; they are merely a transporter of product. Although well intended, additional fees would be passed on to all rate payers. For these reasons, the committee cannot support this bill. Vote 18-0.

HB 1337, relative to rules of the public utilities commission on requiring deposits after disconnect notices to customers. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Vose for Science, Technology and Energy. This bill seeks to prohibit a utility from requiring a deposit from a customer who received a disconnect notice. Testimony indicated that current Public Utilities Commission rules permit waivers to low-income customers and allow deposits to be paid in up to three installments. Utility representatives testified that this legislation might make them reluctant to work with customers. Should customers default on their deposits, other ratepayers would be left having to pay for delinquent accounts. The bill also opens the door to limiting deposits for commercial customers. Deposits are a long-standing utility best practice. At least one utility has suspended deposits pending a review of their usefulness. Vote 19-0.

HB 1352-FN, relative to the penalty for retirement system employers' noncompliance with reporting requirements for retirees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank Byron for Special Committee on Public Employee Pension Plans. The bill as amended clarifies the retiree compensation data reporting requirements and penalty assessment criteria applied by the New Hampshire Retirement System (NHRS). The bill clarifies that retirees who receive compensation while serving in an elected capacity are not required to report. The bill further specifies that before a penalty is levied by NHRS a municipality will be afforded an opportunity to show cause why a penalty is not warranted. Vote 10-0.

Amendment (0250h)

Amend the bill by replacing section 1 with the following:

1 Retirement System; Compensation Data Reporting; Penalty. Amend RSA 100-A:16, VII to read as follows:

VII.(a) Every employer shall report to the retirement system monthly, in a format provided by the retirement system, all compensation paid by the employer to retired members of the retirement system, including the name of, and the total hours worked, for each retired member of the retirement system, except that an employer shall not include in the report the compensation and hours worked by a retiree for serving as an elected state official or as an elected official of a political subdivision ***in either a group I or group II position.***

(b) Notwithstanding any other provision of law, employers ~~[shall]~~ ***may*** be subject to a penalty of ***up to \$25*** per day for non-compliance with the data reporting requirements of subparagraph (a), including data that was not timely remitted or data that cannot be processed at the times designated by the board of trustees due to data reporting errors by the employer. ~~[The board may abate all or any part of the penalty upon]~~ ***Before a penalty is assessed, the board shall notify the employer in writing of the noncompliance, identifying the reasons for the finding of noncompliance, and shall request the employer to explain to the board in writing within 30 days of the notification how the noncompliance occurred. Upon expiration of the 30 day period, the board may impose all or a portion of the penalty provided for in this paragraph, unless there is*** a showing that the employer did not willfully, intentionally, through gross negligence, or through a pattern of negligence fail to file the data as required.

2016-0250h

AMENDED ANALYSIS

This bill requires the retirement system board of trustees to give employers notice and an opportunity to explain before the penalty for retirement system employer noncompliance with the data reporting requirements may be assessed.

Referred to the Committee on Finance.

HB 1672-FN-A-L, relative to excess federal matching funds, property tax relief, and general fund appropriations. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary Azarian for Ways and Means. The bill, as written, provides for the transfer of any excess above \$100 million in the Revenue Stabilization Reserve Account (Rainy Day Fund) be used for property tax relief for low income NH residents. The bill gave no specifics on how this would be administered and both the Department of Treasury and the Department of Revenue Administration expressed concern with its methodology. Vote 20-0.

REGULAR CALENDAR

HB 1551-FN-A, establishing the John and Molly Stark scholarship program and making an appropriation therefor. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mary Gile for the Majority of Education. This bill as amended establishes the John and Molly Stark Scholarship program to provide public postsecondary education and training opportunities to every graduate of a NH public secondary school by providing a one half tuition scholarship for a maximum of three years. Applicants must be a New Hampshire resident and shall maintain a 2.75 grade point average. Scholarship recipients shall be required to work in New Hampshire for a minimum of four years after graduation, or shall repay the scholarship amount received in full. Vote 16-2.

Rep. Glenn Cordelli for the Minority of Education. The minority is concerned with the requirement for the scholarship recipient to work in New Hampshire for four years after graduation. How will recipients

be tracked as to their place of employment? Will the Department of Education continue tracking students through college and future employment? In addition, what if the recipient decides to join the military? Would that require a scholarship repayment? The intent is good, but there are problems with the future execution.

Majority Amendment (0182h)

Amend RSA 21-N:8-c, III as inserted by section 2 of the bill by replacing it with the following:

III. Applicants who are selected to receive a scholarship under this program shall maintain a 2.75 grade point average and meet such other criteria as may be established in this section. Applicants selected shall receive a 1/2 tuition scholarship for the applicable tuition and fees, reduced by the amount of any other scholarship aid they may receive. The scholarship shall be for a maximum of 3 years. Scholarship recipients shall be required to work in the state of New Hampshire for a minimum of 4 years after graduation or shall repay the scholarship amount received in full.

Rep. Cordelli spoke against and yielded to questions.

Rep. Gile spoke in favor.

Rep. Ladd yielded to questions.

On a division vote, with 223 members having voted in the affirmative and 114 in the negative, the majority committee amendment was adopted.

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

On a division vote, with 205 members having voted in the affirmative and 139 in the negative, the majority committee report was adopted and referred to the Committee on Finance.

HB 1561-FN, relative to freedom of expression on college campuses. **REFER FOR INTERIM STUDY.**

Rep. Ralph Boehm for Education. The committee is in favor of freedom of speech. There are some good aspects to this bill, but there are concerns with sections of the bill that require more study, including cost impacts to the University and Community College System. Vote 14-3.

Committee report adopted.

HB 1563-FN-L, relative to funding for full-day kindergarten pupils. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mary Heath for the Majority of Education. This bill does not mandate, or require school districts to provide full day kindergarten, nor does it require mandatory kindergarten attendance. This bill provides full day kindergarten programs with "Average Daily Membership in Attendance" or ADMA. The Education Committee heard overwhelming testimony in favor of this bill with no one from the public opposing the bill. NH mandates that all NH school districts provide the opportunity for public kindergarten. This bill simply provides full day programs with ADMA and gives those districts making that full day commitment to its five year olds the same benefit it provides in grades 1-12. This bill also offers the same effort within our Public Charter Schools. Vote 10-9.

Rep. Terry Wolf for the Minority of Education. Many communities in NH offer full-day kindergarten. The minority feels adjustments to the adequacy formula, such as fully funding catastrophic and building aid is a better way to support ALL school districts. There is also concern changing the formula from half-day to full-day kindergarten would create the perception of a mandate and lead to the elimination of successful part-time programs.

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

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

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

YEAS 157 - NAYS 200

YEAS - 157

CARROLL

Buco, Thomas

Butler, Edward

Ticehurst, Susan

CHESHIRE

Abbott, Michael
Chase, Cynthia
Mann, John
Roberts, Kris
Tatro, Bruce

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

Berch, Paul
Johnsen, Gladys
Pearson, William
Sad, Tara
Weber, Lucy

Bordenet, John
Ley, Douglas
Phillips, Larry
Shepardson, Marjorie

COOS

Froburg, Alethea
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

Theberge, Robert

GRAFTON

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

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

Bennett, Travis
Hennessey, Martha
Smith, Suzanne

Brown, Rebecca
Higgins, Patricia
Sykes, George

HILLSBOROUGH

Backus, Robert
Brown, Pamela
DiSilvestro, Linda
Gidge, Kenneth
Hansberry, Daniel
Jack, Martin
Manley, Jonathan
Porter, Marjorie
Shaw, Barbara
Sullivan, Daniel

Baroody, Benjamin
Cohen, Alan
Donovan, Daniel
Goley, Jeffrey
Harvey, Suzanne
Leishman, Peter
McNamara, Richard
Roberts, Carol
Smith, Timothy
Vann, Ivy

Beaulieu, Jane
Cornell, Patricia
Edwards, Elizabeth
Gorman, Mary
Heath, Mary
Long, Patrick
O'Brien, Michael
Rosenwald, Cindy
Snow, Kendall
Williams, Kermit

Booras, Efstathia
Cote, David
Freitas, Mary
Guerette, C. Lee
Herbert, Christopher
Mangipudi, Latha
O'Neil, William
Shattuck, Gilman
Soucy, Timothy
Woodbury, David

MERRIMACK

Alicea, Caroletta
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Luneau, David
Patten, Dick
Saunderson, George
Wallner, Mary Jane

Bartlett, Christy
Deloge, Helen
French, Barbara
Karrick, David
MacKay, James
Ratzki, Mario
Schuett, Dianne

Bradley, Paula
Doherty, David
Gile, Mary
Kenison, Linda
Moffett, Howard
Rice, Chip
Shurtleff, Stephen

Brewster, Michael
Ebel, Karen
Henle, Paul
Kotowski, Frank
Myler, Mel
Rogers, Katherine
Turcotte, Alan

ROCKINGHAM

Berrien, Skip
Cardon, G. Thomas
Francese, Paula
Lovejoy, Patricia
Simpson, Alexis

Borden, David
Cushing, Robert
Friel, William
McBeath, Rebecca
Ward, Gerald

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

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

STRAFFORD

Baber, William
Cilley, Jacalyn
Rollo, Deanna
Spang, Judith
Verschueren, James

Bickford, David
DiSesa, Len
Schmidt, Peter
Sprague, Dale
Wall, Janet

Bixby, Peter
Horrigan, Timothy
Smith, Marjorie
Stevens, Audrey
Ward, Kenneth

Burton, Wayne
Kaen, Naida
Southworth, Thomas
Treleaven, Susan

SULLIVAN

Cloutier, John
Grenier, James
Schmidt, Andrew

Converse, Larry
Irwin, Virginia
Smith, Steven

Gagnon, Raymond
O'Hearne, Andrew

Gottling, Suzanne
Oxenham, Lee

NAYS - 200**BELKNAP**

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

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

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

Flanders, Donald
LeBreche, Shari
Tilton, Franklin

CARROLL

Avellani, Lino
Crawford, Karel
Parker, Harold

Chandler, Gene
McCarthy, Frank
Schmidt, Stephen

Comeau, Ed
McConkey, Mark
Umberger, Karen

Cordelli, Glenn
Nelson, Bill
Wright, Ted

CHESHIRE

Hunt, John

McConnell, James

Sterling, Franklin

COOS

Fothergill, John
Tholl, John

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Hennessey, Erin
Ladd, Rick

Brown, Duane
Hull, Robert
Piper, Wendy

Darrow, Stephen
Ingbertson, Paul
Shackett, Jeffrey

Gionet, Edmond
Johnson, Eric

HILLSBOROUGH

Adams, Christopher
 Biggie, Barbara
 Christensen, Chris
 Danielson, David
 Flanagan, Jack
 Griffin, Barbara
 Hinch, Richard
 Kurk, Neal
 McCarthy, Peggy
 Murotake, David
 Ober, Lynne
 Parison, James
 Proulx, Mark
 Schleien, Eric
 Smith, Gregory
 Sullivan, Victoria

Ammon, Keith
 Boehm, Ralph
 Christiansen, Lars
 Edelblut, Frank
 Fromuth, Bart
 Haefner, Robert
 Hogan, Edith
 Lachance, Joseph
 McClarren, Donald
 Murphy, Keith
 Ober, Russell
 Pellegrino, Anthony
 Rice, Kimberly
 Scontsas, Lisa
 Souza, Kathleen
 Ulery, Jordan

Balcom, John
 Burt, John
 Christie, Rick
 Estevez, Eric
 Gagne, Larry
 Halstead, Carolyn
 Hopper, Gary
 LeBrun, Donald
 McLean, Mark
 Notter, Jeanine
 Ohm, Bill
 Peterson, Ken
 Rouillard, Claire
 Seidel, Carl
 Stepanek, Stephen
 Wolf, Terry

Belanger, James
 Byron, Frank
 Coffey, James
 Ferreira, Elizabeth
 Gould, Linda
 Hansen, Peter
 Infantine, William
 Martel, Andre
 Moore, Josh
 O'Brien, William
 Palmer, Barry
 Pierce, David
 Rowe, Robert
 Simmons, Tammy
 Straight, Phillip

MERRIMACK

French, Harold
 Kidder, David
 Martin, John
 Seaworth, Brian

Hill, Gregory
 Kuch, Bill
 McGuire, Carol
 Walsh, Thomas

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

Horn, Werner
 Marple, Richard
 Parent, Jason

ROCKINGHAM

Abrami, Patrick
 Baldasaro, Alfred
 Chase, Francis
 Dean-Bailey, Yvonne
 Duarte, Joe
 Gannon, William
 Guthrie, Joseph
 Introne, Robert
 Kolodziej, Walter
 McKinney, Betsy
 O'Connor, John
 Potucek, John
 Spillane, James
 Thomas, Douglas
 Vose, Michael
 Weyler, Kenneth

Abramson, Max
 Barnes, Arthur
 Chirichiello, Brian
 DeSimone, Debra
 Emerick, J. Tracy
 Gordon, Richard
 Harris, Jeffrey
 Itse, Daniel
 Lundgren, David
 McMahon, Charles
 Osborne, Jason
 Prudhomme-O'Brien, Katherine
 Sweeney, Joe
 Tilton, Rio
 Ward, Joanne
 Woitkun, Steven

Allen, Mary
 Bates, David
 Christie, Andrew
 Devine, James
 Ferrante, Beverly
 Green, Dennis
 Hodgdon, Bruce
 Kappler, Lawrence
 Manning, John
 Milz, David
 Packard, Sherman
 Rice, Frederick
 Sytek, John
 True, Chris
 Webb, James

Azarian, Gary
 Belanger, Ronald
 Cook, Allen
 Doucette, Fred
 Fesh, Robert
 Griffin, Mary
 Hoelzel, Kathleen
 Katsakiores, Phyllis
 Matthews, Carolyn
 Nigrello, Robert
 Peckham, Michele
 Schroadter, Adam
 Tasker, Kyle
 Tucker, Pamela
 Welch, David

STRAFFORD

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

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

DeLemus, Susan
 Hannon, Joseph
 Mullen, John

Graham, Robert
 Jones, Laura
 Pitre, Joseph

SULLIVAN

Laware, Thomas

Rollins, Skip

and the majority committee report failed.

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

Rep. Eaton requested a roll call; sufficiently seconded.

YEAS 205 - NAYS 152**YEAS - 205****BELKNAP**

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

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

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

Flanders, Donald
 LeBreche, Shari
 Tilton, Franklin

CARROLL

Avellani, Lino
 Crawford, Karel
 Parker, Harold

Chandler, Gene
 McCarthy, Frank
 Schmidt, Stephen

Comeau, Ed
 McConkey, Mark
 Umberger, Karen

Cordelli, Glenn
 Nelson, Bill
 Wright, Ted

CHESHIRE

Hunt, John

Johnsen, Gladys

McConnell, James

Sterling, Franklin

COOS

Fothergill, John
Tholl, John

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Hennessey, Erin
Ladd, Rick

Brown, Duane
Hull, Robert
Piper, Wendy

Darrow, Stephen
Ingbreton, Paul
Shackett, Jeffrey

Gionet, Edmond
Johnson, Eric

HILLSBOROUGH

Adams, Christopher
Biggie, Barbara
Christensen, Chris
Danielson, David
Ferreira, Elizabeth
Gould, Linda
Hansen, Peter
Infantine, William
Martel, Andre
Moore, Josh
O'Brien, William
Palmer, Barry
Pierce, David
Rowe, Robert
Simmons, Tammy
Straight, Phillip

Ammon, Keith
Boehm, Ralph
Christiansen, Lars
Donovan, Daniel
Flanagan, Jack
Griffin, Barbara
Hinch, Richard
Kurk, Neal
McCarthy, Peggy
Murotake, David
Ober, Lynne
Parison, James
Proulx, Mark
Schleien, Eric
Smith, Gregory
Sullivan, Victoria

Balcom, John
Burt, John
Christie, Rick
Edelblut, Frank
Fromuth, Bart
Haefner, Robert
Hogan, Edith
Lachance, Joseph
McClarren, Donald
Murphy, Keith
Ober, Russell
Pellegrino, Anthony
Rice, Kimberly
Scotsas, Lisa
Souza, Kathleen
Ulery, Jordan

Belanger, James
Byron, Frank
Coffey, James
Estevez, Eric
Gagne, Larry
Halstead, Carolyn
Hopper, Gary
LeBrun, Donald
McLean, Mark
Notter, Jeanine
Ohm, Bill
Peterson, Ken
Rouillard, Claire
Seidel, Carl
Stepanek, Stephen
Wolf, Terry

MERRIMACK

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

Horn, Werner
Long, Douglas
McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Chase, Francis
Dean-Bailey, Yvonne
Duarte, Joe
Fesh, Robert
Griffin, Mary
Hoelzel, Kathleen
Katsakiores, Phyllis
Matthews, Carolyn
Nigrello, Robert
Peckham, Michele
Schroadter, Adam
Tasker, Kyle
Tucker, Pamela
Welch, David

Abramson, Max
Barnes, Arthur
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Gannon, William
Guthrie, Joseph
Introne, Robert
Kolodziej, Walter
McKinney, Betsy
O'Connor, John
Potucek, John
Spillane, James
Thomas, Douglas
Vose, Michael
Weyler, Kenneth

Allen, Mary
Bates, David
Christie, Andrew
Devine, James
Emerick, J. Tracy
Gordon, Richard
Harris, Jeffrey
Itse, Daniel
Lundgren, David
McMahon, Charles
Osborne, Jason
Prudhomme-O'Brien, Katherine
Sweeney, Joe
Tilton, Rio
Ward, Joanne
Woitkun, Steven

Azarian, Gary
Belanger, Ronald
Cook, Allen
Doucette, Fred
Ferrante, Beverly
Green, Dennis
Hodgdon, Bruce
Kappler, Lawrence
Manning, John
Milz, David
Packard, Sherman
Rice, Frederick
Sytek, John
True, Chris
Webb, James

STRAFFORD

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

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

DeLemus, Susan
Hannon, Joseph
Mullen, John

Graham, Robert
Jones, Laura
Pitre, Joseph

SULLIVAN

Laware, Thomas

Rollins, Skip

Smith, Steven

NAYS - 152**CARROLL**

Buco, Thomas

Butler, Edward

Ticehurst, Susan

CHESHIRE

Abbott, Michael
Chase, Cynthia
Parkhurst, Henry
Robertson, Timothy
Tilton, Benjamin

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

Berch, Paul
Ley, Douglas
Phillips, Larry
Shepardson, Marjorie

Bordenet, John
Mann, John
Roberts, Kris
Tatro, Bruce

COOSFroburg, Alethea
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

Theberge, Robert

GRAFTONAbel, Richard
Cooney, Mary
Maes, Kevin
Townsend, CharlesAlmy, Susan
Ford, Susan
Massimilla, Linda
White, AndrewBennett, Travis
Hennessey, Martha
Smith, SuzanneBrown, Rebecca
Higgins, Patricia
Sykes, George**HILLSBOROUGH**Backus, Robert
Brown, Pamela
DiSilvestro, Linda
Goley, Jeffrey
Harvey, Suzanne
Leishman, Peter
McNamara, Richard
Roberts, Carol
Smith, Timothy
Vann, IvyBaroody, Benjamin
Cohen, Alan
Edwards, Elizabeth
Gorman, Mary
Heath, Mary
Long, Patrick
O'Brien, Michael
Rosenwald, Cindy
Snow, Kendall
Williams, KermitBeaulieu, Jane
Cornell, Patricia
Freitas, Mary
Guerette, C. Lee
Herbert, Christopher
Mangipudi, Latha
O'Neil, William
Shattuck, Gilman
Soucy, Timothy
Woodbury, DavidBooras, Efsthathia
Cote, David
Gidge, Kenneth
Hansberry, Daniel
Jack, Martin
Manley, Jonathan
Porter, Marjorie
Shaw, Barbara
Sullivan, Daniel**MERRIMACK**Alicea, Caroletta
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
MacKay, James
Ratzki, Mario
Schuett, DianneBartlett, Christy
Deloge, Helen
French, Barbara
Karrick, David
Moffett, Howard
Rice, Chip
Shurtleff, StephenBradley, Paula
Doherty, David
Gile, Mary
Kenison, Linda
Myler, Mel
Rogers, Katherine
Turcotte, AlanBrewster, Michael
Ebel, Karen
Henle, Paul
Luneau, David
Patten, Dick
Saunderson, George
Wallner, Mary Jane**ROCKINGHAM**Berrien, Skip
Cardon, G. Thomas
Friel, William
McBeath, Rebecca
Ward, GeraldBorden, David
Cushing, Robert
Gordon, Pamela
Pantelakos, LauraCahill, Michael
DiFranco, Debbie
Heffron, Frank
Sherman, ThomasCali-Pitts, Jacqueline
Francese, Paula
Lovejoy, Patricia
Simpson, Alexis**STRAFFORD**Baber, William
Cilley, Jacalyn
Rollo, Deanna
Spang, Judith
Verschueren, JamesBickford, David
DiSesa, Len
Schmidt, Peter
Sprague, Dale
Wall, JanetBixby, Peter
Horrigan, Timothy
Smith, Marjorie
Stevens, Audrey
Ward, KennethBurton, Wayne
Kaen, Naida
Southworth, Thomas
Treleaven, Susan**SULLIVAN**Cloutier, John
Grenier, James
Schmidt, AndrewConverse, Larry
Irwin, VirginiaGagnon, Raymond
O'Hearne, AndrewGottling, Suzanne
Oxenham, Lee

and the minority committee report was adopted.

HB 1604-FN-A-L, relative to exceptional student education programs and providing funding therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Terry Wolf for Education. This bill as amended identifies and places into statute specific instructional methods designed to advance students to higher-levels of work once they demonstrate knowledge and skill mastery, rather than advancing based upon seat time in the classroom. For example, all students in a 6th grade classroom do not necessarily belong in a 6th grade math book or program. Some may be below and others may be ready for pre-algebra. How schools structure and organize the delivery of instruction is the key to educational success. This bill references basic instructional methods that once established, will result in higher levels of student achievement. The key to student success revolves around quality instruction and creative delivery models providing a challenging curriculum. This not only applies to gifted students, but to all. Struggling students must receive support prior to their being placed unprepared in the next grade level in an effort to prevent later failure. The bill as amended addresses challenging instructional design, and can be accomplished without the need for additional differentiated aid as the introduced bill had proposed. Vote 19-2.

Amendment (0160h)

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

AN ACT relative to instructional methods to enable students to acquire and apply requisite knowledge and skills.

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

1 Statewide Education Improvement and Assessment Program; Statement of Purpose. Amend RSA 193-C:1, III to read as follows:

III. Widespread participation in the establishment of a statewide education improvement and assessment program is essential. Consultation with educators at all levels, business people, government officials, community representatives, and parents must occur in the development of educational standards. In turn, widespread dissemination of those standards, once established, must occur. Teachers, administrators, and school board members must be fully apprised of these state-developed standards. They must, in turn, communicate these expectations to students and parents, and find and implement **instructional** methods to enable students to acquire and apply the requisite knowledge and skills. **Implemented instructional methods designed to enable students to acquire and apply the requisite knowledge and skills shall include but not be limited to:**

(a) **Advancing students to higher level work once they demonstrate knowledge and skill and mastery of competency, rather than advancing based upon seat time in the classroom.**

(b) **Providing support to struggling students before they advance in an effort to prevent later failure.**

(c) **Keeping all students on pace to graduate and to ensure those below level make progress.**

(d) **Promoting innovative learning that has meaning to students, cuts across multiple curriculum areas, and includes varied learning pathways.**

(e) **Graduating students with deeper college and career ready skills.**

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

2016-0160h

AMENDED ANALYSIS

This bill specifies instructional methods designed to enable students to acquire and apply requisite knowledge and skills.

Committee amendment adopted.

Rep. Ladd offered floor amendment (0409h).

Floor Amendment (0409h)

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

AN ACT relative to instructional methods to enable students to acquire and apply requisite knowledge and skills.

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

1 Statewide Education Improvement and Assessment Program; Statement of Purpose. Amend RSA 193-C:1, III to read as follows:

III. Widespread participation in the establishment of a statewide education improvement and assessment program is essential. Consultation with educators at all levels, business people, government officials, community representatives, and parents must occur in the development of educational standards. In turn, widespread dissemination of those standards, once established, must occur. Teachers, administrators, and school board members must be fully apprised of these state-developed standards. They must, in turn, communicate these expectations to students and parents, and find and implement **instructional** methods to enable students to acquire and apply the requisite knowledge and skills. **Implement instructional methods designed to enable students to acquire and apply the requisite knowledge and skills shall include but not be limited to:**

(a) **Advancing students to higher level work once they demonstrate knowledge and skill and mastery of competency, rather than advancing based upon seat time in the classroom.**

(b) **Providing support to struggling students before they advance in an effort to prevent later failure.**

(c) **Keeping all students on the path to graduate and to ensure those below level make progress.**

(d) **Promoting innovative learning that has meaning to students, cuts across multiple curriculum areas, and includes varied learning pathways.**

(e) **Graduating students with deeper college and career ready skills.**

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

2016-0409h

AMENDED ANALYSIS

This bill specifies instructional methods designed to enable students to acquire and apply requisite knowledge and skills.

Rep. Ladd spoke in favor and yielded to questions.

Floor amendment (0409h) adopted.

Committee report adopted and referred to the Committee on Finance.

HB 1630-FN-L, relative to calculating the base cost of an adequate education. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Terry Wolf for Education. The bill as amended addresses policy needs and costs relative to calculating an adequate education. This legislation is a result of subcommittee and full education committee work throughout the summer, fall and to this date. Element priorities within the bill include: (1) working with the Department of Education and the Legislative Budget Assistant to develop an adequacy formula premised upon sound policy and realistic fiscal constraints to include projected data based upon estimated populations for FY18, (2) to increase the base adequacy amount by \$8.00 per pupil and to allocate this modest amount to professional development to support and enhance quality of instruction. Using preliminary FY17 data, base adequacy for FY18, to include adjustments for CPI, would be \$3640.92, (3) funding to support non proficient third grade students who are not eligible to receive other forms of differentiated aid, (4) reinstatement of fiscal disparity for those municipalities in the lower quartile that have the lowest capacity to raise property tax revenue as long as the municipality's median family income (based upon US Bureau of Census) is less than the state average, (5) fiscal disparity and stabilization based on the 2012 stabilization grant amount received and then annually reducing only the amount of stabilization by 4% as stated in current law, and (6) for each fiscal year following FY17, as currently stated in statute, the education grant is no longer capped. In comparing FY18 adequacy funding for education based upon the State Grant formula in current law to the State Grant based on the proposed bill, the increase is slightly more than \$8M. This bill is projected to be effective for Fiscal Year 2018. The overwhelming majority of the house education committee supports this legislation that reasonably balances policy and appropriation considerations. Vote 18-1.

Amendment (0376h)

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

1 Cost of an Opportunity for an Adequate Education. Amend RSA 198:40-a, I to read as follows:

I. Beginning July 1, 2009, and for every biennium thereafter, the annual cost of providing the opportunity for an adequate education as defined in RSA 193-E:2-a shall be [~~\$3,450~~] **\$3,458** per pupil attending a public school, plus any applicable differentiated aid for which a pupil is eligible. Differentiated aid shall be in the amount of \$1,725 for each pupil in the public school's ADMA in the determination year who is in kindergarten through grade 12 and who is eligible for the federal free and reduced-price meal program.

2 School Money; Cost of an Opportunity for an Adequate Education. Amend RSA 198:40-a, II-a to read as follows:

II-a. An additional [~~\$675~~] **\$697** for each third grade pupil in the public school's ADMA in the determination year who has not tested at the proficient level or above in the reading [~~component~~] **and mathematics components** of the state assessment and who is not eligible to receive special education, English as a second language, or free or reduced-price meal program funds in the determination year.

3 New Section; School Money; Fiscal Capacity Disparity Aid. Amend RSA 198 by inserting after section 40-c the following new section:

198:40-cc Fiscal Capacity Disparity Aid.

I. In addition to aid for the cost of the opportunity for an adequate education provided under RSA 198:40-a, each biennium the department shall calculate fiscal capacity disparity aid and provide that amount of aid in each year of the biennium to a municipality's school districts and to charter schools approved under RSA 194-B:3-a as follows:

(a) The department shall calculate the equalized valuation per pupil for each municipality in the state and shall sort the results into quartiles based on equalized valuation per pupil and shall divide all quartiles in half. If there are an uneven number of municipalities in a quartile or half quartile, the department shall make the lower quartile or half quartile the one with fewer municipalities.

(b) A municipality with an equalized valuation per pupil in the lower half of the lowest quartile and which has a median family income which is less than the state average median family income shall receive fiscal capacity disparity aid in the amount of \$2,000 multiplied by the municipality's average daily membership in attendance.

(c) A municipality with an equalized valuation per pupil in the upper half of the lowest quartile which has a median family income which is less than the state average median family income shall receive fiscal capacity disparity aid in the amount of \$1,200 multiplied by the municipality's average daily membership in attendance shall be distributed pursuant to RSA 198:42.

II. Except as otherwise provided in this section, fiscal capacity disparity aid shall be distributed pursuant to RSA 198:42.

III. In this section:

(a) "Equalized valuation per pupil" means a municipality's equalized valuation, including properties subject to taxation under RSA 82 and RSA 83-F, as determined by the department of revenue administration, that was the basis for the local tax assessment in the determination year, divided by the school district's kindergarten through grade 12 average daily membership in attendance.

(b) "Median family income" means the most recent census data published for New Hampshire counties and municipalities by the United States Department of Commerce, Census Bureau, as of October 1 preceding the beginning of the biennium for which aid is to be determined.

4 School Money; Determination of Adequate Education Grants. Amend RSA 198:41, IV(d) to read as follows:

(d)(1) For fiscal year 2017 and each fiscal year thereafter, the department of education shall distribute a total education grant to each municipality in an amount equal to the total education grant for the fiscal year in which the grant is calculated plus a percentage of the municipality's fiscal year 2012 stabilization grant, if any, distributed to the municipality; the percentage shall be 96 percent for fiscal year 2017, and shall be reduced by 4 percent of the amount of the 2012 education grant for each fiscal year thereafter.

(2) For fiscal year 2018 and each fiscal year thereafter, no municipality which is eligible to receive fiscal capacity disparity aid pursuant to RSA 198:40-cc shall receive a stabilization grant which is less than the amount of the municipality's 2018 stabilization grant, less 4 percent.

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

2016-0376h

AMENDED ANALYSIS

This bill increases the amount of per pupil adequacy aid, increases the amount of aid to certain third grade pupils, and provides fiscal capacity disparity aid to certain school districts.

Committee amendment adopted.

Committee report adopted and referred to the Committee on Finance.

HB 1638-FN-L, relative to the allocation of lottery revenues to schools. **INEXPEDIENT TO LEGISLATE.** Rep. Allen Cook for Education. The committee recommends ITL for several reasons: first the lack of clarity in regards to being able to separate the monies of the lottery, which are already pooled into a general fund creating a large deficit in already designated funding. Secondly, it would require private schools to disclose private information and change many of their current operating procedures. Finally, it would require the creation of new staff of the NH Department of Education to handle the dispensing of funds. Vote 16-2.

MOTION TO LAY ON THE TABLE

Rep. Leeman moved that **HB 1638-FN-L**, relative to the allocation of lottery revenues to schools, be laid on the table.

On a division vote, with 158 members having voted in the affirmative and 188 in the negative, the motion failed.

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

Committee report adopted.

HB 1644-FN, relative to screening and treatment for dyslexia and related disorders and establishing a reading specialist in the department of education. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John Balcom for the Majority of Education. The majority of the committee felt that the early identification of dyslexia was important enough to pass this bill. Testimony from parents, educators, practitioners and students provided evidence that current policies within our NH school districts are allowing students to lose valuable years of learning before being identified their dyslexia. The coordinator of DOE is necessary to oversee training of evaluators and successful implementation of this process. Vote 11-8.

Rep. Ralph Boehm for the Minority of Education. This bill provides a new designated reading specialist at the Department of Education to assist students with dyslexia and related disorders. The bill further states that a student's school district shall provide best practices and support services for any student who is identified as having characteristics that are associated with dyslexia risk factors. Within grades 1-3, many schools currently administer screening assessments such as DIBELS and use test results to develop appropriate instruction. Students identified as possibly having a specific learning disability such as dyslexia, should be referred for a more thorough evaluation by trained special education specialists and if the student is determined to have dyslexia, a special education IEP is developed. Although all members of the education committee recognize the importance of providing early intervention instruction in reading, language or math for students diagnosed with dyslexia, there is a process currently in place to do this in accordance with established special education law. Lastly, children from birth to age five having learning disabilities are provided services through the Department of Health and Human Services. The exception is preschool special education that is administered by the New Hampshire Department of Education. This bill is duplicative of current programming and if the Department identifies the need for a reading specialist as a staffing priority, then the position should be designated to improve the quality of reading and language instruction for all students.

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

Rep. Boehm spoke against and yielded to questions.

Reps. Balcom and Ebel spoke in favor.

Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 186 - NAYS 172**YEAS - 186****BELKNAP**

Fields, Dennis

Flanders, Donald

Tilton, Franklin

CARROLLBuco, Thomas
Nelson, BillButler, Edward
Parker, Harold

Cordelli, Glenn

Crawford, Karel

CHESHIREAbbott, Michael
Chase, Cynthia
Mann, John
Roberts, Kris
Tatro, BruceAmes, Richard
Eaton, Daniel
Parkhurst, Henry
Robertson, Timothy
Tilton, BenjaminBerch, Paul
Johnsen, Gladys
Pearson, William
Sad, Tara
Weber, LucyBordenet, John
Ley, Douglas
Phillips, Larry
Shepardson, Marjorie**COOS**Fothergill, John
Theberge, RobertFroburg, Alethea
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

GRAFTONAbel, Richard
Cooney, Mary
Maes, Kevin
Smith, SuzanneAlmy, Susan
Ford, Susan
Massimilla, Linda
Sykes, GeorgeBennett, Travis
Hennessey, Martha
Nordgren, Sharon
Townsend, CharlesBrown, Rebecca
Higgins, Patricia
Piper, Wendy
White, Andrew**HILLSBOROUGH**Adams, Christopher
Beaulieu, Jane
Cohen, Alan
Donovan, Daniel
Gorman, Mary
Heath, Mary
Jack, Martin
Long, Patrick
McNamara, Richard
Roberts, Carol
Shaw, Barbara
Sullivan, Daniel
Zaricki, NickBackus, Robert
Booras, Efstathia
Cornell, Patricia
Freitas, Mary
Guerette, C. Lee
Herbert, Christopher
Kurk, Neal
Mangipudi, Latha
O'Brien, Michael
Rosenwald, Cindy
Smith, Timothy
Takesian, CharleneBalcom, John
Brown, Pamela
Cote, David
Gidge, Kenneth
Hansberry, Daniel
Hinch, Richard
LeBrun, Donald
Manley, Jonathan
O'Neil, William
Rouillard, Claire
Snow, Kendall
Williams, KermitBaroody, Benjamin
Christensen, Chris
DiSilvestro, Linda
Goley, Jeffrey
Harvey, Suzanne
Infantine, William
Leishman, Peter
McCarthy, Peggy
Proulx, Mark
Shattuck, Gilman
Soucy, Timothy
Woodbury, David**MERRIMACK**Alicea, Caroletta
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Luneau, David
Patten, Dick
Saunderson, George
Wallner, Mary JaneBartlett, Christy
Deloge, Helen
French, Barbara
Karrick, David
MacKay, James
Ratzki, Mario
Schuett, DianneBradley, Paula
Doherty, David
Gile, Mary
Kenison, Linda
Moffett, Howard
Rice, Chip
Shurtleff, StephenBrewster, Michael
Ebel, Karen
Henle, Paul
Kidder, David
Myler, Mel
Rogers, Katherine
Turcotte, Alan**ROCKINGHAM**Abrami, Patrick
Cali-Pitts, Jacqueline
DeSimone, Debra
Francese, Paula
Lovejoy, Patricia
Pantelakos, Laura
Sherman, ThomasBerrien, Skip
Cardon, G. Thomas
Devine, James
Gordon, Pamela
Lundgren, David
Peckham, Michele
Simpson, AlexisBorden, David
Christie, Andrew
DiFranco, Debbie
Heffron, Frank
McBeath, Rebecca
Prudhomme-O'Brien, Katherine
Tilton, RioCahill, Michael
Cushing, Robert
Fesh, Robert
Hoelzel, Kathleen
McMahon, Charles
Schroader, Adam
Ward, Gerald**STRAFFORD**Baber, William
Cilley, Jacalyn
Kaen, Naida
Southworth, Thomas
Treleaven, SusanBickford, David
DiSesa, Len
Rollo, Deanna
Spang, Judith
Verschueren, JamesBixby, Peter
Gray, James
Schmidt, Peter
Sprague, Dale
Wall, JanetBurton, Wayne
Horrigan, Timothy
Smith, Marjorie
Stevens, Audrey
Ward, Kenneth**SULLIVAN**Cloutier, John
Grenier, James
Schmidt, AndrewConverse, Larry
Irwin, Virginia
Smith, StevenGagnon, Raymond
O'Hearne, AndrewGottling, Suzanne
Oxenham, Lee

NAYS - 172**BELKNAP**

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

Dumais, Russell
LeBreche, Shari
Vadney, Herbert

Fraser, Valerie
Luther, Robert
Varney, Peter

Gallagher, Brian
Spanos, Peter

CARROLL

Avellani, Lino
McConkey, Mark
Wright, Ted

Chandler, Gene
Schmidt, Stephen

Comeau, Ed
Ticehurst, Susan

McCarthy, Frank
Umberger, Karen

CHESHIRE

Hunt, John

McConnell, James

Sterling, Franklin

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

Tholl, John

GRAFTON

Bailey, Brad
Hennessey, Erin
Ladd, Rick

Brown, Duane
Hull, Robert
Shackett, Jeffrey

Darrow, Stephen
Ingbreton, Paul

Gionet, Edmond
Johnson, Eric

HILLSBOROUGH

Ammon, Keith
Burt, John
Coffey, James
Edwards, Elizabeth
Fromuth, Bart
Haefner, Robert
Hopper, Gary
McLean, Mark
O'Brien, William
Palmer, Barry
Pierce, David
Schleien, Eric
Souza, Kathleen
Ulery, Jordan

Belanger, James
Byron, Frank
Danielson, David
Estevez, Eric
Gagne, Larry
Halstead, Carolyn
Lachance, Joseph
Moore, Josh
Ober, Lynne
Parison, James
Porter, Marjorie
Scontsas, Lisa
Stepanek, Stephen
Vann, Ivy

Biggie, Barbara
Christiansen, Lars
Eastman, Eric
Ferreira, Elizabeth
Gould, Linda
Hansen, Peter
Martel, Andre
Murotake, David
Ober, Russell
Pellegrino, Anthony
Rice, Kimberly
Seidel, Carl
Straight, Phillip
Wolf, Terry

Boehm, Ralph
Christie, Rick
Edelblut, Frank
Flanagan, Jack
Griffin, Barbara
Hogan, Edith
McClarren, Donald
Murphy, Keith
Ohm, Bill
Peterson, Ken
Rowe, Robert
Simmons, Tammy
Sullivan, Victoria

MERRIMACK

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

Hill, Gregory
Kuch, Bill
McGuire, Carol
Walsh, Thomas

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

Horn, Werner
Marple, Richard
Parent, Jason

ROCKINGHAM

Abramson, Max
Barnes, Arthur
Chirichiello, Brian
Elliott, Robert
Gannon, William
Guthrie, Joseph
Itse, Daniel
Manning, John
Nigrello, Robert
Potucek, John
Sytek, John
Vose, Michael
Weyler, Kenneth

Allen, Mary
Bates, David
Cook, Allen
Emerick, J. Tracy
Gordon, Richard
Harris, Jeffrey
Kappler, Lawrence
Matthews, Carolyn
O'Connor, John
Rice, Frederick
Thomas, Douglas
Ward, Joanne
Woitkun, Steven

Azarian, Gary
Belanger, Ronald
Dean-Bailey, Yvonne
Ferrante, Beverly
Green, Dennis
Hodgdon, Bruce
Katsakiores, Phyllis
McKinney, Betsy
Osborne, Jason
Spillane, James
True, Chris
Webb, James

Baldasaro, Alfred
Chase, Francis
Duarte, Joe
Friel, William
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Milz, David
Packard, Sherman
Sweeney, Joe
Tucker, Pamela
Welch, David

STRAFFORD

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

Cheney, Catherine
Hannon, Joseph
Mullen, John
Wuelper, Kurt

DeLemus, Susan
Jones, Laura
Pitre, Joseph

Graham, Robert
Kaczynski, Jr., Thomas
Turcotte, Leonard

SULLIVAN

Laware, Thomas

Rollins, Skip

and the majority committee report was adopted and referred to the Committee on Finance.

HB 1564-FN-A, establishing an independent redistricting commission. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. William Gannon for the Majority of Election Law. Under this bill, an independent commission would be appointed to create redistricting plans and recommend them to the legislature. The legislature would not be able to amend the first and second plans developed by the commission, though it could reject them. If two plans are rejected by the legislature, a third plan would be adopted using the usual legislative process. The process outlined by this bill is cumbersome and the timeframes are completely unrealistic. The majority does not see a need to change the current process for developing redistricting plans for state offices in New Hampshire. Vote 11-8.

Rep. Wayne Moynihan for the Minority of Election Law. This bill is a proactive proposal intended to get the NH House onto the task of preparing for the next round of legislative redistricting, after the census of 2020. It is generally acknowledged that the process and the result of the last NH Redistricting Committee, after the census of 2010, was problematic, involving lawsuits by cities, towns, and legislators. The redistricting process undertaken after the 2000 census was followed up by time consuming, expensive, and contentious legal battles. It is reported that 80% of the population does not trust the process whereby legislators are in control of the process that determines the boundaries of the legislative districts in which they run for election. Other states have begun to study and adopt independent redistricting commissions, and the U. S. Supreme Court has recently found that such a plan is valid and constitutional. The committee minority believes it is wise policy and in the best interest of the citizens of the state to now begin the study, discussion, and design of an independent commission to manage the upcoming redistricting.

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

Rep. Moynihan spoke against.

Rep. Gannon spoke in favor.

Rep. Shurtleff requested a roll call; sufficiently seconded.

YEAS 210 - NAYS 151**YEAS - 210****BELKNAP**

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

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

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

Flanders, Donald
LeBreche, Shari
Tilton, Franklin

CARROLL

Avellani, Lino
Crawford, Karel
Parker, Harold

Chandler, Gene
McCarthy, Frank
Schmidt, Stephen

Comeau, Ed
McConkey, Mark
Umberger, Karen

Cordelli, Glenn
Nelson, Bill
Wright, Ted

CHESHIRE

Hunt, John

McConnell, James

Sterling, Franklin

Tilton, Benjamin

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

Tholl, John

GRAFTON

Bailey, Brad
Hennessey, Erin
Ladd, Rick

Brown, Duane
Hull, Robert
Shackett, Jeffrey

Darrow, Stephen
Ingbretson, Paul

Gionet, Edmond
Johnson, Eric

HILLSBOROUGH

Adams, Christopher
Biggie, Barbara
Christensen, Chris
Eastman, Eric
Flanagan, Jack
Gould, Linda
Hansen, Peter
Infantine, William
Martel, Andre
Moore, Josh
O'Brien, William
Palmer, Barry
Pierce, David
Rowe, Robert
Simmons, Tammy
Straight, Phillip
Zaricki, Nick

Ammon, Keith
Boehm, Ralph
Christie, Rick
Edelblut, Frank
Fromuth, Bart
Griffin, Barbara
Hinch, Richard
Kurk, Neal
McCarthy, Peggy
Murotake, David
Ober, Lynne
Parison, James
Proulx, Mark
Schleien, Eric
Smith, Gregory
Sullivan, Victoria

Balcom, John
Burt, John
Coffey, James
Estevez, Eric
Gagne, Larry
Haefner, Robert
Hogan, Edith
Lachance, Joseph
McClarren, Donald
Murphy, Keith
Ober, Russell
Pellegrino, Anthony
Rice, Kimberly
Scoutsas, Lisa
Souza, Kathleen
Ulery, Jordan

Belanger, James
Byron, Frank
Danielson, David
Ferreira, Elizabeth
Gidge, Kenneth
Halstead, Carolyn
Hopper, Gary
LeBrun, Donald
McLean, Mark
Notter, Jeanine
Ohm, Bill
Peterson, Ken
Rouillard, Claire
Seidel, Carl
Stepanek, Stephen
Wolf, Terry

MERRIMACK

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

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

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

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

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Chase, Francis
Dean-Bailey, Yvonne
Duarte, Joe
Fesh, Robert
Green, Dennis
Hodgdon, Bruce
Kappler, Lawrence
Manning, John
Milz, David
Packard, Sherman
Rice, Frederick
Sytek, John
True, Chris
Webb, James

Abramson, Max
Barnes, Arthur
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Friel, William
Griffin, Mary
Hoelzel, Kathleen
Katsakiores, Phyllis
Matthews, Carolyn
Nigrello, Robert
Peckham, Michele
Schroadter, Adam
Tasker, Kyle
Tucker, Pamela
Welch, David

Allen, Mary
Bates, David
Christie, Andrew
Devine, James
Emerick, J. Tracy
Gannon, William
Guthrie, Joseph
Introne, Robert
Kolodziej, Walter
McKinney, Betsy
O'Connor, John
Potucek, John
Spillane, James
Thomas, Douglas
Vose, Michael
Weyler, Kenneth

Azarian, Gary
Cardon, G. Thomas
Cook, Allen
Doucette, Fred
Ferrante, Beverly
Gordon, Richard
Harris, Jeffrey
Itse, Daniel
Lundgren, David
McMahon, Charles
Osborne, Jason
Prudhomme-O'Brien, Katherine
Sweeney, Joe
Tilton, Rio
Ward, Joanne
Woitkun, Steven

STRAFFORD

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

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

Cheney, Catherine
Groen, Warren
Leeman, Don
Whitehouse, Joshua

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

SULLIVAN

Grenier, James

Laware, Thomas

Rollins, Skip

Smith, Steven

NAYS - 151**CARROLL**

Buco, Thomas

Butler, Edward

Ticehurst, Susan

CHESHIRE

Abbott, Michael
Chase, Cynthia
Mann, John
Roberts, Kris
Tatro, Bruce

Ames, Richard
Eaton, Daniel
Parkhurst, Henry
Robertson, Timothy
Weber, Lucy

Berch, Paul
Johnsen, Gladys
Pearson, William
Sad, Tara

Bordenet, John
Ley, Douglas
Phillips, Larry
Shepardson, Marjorie

COOS

Fothergill, John
Theberge, Robert

Froburg, Alethea
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

GRAFTON

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

Almy, Susan
Ford, Susan
Massimilla, Linda
Sykes, George

Bennett, Travis
Hennessey, Martha
Nordgren, Sharon
Townsend, Charles

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

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Cote, David
Freitas, Mary
Hansberry, Daniel
Jack, Martin
McNamara, Richard
Roberts, Carol
Smith, Timothy
Takesian, Charlene

Baroody, Benjamin
Christiansen, Lars
DiSilvestro, Linda
Goley, Jeffrey
Harvey, Suzanne
Leishman, Peter
O'Brien, Michael
Rosenwald, Cindy
Snow, Kendall
Vann, Ivy

Beaulieu, Jane
Cohen, Alan
Donovan, Daniel
Gorman, Mary
Heath, Mary
Mangipudi, Latha
O'Neil, William
Shattuck, Gilman
Soucy, Timothy
Williams, Kermit

Booras, Efsthia
Cornell, Patricia
Edwards, Elizabeth
Guerette, C. Lee
Herbert, Christopher
Manley, Jonathan
Porter, Marjorie
Shaw, Barbara
Sullivan, Daniel
Woodbury, David

MERRIMACK

Alicea, Caroletta
Deloge, Helen

Bartlett, Christy
Doherty, David

Bradley, Paula
Ebel, Karen

Carson, Clyde
Frazer, June

French, Barbara
Karrick, David
Moffett, Howard
Rogers, Katherine
Turcotte, Alan

Gile, Mary
Kenison, Linda
Myler, Mel
Saunderson, George
Wallner, Mary Jane

Henle, Paul
Luneau, David
Ratzki, Mario
Schuett, Dianne

Hirsch, Geoffrey
MacKay, James
Rice, Chip
Shurtleff, Stephen

ROCKINGHAM

Belanger, Ronald
Cali-Pitts, Jacqueline
Gordon, Pamela
Pantelakos, Laura

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

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

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

STRAFFORD

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

Bixby, Peter
Horrigan, Timothy
Smith, Marjorie
Stevens, Audrey
Ward, Kenneth

Burton, Wayne
Kaen, Naida
Southworth, Thomas
Treleaven, Susan

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

SULLIVAN

Cloutier, John
Irwin, Virginia

Converse, Larry
O'Hearne, Andrew

Gagnon, Raymond
Oxenham, Lee

Gottling, Suzanne
Schmidt, Andrew

and the majority committee report was adopted.

HB 1674-FN, requiring the labeling of genetically engineered foods. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. John O'Connor for the Majority of Environment and Agriculture. This bill, which the House has previously rejected, once again attempts to require food manufacturers, grocery retailers, and our farmers and farmers markets to label products that may have been produced or grown using genetic engineering - a process that has been in existence for over 30 years and has been deemed to be safe by the most respected and widely recognized academic, scientific and medical organizations, such as the American Medical Association, the American Association for the Advancement of Science, the National Academy of Sciences, the US Department of Agriculture, and the World Health Organization, among others. The passage of this bill would put New Hampshire in conflict with other states that are attempting to implement similar laws but with different provisions. Studies have shown that this conflict would result in increased costs and penalties to our businesses and consumers. Currently each state that has brought forward a bill such as this has found itself embroiled in litigation costing millions in an attempt to prove its constitutionality. In addition, this bill adds severe penalties to our businesses of up to \$1,000 per day for incorrect labeling. The fiscal note states that 1) personnel costs for Department of Health and Human Services enforcement will be \$100,000 to \$200,000 per year; 2) the Attorney General will be required to make rules, conduct civil investigations and mandate civil action, the costs of which are not included in the fiscal note; and 3) the 16 self-inspecting towns in the state will be required to conduct enforcement and civil action on their own, with no state support. What is the solution? The US Food and Drug Administration (FDA) has recently released labeling guidance for foods that have or have not been derived from genetically engineered plants. The Campbell Soup Company just announced they will be using the FDA labeling guidance as a marketing tool. Currently, companies are free to voluntarily label and market their product as "organic," and/or have third party certification to label their products "GMO-free." Finally, with the advent of modern technology, by midsummer the major food companies will be releasing the new "SmartLabel," so when a consumer scans a product on the grocery store shelf with a smart phone or with an in-store scanner, more information about the product than what is on the label will be instantly available to the consumer, including whether or not it contains genetically engineered ingredients. For these reasons, the bipartisan majority of the committee strongly opposes this bill. Vote 12-7.

Rep. Peter Bixby for the Minority of Environment and Agriculture. This bill is fundamentally about the right to know. Preliminary court decisions on the Vermont labeling law suggest that the federal court accepts that there is a compelling state interest in the people's right to know how their food is produced. The Jew who follows the law of Kilayim, separation of species, established in Leviticus, has a right to know if species have been mixed in his food. The person with digestive disorders who wants to be extra cautious with her food has a right to know. The person who is not convinced the federal government has done its due diligence in safety testing has a right to know and is justified in that doubt. In 1992, notwithstanding the advice of the agency's scientists, the head of the Food and Drug Administration (FDA) determined that foods produced with genetic engineering were substantially equivalent to natural foods and were legally "Generally Recognized as Safe" (GRAS). Since that time, the US Department of Agriculture's oversight of GMO foods has been limited to assessing pest and disease risks. The FDA's role is even smaller. All safety assessments are optional and done by choice by the companies that produce the GMOs. The optional review process, in which the biotech companies send the safety data they choose to the FDA in exchange for a letter saying they did so, has all the

weight of a rubber stamp. The record of biotechnology corporations in protecting public health is not without lapses. Long after Agent Orange was determined to have long-term health consequences for veterans exposed in Vietnam, Monsanto went out of its way to avoid responsibility. They repeated the pattern with incidents of dioxin contamination in Nitro, West Virginia and PCB contamination in Anniston, Alabama. Similarly, DuPont had a decades-long practice of covering up health issues with C-8, an ingredient in Teflon. While publicly accessible trait-by-trait, third party, safety testing would be preferable, labeling food with "produced with genetic engineering" is a remedy within our purview as a state. We should do the best we can by providing this to our citizens.

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

Reps. McConnell, Bixby, Abramson and Valerie Fraser spoke against.

Rep. Darrow spoke against and yielded to questions.

Rep. Sad spoke in favor.

Rep. O'Connor spoke in favor and requested a roll call; sufficiently seconded.

YEAS 239 - NAYS 122

YEAS - 239

BELKNAP

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

Dumais, Russell
LeBreche, Shari
Tilton, Franklin

Fields, Dennis
Luther, Robert
Vadney, Herbert

Flanders, Donald
Spanos, Peter

CARROLL

Avellani, Lino
Cordelli, Glenn
Schmidt, Stephen

Buco, Thomas
McCarthy, Frank
Umberger, Karen

Chandler, Gene
McConkey, Mark
Wright, Ted

Comeau, Ed
Parker, Harold

CHESHIRE

Ames, Richard
Hunt, John
Weber, Lucy

Berch, Paul
Parkhurst, Henry

Bordenet, John
Sad, Tara

Eaton, Daniel
Sterling, Franklin

COOS

Fothergill, John
Tholl, John

Hatch, William

Richardson, Herbert

Rideout, Leon

GRAFTON

Almy, Susan
Gionet, Edmond
Piper, Wendy

Bailey, Brad
Hennessey, Martha
Shackett, Jeffrey

Brown, Duane
Ingbretson, Paul
Townsend, Charles

Cooney, Mary
Ladd, Rick
White, Andrew

HILLSBOROUGH

Adams, Christopher
Baroody, Benjamin
Boehm, Ralph
Christiansen, Lars
Cornell, Patricia
Eastman, Eric
Freitas, Mary
Gould, Linda
Hansen, Peter
Infantine, William
LeBrun, Donald
McClarren, Donald
Notter, Jeanine
Ober, Russell
Pellegrino, Anthony
Rouillard, Claire
Shaw, Barbara
Soucy, Timothy
Sullivan, Daniel
Wolf, Terry

Ammon, Keith
Beaulieu, Jane
Burt, John
Christie, Rick
Danielson, David
Edwards, Elizabeth
Gagne, Larry
Griffin, Barbara
Heath, Mary
Jeudy, Jean
Leishman, Peter
McLean, Mark
O'Brien, William
Ohm, Bill
Pierce, David
Rowe, Robert
Simmons, Tammy
Souza, Kathleen
Sullivan, Victoria
Zaricki, Nick

Backus, Robert
Belanger, James
Byron, Frank
Coffey, James
DiSilvestro, Linda
Estevez, Eric
Gidge, Kenneth
Haefner, Robert
Hinch, Richard
Kurk, Neal
Martel, Andre
Moore, Josh
O'Neil, William
Palmer, Barry
Proulx, Mark
Schleien, Eric
Smith, Gregory
Stepanek, Stephen
Takesian, Charlene

Balcom, John
Biggie, Barbara
Christensen, Chris
Cohen, Alan
Donovan, Daniel
Ferreira, Elizabeth
Gorman, Mary
Halstead, Carolyn
Hogan, Edith
Lachance, Joseph
McCarthy, Peggy
Murphy, Keith
Ober, Lynne
Parison, James
Rice, Kimberly
Seidel, Carl
Snow, Kendall
Straight, Phillip
Ulery, Jordan

MERRIMACK

Alicea, Caroletta
French, Harold
Kenison, Linda
Long, Douglas
McGuire, Dan
Seaworth, Brian

Bradley, Paula
Henle, Paul
Kidder, David
Marple, Richard
Parent, Jason
Shurtleff, Stephen

Brewster, Michael
Hill, Gregory
Kotowski, Frank
Martin, John
Rice, Chip
Walsh, Thomas

Deloge, Helen
Hoell, J.R.
Kuch, Bill
McGuire, Carol
Schuett, Dianne

ROCKINGHAM

Abrami, Patrick
Belanger, Ronald
Christie, Andrew
Doucette, Fred
Francese, Paula
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Matthews, Carolyn
Nigrello, Robert
Pantelakos, Laura
Rice, Frederick
Sytek, John
True, Chris
Webb, James

Allen, Mary
Cardon, G. Thomas
Dean-Bailey, Yvonne
Duarte, Joe
Friel, William
Harris, Jeffrey
Itse, Daniel
Lovejoy, Patricia
McKinney, Betsy
O'Connor, John
Peckham, Michele
Schroadter, Adam
Tasker, Kyle
Tucker, Pamela
Welch, David

Baldasaro, Alfred
Chase, Francis
DeSimone, Debra
Emerick, J. Tracy
Gannon, William
Hodgdon, Bruce
Kappler, Lawrence
Lundgren, David
McMahon, Charles
Osborne, Jason
Potucek, John
Spillane, James
Thomas, Douglas
Vose, Michael
Weyler, Kenneth

Bates, David
Chirichiello, Brian
Devine, James
Fesh, Robert
Gordon, Richard
Hoelzel, Kathleen
Katsakiores, Phyllis
Manning, John
Milz, David
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sweeney, Joe
Tilton, Rio
Ward, Joanne

STRAFFORD

Beaudoin, Steven
Graham, Robert
Jones, Laura
Mullen, John
Southworth, Thomas
Treleaven, Susan
Wuelper, Kurt

Bickford, David
Gray, James
Kaczynski, Jr., Thomas
Pitre, Joseph
Spang, Judith
Turcotte, Leonard

Cheney, Catherine
Groen, Warren
Kaen, Naida
Rollo, Deanna
Sprague, Dale
Verschueren, James

DeLemus, Susan
Hannon, Joseph
Leeman, Don
Smith, Marjorie
Stevens, Audrey
Ward, Kenneth

SULLIVAN

Gagnon, Raymond
Rollins, Skip

Gottling, Suzanne
Smith, Steven

Laware, Thomas

O'Hearne, Andrew

NAYS - 122**BELKNAP**

Fraser, Valerie

Gallagher, Brian

Varney, Peter

CARROLL

Butler, Edward

Nelson, Bill

Ticehurst, Susan

CHESHIRE

Abbott, Michael
Mann, John
Roberts, Kris
Tilton, Benjamin

Chase, Cynthia
McConnell, James
Robertson, Timothy

Johnsen, Gladys
Pearson, William
Shepardson, Marjorie

Ley, Douglas
Phillips, Larry
Tatro, Bruce

COOS

Froburg, Alethea
Thomas, Yvonne

Moynihan, Wayne

Rappaport, Laurence

Theberge, Robert

GRAFTON

Abel, Richard
Ford, Susan
Johnson, Eric
Smith, Suzanne

Bennett, Travis
Hennessey, Erin
Maes, Kevin
Sykes, George

Brown, Rebecca
Higgins, Patricia
Massimilla, Linda

Darrow, Stephen
Hull, Robert
Nordgren, Sharon

HILLSBOROUGH

Booras, Efsthia
Flanagan, Jack
Hansberry, Daniel
Jack, Martin
McNamara, Richard
Porter, Marjorie
Shattuck, Gilman
Woodbury, David

Brown, Pamela
Fromuth, Bart
Harvey, Suzanne
Long, Patrick
Murotake, David
Roberts, Carol
Smith, Timothy

Cote, David
Goley, Jeffrey
Herbert, Christopher
Mangipudi, Latha
O'Brien, Michael
Rosenwald, Cindy
Vann, Ivy

Edelblut, Frank
Guerette, C. Lee
Hopper, Gary
Manley, Jonathan
Peterson, Ken
Scotsas, Lisa
Williams, Kermit

MERRIMACK

Bartlett, Christy
Frazer, June
Horn, Werner
Moffett, Howard
Rogers, Katherine

Carson, Clyde
French, Barbara
Karrick, David
Myler, Mel
Saunderson, George

Doherty, David
Gile, Mary
Luneau, David
Patten, Dick
Turcotte, Alan

Ebel, Karen
Hirsch, Geoffrey
MacKay, James
Ratzki, Mario
Wallner, Mary Jane

ROCKINGHAM

Abramson, Max
Borden, David
Cushing, Robert
Gordon, Pamela
McBeath, Rebecca
Woitkun, Steven

Azarian, Gary
Cahill, Michael
DiFranco, Debbie
Green, Dennis
Sherman, Thomas

Barnes, Arthur
Cali-Pitts, Jacqueline
Elliott, Robert
Guthrie, Joseph
Simpson, Alexis

Berrien, Skip
Cook, Allen
Ferrante, Beverly
Heffron, Frank
Ward, Gerald

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Baber, William
DiSesa, Len

Bixby, Peter
Horrigan, Timothy

Burton, Wayne
Schmidt, Peter

Cilley, Jacalyn
Wall, Janet

SULLIVAN

Cloutier, John
Oxenham, Lee

Converse, Larry
Schmidt, Andrew

Grenier, James

Irwin, Virginia

and the majority committee report was adopted.

The House recessed at 12:30 p.m.

RECESS

The House reconvened at 1:45 p.m.

(Speaker Jasper in the Chair)

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 504.

Rep. Hinch, Sen. Prescott for the Committee

INTRODUCTION OF SPECIAL GUESTS

Members of Leadership Greater Concord, guests of the House.

REGULAR CALENDAR CONT'D

HB 1416-FN, relative to funding for state criminal background checks. **INEXPEDIENT TO LEGISLATE.** Rep. J.R. Hoell for Executive Departments and Administration. The measure would have authorized the Department of Safety (DOS) to set "reasonable" fees for state criminal background checks. Some people saw this as a new gun tax. Although, there was some discussion in the hearing on what reasonable fees would be, there was no definitive conclusion. Dealers testified that there would be serious logistical issues with collecting any fee. They wondered if it would be applied per phone call, per firearm, or per transaction. There were also questions about who would retain the data on those who made payments as this data would create a list of gun owners in NH, something that the gun owners strongly objected to. To help explain the process, the current system treats hand guns and long guns differently. Hand gun purchases are run through the State Police for a check while long guns (rifles and shotguns) are run through the federal database. Currently, the National Instant Criminal Background Check System is a free service from the Federal Government and many felt that there was no reason to charge a fee for this same service in state. The proponents of the measure argued that the current system has a more up to date database and there was value to keeping this service in state, however they were seeking to reduce the delays in processing these transactions. With the exception of the sponsors and the DOS, everyone else testifying on this measure opposed this bill and the new fees that would have been set by the department. In addition, there were several hundred emails received opposing the measure and the vast majority of those in attendance to the hearing opposed this bill. Vote 11-4. Committee report adopted.

HB 1527-FN-A, authorizing additional part-time positions at the department of administrative services and making an appropriation therefor. **OUGHT TO PASS.**

Rep. Mark Proulx for Executive Departments and Administration. This bill was filed at the request of the Department of Administrative Services. The department would like to add three part-time positions in response to the loss of a number of positions over the years. This will allow them to better provide the services that are required of the department. Vote 13-3.

Committee report adopted and referred to the Committee on Finance.

HB 1699-FN-A-L, establishing a licensed alcohol and drug counselor in the bureau of emergency medical services to develop a training program for fire and emergency medical services personnel and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jacalyn Cilley for Executive Departments and Administration. This bill establishes a position of licensed alcohol and drug counselor in the Department of Safety, Bureau of Emergency Medical Services. This individual will be charged with developing a statewide plan to train fire and emergency medical services personnel. As part of this legislature's commitment to addressing the heroin and opioid crisis claiming an increasing

number of lives in the state of NH, the intent of this bill is to empower those on the front lines of this crisis to intervene in the most effective manner possible. With proper training, it is envisioned that those called to resuscitate an overdose patient have a critical window of opportunity to encourage that patient to take the first step towards rehabilitation. The original bill was amended to remove the pilot program of placing LADC's in three cities within the state as there is not currently a clear consensus on the organizational structure or operational aspects of the pilot program. The committee felt that time will permit stakeholders in this issue to work on a shared vision of a potential pilot program that will be of optimal value in addressing the heroin and opioid crisis. Vote 12-3.

Amendment (0400h)

Amend RSA 21-P:12-b, IV as inserted by section 1 of the bill by deleting subparagraph (b) and renumbering the original subparagraph (c) to read as (b).

2016-0400h

AMENDED ANALYSIS

This bill establishes the position of licensed alcohol and drug counselor in the department of safety, bureau of emergency medical services. The person holding the position shall be responsible for establishing a training program for fire and emergency medical services personnel. The bill makes an appropriation for this purpose.

Committee amendment adopted.

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

Rep. Hansen spoke against.

Rep. Cilley spoke in favor and yielded to questions.

On a division vote, with 185 members having voted in the affirmative and 125 in the negative, the committee report was adopted and referred to the Committee on Finance.

HB 1524-FN-A, repealing fish and game department authority to establish fees by administrative rulemaking.

MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Richard McNamara for the Majority of Fish and Game and Marine Resources. The majority of the committee felt that the Fish and Game Department, which has recently been given the authority to set fees, be provided the opportunity to make the new system work before making major changes to the law. Vote 9-2.

Rep. James Spillane for the Minority of Fish and Game and Marine Resources. This bill would rectify the unfortunate situation that occurred last year when the authority to set hunting and fishing license fees was granted to the Fish and Game Department by means of an amendment that the Senate attached to a House bill that dealt with an entirely different issue. The legislature has been successfully setting fees for the entire history of the Fish and Game Department and that oversight should be returned by passage of this bill. The amendment that the minority wishes to propose fixes a few issues with currently set fees.

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

Rep. Duarte spoke against and yielded to questions.

Rep. Webb spoke in favor.

Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 220 - NAYS 133

YEAS - 220

BELKNAP

Fields, Dennis
LeBreche, Shari

Flanders, Donald
Luther, Robert

Fraser, Valerie
Tilton, Franklin

Gallagher, Brian

CARROLL

Buco, Thomas
Nelson, Bill
Umberger, Karen

Butler, Edward
Parker, Harold

Chandler, Gene
Schmidt, Stephen

McConkey, Mark
Ticehurst, Susan

CHESHIRE

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

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

Berch, Paul
Hunt, John
Parkhurst, Henry
Sad, Tara

Bordenet, John
Johnsen, Gladys
Pearson, William
Shepardson, Marjorie

COOS

Fothergill, John
Thomas, Yvonne

Froborg, Alethea

Richardson, Herbert

Tholl, John

GRAFTON

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

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

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

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

HILLSBOROUGH

Backus, Robert
Biggie, Barbara
Christensen, Chris
DiSilvestro, Linda
Freitas, Mary
Guerette, C. Lee
Heath, Mary
Jeudy, Jean
Long, Patrick
McNamara, Richard
Peterson, Ken
Roberts, Carol
Shattuck, Gilman
Soucy, Timothy
Vann, Ivy

Balcom, John
Booras, Efsthathia
Cohen, Alan
Donovan, Daniel
Gidge, Kenneth
Haefner, Robert
Herbert, Christopher
Kurk, Neal
Mangipudi, Latha
O'Brien, Michael
Pierce, David
Rosenwald, Cindy
Shaw, Barbara
Souza, Kathleen
Williams, Kermit

Baroody, Benjamin
Brown, Pamela
Cornell, Patricia
Edwards, Elizabeth
Goley, Jeffrey
Hansberry, Daniel
Hinch, Richard
LeBrun, Donald
Manley, Jonathan
Ober, Lynne
Porter, Marjorie
Rouillard, Claire
Smith, Timothy
Sullivan, Daniel
Wolf, Terry

Beaulieu, Jane
Byron, Frank
Cote, David
Flanagan, Jack
Gorman, Mary
Harvey, Suzanne
Jack, Martin
Leishman, Peter
McCarthy, Peggy
Palmer, Barry
Proulx, Mark
Rowe, Robert
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Woodbury, David

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Kenison, Linda
Luneau, David
Patten, Dick
Saunderson, George
Walsh, Thomas

Bartlett, Christy
Ebel, Karen
Henle, Paul
Kidder, David
MacKay, James
Ratzki, Mario
Schuett, Dianne

Bradley, Paula
Frazer, June
Hirsch, Geoffrey
Kotowski, Frank
Moffett, Howard
Rice, Chip
Shurtleff, Stephen

Carson, Clyde
French, Barbara
Karrick, David
Long, Douglas
Myler, Mel
Rogers, Katherine
Turcotte, Alan

ROCKINGHAM

Abrami, Patrick
Berrien, Skip
Cardon, G. Thomas
DeSimone, Debra
Fesh, Robert
Guthrie, Joseph
Introne, Robert
Matthews, Carolyn
O'Connor, John
Simpson, Alexis
Ward, Gerald
Weyler, Kenneth

Azarian, Gary
Borden, David
Chirichiello, Brian
Devine, James
Francese, Paula
Hagan, Joseph
Katsakiores, Phyllis
McBeath, Rebecca
Packard, Sherman
Sweeney, Joe
Ward, Joanne
Woitkun, Steven

Barnes, Arthur
Cahill, Michael
Christie, Andrew
DiFranco, Debbie
Gordon, Pamela
Heffron, Frank
Kolodziej, Walter
McKinney, Betsy
Pantelakos, Laura
Sytek, John
Webb, James

Belanger, Ronald
Cali-Pitts, Jacqueline
Cushing, Robert
Ferrante, Beverly
Griffin, Mary
Hoelzel, Kathleen
Lovejoy, Patricia
Milz, David
Sherman, Thomas
Tilton, Rio
Welch, David

STRAFFORD

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

Berube, Roger
Cilley, Jacalyn
Pitre, Joseph
Spang, Judith
Wall, Janet

Bickford, David
DiSesa, Len
Schmidt, Peter
Stevens, Audrey
Ward, Kenneth

Bixby, Peter
Gray, James
Smith, Marjorie
Treleaven, Susan

SULLIVAN

Cloutier, John
Grenier, James
Schmidt, Andrew

Converse, Larry
Irwin, Virginia
Smith, Steven

Gagnon, Raymond
O'Hearne, Andrew

Gottling, Suzanne
Oxenham, Lee

NAYS - 133**BELKNAP**

Aldrich, Glen
Sylvia, Michael

Dumais, Russell
Vadney, Herbert

Howard, Jr., Raymond
Varney, Peter

Spanos, Peter

CARROLL

Avellani, Lino
Wright, Ted

Comeau, Ed

Cordelli, Glenn

McCarthy, Frank

CHESHIRE

McConnell, James

Roberts, Kris

Sterling, Franklin

Tilton, Benjamin

COOS

Hatch, William

Moynihan, Wayne

Rappaport, Laurence

Rideout, Leon

GRAFTONBailey, Brad
Hull, RobertBrown, Duane
Ingbertson, PaulGionet, Edmond
Johnson, EricHennessey, Erin
Nordgren, Sharon**HILLSBOROUGH**Adams, Christopher
Burt, John
Danielson, David
Ferreira, Elizabeth
Griffin, Barbara
Hopper, Gary
Moore, Josh
O'Brien, William
Pellegrino, Anthony
Seidel, Carl
Straight, PhillipAmmon, Keith
Christiansen, Lars
Eastman, Eric
Fromuth, Bart
Halstead, Carolyn
Lachance, Joseph
Murotake, David
Ober, Russell
Rice, Kimberly
Simmons, Tammy
Sullivan, VictoriaBelanger, James
Christie, Rick
Edelblut, Frank
Gagne, Larry
Hansen, Peter
McClarren, Donald
Murphy, Keith
Ohm, Bill
Schleien, Eric
Smith, Gregory
Ulery, JordanBoehm, Ralph
Coffey, James
Estevez, Eric
Gould, Linda
Hogan, Edith
McLean, Mark
Notter, Jeanine
Parison, James
Scotsas, Lisa
Stepanek, Stephen
Zaricki, Nick**MERRIMACK**Brewster, Michael
Hoell, J.R.
McGuire, Carol
Wallner, Mary JaneDeloge, Helen
Kuch, Bill
McGuire, DanFrench, Harold
Marple, Richard
Parent, JasonHill, Gregory
Martin, John
Seaworth, Brian**ROCKINGHAM**Abramson, Max
Chase, Francis
Elliott, Robert
Green, Dennis
Kappler, Lawrence
Osborne, Jason
Rice, Frederick
Tasker, Kyle
Vose, MichaelAllen, Mary
Cook, Allen
Emerick, J. Tracy
Harris, Jeffrey
Lundgren, David
Peckham, Michele
Schroadter, Adam
Thomas, DouglasBaldasaro, Alfred
Dean-Bailey, Yvonne
Gannon, William
Hodgdon, Bruce
McMahon, Charles
Potucek, John
Spillane, James
True, ChrisBates, David
Duarte, Joe
Gordon, Richard
Itse, Daniel
Nigrello, Robert
Prudhomme-O'Brien, Katherine
Tamburello, Daniel
Tucker, Pamela**STRAFFORD**Beaudoin, Steven
Groen, Warren
Leeman, Don
Wuelper, KurtCheney, Catherine
Hannon, Joseph
Mullen, JohnDeLemus, Susan
Jones, Laura
Turcotte, LeonardGraham, Robert
Kaczynski, Jr., Thomas
Whitehouse, Joshua**SULLIVAN**

Laware, Thomas

Rollins, Skip

and the majority committee report was adopted.

HB 1557-FN, relative to alcohol and drug treatment programs. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Stephen Schmidt for the Majority of Health, Human Services and Elderly Affairs. The amendment to HB 1557-FN requires the legislative budget assistant office to evaluate the "feasibility" of calculating and using cost effectiveness in evaluating new and existing state programs. The majority of the committee recognizes that this approach would result in a paradigm shift of how the allocation of finite state dollars would be used for authorized programs. This bill does no more than establish a pathway to determine the feasibility and potential resources required to accomplish this methodology. Presently, program effectiveness, if it's measured at all, is based on transactional metrics such as number of clients served, or number of bridges required. These metrics are interesting, but provide no assurance that monies are well spent. Vote 11-7.

Rep. Lucy Weber for the Minority of Health, Human Services and Elderly Affairs. The original title of this bill was "an act relative to alcohol and drug treatment programs." The bill has been transformed into a direction to the legislative budget assistant to evaluate the feasibility of calculating and using cost effectiveness methods throughout all state programs. The minority is concerned that the amendment differs so much from the original bill that it is a non-germane amendment requiring a new hearing under House Rule 45 (b). In addition, the minority does not understand why a statute is required instead of having the appropriate authority simply direct, or authorize the legislative budget assistant to study this issue.

Majority Amendment (0326h)

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

AN ACT relative to cost effectiveness of programs implemented within state agencies.

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

1 Office of Legislative Budget Assistant; Cost Effectiveness of Programs Within State Agencies.

I. The legislative budget assistant, in collaboration with the department of administrative services and such other organizations as he or she may wish to consult, shall evaluate the feasibility of calculating and using cost effectiveness in evaluating new and existing state programs. The process for determining cost effectiveness shall include, but not be limited to, the following steps:

(a) Systematically assessing all high-quality studies from the United States and elsewhere to identify policy options that have been tried and tested and found to achieve improvements in outcomes.

(b) Determining how much it would cost to produce the results found in subparagraph (a) in this state, determining the value of the benefits from such an improved outcome, and calculating the net present value thereof.

(c) Assessing the risk in the estimates to determine the probability that a particular policy options benefits will outweigh its costs.

(d) Ranking programs in state agencies based on value and risk.

II. The department of administrative services and each state agency shall furnish to the legislative budget assistant information, excluding information otherwise confidential under law, he or she may request in the course of carrying out the duties under this section in a mutually agreeable and compatible format.

III. The legislative budget assistant shall make an initial report by November 1, 2016, on the feasibility of calculating and using cost effectiveness in evaluating new and existing state programs. If the legislative budget assistant determines that calculating cost effectiveness is feasible, he or she shall make a final report on or before November 1, 2017, including recommendations for legislation, to the commissioner of administrative services, the chairpersons of the house and senate finance committees, the speaker of the house of representatives, the president of the senate, the state library, and the governor.

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

2016-0326h

AMENDED ANALYSIS

This bill requires the office of the legislative budget assistant to evaluate the feasibility of calculating and using cost effectiveness in evaluating new and existing state programs.

CLERK'S NOTE

The Speaker ruled that Majority Amendment (0326h) was non-germane to HB 1557-FN, relative to alcohol and drug treatment programs, and as it did not have a public hearing, the Speaker ruled that House Rules must be suspended in order for the amendment to be adopted. The Chair of the Committee did not ask for a rules suspension. The report and question before the House is Ought to Pass.

MOTION TO LAY ON THE TABLE

Rep. Weber moved that **HB 1557-FN**, relative to alcohol and drug treatment programs, be laid on the table. On a division vote, with 232 members having voted in the affirmative and 124 in the negative, the motion was adopted.

REGULAR CALENDAR CONT'D

HB 1619-FN, relative to the use of narkan. **REFER FOR INTERIM STUDY.**

Rep. James MacKay for Health, Human Services and Elderly Affairs. The committee felt that this potentially significant legislation required further study. The utilization of recovery coaches in the process of treatment for an overdose is pertinent to comprehensive plans. Hospitals expressed an interest, but have significant questions that need to be clarified. Other questions revolved around certification and training requirements. There is a unanimous agreement that further study could provide an enhanced piece of legislation. Vote 18-0.

Rep. Hopper spoke against.

Rep. MacKay spoke in favor.

On a standing division vote, with 277 members having voted in the affirmative and 66 in the negative, the committee report was adopted.

HB 1695-FN, establishing an office of health services planning and review within the department of health and human services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy Weber for Health, Human Services and Elderly Affairs. The bill, as amended, facilitates the gathering of data on all aspects of the health care system including cost, financing, quality, patient safety, system performance and efficiency. The data is collected through a memorandum of understanding between the Department of Health and Human Services, the Insurance Department and the Attorney General's office. For the most part, this is data that is already being collected through the three agencies. A website is to be established in the Department of Health and Human Services to allow all stakeholders and members of the public access to this data to aid in health care planning decisions. In addition, a health care data council is

created to monitor the data thus collected and assess the effect on patient safety, cost, quality access and performance. The council is charged with aiding the commissioner of DHHS to create a 10 year health care plan for the state. The council is charged with reviewing and evaluating best practices and efficiencies as to quality and cost of care. The council will make a report on November 1, 2016, and annually thereafter. The bill sets up a fund to be used for costs of implementing the bill, but there is no funding mechanism included in the bill and no appropriation is being sought. Vote 18-0.

Amendment (0323h)

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

AN ACT relative to a health system public data resource plan for New Hampshire and establishing a special fund.

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

1 New Subdivision; Health System Public Data Resource Plan. Amend RSA 126-A by inserting after section 69 the following new subdivision:

Health System Public Data Resource Plan

126-A:70 Health System Public Data Resource Plan; Council Established.

I.(a) Pursuant to the memorandum of understanding set forth in paragraph V, the department of health and human services shall make publicly available through an Internet website consolidated information on health care system patient safety, cost, quality, access to coverage and care, system performance, and efficiency, and information pertaining to the delivery and financing of the health care system in New Hampshire, including information on new health system projects and associated costs.

(b) The information made available shall be maintained as a resource for decision making and policy analysis by state and local planners, policy makers, health care system entities, purchasers of health care, and the public. The information shall also be used by the department, in consultation with the health system public data resource planning council established in paragraph III, to plan and monitor the health care system and the relevant factors that influence patient safety, cost, quality, access, and performance.

II. The commissioner, in consultation with the health system public data resource planning council, shall coordinate and provide support for the development of a 10-year health system public data resource plan for New Hampshire. The plan shall take into consideration and align itself with other existing multi-year plans, as appropriate. The plan shall be developed as an information resource for use by health care providers, health insurance carriers, health care purchasers, and the general court to develop and implement programs and policies and provide guidance to state agencies when implementing programs and policies. The plan shall include:

(a) Analysis of the health care needs of both the state as a whole and each geographic region of the state.

(b) Analysis of current health care system safety, cost, quality, access, system performance, and financing.

(c) Specific goals and objectives the state should accomplish over the 10-year period.

(d) Methods of evaluating progress to meeting the goals and objectives.

III.(a) There is hereby established a health system public data resource planning council. The membership of the council shall be as follows:

(1) Two members of the house of representatives, appointed by the speaker of the house of representatives.

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

(3) The commissioner of the department of health and human services, or designee.

(4) The insurance commissioner, or designee.

(5) The attorney general, or designee.

(6) One member representing health care facilities, appointed by the New Hampshire Hospital Association.

(7) One member representing health care practitioners, appointed by the New Hampshire Medical Society.

(8) One member representing municipal planners, appointed by the New Hampshire Planners Association.

(9) One member representing public health practitioners, appointed by the New Hampshire Public Health Association.

(10) One member representing community services providers, appointed by the governor.

(11) One public member representing health care consumers, appointed by the governor.

(12) One member representing public purchasers of health insurance, appointed by the governor.

(13) One member representing private purchasers of health insurance, appointed by the governor.

(14) One member representing health insurance carriers, appointed by the governor.

(15) A representative of community health centers, appointed by the Bi-State Primary Care Association.

(b) Members of the council shall serve without compensation, except that legislative members shall receive mileage at the legislative rate when attending to the duties of the council. The members, other than those representing state agencies and the legislature, shall serve 3-year terms and shall not serve more than 2 full consecutive terms. Those members representing state agencies shall serve as nonvoting members on the council.

(c) The council may meet as often as necessary to effectuate its goals. The first meeting shall be called by the commissioner of health and human services within 45 days of the effective date of this subdivision. At the first meeting, a chairman shall be elected by the members. Seven members of the council shall constitute a quorum.

(d) The council shall:

(1) Provide advice and consultation to the commissioner regarding the development, implementation, and maintenance of the health system public data resource plan.

(2) Review and evaluate best practices to make publicly available consolidated information on health care system patient safety, cost, quality, access to coverage and care, system performance, and efficiency, and information pertaining to the delivery and financing of the health care system in New Hampshire, including information on new health system projects and associated costs.

(3) Monitor the health care system and the relevant factors that influence patient safety, cost, quality, access, and performance. The council's authority and duties shall be limited to the provisions of this subdivision.

(4) The council shall make an initial report on November 1, 2016 with an annual report on each November 1 thereafter, relative to the health system public data resource plan and information Internet website. The reports shall include the council's findings and any recommendations for proposed legislation and shall be submitted to the oversight committee on health and human services established in RSA 126-A:13, the chairpersons of the house and senate standing committees having jurisdiction over health and human services issues, the speaker of the house of representatives, the president of the senate, and the governor.

IV. The commissioner, in consultation with the council, shall release the initial version of the health system public data resource plan no later than January 1, 2017 or 8 months after the effective date of this subdivision, whichever is later.

V. The commissioner, in consultation with the council, shall enter into a memorandum of understanding with the insurance commissioner and attorney general for collaboration in the development of the publicly available information specified in paragraph I. The memorandum of understanding shall include a description of the resources that shall be made available to the department and shall specifically identify data and reports which shall be shared with the department.

VI. Pursuant to the memorandum of understanding under paragraph V, the commissioner, in consultation with the council, shall adopt rules under RSA 541-A, as may be necessary, relative to collecting aggregate information from health care providers and the insurance department that is not proprietary information on new health system projects, and associated costs under the provisions of this subdivision.

VII. The department, in consultation with the council, shall make the health system public data resource plan and meet other requirements set forth in this subdivision, subject to sufficient and available funding.

126-A:71 Health System Public Data Resource Plan Fund; Established. There is established the health system public data resource plan fund, which shall be nonlapsing and continually appropriated to the department and administered by the commissioner for the purposes of this subdivision. Pursuant to the memorandum of understanding under RSA 126-A:70, V, the fund shall be used for costs incurred by the department in carrying out the requirements under this subdivision. All monetary funds, grants, gifts, donations, or interest generated by the fund shall be deposited with the state treasurer in the fund.

2 New Subparagraph; Application of Receipts; Health System Public Data Resource Plan Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (331) the following new subparagraph:

(332) Moneys deposited in the health system public data resource plan fund, established in RSA 126-A:71.

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

2016-0323h

AMENDED ANALYSIS

This bill establishes a health system public data resource plan for New Hampshire. Under this bill, the commissioner of the department of health and human services, the insurance commissioner, and the attorney general shall enter into a memorandum of understanding to collaborate in the development of publicly available information on health care system patient safety, cost, quality, access, and system performance, and information pertaining to the delivery and financing of the health care system in New Hampshire. The bill also establishes a health system public data resource planning council to provide consultation for the development of a 10-year health system public data resource plan for New Hampshire. The bill also establishes a fund for the implementation and administration of the requirements of the plan.

Committee amendment adopted.

Committee report adopted and referred to the Committee on Finance.

HB 1696-FN, requesting a modification of the New Hampshire health protection program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John Fothergill for the Majority of Health, Human Services and Elderly Affairs. This bill reauthorizes the New Hampshire Health Protection Program for 2017 and 2018. The NHHPP developed in 2014 was for residents not qualifying for Medicaid and not qualified for subsidies on the Health Insurance Exchange, also known as expanded Medicaid. The program allows 47,000 low income residents and neighbors better access to healthcare leading to improved healthcare outcomes. Testimony from individuals as well as hospitals, community health centers; insurance carriers, business, the NH Municipal Association and others overwhelmingly supported the bill. There are multiple economic benefits including the infusion of hundreds of millions of dollars of federal funding, providing fiscal stability to hospitals and other healthcare providers and finally helping to provide a healthier workforce. The program provides a robust substance abuse benefit, a much needed service to fight the opioid epidemic. With this legislation there are no new taxes and no use of general funds. Voluntary contributions by insurance carriers and hospitals will make the special purpose trust whole. Any deficiency in the trust and the NHHPP ceases to operate as well as no risk for taxpayers. New enrollees will be expected to work if they are able. This bill is well crafted and represents a bipartisan effort to help a vulnerable portion of New Hampshire residents. Vote 17-1.

Rep. Joanne Ward for the Minority of Health, Human Services and Elderly Affairs. If a deal sounds too good to be true, it generally is. The federal funds will roll in and the hospitals will chip in and the state will come out even. So what is the problem? There are no guarantees that either party will fulfill their obligations. Of course the hospitals will chip in to pay for the expansion. Uncompensated care is down significantly since this program was expanded and they receive reimbursement for emergency visits. It is a win-win for hospitals and community health care centers because of the reimbursement rates. There is less uncompensated care in the emergency rooms, but that is not to say there are less visits. There is no incentive for preventative care. Yes, there are deductibles of 8 or 25 dollars for inappropriate uses of the emergency room. Is this small amount really a disincentive? And we have to rely on the federal government to grant us a waiver to provide a waiver for this to happen. How can the state deny 47,000 people health insurance if it is working so well, how many of those previously had health care but shifted to medicaid insurance because it is less expensive, how many of our incarcerated have been shifted to this program. How sad is it that the ACA, which was intended to fix this problem, didn't. How sad is it that our citizens on Medicare need supplemental insurance to pay for their care, how sad is that our citizens on medicaid are denied treatment by some providers, and how sad are the deductibles and premiums that many of us pay for private insurance. Wouldn't it be great if the state would pay for all of this? The federal government has proven that the ACA is a failed expensive health care solution. So should the taxpayers of the state be on the hook to pay for the failure? Medicaid expansion is private insurance; it is an expansion of a failed government program. This expansion will cover able-bodied young people who can get insurance on the exchange if they work for it. This is not medicaid, it is very different, it shifts costs to the privately insured. Medicaid is intended for un-insured children, elderly, disabled and less fortunate. This expansion may merely shift costs to the insured through higher deductibles and premiums.

Majority Amendment (0345h)

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

1 New Paragraph; New Hampshire Health Protection Plan. Amend RSA 126-A:5 by inserting after paragraph XXIX the following new paragraph:

XXX.(a)(1) Newly eligible adults who are unemployed shall be eligible to receive benefits under RSA 126-A:5 XXIV-XXV, if the commissioner finds that the individual is engaging in at least 30 hours per week of one or a combination of the following activities:

- (A) Unsubsidized employment.
- (B) Subsidized private sector employment.
- (C) Subsidized public sector employment.
- (D) Work experience, including work associated with the refurbishing of publicly assisted housing, if sufficient private sector employment is not available.
- (E) On-the-job training.
- (F) Job search and job readiness assistance.
- (G) Community service programs.
- (H) Vocational educational training not to exceed 12 months with respect to any individual.
- (I) Job skills training directly related to employment.
- (J) Education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency.
- (K) Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate.
- (L) The provision of child care services to an individual who is participating in a community service program.

(2) The requirements under subparagraph (1) shall be consistent with the federal Temporary Assistance for Needy Families Program, 42 U.S.C. section 607(d).

(3) Grounds for disqualification for benefits under this subparagraph shall be consistent with the federal Temporary Assistance for Needy Families Program, 42 U.S.C. section 607(e).

(4) This subparagraph shall only apply to those considered childless, abled-bodied adults as defined in section 1902(a)(10)(A)(i)(VIII) of the Social Security Act of 1935, as amended, 42 U.S.C. section 1396a(a)(10)(A)(i). In this subparagraph, "childless" means an adult who does not live with a dependent child which includes a child under 18 years of age or under 20 years of age if the child is a full-time student in a secondary school or the equivalent.

(5) This subparagraph shall not apply to:

(A) A person who is temporarily unable to participate in the requirements under subparagraph (a)(1) due to illness or incapacity as certified by a licensed physician, an advanced practice registered nurse (APRN), a licensed behavioral health professional, a licensed physician assistant, or a board-certified psychologist. The physician, APRN, licensed behavioral health professional, licensed physician assistant, or psychologist shall certify, on a form provided by the department, the duration and limitations of the disability.

(B) A person participating in a state-certified drug court program, as certified by the administrative office of the superior court.

(C) A parent or caretaker as identified in RSA 167:82, II(g) where the required care is considered necessary by a licensed physician, APRN, board-certified psychologist, physician assistant, or licensed behavioral health professional who shall certify the duration that such care is required.

(6) If any provision of this subparagraph, or the application thereof to any person or circumstance, is held invalid, including, but not limited to, being contrary to federal law or rejected by the Centers for Medicare and Medicaid Services (CMS) in necessary state plan amendments or waivers, such determination shall not affect the provisions or applications of this subparagraph which can be given effect without the invalid provision or application, and to that end the provisions of this subparagraph are severable.

(b) Newly eligible adults who visit the emergency room for non-emergency purposes shall be required to make a co-payment of \$8 for the first visit and \$25 for each and every non-emergency visit thereafter.

(c) The commissioner shall seek any new waiver or state plan amendments to implement the provisions of this paragraph. Any such waivers or amendments necessary shall be in place by January 1, 2017. Prior to submitting the waiver or state plan amendments to the (CMS), the commissioner shall present the waiver or state plan amendments to the fiscal committee of the general court for approval. The program shall not be reauthorized until such waivers or state plan amendments have been approved by CMS.

2 Insurance Premium Tax; New Hampshire Health Protection Program. Amend RSA 400-A:32, III to read as follows:

III.(a) *Except as provided in subparagraph (b)*, the taxes imposed in paragraphs I and II of this section shall be promptly forwarded by the commissioner to the state treasurer for deposit to the general fund.

(b) *Taxes imposed attributable to premiums written for medical and other medical related services for the newly eligible Medicaid population as provided for under RSA 126-A:5, XXIV-XXVI shall be deposited into the New Hampshire health protection trust fund, established in RSA 126-A:5-b. The commissioner shall notify the state treasurer of sums for deposit into the New Hampshire health protection trust fund no later than 30 days after receipt of said taxes.*

3 Department of Health and Human Services; Premium Assistance Program. Amend RSA 126-A:5, XXV(a) to read as follows:

XXV.(a) Consistent with the time frames in this paragraph, there is hereby established the marketplace premium assistance program. This will be a premium assistance program for newly eligible adults and their eligible spouse and dependents, if applicable, until December 31, [2016] **2018** and shall be administered by the department of health and human services. In order to receive medical assistance from the program, newly eligible adults who are ineligible for the HIPPA program shall choose from any qualified health plans (QHPs) offered on the federally-facilitated exchange if cost effective; provided, however, that any newly eligible adult who had coverage under an alternative benefit plan (ABP) offered by a managed care organization (MCO) under paragraph XIX during the voluntary bridge to marketplace premium assistance program established under RSA 126-A:5, XXIV shall be automatically enrolled at the beginning of open enrollment in a comparable QHP by that same MCO if one is available, unless such newly eligible adult subsequently chooses a different QHP during the enrollment period. If a comparable QHP is not offered by the newly eligible adult's MCO then the newly eligible adult may choose from any QHPs, if cost effective. Provider payments shall be in an amount which shall be no less than before the effective date of this paragraph.

4 Department of Health and Human Services; Premium Assistance Program. Amend RSA 126-A:5, XXV(c) to read as follows:

(c) If the waiver to implement the marketplace premium assistance program is approved on or before March 31, 2015 then, coverage under the voluntary bridge to marketplace premium assistance program established in RSA 126-A:5, XXIV shall terminate on December 31, 2015. Enrollment in the marketplace premium

assistance program shall begin on October 15, 2015 and coverage shall begin on January 1, 2016. Coverage shall end on December 31, [2016] **2018**. The cost of the medical assistance provided under the marketplace premium assistance program shall be paid solely from federal funds as provided under 42 U.S.C. section 1396d(y).

5 New Hampshire Health Protection Trust Fund. Amend the introductory paragraph of RSA 126-A:5-b, I to read as follows:

I. There is hereby established the New Hampshire health protection trust fund which shall be accounted for distinctly and separately from all other funds and shall be non-interest bearing. The trust fund shall be administered by the commissioner of the department of health and human services and shall be used solely to provide payment and reimbursement for medical and other medical-related services for the newly eligible Medicaid population as provided for under RSA 126-A:5, [XXHH] **XXIV-XXVI** and RSA 126-A:67. ***The commissioner may accept any gifts, grants, donations, or other funding from any source and shall deposit all such revenue received into the fund. No state general fund appropriations shall be deposited into the fund.*** All moneys in the trust fund shall be nonlapsing and shall be continually appropriated to the commissioner of the department of health and human services for the purposes of the trust fund. The trust fund shall be authorized to pay and/or reimburse.

6 New Sections; Funding the State Share of the New Hampshire Health Protection Program. Amend RSA 126-A by inserting after section 5-b the following new sections:

126-A:5-c Funding the State Share of the New Hampshire Health Protection Program.

I. In this section:

(a) "Program" means the New Hampshire health protection program under RSA 126-A:5, XXIV-XXV.

(b) "Remainder amount" means the cost of the program for coverage effective between January 1, 2017 and June 30, 2017 less all federal reimbursement for the program and the cost of the program for coverage effective between July 1, 2017 and December 31, 2018 less all federal reimbursement for the program; and taxes attributable to premiums written for medical and other medical related services for the newly eligible Medicaid population as provided for under RSA 126-A:5, XXIV-XXVI, consistent with RSA 400-A:32, III(b).

II. Funding for the program from January 1, 2017 until December 31, 2018 shall not be funded from general funds. The program shall be funded as follows:

(a) Federal funds as made available by 42 U.S.C. section 1396d(y)(1).

(b) Revenue generated under RSA 400-A:32, III(b) attributable to policies purchased under the New Hampshire health protection program between July 1, 2017 and December 31, 2018.

(c) Other non-general fund revenues.

III. If at any time the sum total of the federal match rate applied, as set forth in 42 U.S.C. section 1396d(y)(1), and insurance premium tax revenues attributable to the program and revenue from non-general fund sources is insufficient to fully fund the program for newly eligible adults under RSA 126-A:5, XXIV-XXV and is less than 100 percent, then RSA 126-A:5, XXIV and XXV shall immediately be repealed upon notification by the commissioner of the department of health and human services to the secretary of state and the director of legislative services and consistent with the terms of the waiver for this program issued by the Centers for Medicare and Medicaid Services.

IV. On or before August 15th of each fiscal year, the department of health and human services, in consultation with the insurance department, shall calculate the remainder amount pursuant to this section. The remainder amount shall be calculated utilizing estimated insurance premium taxes attributable to medical and other medical-related services for the newly eligible Medicaid population as provided for under RSA 126-A:5, XXIV-XXVI for each fiscal year. The commissioner of health and human services shall report the remainder amounts to the insurance department, the New Hampshire Hospital Association, the New Hampshire Health Plan, the governor, the speaker of the house of representatives, and the senate president.

V. After the close of each fiscal year, on or before January 15th, the department of health and human services, in consultation with the insurance department, shall recalculate the remainder amount utilizing actual insurance premium tax revenues attributable to medical and other medical-related services for the newly eligible Medicaid population provided for under RSA 126-A:5, XXIV-XXVI for the completed fiscal year. The commissioner of health and human services shall compare the remainder amount calculations under this paragraph with the remainder amount calculations under paragraph IV and report the results to the insurance department, the New Hampshire Hospital Association, the New Hampshire Health Plan, the governor, the speaker of the house of representatives, and the senate president. Any difference between amounts calculated under paragraphs IV and V for a completed fiscal year shall be added to the remainder amount due and payable during the current fiscal year. In the event that actual program costs are less than funds received, the difference shall be credited against the remaining amount for the next payable period.

126-A:5-d Hospital Contributions.

I. For the period of January 1, 2017 through December 31, 2018, to fund an amount, not to exceed 50 percent of the remainder amount as defined in RSA 126-A:5-c, I(b), for benefits contained in RSA 126-A:5,

XXIV-XXV, consistent with the schedule outlined in 42 U.S.C. section 1396d(y)(1), the following contributions shall be deposited into the New Hampshire health protection trust fund, established pursuant to RSA 126-A:5-b, in the following order:

(a) Voluntary provider donations as described in 42 C.F.R. section 433.54(d) from individual hospital contributions of \$50,000 each per year from all acute care hospitals in the state; and

(b) The balance of any required remainder amount, after deducting amounts collected pursuant to subparagraph (a), shall be met with voluntary direct individual hospital contributions from acute care hospitals with individual hospital donation amounts as recommended by the New Hampshire Hospital Association relative to hospital net patient services revenue.

II. Hospitals are requested to contribute the amounts in subparagraph I(a) by October 15 of each fiscal year to the New Hampshire health protection trust fund.

III. Hospitals are requested to contribute the amounts specified in subparagraph I(b) in equal 1/3 installments by February 15, April 15, and June 15 of each fiscal year.

7 Individual Health Insurance Market; Purpose. Amend RSA 404-G:1, II to read as follows:

II. Create a nonprofit, voluntary organization to facilitate the availability of affordable individual nongroup health insurance by establishing an assessment mechanism and an individual health insurance market mandatory risk sharing plan as a mechanism to distribute the risks associated within the individual nongroup market **and to support the marketplace premium assistance program established in RSA 126-A:5, XXIV.**

8 Individual Health Insurance Market; Definitions. Amend RSA 404-G:2, X-a to read as follows:

X-a. "Plan of operation" means the plan of operation of the risk sharing mechanism, the high risk pool, **support for the program established in RSA 126-A:5, XXIV**, and the federally qualified high risk pool, including articles, bylaws and operating rules, procedures and policies adopted by the association.

9 New Paragraph; Individual Health Insurance Market; Definitions. Amend RSA 404-G:2 by inserting after paragraph X-b the following new paragraph:

X-c. "Program" means the marketplace premium assistance program established pursuant to RSA 126-A:5, XXIV.

10 Plan of Operation for the High Risk Pool. Amend RSA 404-G:5-a, IV(b) and (c) to read as follows:

(b) Established no later than November 1 in the year preceding the calendar year for which the carrier's experience shall be used to calculate the assessment; ~~and~~

(c) Anticipated to be sufficient to meet the high risk pool's funding needs **and the association's share of the costs of the program, as defined in subparagraph (d); and**

(d) For the period of January 1, 2017 through December 31, 2018, an amount not to exceed 50 percent of the remainder amount, as defined in RSA 126-A:5-c, I(b), less the amount made available to the program pursuant to RSA 420-G:11, VI. The association shall transfer all amounts collected pursuant to this subparagraph and the amount made available to the program pursuant to RSA 420-G:11, VI to the New Hampshire health protection trust fund, established pursuant to RSA 126-A:5-b.

11 High Risk Pool; Termination Activities and Dissolution. Amend RSA 404-G:11, VI to read as follows:

VI. Following the cessation of coverage on December 31, 2013, the association shall take such actions as are necessary and desirable to wind down its affairs under this chapter in accordance with the plan of termination. The association shall retain all of its powers and duties, including, but not limited to, its power to establish and collect regular and special assessments under RSA 404-G:5 and RSA 404-G:5-a, and the immunity provided by RSA 404-G:9 and the bylaws of the association. Any excess funds remaining after the satisfaction of all of the association's liabilities shall be ~~returned to the association's members in proportion to their respective liability for the last regular assessments imposed by the association~~ **used for the program and for the association's reasonable costs for collecting its share of the remainder amount.**

VI-a. No later than October 1, 2016, the board of directors shall prepare and submit to the commissioner and the commissioner of health and human services for approval an amendment to the plan of termination that provides for the continuation of the association for the limited purpose of compliance with the provisions of RSA 404-G:5-a, IV(d).

12 New Section; Commission to Evaluate the Effectiveness and Future of the Premium Assistance Program. Amend RSA 126-A by inserting after section 126-A:5-d the following new section:

126-A:5-e Commission to Evaluate the Effectiveness and Future of the Premium Assistance Program.

I. There is hereby established a commission to evaluate the effectiveness and future of the premium assistance program.

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

(1) Three members of the senate appointed by the president of the senate, one of whom shall be a member of the minority party.

(2) Three members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be a member of the minority party.

(3) The commissioner of the department of health and human services, or designee.

(4) The commissioner of the department of insurance, or designee.

(5) A representative of an insurance carrier that offers policies for sale in New Hampshire on the exchange, appointed by the senate president.

(6) A representative of a hospital that operates in New Hampshire, appointed by the speaker of the house of representatives.

(7) A public member, who is a taxpayer, appointed by the senate president.

(8) A public member, who currently receives insurance coverage through the program, appointed by the speaker of the house of representatives.

(9) A licensed physician, appointed by the governor.

(10) A licensed mental health professional, appointed by the governor.

(11) A masters level licensed alcohol and drug counselor, appointed by the governor.

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

II.(a) The commission shall evaluate the effectiveness and future of the premium assistance program. Specifically the commission shall:

(1) Review the program's financial metrics

(2) Review the program's product offerings.

(3) Review the program's impact on insurance premiums for individuals and small businesses.

(4) Make recommendations for future program modifications, including, but not limited to whether the premium assistance program is the most cost-effective model for the long term versus a return to private market managed care.

(5) Evaluate non-general fund funding options for longer term continuation of the program.

(b) Any funding solutions recommended by the commission shall not include the use of new general funds.

(c) The commission shall solicit information from any person or entity the commission deems relevant to its study.

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

IV. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before December 1, 2017.

13 New Hampshire Health Protection Program. Amend 2014, 3:10, I to read as follows:

I. If at any time the federal match rate applied to medical assistance for newly eligible adults under RSA 126-A:5, [XXHH] **XXIV-XXV** between July 1, 2014 – December 31, 2016 is less than 100 percent, **less than 95 percent in 2017 and less than 94 percent in 2018, of** the amount as set forth in 42 U.S.C. section 1396d(y)(1), then RSA 126-A:5[, XXHH,] XXIV[;] and XXV shall immediately be repealed upon notification by the commissioner of the department of health and human services to the secretary of state and the director of legislative services.

14 New Hampshire Health Protection Plan Extended. Amend 2014, 3:13, I-a to read as follows:

I-a. Section 12, paragraphs II-VII of this act shall take effect December 31, [2016] **2018**.

15 Repeal. RSA 126-A:5-e, relative to the commission to evaluate the effectiveness and future of the premium assistance program, is repealed.

16 Effective Date.

I. Section 2 of this act shall take effect July 1, 2017.

II. Section 15 of this act shall take effect December 1, 2017.

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

2016-0345h

AMENDED ANALYSIS

This bill requires the commissioner of the department of health and human services to submit waivers or state plan amendments to modify the New Hampshire health protection program. The bill also includes funding for such program by using moneys from the insurance premium tax, federal funds, and other non-general fund revenues.

Rep. Carol McGuire spoke against.

Rep. Fothergill spoke in favor.

On a standing division vote, with 186 members having voted in the affirmative and 116 in the negative, the majority committee amendment was adopted.

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

Rep. Leonard Turcotte offered floor amendment (0431h).

Floor Amendment (0431h)

Amend RSA 126-A:5, XXX(a)(6) as inserted by section 1 of the bill by deleting it.

Rep. Leonard Turcotte spoke in favor.

Rep. Stephen Schmidt spoke against.

Rep. Sylvia requested a roll call; sufficiently seconded.

YEAS 143 - NAYS 206**YEAS - 143****BELKNAP**

Aldrich, Glen
Howard, Jr., Raymond
Varney, Peter

Dumais, Russell
LeBreche, Shari

Fraser, Valerie
Sylvia, Michael

Gallagher, Brian
Vadney, Herbert

CARROLL

Avellani, Lino
Parker, Harold

Comeau, Ed
Wright, Ted

Cordelli, Glenn

McCarthy, Frank

CHESHIRE

Hunt, John

McConnell, James

COOS

Rideout, Leon

GRAFTON

Bailey, Brad
Hull, Robert
Shackett, Jeffrey

Brown, Duane
Ingbertson, Paul

Gionet, Edmond
Johnson, Eric

Hennessey, Erin
Ladd, Rick

HILLSBOROUGH

Adams, Christopher
Burt, John
Coffey, James
Estevez, Eric
Gagne, Larry
Hansen, Peter
McClarren, Donald
Murphy, Keith
Ober, Russell
Pellegrino, Anthony
Schleien, Eric
Smith, Gregory
Ulery, Jordan

Ammon, Keith
Byron, Frank
Donovan, Daniel
Ferreira, Elizabeth
Gould, Linda
Hopper, Gary
McLean, Mark
Notter, Jeanine
Ohm, Bill
Peterson, Ken
Scotsas, Lisa
Souza, Kathleen
Zaricki, Nick

Biggie, Barbara
Christiansen, Lars
Eastman, Eric
Flanagan, Jack
Griffin, Barbara
Infantine, William
Moore, Josh
O'Brien, William
Palmer, Barry
Rice, Kimberly
Seidel, Carl
Stepanek, Stephen

Boehm, Ralph
Christie, Rick
Edelblut, Frank
Fromuth, Bart
Halstead, Carolyn
Kurk, Neal
Murotake, David
Ober, Lynne
Parison, James
Rouillard, Claire
Simmons, Tammy
Sullivan, Victoria

MERRIMACK

Brewster, Michael
Horn, Werner
Martin, John
Seaworth, Brian

French, Harold
Kuch, Bill
McGuire, Carol

Hill, Gregory
Long, Douglas
McGuire, Dan

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

ROCKINGHAM

Abrami, Patrick
Barnes, Arthur
Dean-Bailey, Yvonne
Gannon, William
Harris, Jeffrey
Katsakiores, Phyllis
Potucek, John
Sweeney, Joe
True, Chris
Weyler, Kenneth

Abramson, Max
Bates, David
Duarte, Joe
Gordon, Richard
Hodgdon, Bruce
Kolodziej, Walter
Prudhomme-O'Brien, Katherine
Tamburello, Daniel
Tucker, Pamela
Woitkun, Steven

Allen, Mary
Chirichiello, Brian
Emerick, J. Tracy
Green, Dennis
Itse, Daniel
McKinney, Betsy
Schroadter, Adam
Tasker, Kyle
Vose, Michael

Baldasaro, Alfred
Cook, Allen
Ferrante, Beverly
Hagan, Joseph
Kappler, Lawrence
Osborne, Jason
Spillane, James
Thomas, Douglas
Ward, Joanne

STRAFFORD

Beaudoin, Steven
Hannon, Joseph
Leeman, Don
Wuelper, Kurt

DeLemus, Susan
Horrigan, Timothy
Pitre, Joseph

Graham, Robert
Jones, Laura
Turcotte, Leonard

Groen, Warren
Kaczynski, Jr., Thomas
Whitehouse, Joshua

SULLIVAN

Laware, Thomas

Rollins, Skip

NAYS - 206 BELKNAP

Fields, Dennis	Flanders, Donald	Spanos, Peter	Tilton, Franklin
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CARROLL

Buco, Thomas	Butler, Edward	McConkey, Mark	Nelson, Bill
Schmidt, Stephen	Ticehurst, Susan	Umberger, Karen	

CHESHIRE

Abbott, Michael	Ames, Richard	Berch, Paul	Bordenet, John
Chase, Cynthia	Eaton, Daniel	Johnsen, Gladys	Ley, Douglas
Mann, John	Parkhurst, Henry	Pearson, William	Phillips, Larry
Roberts, Kris	Robertson, Timothy	Sad, Tara	Shepardson, Marjorie
Sterling, Franklin	Tatro, Bruce	Tilton, Benjamin	Weber, Lucy

COOS

Fothergill, John	Froburg, Alethea	Hatch, William	Moynihan, Wayne
Rappaport, Laurence	Richardson, Herbert	Theberge, Robert	Tholl, John
Thomas, Yvonne			

GRAFTON

Abel, Richard	Almy, Susan	Brown, Rebecca	Cooney, Mary
Darrow, Stephen	Ford, Susan	Hennessey, Martha	Higgins, Patricia
Maes, Kevin	Massimilla, Linda	Nordgren, Sharon	Piper, Wendy
Smith, Suzanne	Sykes, George	Townsend, Charles	White, Andrew

HILLSBOROUGH

Backus, Robert	Balcom, John	Baroody, Benjamin	Beaulieu, Jane
Belanger, James	Booras, Efsthia	Brown, Pamela	Christensen, Chris
Cohen, Alan	Cornell, Patricia	Cote, David	Danielson, David
DiSilvestro, Linda	Edwards, Elizabeth	Freitas, Mary	Gidge, Kenneth
Goley, Jeffrey	Gorman, Mary	Guerette, C. Lee	Haefner, Robert
Hansberry, Daniel	Harvey, Suzanne	Heath, Mary	Herbert, Christopher
Hinch, Richard	Jack, Martin	Jeady, Jean	Lachance, Joseph
LeBrun, Donald	Leishman, Peter	Long, Patrick	Mangipudi, Latha
Manley, Jonathan	McCarthy, Peggy	O'Brien, Michael	Pierce, David
Porter, Marjorie	Proulx, Mark	Roberts, Carol	Rosenwald, Cindy
Rowe, Robert	Shattuck, Gilman	Shaw, Barbara	Smith, Timothy
Snow, Kendall	Soucy, Timothy	Straight, Phillip	Sullivan, Daniel
Takesian, Charlene	Vann, Ivy	Williams, Kermit	Wolf, Terry
Woodbury, David			

MERRIMACK

Alicea, Caroletta	Bartlett, Christy	Bradley, Paula	Carson, Clyde
Deloge, Helen	Doherty, David	Ebel, Karen	French, Barbara
Gile, Mary	Henle, Paul	Hirsch, Geoffrey	Karrick, David
Kenison, Linda	Kidder, David	Kotowski, Frank	Luneau, David
MacKay, James	Moffett, Howard	Myler, Mel	Patten, Dick
Ratzki, Mario	Rice, Chip	Rogers, Katherine	Saunderson, George
Schuett, Dianne	Shurtleff, Stephen	Turcotte, Alan	Wallner, Mary Jane

ROCKINGHAM

Azarian, Gary	Berrien, Skip	Borden, David	Cahill, Michael
Cali-Pitts, Jacqueline	Cardon, G. Thomas	Chase, Francis	Christie, Andrew
Cushing, Robert	DeSimone, Debra	Devine, James	DiFranco, Debbie
Doucette, Fred	Elliott, Robert	Fesh, Robert	Francesse, Paula
Gordon, Pamela	Griffin, Mary	Guthrie, Joseph	Heffron, Frank
Hoelzel, Kathleen	Introne, Robert	Lovejoy, Patricia	Matthews, Carolyn
McBeath, Rebecca	McMahon, Charles	Milz, David	Nigrello, Robert
O'Connor, John	Packard, Sherman	Pantelakos, Laura	Peckham, Michele
Rice, Frederick	Sherman, Thomas	Simpson, Alexis	Sytek, John
Tilton, Rio	Ward, Gerald	Webb, James	Welch, David

STRAFFORD

Baber, William	Berube, Roger	Bickford, David	Bixby, Peter
Burton, Wayne	Cilley, Jacalyn	DiSesa, Len	Gray, James
Mullen, John	Schmidt, Peter	Smith, Marjorie	Southworth, Thomas
Spang, Judith	Sprague, Dale	Stevens, Audrey	Treleaven, Susan
Verschueren, James	Wall, Janet	Ward, Kenneth	

SULLIVAN

Cloutier, John
Grenier, James
Schmidt, Andrew

Converse, Larry
Irwin, Virginia
Smith, Steven

Gagnon, Raymond
O'Hearne, Andrew

Gottling, Suzanne
Oxenham, Lee

and floor amendment (0431h) failed.

Rep. Horrigan voted Yea and intended to vote Nay.

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

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

Rep. Cordelli offered floor amendment (0460h).

Floor Amendment (0460h)

Amend RSA 126-A:5, XXX(c) as inserted by section 1 of the bill by replacing it with the following:

(c) The New Hampshire health protection program established under RSA 126-A:5, XXIV-XXV shall be limited to 60,000 participants.

(d) The commissioner shall seek any new waiver or state plan amendments to implement the provisions of this paragraph. Any such waivers or amendments necessary shall be in place by January 1, 2017. Prior to submitting the waiver or state plan amendments to the (CMS), the commissioner shall present the waiver or state plan amendments to the fiscal committee of the general court for approval. The program shall not be reauthorized until such waivers or state plan amendments have been approved by CMS.

2016-0460h

AMENDED ANALYSIS

This bill requires the commissioner of the department of health and human services to submit waivers or state plan amendments to modify the New Hampshire health protection program. The bill includes funding for such program by using moneys from the insurance premium tax, federal funds, and other non-general fund revenues. The bill also limits the New Hampshire health protection program to 60,000 participants.

Rep. Cordelli spoke in favor.

Rep. Umberger spoke against.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 138 - NAYS 210

YEAS - 138**BELKNAP**

Aldrich, Glen
Howard, Jr., Raymond
Vadney, Herbert

Dumais, Russell
LeBreche, Shari
Varney, Peter

Fraser, Valerie
Luther, Robert

Gallagher, Brian
Sylvia, Michael

CARROLL

Avellani, Lino

Comeau, Ed

Cordelli, Glenn

McCarthy, Frank

CHESHIRE

McConnell, James

COOS

Rappaport, Laurence

Rideout, Leon

GRAFTON

Brown, Duane
Johnson, Eric

Hennessey, Erin
Ladd, Rick

Hull, Robert
Shackett, Jeffrey

Ingbertson, Paul

HILLSBOROUGH

Adams, Christopher
Burt, John
Danielson, David
Estevez, Eric
Gagne, Larry
Hogan, Edith
McClarren, Donald
Murphy, Keith
Ober, Russell
Peterson, Ken
Schleien, Eric
Smith, Gregory
Sullivan, Victoria

Ammon, Keith
Byron, Frank
Donovan, Daniel
Ferreira, Elizabeth
Gould, Linda
Hopper, Gary
McLean, Mark
Notter, Jeanine
Ohm, Bill
Pierce, David
Scotsas, Lisa
Souza, Kathleen
Ulery, Jordan

Balcom, John
Christie, Rick
Eastman, Eric
Flanagan, Jack
Halstead, Carolyn
Infantine, William
Moore, Josh
O'Brien, William
Parison, James
Rice, Kimberly
Seidel, Carl
Stepanek, Stephen
Wolf, Terry

Boehm, Ralph
Coffey, James
Edelblut, Frank
Fromuth, Bart
Hansen, Peter
Kurk, Neal
Murotake, David
Ober, Lynne
Pellegrino, Anthony
Rouillard, Claire
Simmons, Tammy
Straight, Phillip
Zaricki, Nick

MERRIMACK

Brewster, Michael
Horn, Werner
McGuire, Carol

French, Harold
Kuch, Bill
McGuire, Dan

Hill, Gregory
Long, Douglas
Parent, Jason

Hoell, J.R.
Martin, John
Seaworth, Brian

ROCKINGHAM

Abrami, Patrick
Barnes, Arthur
Dean-Bailey, Yvonne
Gannon, William
Hodgdon, Bruce
Nigrello, Robert
Prudhomme-O'Brien, Katherine
Tamburello, Daniel
True, Chris
Weyler, Kenneth

Abramson, Max
Bates, David
Emerick, J. Tracy
Gordon, Richard
Itse, Daniel
Osborne, Jason
Schroadter, Adam
Tasker, Kyle
Tucker, Pamela
Woitkun, Steven

Allen, Mary
Chirichiello, Brian
Ferrante, Beverly
Green, Dennis
Kappler, Lawrence
Packard, Sherman
Spillane, James
Thomas, Douglas
Vose, Michael

Baldasaro, Alfred
Cook, Allen
Fesh, Robert
Harris, Jeffrey
Kolodziej, Walter
Peckham, Michele
Sweeney, Joe
Tilton, Rio
Ward, Joanne

STRAFFORD

Beaudoin, Steven
Hannon, Joseph
Pitre, Joseph

DeLemus, Susan
Jones, Laura
Turcotte, Leonard

Graham, Robert
Kaczynski, Jr., Thomas
Whitehouse, Joshua

Groen, Warren
Leeman, Don

SULLIVAN

Rollins, Skip

NAYS - 210**BELKNAP**

Fields, Dennis

Flanders, Donald

Spanos, Peter

Tilton, Franklin

CARROLL

Butler, Edward
Schmidt, Stephen

McConkey, Mark
Ticehurst, Susan

Nelson, Bill
Umberger, Karen

Parker, Harold
Wright, Ted

CHESHIRE

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

Ames, Richard
Eaton, Daniel
Mann, John
Roberts, Kris
Sterling, Franklin

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

Bordenet, John
Johnsen, Gladys
Pearson, William
Sad, Tara
Tilton, Benjamin

COOS

Fothergill, John
Richardson, Herbert

Froburg, Alethea
Theberge, Robert

Hatch, William
Tholl, John

Moynihan, Wayne
Thomas, Yvonne

GRAFTON

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

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

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

Brown, Rebecca
Gionet, Edmond
Massimilla, Linda
Sykes, George

HILLSBOROUGH

Backus, Robert
Biggie, Barbara
Christiansen, Lars
DiSilvestro, Linda
Goley, Jeffrey
Haefner, Robert
Herbert, Christopher
Lachance, Joseph
Mangipudi, Latha
Palmer, Barry
Rosenwald, Cindy
Smith, Timothy
Takesian, Charlene

Baroody, Benjamin
Booras, Efsthia
Cohen, Alan
Edwards, Elizabeth
Gorman, Mary
Hansberry, Daniel
Hinch, Richard
LeBrun, Donald
Manley, Jonathan
Porter, Marjorie
Rowe, Robert
Snow, Kendall
Vann, Ivy

Beaulieu, Jane
Brown, Pamela
Cornell, Patricia
Freitas, Mary
Griffin, Barbara
Harvey, Suzanne
Jack, Martin
Leishman, Peter
McCarthy, Peggy
Proulx, Mark
Shattuck, Gilman
Soucy, Timothy
Williams, Kermit

Belanger, James
Christensen, Chris
Cote, David
Gidge, Kenneth
Guerette, C. Lee
Heath, Mary
Judy, Jean
Long, Patrick
O'Brien, Michael
Roberts, Carol
Shaw, Barbara
Sullivan, Daniel
Woodbury, David

MERRIMACK

Alicea, Caroletta
Deloge, Helen
Gile, Mary

Bartlett, Christy
Doherty, David
Henle, Paul

Bradley, Paula
Ebel, Karen
Hirsch, Geoffrey

Carson, Clyde
French, Barbara
Karrick, David

Kenison, Linda
MacKay, James
Patten, Dick
Saunderson, George
Wallner, Mary Jane

Kidder, David
Marple, Richard
Ratzki, Mario
Schuett, Dianne

Kotowski, Frank
Moffett, Howard
Rice, Chip
Shurtleff, Stephen

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

ROCKINGHAM

Azarian, Gary
Cali-Pitts, Jacqueline
Cushing, Robert
Doucette, Fred
Gordon, Pamela
Heffron, Frank
Lovejoy, Patricia
McMahon, Charles
Potucek, John
Sytek, John

Berrien, Skip
Cardon, G. Thomas
DeSimone, Debra
Duarte, Joe
Griffin, Mary
Hoelzel, Kathleen
Matthews, Carolyn
Milz, David
Rice, Frederick
Ward, Gerald

Borden, David
Chase, Francis
Devine, James
Elliott, Robert
Guthrie, Joseph
Introne, Robert
McBeath, Rebecca
O'Connor, John
Sherman, Thomas
Webb, James

Cahill, Michael
Christie, Andrew
DiFranco, Debbie
Francesca, Paula
Hagan, Joseph
Katsakiores, Phyllis
McKinney, Betsy
Pantelakos, Laura
Simpson, Alexis
Welch, David

STRAFFORD

Baber, William
Burton, Wayne
Horrigan, Timothy
Southworth, Thomas
Treleaven, Susan
Wuelper, Kurt

Berube, Roger
Cilley, Jacalyn
Mullen, John
Spang, Judith
Verschuere, James

Bickford, David
DiSesa, Len
Schmidt, Peter
Sprague, Dale
Wall, Janet

Bixby, Peter
Gray, James
Smith, Marjorie
Stevens, Audrey
Ward, Kenneth

SULLIVAN

Cloutier, John
Grenier, James
Schmidt, Andrew

Converse, Larry
Irwin, Virginia

Gagnon, Raymond
O'Hearne, Andrew

Gottling, Suzanne
Oxenham, Lee

and floor amendment (0460h) failed.

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

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Baldasaro offered floor amendment (0493h).

Floor Amendment (0493h)

Amend RSA 126-A:5, XXX(c) as inserted by section 1 of the bill by replacing it with the following:

(c) All veterans who are current New Hampshire residents shall receive medical and medical-related services from any hospital in this state providing services to the newly eligible Medicaid population.

(d) The commissioner shall seek any new waiver or state plan amendments to implement the provisions of this paragraph. Any such waivers or amendments necessary shall be in place by January 1, 2017. Prior to submitting the waiver or state plan amendments to the (CMS), the commissioner shall present the waiver or state plan amendments to the fiscal committee of the general court for approval. The program shall not be reauthorized until such waivers or state plan amendments have been approved by CMS.

2016-0493h

AMENDED ANALYSIS

This bill requires the commissioner of the department of health and human services to submit waivers or state plan amendments to modify the New Hampshire health protection program. The bill includes funding for such program by using moneys from the insurance premium tax, federal funds, and other non-general fund revenues. This bill also allows veterans who are New Hampshire residents to receive services under the New Hampshire health protection program.

Rep. Umberger spoke in favor.

Rep. Baldasaro spoke in favor, yielded to questions and requested a roll call; sufficiently seconded.

YEAS 302 - NAYS 48

YEAS - 302

BELKNAP

Aldrich, Glen
Fraser, Valerie
Luther, Robert
Varney, Peter

Dumais, Russell
Gallagher, Brian
Spanos, Peter

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

Flanders, Donald
LeBreche, Shari
Vadney, Herbert

CARROLL

Avellani, Lino
McConkey, Mark
Umberger, Karen

Comeau, Ed
Nelson, Bill
Wright, Ted

Cordelli, Glenn
Parker, Harold

McCarthy, Frank
Schmidt, Stephen

CHESHIRE

Abbott, Michael
Hunt, John
McConnell, James
Sad, Tara
Tilton, Benjamin

Ames, Richard
Johnsen, Gladys
Parkhurst, Henry
Shepardson, Marjorie

Chase, Cynthia
Ley, Douglas
Pearson, William
Sterling, Franklin

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

COOS

Fothergill, John
Rappaport, Laurence
Tholl, John

Froburg, Alethea
Richardson, Herbert

Hatch, William
Rideout, Leon

Moynihan, Wayne
Theberge, Robert

GRAFTON

Abel, Richard
Brown, Rebecca
Hennessey, Martha
Johnson, Eric
Piper, Wendy
White, Andrew

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

Bailey, Brad
Gionet, Edmond
Hull, Robert
Maes, Kevin
Smith, Suzanne

Brown, Duane
Hennessey, Erin
Ingretson, Paul
Massimilla, Linda
Townsend, Charles

HILLSBOROUGH

Adams, Christopher
Baroody, Benjamin
Boehm, Ralph
Byron, Frank
Cohen, Alan
Donovan, Daniel
Estevez, Eric
Fromuth, Bart
Gould, Linda
Hansberry, Daniel
Herbert, Christopher
Infantine, William
LeBrun, Donald
Manley, Jonathan
Moore, Josh
O'Brien, Michael
Ohm, Bill
Peterson, Ken
Roberts, Carol
Scontos, Lisa
Simmons, Tammy
Soucy, Timothy
Sullivan, Daniel
Vann, Ivy

Ammon, Keith
Beaulieu, Jane
Booras, Efstathia
Christensen, Chris
Cornell, Patricia
Eastman, Eric
Ferreira, Elizabeth
Gagne, Larry
Guerette, C. Lee
Hansen, Peter
Hinch, Richard
Jack, Martin
Leishman, Peter
McCarthy, Peggy
Murotake, David
O'Brien, William
Palmer, Barry
Pierce, David
Rouillard, Claire
Seidel, Carl
Smith, Gregory
Souza, Kathleen
Sullivan, Victoria
Wolf, Terry

Backus, Robert
Belanger, James
Brown, Pamela
Christie, Rick
Danielson, David
Edelblut, Frank
Flanagan, Jack
Gidge, Kenneth
Haefner, Robert
Harvey, Suzanne
Hogan, Edith
Judy, Jean
Long, Patrick
McClarren, Donald
Murphy, Keith
Ober, Lynne
Parison, James
Proulx, Mark
Rowe, Robert
Shattuck, Gilman
Smith, Timothy
Stepanek, Stephen
Takesian, Charlene
Zaricki, Nick

Balcom, John
Biggie, Barbara
Burt, John
Coffey, James
DiSilvestro, Linda
Edwards, Elizabeth
Freitas, Mary
Goley, Jeffrey
Halstead, Carolyn
Heath, Mary
Hopper, Gary
Lachance, Joseph
Mangipudi, Latha
McLean, Mark
Notter, Jeanine
Ober, Russell
Pellegrino, Anthony
Rice, Kimberly
Schleien, Eric
Shaw, Barbara
Snow, Kendall
Straight, Phillip
Ulery, Jordan

MERRIMACK

Alicea, Caroletta
Deloge, Helen
Gile, Mary
Hoell, J.R.
Kidder, David
Luneau, David
McGuire, Dan
Patten, Dick
Seaworth, Brian

Bradley, Paula
Ebel, Karen
Henle, Paul
Horn, Werner
Kotowski, Frank
Marple, Richard
Moffett, Howard
Ratzki, Mario
Turcotte, Alan

Brewster, Michael
French, Barbara
Hill, Gregory
Karrick, David
Kuch, Bill
Martin, John
Myler, Mel
Rogers, Katherine
Walsh, Thomas

Carson, Clyde
French, Harold
Hirsch, Geoffrey
Kenison, Linda
Long, Douglas
McGuire, Carol
Parent, Jason
Saunderson, George

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Cardon, G. Thomas
Cook, Allen
Devine, James
Elliott, Robert
Francese, Paula
Green, Dennis
Harris, Jeffrey
Introne, Robert
Kolodziej, Walter
McMahon, Charles
Osborne, Jason

Abramson, Max
Barnes, Arthur
Chase, Francis
Cushing, Robert
DiFranco, Debbie
Emerick, J. Tracy
Gannon, William
Griffin, Mary
Heffron, Frank
Itse, Daniel
Lovejoy, Patricia
Milz, David
Packard, Sherman

Allen, Mary
Bates, David
Chirichiello, Brian
Dean-Bailey, Yvonne
Doucette, Fred
Ferrante, Beverly
Gordon, Pamela
Guthrie, Joseph
Hodgdon, Bruce
Kappler, Lawrence
Matthews, Carolyn
Nigrello, Robert
Pantelakos, Laura

Azarian, Gary
Cahill, Michael
Christie, Andrew
DeSimone, Debra
Duarte, Joe
Fesh, Robert
Gordon, Richard
Hagan, Joseph
Hoelzel, Kathleen
Katsakiores, Phyllis
McKinney, Betsy
O'Connor, John
Peckham, Michele

Potucek, John
Sherman, Thomas
Sytek, John
Tilton, Rio
Ward, Joanne
Woitkun, Steven

Prudhomme-O'Brien, Katherine
Simpson, Alexis
Tamburello, Daniel
True, Chris
Webb, James

Rice, Frederick
Spillane, James
Tasker, Kyle
Tucker, Pamela
Welch, David

Schroadter, Adam
Sweeney, Joe
Thomas, Douglas
Vose, Michael
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Cilley, Jacalyn
Gray, James
Jones, Laura
Pitre, Joseph
Stevens, Audrey

Berube, Roger
DeLemus, Susan
Groen, Warren
Kaczynski, Jr., Thomas
Smith, Marjorie
Turcotte, Leonard

Bickford, David
DiSesa, Len
Hannon, Joseph
Leeman, Don
Southworth, Thomas
Whitehouse, Joshua

Bixby, Peter
Graham, Robert
Horrigan, Timothy
Mullen, John
Sprague, Dale

SULLIVAN

Cloutier, John
Rollins, Skip

Gottling, Suzanne
Smith, Steven

Grenier, James

Laware, Thomas

NAYS - 48 BELKNAP

Sylvia, Michael

CARROLL

Butler, Edward

Ticehurst, Susan

CHESHIRE

Berch, Paul
Weber, Lucy

Bordenet, John

Phillips, Larry

Robertson, Timothy

COOS

Thomas, Yvonne

GRAFTON

Cooney, Mary

Ford, Susan

Nordgren, Sharon

Sykes, George

HILLSBOROUGH

Cote, David
Porter, Marjorie

Gorman, Mary
Rosenwald, Cindy

Griffin, Barbara
Williams, Kermit

Kurk, Neal
Woodbury, David

MERRIMACK

Bartlett, Christy
Schuett, Dianne

Doherty, David
Shurtleff, Stephen

MacKay, James
Wallner, Mary Jane

Rice, Chip

ROCKINGHAM

Berrien, Skip
Ward, Gerald

Borden, David

Cali-Pitts, Jacqueline

McBeath, Rebecca

STRAFFORD

Baber, William
Treleaven, Susan
Wuelper, Kurt

Burton, Wayne
Verschueren, James

Schmidt, Peter
Wall, Janet

Spang, Judith
Ward, Kenneth

SULLIVAN

Converse, Larry
Oxenham, Lee

Gagnon, Raymond
Schmidt, Andrew

Irwin, Virginia

O'Hearne, Andrew

and floor amendment (0493h) was adopted.

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

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

Rep. Hoell offered floor amendment (0481h).

Floor Amendment (0481h)

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

AN ACT: requesting a modification of the New Hampshire health protection program and establishing an advisory commission relative to the use of health savings accounts for a certain population.

Amend the section heading and the amending language of section 12 of the bill by replacing them with the following:

12 New Sections; Commission to Evaluate the Effectiveness and Future of the Premium Assistance Program; Health and Human Services Health Savings Account Advisory Commission. Amend RSA 126-A by inserting after section 126-A:5-d the following new sections:

Amend section 12 of the bill by inserting after RSA 126-A:5-e the following new section:

126-A:5-f Health and Human Services Health Savings Account Advisory Commission.

I. There is established the health and human services health savings account advisory commission to advise the commissioner of the department of health and human services and the general court on the potential for use of health savings accounts for use by the population above 100 percent of the federal poverty level. The members of the commission shall be as follows:

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

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

(c) The commissioner of the department of health and human services, or designee.

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

(e) One public member, appointed by the speaker of the house of representatives.

(f) One public member, appointed by the governor.

(g) A representative of a critical access hospital, nominated by the New Hampshire Hospital Association and appointed by governor and council.

(h) A representative of a non-critical hospital that is not a member of the New Hampshire Hospital Association, nominated by joint agreement of the president of the senate and the speaker of the house of representatives and appointed by governor and council.

(i) One member who is an executive director of a community mental health center, nominated by the New Hampshire Community Behavioral Health Association and appointed by governor and council.

(j) A representative of the community health centers, nominated by the Bi-State Primary Care Association and appointed by the governor and council.

(k) One member who is an executive director of an area agency, appointed by the governor and council.

II.(a) The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the commissioner, or designee, and shall be held within 45 days of the effective date of this section. Six members of the commission shall constitute a quorum.

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

III. The commission shall:

(a) Study the potential for use of health savings accounts by the population above 100 percent of the federal poverty level.

(b) Study the potential for use of catastrophic health coverage in combination with health savings accounts including options for federal funding or solely state funding.

(c) Study other existing state plans utilizing health savings accounts such as the Healthy Indiana Plan, including the costs of the Healthy Indiana Plan and the estimated costs if a similar plan were implemented in New Hampshire, the number of people covered by the Healthy Indiana Plan compared to the number covered by Medicaid expansion, and how to modify the waiver received by Indiana so that a similar program could be implemented in New Hampshire.

(d) Study options for expansion of medical services cost transparency.

(e) Serve as a forum for a formal hearing and public comment.

(f) Receive input from experts in health care with knowledge and/or experience in the implementation of health savings accounts and input from interested stakeholders.

(g) Create any subcommittees it deems necessary, which may include members of the public appointed by the chairperson, to assist with the research, analysis, or other work necessary to support its recommendations.

IV. The department of health and human services shall provide administrative support to the commission and provide such information, data, testimony, and the assistance as requested by the commission.

V. On or before October 1, 2016, the commission shall make a report of its findings and recommendations to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, the commissioner of the department of health and human services, and the state library.

Amend the bill by replacing all after section 15 with the following:

16 Repeal. RSA 126-A:5-f, relative to the health and human services health savings account advisory commission, is repealed.

17 Effective Date.

I. Section 2 of this act shall take effect July 1, 2017.

II. Section 15 of this act shall take effect December 1, 2017.

III. Section 16 of this act shall take effect October 1, 2016.

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

2016-0481h
AMENDED ANALYSIS

This bill requires the commissioner of the department of health and human services to submit waivers or state plan amendments to modify the New Hampshire health protection program. The bill includes funding for such program by using moneys from the insurance premium tax, federal funds, and other non-general fund revenues. This bill also establishes an advisory commission to advise the commissioner of the department of health and human services and the general court on the potential use of health savings accounts for the population above 100 percent of the federal poverty level.

Rep. Hoell spoke in favor.

Rep. Kotowski spoke against.

Rep. Shurtleff requested a roll call; sufficiently seconded.

YEAS 116 - NAYS 215

**YEAS - 116
BELKNAP**

Aldrich, Glen	Dumais, Russell	Fraser, Valerie	Howard, Jr., Raymond
LeBreche, Shari	Sylvia, Michael	Vadney, Herbert	Varney, Peter

CARROLL

Avellani, Lino	Comeau, Ed	Cordelli, Glenn	McCarthy, Frank
Wright, Ted			

CHESHIRE

Hunt, John	Johnsen, Gladys	McConnell, James
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COOS

Rappaport, Laurence	Rideout, Leon
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GRAFTON

Brown, Duane	Gionet, Edmond	Hull, Robert	Ingbretson, Paul
Johnson, Eric	Shackett, Jeffrey		

HILLSBOROUGH

Adams, Christopher	Ammon, Keith	Belanger, James	Biggie, Barbara
Boehm, Ralph	Burt, John	Byron, Frank	Christie, Rick
Coffey, James	Donovan, Daniel	Eastman, Eric	Edelblut, Frank
Estevez, Eric	Ferreira, Elizabeth	Fromuth, Bart	Gagne, Larry
Gould, Linda	Halstead, Carolyn	Hansen, Peter	Hogan, Edith
McLean, Mark	Moore, Josh	Murotake, David	Murphy, Keith
Notter, Jeanine	O'Brien, William	Ohm, Bill	Parison, James
Peterson, Ken	Rice, Kimberly	Schleien, Eric	Scontsas, Lisa
Seidel, Carl	Simmons, Tammy	Smith, Gregory	Souza, Kathleen
Stepanek, Stephen	Sullivan, Victoria	Ulery, Jordan	Wolf, Terry
Zaricki, Nick			

MERRIMACK

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

ROCKINGHAM

Abrami, Patrick	Abramson, Max	Baldasaro, Alfred	Bates, David
Cook, Allen	Dean-Bailey, Yvonne	Duarte, Joe	Emerick, J. Tracy
Ferrante, Beverly	Gannon, William	Gordon, Richard	Green, Dennis
Harris, Jeffrey	Hodgdon, Bruce	Itse, Daniel	Kappler, Lawrence
Kolodziej, Walter	Osborne, Jason	Prudhomme-O'Brien, Katherine	Rice, Frederick
Schroadter, Adam	Spillane, James	Sweeney, Joe	Tamburello, Daniel
Thomas, Douglas	True, Chris	Tucker, Pamela	Vose, Michael
Weyler, Kenneth			

STRAFFORD

Beaudoin, Steven	DeLemus, Susan	Graham, Robert	Groen, Warren
Hannon, Joseph	Jones, Laura	Kaczynski, Jr., Thomas	Leeman, Don
Pitre, Joseph	Turcotte, Leonard	Whitehouse, Joshua	

SULLIVAN

Laware, Thomas

NAYS - 215**BELKNAP**

Fields, Dennis
Tilton, Franklin

Flanders, Donald

Gallagher, Brian

Spanos, Peter

CARROLL

Buco, Thomas
Nelson, Bill

Butler, Edward
Schmidt, Stephen

Chandler, Gene
Ticehurst, Susan

McConkey, Mark
Umberger, Karen

CHESHIRE

Abbott, Michael
Chase, Cynthia
Parkhurst, Henry
Robertson, Timothy
Tatro, Bruce

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

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

Bordenet, John
Mann, John
Roberts, Kris
Sterling, Franklin

COOS

Fothergill, John
Richardson, Herbert

Froburg, Alethea
Theberge, Robert

Hatch, William
Tholl, John

Moynihan, Wayne
Thomas, Yvonne

GRAFTON

Abel, Richard
Cooney, Mary
Hennessey, Martha
Massimilla, Linda
Sykes, George

Almy, Susan
Darrow, Stephen
Higgins, Patricia
Nordgren, Sharon
Townsend, Charles

Bailey, Brad
Ford, Susan
Ladd, Rick
Piper, Wendy
White, Andrew

Brown, Rebecca
Hennessey, Erin
Maes, Kevin
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Booras, Efstathia
Cohen, Alan
Edwards, Elizabeth
Gonzalez, Carlos
Hansberry, Daniel
Hinch, Richard
Lachance, Joseph
Mangipudi, Latha
Pellegrino, Anthony
Roberts, Carol
Shattuck, Gilman
Soucy, Timothy
Vann, Ivy

Balcom, John
Brown, Pamela
Cornell, Patricia
Freitas, Mary
Griffin, Barbara
Harvey, Suzanne
Jack, Martin
LeBrun, Donald
Manley, Jonathan
Pierce, David
Rosenwald, Cindy
Shaw, Barbara
Straight, Phillip
Williams, Kermit

Baroody, Benjamin
Christensen, Chris
Cote, David
Gidge, Kenneth
Guerette, C. Lee
Heath, Mary
Jeudy, Jean
Leishman, Peter
McCarthy, Peggy
Porter, Marjorie
Rouillard, Claire
Smith, Timothy
Sullivan, Daniel
Woodbury, David

Beaulieu, Jane
Christiansen, Lars
Danielson, David
Goley, Jeffrey
Haefner, Robert
Herbert, Christopher
Kurk, Neal
Long, Patrick
O'Brien, Michael
Proulx, Mark
Rowe, Robert
Snow, Kendall
Takesian, Charlene

MERRIMACK

Bartlett, Christy
Doherty, David
Henle, Paul
Kidder, David
Moffett, Howard
Rice, Chip
Shurtleff, Stephen

Bradley, Paula
Ebel, Karen
Hirsch, Geoffrey
Kotowski, Frank
Myler, Mel
Rogers, Katherine
Turcotte, Alan

Carson, Clyde
French, Barbara
Karrick, David
Luneau, David
Patten, Dick
Saunderson, George
Wallner, Mary Jane

Deloge, Helen
Gile, Mary
Kenison, Linda
MacKay, James
Ratzki, Mario
Schuett, Dianne

ROCKINGHAM

Allen, Mary
Borden, David
Christie, Andrew
DiFranco, Debbie
Francese, Paula
Hagan, Joseph
Katsakiores, Phyllis
McKinney, Betsy
O'Connor, John
Potucek, John
Tilton, Rio
Welch, David

Azarian, Gary
Cahill, Michael
Cushing, Robert
Doucette, Fred
Gordon, Pamela
Heffron, Frank
Lovejoy, Patricia
McMahon, Charles
Packard, Sherman
Sherman, Thomas
Ward, Gerald

Barnes, Arthur
Cardon, G. Thomas
DeSimone, Debra
Elliott, Robert
Griffin, Mary
Hoelzel, Kathleen
Matthews, Carolyn
Milz, David
Pantelakos, Laura
Simpson, Alexis
Ward, Joanne

Berrien, Skip
Chase, Francis
Devine, James
Fesh, Robert
Guthrie, Joseph
Introne, Robert
McBeath, Rebecca
Nigrello, Robert
Peckham, Michele
Sytek, John
Webb, James

STRAFFORD

Baber, William
Burton, Wayne
Mullen, John
Spang, Judith
Verschueren, James

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

Bickford, David
Gray, James
Smith, Marjorie
Stevens, Audrey
Ward, Kenneth

Bixby, Peter
Horrigan, Timothy
Southworth, Thomas
Treleaven, Susan
Wuelper, Kurt

SULLIVAN

Cloutier, John
Grenier, James
Schmidt, Andrew

Converse, Larry
Irwin, Virginia

Gagnon, Raymond
O'Hearne, Andrew

Gottling, Suzanne
Oxenham, Lee

and floor amendment (0481h) failed.

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

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

Rep. Hoell offered floor amendment (0487h).

Floor Amendment (0487h)

Amend RSA 126-A:5, XXX(c) as inserted by section 1 of the bill by replacing it with the following:

(c) A person shall not be eligible to enroll or participate in the New Hampshire health protection program, established under RSA 126-A:5, XXIV-XXV, unless such person verifies his or her United States citizenship by 2 forms of identification and proof of New Hampshire residency by either a New Hampshire driver's license or a nondriver's picture identification card issued pursuant to RSA 260:21.

(d) The commissioner shall seek any new waiver or state plan amendments to implement the provisions of this paragraph. Any such waivers or amendments necessary shall be in place by January 1, 2017. Prior to submitting the waiver or state plan amendments to the (CMS), the commissioner shall present the waiver or state plan amendments to the fiscal committee of the general court for approval. The program shall not be reauthorized until such waivers or state plan amendments have been approved by CMS.

Rep. Hoell spoke in favor.

Rep. Kotowski spoke in favor and yielded to questions.

Rep. Weber yielded to questions.

Rep. Fromuth requested a roll call; sufficiently seconded.

YEAS 179 - NAYS 159**YEAS - 179****BELKNAP**

Aldrich, Glen
Gallagher, Brian
Sylvia, Michael

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

Fields, Dennis
LeBreche, Shari
Varney, Peter

Fraser, Valerie
Spanos, Peter

CARROLL

Avellani, Lino
McCarthy, Frank
Schmidt, Stephen

Chandler, Gene
McConkey, Mark
Umberger, Karen

Comeau, Ed
Nelson, Bill
Wright, Ted

Cordelli, Glenn
Parker, Harold

CHESHIRE

Hunt, John

McConnell, James

Roberts, Kris

Sterling, Franklin

COOS

Rappaport, Laurence

Rideout, Leon

Tholl, John

GRAFTON

Bailey, Brad
Ingbretson, Paul

Brown, Duane
Johnson, Eric

Gionet, Edmond
Shackett, Jeffrey

Hull, Robert

HILLSBOROUGH

Adams, Christopher
Biggie, Barbara
Christensen, Chris
Danielson, David
Estevez, Eric
Gagne, Larry
Haefner, Robert
Hogan, Edith
LeBrun, Donald
Moore, Josh
O'Brien, William
Peterson, Ken
Rowe, Robert
Simmons, Tammy
Straight, Phillip
Zaricki, Nick

Ammon, Keith
Boehm, Ralph
Christiansen, Lars
Donovan, Daniel
Ferreira, Elizabeth
Gonzalez, Carlos
Halstead, Carolyn
Hopper, Gary
McCarthy, Peggy
Murotake, David
Ober, Lynne
Pierce, David
Schleien, Eric
Smith, Gregory
Sullivan, Victoria

Balcom, John
Burt, John
Christie, Rick
Eastman, Eric
Flanagan, Jack
Gould, Linda
Hansen, Peter
Kurk, Neal
McClarren, Donald
Murphy, Keith
Ohm, Bill
Proulx, Mark
Scotsas, Lisa
Souza, Kathleen
Ulery, Jordan

Belanger, James
Byron, Frank
Coffey, James
Edelblut, Frank
Fromuth, Bart
Griffin, Barbara
Hinch, Richard
Lachance, Joseph
McLean, Mark
Notter, Jeanine
Parison, James
Rouillard, Claire
Seidel, Carl
Stepanek, Stephen
Wolf, Terry

MERRIMACK

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

Ebel, Karen
Horn, Werner
Martin, John

French, Harold
Kotowski, Frank
McGuire, Carol

Hill, Gregory
Kuch, Bill
McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Christie, Andrew
Devine, James
Ferrante, Beverly
Griffin, Mary
Hoelzel, Kathleen
Katsakiores, Phyllis
Nigrello, Robert
Pantelakos, Laura
Rice, Frederick
Tamburello, Daniel
Tucker, Pamela
Welch, David

Abramson, Max
Barnes, Arthur
Cook, Allen
Doucette, Fred
Gannon, William
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
O'Connor, John
Peckham, Michele
Schroadter, Adam
Thomas, Douglas
Vose, Michael
Weyler, Kenneth

Allen, Mary
Bates, David
Dean-Bailey, Yvonne
Duarte, Joe
Gordon, Richard
Harris, Jeffrey
Itse, Daniel
Matthews, Carolyn
Osborne, Jason
Potucek, John
Spillane, James
Tilton, Rio
Ward, Joanne
Woitkun, Steven

Azarian, Gary
Chirichiello, Brian
DeSimone, Debra
Emerick, J. Tracy
Green, Dennis
Hodgdon, Bruce
Kappler, Lawrence
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sweeney, Joe
True, Chris
Webb, James

STRAFFORD

Beaudoin, Steven
Groen, Warren
Leeman, Don

DeLemus, Susan
Hannon, Joseph
Mullen, John

Graham, Robert
Jones, Laura
Pitre, Joseph

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

SULLIVAN

Laware, Thomas

Rollins, Skip

NAYS - 159**BELKNAP**

Tilton, Franklin

CARROLL

Ticehurst, Susan

CHESHIRE

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

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

Berch, Paul
Johnsen, Gladys
Pearson, William
Shepardson, Marjorie

Bordenet, John
Ley, Douglas
Phillips, Larry
Tatro, Bruce

COOS

Fothergill, John
Richardson, Herbert

Froburg, Alethea
Theberge, Robert

Hatch, William
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

Abel, Richard
Darrow, Stephen
Higgins, Patricia
Nordgren, Sharon
Townsend, Charles

Almy, Susan
Ford, Susan
Ladd, Rick
Piper, Wendy
White, Andrew

Brown, Rebecca
Hennessey, Erin
Maes, Kevin
Smith, Suzanne

Cooney, Mary
Hennessey, Martha
Massimilla, Linda
Sykes, George

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Edwards, Elizabeth
Gorman, Mary
Heath, Mary
Leishman, Peter
Porter, Marjorie
Shaw, Barbara
Sullivan, Daniel
Woodbury, David

Baroody, Benjamin
Cohen, Alan
Freitas, Mary
Guerette, C. Lee
Herbert, Christopher
Mangipudi, Latha
Roberts, Carol
Smith, Timothy
Takesian, Charlene

Beaulieu, Jane
Cornell, Patricia
Gidge, Kenneth
Hansberry, Daniel
Jack, Martin
Manley, Jonathan
Rosenwald, Cindy
Snow, Kendall
Vann, Ivy

Booras, Efsthathia
Cote, David
Goley, Jeffrey
Harvey, Suzanne
Judy, Jean
O'Brien, Michael
Shattuck, Gilman
Soucy, Timothy
Williams, Kermit

MERRIMACK

Bartlett, Christy
Doherty, David

Bradley, Paula
French, Barbara

Carson, Clyde
Gile, Mary

Deloge, Helen
Henle, Paul

Hirsch, Geoffrey
Luneau, David
Patten, Dick
Saunderson, George
Wallner, Mary Jane

Karrick, David
MacKay, James
Ratzki, Mario
Schuett, Dianne

Kenison, Linda
Moffett, Howard
Rice, Chip
Shurtleff, Stephen

Kidder, David
Myler, Mel
Rogers, Katherine
Turcotte, Alan

ROCKINGHAM

Berrien, Skip
Cardon, G. Thomas
Elliott, Robert
Guthrie, Joseph
McKinney, Betsy
Sytek, John

Borden, David
Chase, Francis
Fesh, Robert
Heffron, Frank
Milz, David
Ward, Gerald

Cahill, Michael
Cushing, Robert
Francese, Paula
Lovejoy, Patricia
Sherman, Thomas

Cali-Pitts, Jacqueline
DiFranco, Debbie
Gordon, Pamela
McBeath, Rebecca
Simpson, Alexis

STRAFFORD

Baber, William
Burton, Wayne
Smith, Marjorie
Treleven, Susan
Wuelper, Kurt

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

Bickford, David
Horrigan, Timothy
Spang, Judith
Wall, Janet

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

SULLIVAN

Cloutier, John
Grenier, James
Schmidt, Andrew

Converse, Larry
Irwin, Virginia

Gagnon, Raymond
O'Hearne, Andrew

Gottling, Suzanne
Oxenham, Lee

and floor amendment (0487h) was adopted.

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

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Hoell offered floor amendment (0494h).

Floor Amendment (0494h)

Amend RSA 126-A:5, XXX as inserted by section 1 of the bill by deleting subparagraph (a)(6).

Amend RSA 126-A:5, XXX(c) as inserted by section 1 of the bill by replacing it with the following:

(c) No person, organization, department, or agency shall submit the name of any person to the National Instant Criminal Background Check System (NICS) on the basis that the person has been adjudicated a "mental defective" or has been committed to a mental institution, except pursuant to a court order issued following a hearing in which the person participated and was represented by an attorney.

(d) The commissioner shall seek any new waiver or state plan amendments to implement the provisions of this paragraph. Any such waivers or amendments necessary shall be in place by January 1, 2017. Prior to submitting the waiver or state plan amendments to the CMS, the commissioner shall present the waiver or state plan amendments to the fiscal committee of the general court for approval. The program shall not be reauthorized until such waivers or state plan amendments have been approved by CMS.

Reps. Hoell and Kotowski spoke in favor.

Rep. Burt requested a roll call; sufficiently seconded.

YEAS 193 - NAYS 146

YEAS - 193

BELKNAP

Aldrich, Glen
Fraser, Valerie
Luther, Robert
Varney, Peter

Dumais, Russell
Gallagher, Brian
Spanos, Peter

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

Flanders, Donald
LeBreche, Shari
Vadney, Herbert

CARROLL

Avellani, Lino
McCarthy, Frank
Schmidt, Stephen

Chandler, Gene
McConkey, Mark
Umberger, Karen

Comeau, Ed
Nelson, Bill
Wright, Ted

Cordelli, Glenn
Parker, Harold

CHESHIRE

Hunt, John

McConnell, James

Roberts, Kris

Sterling, Franklin

COOS

Rappaport, Laurence

Rideout, Leon

GRAFTON

Bailey, Brad
Hennessey, Erin
Ladd, Rick

Brown, Duane
Hull, Robert
Shackett, Jeffrey

Darrow, Stephen
Ingbretson, Paul

Gionet, Edmond
Johnson, Eric

HILLSBOROUGH

Adams, Christopher
 Biggie, Barbara
 Christensen, Chris
 Donovan, Daniel
 Estevez, Eric
 Gonzalez, Carlos
 Halstead, Carolyn
 Hopper, Gary
 LeBrun, Donald
 Moore, Josh
 O'Brien, William
 Pellegrino, Anthony
 Rice, Kimberly
 Scontos, Lisa
 Smith, Gregory
 Sullivan, Victoria

Ammon, Keith
 Boehm, Ralph
 Christie, Rick
 Eastman, Eric
 Ferreira, Elizabeth
 Gould, Linda
 Hansen, Peter
 Infantine, William
 McCarthy, Peggy
 Murotake, David
 Ober, Lynne
 Peterson, Ken
 Roberts, Carol
 Seidel, Carl
 Souza, Kathleen
 Takesian, Charlene

Balcom, John
 Burt, John
 Coffey, James
 Edelblut, Frank
 Fromuth, Bart
 Griffin, Barbara
 Hinch, Richard
 Kurk, Neal
 McClarren, Donald
 Murphy, Keith
 Ohm, Bill
 Pierce, David
 Rouillard, Claire
 Shaw, Barbara
 Stepanek, Stephen
 Ulery, Jordan

Belanger, James
 Byron, Frank
 Danielson, David
 Edwards, Elizabeth
 Gagne, Larry
 Haefner, Robert
 Hogan, Edith
 Lachance, Joseph
 McLean, Mark
 Notter, Jeanine
 Parison, James
 Proulx, Mark
 Schleien, Eric
 Simmons, Tammy
 Straight, Phillip
 Zaricki, Nick

MERRIMACK

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

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

French, Harold
 Kotowski, Frank
 McGuire, Carol

Hill, Gregory
 Kuch, Bill
 McGuire, Dan

ROCKINGHAM

Abrami, Patrick
 Baldasaro, Alfred
 Chirichiello, Brian
 DeSimone, Debra
 Emerick, J. Tracy
 Gordon, Richard
 Hagan, Joseph
 Itse, Daniel
 Matthews, Carolyn
 Osborne, Jason
 Prudhomme-O'Brien, Katherine
 Sweeney, Joe
 Tilton, Rio
 Ward, Joanne
 Woitkun, Steven

Abramson, Max
 Bates, David
 Christie, Andrew
 Devine, James
 Ferrante, Beverly
 Green, Dennis
 Harris, Jeffrey
 Kappler, Lawrence
 McMahon, Charles
 Packard, Sherman
 Rice, Frederick
 Sytek, John
 True, Chris
 Webb, James

Allen, Mary
 Cardon, G. Thomas
 Cook, Allen
 Duarte, Joe
 Fesh, Robert
 Griffin, Mary
 Hodgdon, Bruce
 Katsakiores, Phyllis
 Nigrello, Robert
 Peckham, Michele
 Schroadter, Adam
 Tamburello, Daniel
 Tucker, Pamela
 Welch, David

Azarian, Gary
 Chase, Francis
 Dean-Bailey, Yvonne
 Elliott, Robert
 Gannon, William
 Guthrie, Joseph
 Hoelzel, Kathleen
 Kolodziej, Walter
 O'Connor, John
 Potucek, John
 Spillane, James
 Thomas, Douglas
 Vose, Michael
 Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
 Graham, Robert
 Kaczynski, Jr., Thomas
 Turcotte, Leonard

Berube, Roger
 Groen, Warren
 Leeman, Don
 Whitehouse, Joshua

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

DeLemus, Susan
 Jones, Laura
 Pitre, Joseph

SULLIVAN

Laware, Thomas

Rollins, Skip

Smith, Steven

**NAYS - 146
BELKNAP**

Tilton, Franklin

CARROLL

Buco, Thomas

Butler, Edward

Ticehurst, Susan

CHESHIRE

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

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

Berch, Paul
 Johnsen, Gladys
 Phillips, Larry
 Tatro, Bruce

Bordenet, John
 Ley, Douglas
 Robertson, Timothy
 Tilton, Benjamin

COOS

Fothergill, John
 Richardson, Herbert

Froburg, Alethea
 Thomas, Yvonne

Hatch, William

Moynihan, Wayne

GRAFTON

Abel, Richard
Ford, Susan
Massimilla, Linda
Sykes, George

Almy, Susan
Hennessey, Martha
Nordgren, Sharon
Townsend, Charles

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

Cooney, Mary
Maes, Kevin
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Cote, David
Gorman, Mary
Herbert, Christopher
Long, Patrick
Porter, Marjorie
Smith, Timothy
Vann, Ivy

Baroody, Benjamin
Christiansen, Lars
Freitas, Mary
Hansberry, Daniel
Jack, Martin
Mangipudi, Latha
Rosenwald, Cindy
Snow, Kendall
Williams, Kermit

Beaulieu, Jane
Cohen, Alan
Gidge, Kenneth
Harvey, Suzanne
Judy, Jean
Manley, Jonathan
Rowe, Robert
Soucy, Timothy
Wolf, Terry

Booras, Efstathia
Cornell, Patricia
Goley, Jeffrey
Heath, Mary
Leishman, Peter
O'Brien, Michael
Shattuck, Gilman
Sullivan, Daniel
Woodbury, David

MERRIMACK

Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Luneau, David
Patten, Dick
Schuett, Dianne

Deloge, Helen
French, Barbara
Karrick, David
MacKay, James
Ratzki, Mario
Shurtleff, Stephen

Doherty, David
Gile, Mary
Kenison, Linda
Moffett, Howard
Rogers, Katherine
Turcotte, Alan

Ebel, Karen
Henle, Paul
Kidder, David
Mylar, Mel
Saunderson, George
Wallner, Mary Jane

ROCKINGHAM

Barnes, Arthur
Cali-Pitts, Jacqueline
Gordon, Pamela
McBeath, Rebecca
Sherman, Thomas

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

Borden, David
DiFranco, Debbie
Introne, Robert
Milz, David
Ward, Gerald

Cahill, Michael
Francese, Paula
Lovejoy, Patricia
Pantelakos, Laura

STRAFFORD

Baber, William
DiSesa, Len
Smith, Marjorie
Treleaven, Susan

Bixby, Peter
Gray, James
Southworth, Thomas
Verschueren, James

Burton, Wayne
Horrigan, Timothy
Spang, Judith
Wall, Janet

Cilley, Jacalyn
Schmidt, Peter
Stevens, Audrey
Ward, Kenneth

SULLIVAN

Cloutier, John
Grenier, James
Schmidt, Andrew

Converse, Larry
Irwin, Virginia

Gagnon, Raymond
O'Hearne, Andrew

Gottling, Suzanne
Oxenham, Lee

and floor amendment (0494h) was adopted.

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

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

(Rep. Packard in the Chair)

Reps. Edelblut and Dan McGuire spoke against.

Reps. Lachance and Kotowski spoke in favor and yielded to questions.

Rep. Fromuth spoke against and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Spillane moved that **HB 1696-FN**, requesting a modification of the New Hampshire health protection program, be laid on the table.

Rep. Umberger requested a roll call; sufficiently seconded.

Rep. Spillane withdrew his motion.

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

(Speaker Jasper in the Chair)

Rep. Joanne Ward spoke against.

Rep. Umberger spoke in favor and yielded to questions.

MOTION TO PRINT REMARKS

Rep. William O'Brien moved that the Parliamentary Inquiry made by Rep. Hoell and the answer by Speaker Jasper be printed in the Permanent Journal.

Without objection, the Speaker so ordered.

REMARKS

Rep. Hoell: Thank you, Mister Speaker. I guess this question is directed to you. We adopted three amendments; amendment numbers 493, 494 and 487. Would those be reordered because they all.....

Speaker Jasper: They would be reordered, much as happens when we adopt the budget, so they will all be adopted sequentially.

Rep. Hoell: Awesome, thank you.

Speaker Jasper: You are welcome.

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

Rep. Comeau spoke against.

Rep. Stephen Schmidt spoke in favor.

Rep. Timothy Smith requested a roll call; sufficiently seconded.

YEAS 207 - NAYS 136**YEAS - 207****BELKNAP**

Fields, Dennis

Flanders, Donald

Luther, Robert

Tilton, Franklin

Buco, Thomas
Nelson, Bill
Umberger, Karen

Butler, Edward
Parker, Harold
Wright, Ted

Chandler, Gene
Schmidt, Stephen

McConkey, Mark
Ticehurst, Susan

CHESHIRE

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

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

Berch, Paul
Johnsen, Gladys
Phillips, Larry
Shepardson, Marjorie
Weber, Lucy

Bordenet, John
Ley, Douglas
Roberts, Kris
Sterling, Franklin

COOS

Fothergill, John
Richardson, Herbert

Froburg, Alethea
Theberge, Robert

Hatch, William
Tholl, John

Moynihan, Wayne
Thomas, Yvonne

GRAFTON

Abel, Richard
Cooney, Mary
Hennessey, Erin
Maes, Kevin
Smith, Suzanne

Almy, Susan
Darrow, Stephen
Hennessey, Martha
Massimilla, Linda
Sykes, George

Bailey, Brad
Ford, Susan
Higgins, Patricia
Nordgren, Sharon
Townsend, Charles

Brown, Rebecca
Gionet, Edmond
Ladd, Rick
Piper, Wendy

HILLSBOROUGH

Backus, Robert
Belanger, James
Cohen, Alan
Edwards, Elizabeth
Gonzalez, Carlos
Harvey, Suzanne
Infantine, William
Leishman, Peter
McCarthy, Peggy
Proulx, Mark
Shattuck, Gilman
Soucy, Timothy
Williams, Kermit

Balcom, John
Booras, Efsthathia
Cornell, Patricia
Freitas, Mary
Gorman, Mary
Heath, Mary
Jack, Martin
Long, Patrick
O'Brien, Michael
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Daniel
Wolf, Terry

Baroody, Benjamin
Brown, Pamela
Cote, David
Gidge, Kenneth
Guerette, C. Lee
Herbert, Christopher
Jeudy, Jean
Mangipudi, Latha
Pierce, David
Rouillard, Claire
Smith, Timothy
Takesian, Charlene
Woodbury, David

Beaulieu, Jane
Christensen, Chris
Danielson, David
Goley, Jeffrey
Hansberry, Daniel
Hinch, Richard
Lachance, Joseph
Manley, Jonathan
Porter, Marjorie
Rowe, Robert
Snow, Kendall
Vann, Ivy

MERRIMACK

Bradley, Paula
Ebel, Karen
Henle, Paul
Kidder, David
Moffett, Howard
Rice, Chip
Shurtleff, Stephen

Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Kotowski, Frank
Myler, Mel
Rogers, Katherine
Turcotte, Alan

Deloge, Helen
French, Barbara
Karrick, David
Luneau, David
Patten, Dick
Saunderson, George
Wallner, Mary Jane

Doherty, David
Gile, Mary
Kenison, Linda
MacKay, James
Ratzki, Mario
Schuett, Dianne

ROCKINGHAM

Azarian, Gary
Cahill, Michael

Barnes, Arthur
Cali-Pitts, Jacqueline

Berrien, Skip
Chase, Francis

Borden, David
Christie, Andrew

Cushing, Robert
 Doucette, Fred
 Francese, Paula
 Heffron, Frank
 Matthews, Carolyn
 Nigrello, Robert
 Simpson, Alexis
 Woitkun, Steven

DeSimone, Debra
 Elliott, Robert
 Gordon, Pamela
 Hoelzel, Kathleen
 McBeath, Rebecca
 O'Connor, John
 Sytek, John

Devine, James
 Emerick, J. Tracy
 Griffin, Mary
 Katsakiores, Phyllis
 McMahon, Charles
 Pantelakos, Laura
 Ward, Gerald

DiFranco, Debbie
 Fesh, Robert
 Guthrie, Joseph
 Lovejoy, Patricia
 Milz, David
 Sherman, Thomas
 Welch, David

STRAFFORD

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

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

Bickford, David
 DiSesa, Len
 Mullen, John
 Spang, Judith
 Verschuere, James

Bixby, Peter
 Gray, James
 Schmidt, Peter
 Sprague, Dale
 Wall, Janet

SULLIVAN

Cloutier, John
 Grenier, James
 Oxenham, Lee

Converse, Larry
 Irwin, Virginia
 Schmidt, Andrew

Gagnon, Raymond
 Laware, Thomas
 Smith, Steven

Gottling, Suzanne
 O'Hearne, Andrew

NAYS - 136

BELKNAP

Aldrich, Glen
 Howard, Jr., Raymond
 Vadney, Herbert

Dumais, Russell
 LeBreche, Shari
 Varney, Peter

Fraser, Valerie
 Spanos, Peter

Gallagher, Brian
 Sylvia, Michael

CARROLL

Avellani, Lino

Comeau, Ed

Cordelli, Glenn

McCarthy, Frank

CHESHIRE

Hunt, John

McConnell, James

COOS

Rappaport, Laurence

Rideout, Leon

GRAFTON

Brown, Duane
 Shackett, Jeffrey

Hull, Robert

Ingbertson, Paul

Johnson, Eric

HILLSBOROUGH

Adams, Christopher
 Burt, John
 Coffey, James
 Estevez, Eric
 Gagne, Larry
 Halstead, Carolyn
 Kurk, Neal
 Murotake, David
 Ober, Lynne
 Pellegrino, Anthony
 Scotsas, Lisa
 Souza, Kathleen
 Ulery, Jordan

Ammon, Keith
 Byron, Frank
 Donovan, Daniel
 Ferreira, Elizabeth
 Gould, Linda
 Hansen, Peter
 McClarren, Donald
 Murphy, Keith
 Ober, Russell
 Peterson, Ken
 Seidel, Carl
 Stepanek, Stephen
 Zaricki, Nick

Biggie, Barbara
 Christiansen, Lars
 Eastman, Eric
 Flanagan, Jack
 Griffin, Barbara
 Hogan, Edith
 McLean, Mark
 Notter, Jeanine
 Ohm, Bill
 Rice, Kimberly
 Simmons, Tammy
 Straight, Phillip

Boehm, Ralph
 Christie, Rick
 Edelblut, Frank
 Fromuth, Bart
 Haefner, Robert
 Hopper, Gary
 Moore, Josh
 O'Brien, William
 Parison, James
 Schleien, Eric
 Smith, Gregory
 Sullivan, Victoria

MERRIMACK

Brewster, Michael
 Horn, Werner
 McGuire, Carol

French, Harold
 Kuch, Bill
 McGuire, Dan

Hill, Gregory
 Marple, Richard
 Seaworth, Brian

Hoell, J.R.
 Martin, John
 Walsh, Thomas

ROCKINGHAM

Abrami, Patrick
 Bates, David
 Duarte, Joe
 Green, Dennis
 Introne, Robert
 McKinney, Betsy
 Prudhomme-O'Brien, Katherine
 Sweeney, Joe
 True, Chris
 Webb, James

Abramson, Max
 Chirichiello, Brian
 Ferrante, Beverly
 Hagan, Joseph
 Itse, Daniel
 Osborne, Jason
 Rice, Frederick
 Tamburello, Daniel
 Tucker, Pamela
 Weyler, Kenneth

Allen, Mary
 Cook, Allen
 Gannon, William
 Harris, Jeffrey
 Kappler, Lawrence
 Packard, Sherman
 Schroader, Adam
 Thomas, Douglas
 Vose, Michael

Baldasaro, Alfred
 Dean-Bailey, Yvonne
 Gordon, Richard
 Hodgdon, Bruce
 Kolodziej, Walter
 Potucek, John
 Spillane, James
 Tilton, Rio
 Ward, Joanne

STRAFFORD

Beaudoin, Steven
Hannon, Joseph
Pitre, Joseph

DeLemus, Susan
Jones, Laura
Turcotte, Leonard

Graham, Robert
Kaczynski, Jr., Thomas
Whitehouse, Joshua

Groen, Warren
Leeman, Don
Wuelper, Kurt

SULLIVAN

Rollins, Skip

and the majority committee report was adopted and referred to the Committee on Finance.

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

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Rosenwald moved that the House reconsider its action whereby, on a roll call vote of 207-136, the House adopted the majority committee report of Ought to Pass with Amendment on **HB 1696-FN**, requesting a modification of the New Hampshire health protection program.

Rep. Rosenwald spoke against.

Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 120 - NAYS 211**YEAS - 120****BELKNAP**

Aldrich, Glen
Howard, Jr., Raymond
Vadney, Herbert

Dumais, Russell
LeBreche, Shari
Varney, Peter

Fraser, Valerie
Spanos, Peter

Gallagher, Brian
Sylvia, Michael

CARROLL

Avellani, Lino

Comeau, Ed

Cordelli, Glenn

McCarthy, Frank

CHESHIRE

McConnell, James

COOS

Rappaport, Laurence

Rideout, Leon

GRAFTON

Brown, Duane
Johnson, Eric

Gionet, Edmond
Smith, Suzanne

Hull, Robert

Ingbretson, Paul

HILLSBOROUGH

Adams, Christopher
Burt, John
Donovan, Daniel
Estevez, Eric
Gould, Linda
Kurk, Neal
Murphy, Keith
Parison, James
Rouillard, Claire
Simmons, Tammy
Ulery, Jordan

Ammon, Keith
Byron, Frank
Eastman, Eric
Ferreira, Elizabeth
Griffin, Barbara
McLean, Mark
Notter, Jeanine
Pellegrino, Anthony
Schleien, Eric
Smith, Gregory
Zaricki, Nick

Biggie, Barbara
Christie, Rick
Edelblut, Frank
Flanagan, Jack
Hansen, Peter
Moore, Josh
Ober, Russell
Peterson, Ken
Scotsas, Lisa
Souza, Kathleen

Boehm, Ralph
Coffey, James
Edwards, Elizabeth
Fromuth, Bart
Infantine, William
Murotake, David
Ohm, Bill
Rice, Kimberly
Seidel, Carl
Sullivan, Victoria

MERRIMACK

Brewster, Michael
Kuch, Bill
McGuire, Dan

French, Harold
Marple, Richard
Seaworth, Brian

Hoell, J.R.
Martin, John
Walsh, Thomas

Horn, Werner
McGuire, Carol

ROCKINGHAM

Abrami, Patrick
Bates, David
Emerick, J. Tracy
Gordon, Richard
Introne, Robert
McKinney, Betsy
Schroadter, Adam
True, Chris
Weyler, Kenneth

Abramson, Max
Chirichiello, Brian
Ferrante, Beverly
Green, Dennis
Itse, Daniel
Osborne, Jason
Spillane, James
Tucker, Pamela

Allen, Mary
Cook, Allen
Fesh, Robert
Harris, Jeffrey
Kappler, Lawrence
Prudhomme-O'Brien, Katherine
Sweeney, Joe
Vose, Michael

Baldasaro, Alfred
Dean-Bailey, Yvonne
Gannon, William
Hodgdon, Bruce
Kolodziej, Walter
Rice, Frederick
Tilton, Rio
Webb, James

STRAFFORD

Beaudoin, Steven
Hannon, Joseph
Pitre, Joseph

DeLemus, Susan
Jones, Laura
Turcotte, Leonard

Graham, Robert
Kaczynski, Jr., Thomas

Groen, Warren
Leeman, Don

SULLIVAN

Rollins, Skip

NAYS - 211**BELKNAP**

Fields, Dennis

Flanders, Donald

Luther, Robert

Tilton, Franklin

CARROLLBuco, Thomas
Nelson, Bill
Wright, TedButler, Edward
Parker, HaroldChandler, Gene
Ticehurst, SusanMcConkey, Mark
Umberger, Karen**CHESHIRE**Abbott, Michael
Chase, Cynthia
Ley, Douglas
Roberts, Kris
Sterling, FranklinAmes, Richard
Eaton, Daniel
Mann, John
Robertson, Timothy
Tatro, BruceBerch, Paul
Hunt, John
Pearson, William
Sad, Tara
Tilton, BenjaminBordenet, John
Johnsen, Gladys
Phillips, Larry
Shepardson, Marjorie
Weber, Lucy**COOS**Fothergill, John
Richardson, HerbertFroburg, Alethea
Theberge, RobertHatch, William
Thomas, Yvonne

Moynihan, Wayne

GRAFTONAbel, Richard
Cooney, Mary
Hennessey, Martha
Massimilla, Linda
Townsend, CharlesAlmy, Susan
Darrow, Stephen
Higgins, Patricia
Nordgren, SharonBailey, Brad
Ford, Susan
Ladd, Rick
Piper, WendyBrown, Rebecca
Hennessey, Erin
Maes, Kevin
Sykes, George**HILLSBOROUGH**Backus, Robert
Belanger, James
Christiansen, Lars
Danielson, David
Goley, Jeffrey
Haefner, Robert
Heath, Mary
Jack, Martin
Long, Patrick
McClarren, Donald
Proulx, Mark
Shaw, Barbara
Straight, Phillip
Williams, KermitBalcom, John
Booras, Efstathia
Cohen, Alan
Freitas, Mary
Gonzalez, Carlos
Halstead, Carolyn
Herbert, Christopher
Judy, Jean
Mangipudi, Latha
O'Brien, Michael
Rosenwald, Cindy
Smith, Timothy
Sullivan, Daniel
Wolf, TerryBaroody, Benjamin
Brown, Pamela
Cornell, Patricia
Gagne, Larry
Gorman, Mary
Hansberry, Daniel
Hinch, Richard
Lachance, Joseph
Manley, Jonathan
Pierce, David
Rowe, Robert
Snow, Kendall
Takesian, Charlene
Woodbury, DavidBeaulieu, Jane
Christensen, Chris
Cote, David
Gidge, Kenneth
Guerette, C. Lee
Harvey, Suzanne
Hogan, Edith
Leishman, Peter
McCarthy, Peggy
Porter, Marjorie
Shattuck, Gilman
Soucy, Timothy
Vann, Ivy**MERRIMACK**Bradley, Paula
Ebel, Karen
Henle, Paul
Kenison, Linda
MacKay, James
Ratzki, Mario
Schuett, DianneCarson, Clyde
Frazer, June
Hill, Gregory
Kidder, David
Moffett, Howard
Rice, Chip
Shurtleff, StephenDeloge, Helen
French, Barbara
Hirsch, Geoffrey
Kotowski, Frank
Myler, Mel
Rogers, Katherine
Turcotte, AlanDoherty, David
Gile, Mary
Karrick, David
Luneau, David
Patten, Dick
Saunderson, George
Wallner, Mary Jane**ROCKINGHAM**Azarian, Gary
Cali-Pitts, Jacqueline
DeSimone, Debra
Duarte, Joe
Griffin, Mary
Hoelzel, Kathleen
McBeath, Rebecca
Packard, Sherman
Simpson, Alexis
Ward, JoanneBerrien, Skip
Chase, Francis
Devine, James
Elliott, Robert
Guthrie, Joseph
Katsakiores, Phyllis
Milz, David
Pantelakos, Laura
Sytek, John
Welch, DavidBorden, David
Christie, Andrew
DiFranco, Debbie
Francese, Paula
Hagan, Joseph
Lovejoy, Patricia
Nigrello, Robert
Potucek, John
Thomas, DouglasCahill, Michael
Cushing, Robert
Doucette, Fred
Gordon, Pamela
Heffron, Frank
Matthews, Carolyn
O'Connor, John
Sherman, Thomas
Ward, Gerald**STRAFFORD**Baber, William
Burton, WayneBerube, Roger
Cilley, JacalynBickford, David
DiSesa, LenBixby, Peter
Gray, James

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

Kaen, Naida
Southworth, Thomas
Treleven, Susan
Wuelper, Kurt

Mullen, John
Spang, Judith
Verschuere, James

Schmidt, Peter
Sprague, Dale
Wall, Janet

SULLIVAN

Cloutier, John
Grenier, James
Oxenham, Lee

Converse, Larry
Irwin, Virginia
Schmidt, Andrew

Gagnon, Raymond
Laware, Thomas
Smith, Steven

Gottling, Suzanne
O'Hearne, Andrew

and the motion failed.

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

REGULAR CALENDAR CONT'D

HB 1560-FN, relative to abortion procedures. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Linda Kenison for the Majority of Judiciary. This bill seeks to add a new section to New Hampshire RSA 132 (Protection for Maternity and Infancy) which would prohibit the most common method of second-trimester pre-viability abortion to the ten percent (10%) of women who make a difficult decision to terminate their pregnancy. The medical term for this safe procedure is called non-intact D&E (Dilation and Evacuation). Across the country, this procedure is performed on the ten percent of women, ninety-five percent (95%) of the time. Other jurisdictions, as recently as January 22, 2016, have held nearly identical statutory language which banned this very type of D&E, likely unconstitutional. *Nauser v. Kansas*, Court of Appeals of the State of Kansas (2016). The appellate court refused to overrule the lower court's injunction which kept the law from taking effect, reasoning that the statute violated the Kansas Constitution's Bill of Rights and the United States Constitution's 14th Amendment. Similarly, the United States Supreme Court determined this to be a safe alternative to the Partial-Birth Abortion Ban Act of 2003 (a federal statute regulating abortion procedures.) *Gonzales v. Carhart*, 550 US 127 (2007). The Gonzales court also recognized long-standing law which prohibits an undue interference for the State on a woman's right to terminate their pregnancy prior to viability. *Roe v. Wade*, 410 US 113 (1973). This bill, if passed, will likely force New Hampshire into costly and unnecessary litigation. In addition to the constitutional issues, the bill's language is discriminatory and disregards the individual rights of women New Hampshire citizens. The bill allows a court to determine whether the identity of the women should be disclosed in "every civil criminal, or administrative proceeding," regardless of her consent to such disclosure. It further allows only a "married" father of the unborn to bring an action for civil damages, yet does not provide the right to an unmarried father or same-sex spouse. This bill also criminalizes health care providers for practicing medicine in a manner they determine is medically sound and is in the best interest of their patients. This bill imposes criminal penalties, including a class A felony for physicians and other medical providers who perform this procedure. We are trusted with the responsibility to pass laws for all the citizens of New Hampshire. This bill, as worded, falls short of our responsibility and violates the laws of the State of New Hampshire and United States Constitution. Vote 9-7.

Rep. Kurt Wuelper for the Minority of Judiciary. The minority believes the dismemberment abortion procedure known as Dilation and Evacuation [D&E] is so monstrous it should be illegal. No baby should ever be subjected to being physically torn limb-from-limb, which is precisely what the D&E does. Our Constitution forbids "cruel and unusual" punishment for crimes. We apply this principle even to those who have committed crimes so serious they have received the death penalty. We believe the pre-born child, having committed no crime, deserves similar mercy. Even more, our State should do all it can to protect every baby from such a torturous procedure. We believe the Supreme Court would follow the same logic it used to uphold the Partial Birth Abortion ban and uphold the D&E ban.

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

Rep. Souza spoke against.

(Rep. Packard in the Chair)

Reps. Itse, Wuelper and Frank McCarthy spoke against.

Rep. Kenison spoke in favor.

Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 163 - NAYS 136

YEAS - 163

BELKNAP

Fields, Dennis

Fraser, Valerie

Vadney, Herbert

CARROLL

Butler, Edward

Ticehurst, Susan

Umberger, Karen

Wright, Ted

CHESHIRE

Abbott, Michael
Chase, Cynthia
Mann, John
Roberts, Kris
Sterling, Franklin

Ames, Richard
Eaton, Daniel
McConnell, James
Robertson, Timothy
Tatro, Bruce

Berch, Paul
Johnsen, Gladys
Pearson, William
Sad, Tara
Weber, Lucy

Bordenet, John
Ley, Douglas
Phillips, Larry
Shepardson, Marjorie

COOS

Froburg, Alethea
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

Theberge, Robert

GRAFTON

Abel, Richard
Ford, Susan
Maes, Kevin
Smith, Suzanne

Almy, Susan
Hennessey, Erin
Massimilla, Linda
Sykes, George

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

Cooney, Mary
Higgins, Patricia
Piper, Wendy

HILLSBOROUGH

Backus, Robert
Christensen, Chris
Cote, David
Goley, Jeffrey
Heath, Mary
Leishman, Peter
Porter, Marjorie
Rowe, Robert
Shaw, Barbara
Sullivan, Daniel
Woodbury, David

Beaulieu, Jane
Christiansen, Lars
Edwards, Elizabeth
Gorman, Mary
Herbert, Christopher
Mangipudi, Latha
Proulx, Mark
Schleien, Eric
Smith, Gregory
Takesian, Charlene
Zaricki, Nick

Brown, Pamela
Cohen, Alan
Freitas, Mary
Guerette, C. Lee
Jack, Martin
Manley, Jonathan
Rosenwald, Cindy
Scontsas, Lisa
Smith, Timothy
Williams, Kermit

Byron, Frank
Cornell, Patricia
Gidge, Kenneth
Harvey, Suzanne
Kurk, Neal
O'Brien, Michael
Rouillard, Claire
Shattuck, Gilman
Snow, Kendall
Wolf, Terry

MERRIMACK

Bradley, Paula
Ebel, Karen
Hirsch, Geoffrey
Luneau, David
Moffett, Howard
Rogers, Katherine
Shurtleff, Stephen

Carson, Clyde
French, Barbara
Karrick, David
MacKay, James
Myler, Mel
Saunderson, George
Wallner, Mary Jane

Deloge, Helen
Gile, Mary
Kenison, Linda
Marple, Richard
Ratzki, Mario
Schuett, Dianne

Doherty, David
Henle, Paul
Kotowski, Frank
Martin, John
Rice, Chip
Seaworth, Brian

ROCKINGHAM

Abrami, Patrick
Cahill, Michael
DiFranco, Debbie
Griffin, Mary
McBeath, Rebecca
Rice, Frederick

Azarian, Gary
Cali-Pitts, Jacqueline
Doucette, Fred
Guthrie, Joseph
Milz, David
Simpson, Alexis

Berrien, Skip
Chase, Francis
Ferrante, Beverly
Heffron, Frank
Pantelakos, Laura
Sweeney, Joe

Borden, David
Cushing, Robert
Gordon, Pamela
Lovejoy, Patricia
Potucek, John
Ward, Gerald

STRAFFORD

Baber, William
DiSesa, Len
Smith, Marjorie
Stevens, Audrey
Ward, Kenneth

Bickford, David
Horrigan, Timothy
Southworth, Thomas
Treleven, Susan

Bixby, Peter
Kaen, Naida
Spang, Judith
Verschueren, James

Burton, Wayne
Schmidt, Peter
Sprague, Dale
Wall, Janet

SULLIVAN

Cloutier, John
Irwin, Virginia

Converse, Larry
O'Hearne, Andrew

Gottling, Suzanne
Oxenham, Lee

Grenier, James
Smith, Steven

NAYS - 136**BELKNAP**

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

Dumais, Russell
LeBreche, Shari

Flanders, Donald
Luther, Robert

Gallagher, Brian
Spanos, Peter

CARROLL

Avellani, Lino
McCarthy, Frank

Buco, Thomas
McConkey, Mark

Comeau, Ed
Nelson, Bill

Cordelli, Glenn
Schmidt, Stephen

COOS

Fothergill, John

Rappaport, Laurence

Rideout, Leon

Tholl, John

GRAFTON

Bailey, Brad
Hull, Robert

Brown, Duane
Ingbertson, Paul

Darrow, Stephen
Johnson, Eric

Gionet, Edmond
Ladd, Rick

HILLSBOROUGH

Adams, Christopher
Biggie, Barbara
Coffey, James
Ferreira, Elizabeth
Gould, Linda
Hansen, Peter
Judy, Jean
McLean, Mark
Ohm, Bill
Rice, Kimberly
Straight, Phillip

Ammon, Keith
Boehm, Ralph
Danielson, David
Fromuth, Bart
Griffin, Barbara
Hinch, Richard
Lachance, Joseph
Moore, Josh
Parison, James
Seidel, Carl
Sullivan, Victoria

Baroody, Benjamin
Burt, John
Eastman, Eric
Gagne, Larry
Haefner, Robert
Hogan, Edith
McCarthy, Peggy
Murphy, Keith
Pellegrino, Anthony
Simmons, Tammy
Ulery, Jordan

Belanger, James
Christie, Rick
Edelblut, Frank
Gonzalez, Carlos
Halstead, Carolyn
Infantine, William
McClarren, Donald
Notter, Jeanine
Pierce, David
Souza, Kathleen

MERRIMACK

Brewster, Michael
Horn, Werner

French, Harold
McGuire, Carol

Hill, Gregory
McGuire, Dan

Hoell, J.R.
Walsh, Thomas

ROCKINGHAM

Abramson, Max
Chirichiello, Brian
DeSimone, Debra
Emerick, J. Tracy
Green, Dennis
Hoelzel, Kathleen
Kolodziej, Walter
Prudhomme-O'Brien, Katherine
Tilton, Rio
Ward, Joanne

Allen, Mary
Christie, Andrew
Devine, James
Fesh, Robert
Hagan, Joseph
Introne, Robert
Matthews, Carolyn
Spillane, James
True, Chris
Webb, James

Baldasaro, Alfred
Cook, Allen
Duarte, Joe
Gannon, William
Harris, Jeffrey
Itse, Daniel
Nigrello, Robert
Sytek, John
Tucker, Pamela
Welch, David

Bates, David
Dean-Bailey, Yvonne
Elliott, Robert
Gordon, Richard
Hodgdon, Bruce
Kappler, Lawrence
O'Connor, John
Thomas, Douglas
Vose, Michael
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Graham, Robert
Leeman, Don
Wuelper, Kurt

Berube, Roger
Gray, James
Mullen, John

Cheney, Catherine
Groen, Warren
Pitre, Joseph

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

SULLIVAN

Gagnon, Raymond

Laware, Thomas

Rollins, Skip

and the majority committee report was adopted.

HB 1627-FN, relative to the protection of infants born alive. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Paul Berch for the Majority of Judiciary. There are existing laws, both Federal and State, that extend protections to infants born alive. This bill seeks to go beyond these laws to allow criminal prosecutions of doctors who are believed to have exceeded vague concepts relating to evidence of life, medically necessary or reasonable care, without defining these terms. A bipartisan majority of the committee felt this bill impermissibly interferes with medical professionals trying to provide the best medical care that they can. This legislation would require doctors to employ extraordinary resuscitation measures for pre-viable fetuses who are born as a result of early (pre-term) labor or abortion – even where there is no chance of viability or ultimate survival. The requirements of this bill deviate from the medical standard of care and interfere with the ability of physicians to work during a time of pregnancy loss or termination. New Hampshire currently has some of the lowest abortion rates and the best maternal health outcomes in the country, yet we heard testimony that this legislation would threaten the state's top neonatologists and fetal medicine specialists with prosecution and subject doctors and families to an invasive level of government interference. Vote 9-7.

Rep. Kurt Wuelper for the Minority of Judiciary. The minority believes that every baby born alive deserves nourishment and “medically appropriate and reasonable” care, even if that baby is born alive accidentally after an abortion procedure. Further, it is the role of the legislature to define crimes and establish penalties for crimes. This bill is similar to the Federal Born Alive Protection Act and requires any such baby receive such care and makes failure to provide that care a crime. With criminal cases from other states documenting that hundreds of these babies have been killed (or allowed to die with no care given), we believe our state needs to clearly identify such wanton disregard for living babies a serious crime.

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

Rep. Wuelper spoke against and yielded to questions.

(Speaker Jasper in the Chair)

Rep. Groen spoke against.

Rep. Berch spoke in favor.

Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 167 - NAYS 116**YEAS - 167****BELKNAP**

Fields, Dennis

Flanders, Donald

Vadney, Herbert

CARROLL

Buco, Thomas
Umberger, Karen

Butler, Edward
Wright, Ted

McConkey, Mark

Ticehurst, Susan

CHESHIRE

Abbott, Michael
Chase, Cynthia
Mann, John
Roberts, Kris
Sterling, Franklin

Ames, Richard
Eaton, Daniel
McConnell, James
Robertson, Timothy
Tatro, Bruce

Berch, Paul
Johnsen, Gladys
Pearson, William
Sad, Tara
Weber, Lucy

Bordenet, John
Ley, Douglas
Phillips, Larry
Shepardson, Marjorie

COOS

Froburg, Alethea
Theberge, Robert

Hatch, William
Tholl, John

Moynihan, Wayne
Thomas, Yvonne

Rappaport, Laurence

GRAFTON

Abel, Richard
Ford, Susan
Maes, Kevin
Smith, Suzanne

Almy, Susan
Hennessey, Erin
Massimilla, Linda
Sykes, George

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

Cooney, Mary
Higgins, Patricia
Piper, Wendy

HILLSBOROUGH

Adams, Christopher
Brown, Pamela
Cornell, Patricia
Gorman, Mary
Heath, Mary
Judy, Jean
Mangipudi, Latha
Proulx, Mark
Schleien, Eric
Smith, Timothy
Williams, Kermit

Baroody, Benjamin
Byron, Frank
Cote, David
Haefner, Robert
Herbert, Christopher
Kurk, Neal
Manley, Jonathan
Rosenwald, Cindy
Shattuck, Gilman
Snow, Kendall
Wolf, Terry

Beaulieu, Jane
Christensen, Chris
Freitas, Mary
Halstead, Carolyn
Hinch, Richard
Lachance, Joseph
O'Brien, Michael
Rouillard, Claire
Shaw, Barbara
Sullivan, Daniel
Woodbury, David

Belanger, James
Cohen, Alan
Goley, Jeffrey
Harvey, Suzanne
Jack, Martin
Leishman, Peter
Porter, Marjorie
Rowe, Robert
Smith, Gregory
Takesian, Charlene
Zaricki, Nick

MERRIMACK

Bradley, Paula
Ebel, Karen
Hirsch, Geoffrey
Luneau, David
Ratzki, Mario
Schuett, Dianne

Carson, Clyde
French, Barbara
Karrick, David
MacKay, James
Rice, Chip
Shurtleff, Stephen

Deloge, Helen
Gile, Mary
Kenison, Linda
Moffett, Howard
Rogers, Katherine
Wallner, Mary Jane

Doherty, David
Henle, Paul
Kotowski, Frank
Myler, Mel
Saunderson, George

ROCKINGHAM

Abrami, Patrick
Cahill, Michael
Cushing, Robert
Gordon, Pamela
Hoelzel, Kathleen
Nigrello, Robert
Ward, Joanne

Azarian, Gary
Cali-Pitts, Jacqueline
DiFranco, Debbie
Griffin, Mary
Lovejoy, Patricia
Pantelakos, Laura
Webb, James

Berrien, Skip
Chase, Francis
Doucette, Fred
Guthrie, Joseph
McBeath, Rebecca
Simpson, Alexis

Borden, David
Christie, Andrew
Ferrante, Beverly
Heffron, Frank
Milz, David
Ward, Gerald

STRAFFORD

Baber, William
DiSesa, Len
Smith, Marjorie
Stevens, Audrey
Ward, Kenneth

Bickford, David
Horrigan, Timothy
Southworth, Thomas
Treleaven, Susan

Bixby, Peter
Kaen, Naida
Spang, Judith
Verschueren, James

Burton, Wayne
Schmidt, Peter
Sprague, Dale
Wall, Janet

SULLIVAN

Cloutier, John
Irwin, Virginia

Converse, Larry
O'Hearne, Andrew

Gottling, Suzanne
Oxenham, Lee

Grenier, James

NAYS - 116**BELKNAP**Aldrich, Glen
LeBreche, ShariFraser, Valerie
Luther, RobertGallagher, Brian
Spanos, PeterHoward, Jr., Raymond
Tilton, Franklin**CARROLL**Avellani, Lino
Nelson, BillComeau, Ed
Schmidt, Stephen

Cordelli, Glenn

McCarthy, Frank

COOS

Fothergill, John

Rideout, Leon

GRAFTONBailey, Brad
Hull, RobertBrown, Duane
Ingbertson, PaulDarrow, Stephen
Johnson, EricGionet, Edmond
Ladd, Rick**HILLSBOROUGH**Balcom, John
Christie, Rick
Ferreira, Elizabeth
Gould, Linda
McClarren, Donald
Notter, Jeanine
Pierce, David
Simmons, Tammy
Ulery, JordanBiggie, Barbara
Coffey, James
Fromuth, Bart
Griffin, Barbara
McLean, Mark
Ohm, Bill
Rice, Kimberly
Souza, KathleenBoehm, Ralph
Eastman, Eric
Gagne, Larry
Hogan, Edith
Moore, Josh
Parison, James
Scotsas, Lisa
Straight, PhillipBurt, John
Edelblut, Frank
Gonzalez, Carlos
McCarthy, Peggy
Murphy, Keith
Pellegrino, Anthony
Seidel, Carl
Sullivan, Victoria**MERRIMACK**Brewster, Michael
Martin, JohnFrench, Harold
Seaworth, BrianHoell, J.R.
Walsh, Thomas

Horn, Werner

ROCKINGHAMAbramson, Max
Chirichiello, Brian
Duarte, Joe
Gannon, William
Hodgdon, Bruce
Kolodziej, Walter
Potucek, John
Sweeney, Joe
True, Chris
Weyler, KennethAllen, Mary
Cook, Allen
Elliott, Robert
Gordon, Richard
Introne, Robert
Matthews, Carolyn
Prudhomme-O'Brien, Katherine
Sytek, John
Tucker, PamelaBaldasaro, Alfred
DeSimone, Debra
Emerick, J. Tracy
Green, Dennis
Itse, Daniel
O'Connor, John
Rice, Frederick
Thomas, Douglas
Vose, MichaelBates, David
Devine, James
Fesh, Robert
Harris, Jeffrey
Kappler, Lawrence
Packard, Sherman
Spillane, James
Tilton, Rio
Welch, David**STRAFFORD**Beaudoin, Steven
Graham, Robert
Leeman, Don
Wuelper, KurtBerube, Roger
Gray, James
Mullen, JohnCheney, Catherine
Groen, Warren
Pitre, JosephDeLemus, Susan
Kaczynski, Jr., Thomas
Turcotte, Leonard**SULLIVAN**

Laware, Thomas

Rollins, Skip

and the majority committee report was adopted.

REFERRAL DECLINED

Rep. Kurk, Chairman of the Committee on Finance, under the provisions of House Rule 46 (f), declined the referral of **HB 1352-FN**, relative to the penalty for retirement system employers' noncompliance with reporting requirements for retirees and **HB 1604-FN-A-L**, relative to instructional methods to enable students to acquire and apply requisite knowledge and skills.

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, Thursday, February 11, 2016 at 9:00 a.m.

LATE SESSION**Third Reading and Final Passage**

HB 1352-FN, relative to the penalty for retirement system employers' noncompliance with reporting requirements for retirees.

HB 1604-FN-A-L, relative to instructional methods to enable students to acquire and apply requisite knowledge and skills.

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 6:25 p.m.

RECESS