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HOUSE RECORD

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Concord, N.H.

Wednesday, March 9, 2016

No. 23

HOUSE JOURNAL No. 7 (cont.)

Thursday, February 11, 2016

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

HOUSE JOURNAL NO. 8

Wednesday, March 9, 2016

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

Prayer was offered by the member from Exeter, Representative Alexis Simpson.

Gracious God, we come back together today, rested from recess, and work-weary from preparations for the day. We come into this space grateful for the continued opportunity to serve the people of New Hampshire, yet many are anxious, wondering what the day will hold. Today we entrust the care of our children, our parents, our spouses, our partners to others as we seek to honor the lived experience of 1.3 million people. Today we set aside all other work to improve the communities we call home. Our hearts and our heads are full. With so much on the table, so much seems to be at stake. Prepare our hearts and our minds for the work ahead. Hold us in Your care as we seek wisdom. Grant us perseverance when our day gets long. Offer us moments of grace that we may see each other's deepest humanity in the midst of discord, debate and disagreement. Allow us moments of humor and collegiality when we need them most. May the spirit of respect, light, and love rise up from our midst. Amen.

Rep. Leonard Turcotte, member from Barrington, led the Pledge of Allegiance.

The National Anthem was sung by the Coe-Brown Northwood Academy Select Chorus.

LEAVES OF ABSENCE

Reps. Bridge, Chris Brown, Comtois, Emerson, Fesh, Kellogg, Manning, Moody, Michael O'Brien, Oxenham, Priestley, Sanders and Scontsas, the day, illness.

Reps. Booras, Hagan, Goulette, Nordgren, O'Hearne, Sherman, Souza, Tamburello, Whitehouse and Woodbury, the day, important business.

INTRODUCTION OF GUESTS

Cole and Connor Tollett, students from Fall Mountain Regional High School, Pages for the day.
Marc and Alyson Therrien, guests of Rep. Leonard Turcotte.

COMMUNICATION

March 7, 2016

Speaker Shawn Jasper
New Hampshire House of Representatives
New Hampshire State House
107 North Main Street
Concord, New Hampshire 03301

Dear Speaker Jasper:

I am writing to resign my seat as Representative from Rockingham County - District 2. I appreciate all your courtesies during the time I have served in the New Hampshire Legislature.

Sincerely,
Kyle Tasker

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bills numbered 146 and 157.
Rep. Hinch, Sen. Prescott for the Committee

REPORT FROM THE COMMITTEE ON LEGISLATIVE ADMINISTRATION

On Monday, March 7, the Legislative Administration Committee met to consider the matter of Representative Don Leeman and whether or not he was an inhabitant of the district he was elected to represent, the topic being referred to the committee by the Speaker. Representative Leeman had been living at 14 Partridge Green Way, which is in Ward 3 in the city of Rochester. The district, (Strafford 23), includes Ward 3 (as well as Ward 2). Representative Leeman told the committee the he had lived there for 9 years, but had moved on December 29 of 2015 and currently resides at 64 Old Farm Lane in Rochester's Ward 6. The committee took testimony from the Speaker, Clerk, and House Legal Counsel. Part 2, Article 14 of the New Hampshire Constitution was reviewed extensively, which includes the language "every member of the house of representatives shall be chosen, by ballot; and, for two years, at least, next preceding his election shall have been an inhabitant of this state; shall be, at the time of his election, an inhabitant of the town, ward, place or district he may be chosen to represent and shall cease to represent such town, ward, place or district immediately on his ceasing to be qualified as aforesaid." The provision twice uses the term "inhabitant" and that is an older term from the 1700s that means, according to Black's Law Dictionary, "one who resides actually and permanently in a given place and has his domicile there." Additionally, according to the book *The New Hampshire State Constitution*, by Lawrence Friedman (2015 edition), "if a member moves out of his or her district, the residency requirement is not met and he or she ceases to be a representative." The committee, as part of this report undertook to answer two questions. 1) Is the member an inhabitant of the district to which he was elected? 2) Is the member qualified to continue to represent the district to which he was elected? The committee agreed, unanimously, that the answer to both questions was no. Representative Leeman can no longer serve as a member of the New Hampshire House because he has constitutionally disqualified himself.

Rep. Dick Hinch for the Committee

Rep. Hinch addressed the House and indicated that Rep. Leeman had in fact returned to his district.

MOTION TO LAY ON THE TABLE

Rep. Packard moved that the Report of the Committee on Legislative Administration be laid on the table.
Motion adopted.

MOTION TO AMEND CONSENT CALENDAR

Rep. Hinch moved that the bills printed in House Calendar Addendum 14A, intended and voted by Committee to be on the Consent Calendar, be included in the vote on the Consent Calendar.

Motion adopted.

CONSENT CALENDAR

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

HB 1135, relative to physical force in defense of a person, removed by Rep. Abramson.

HB 1153, prohibiting a political subdivision from adopting residency restrictions on sex offenders, removed by Rep. Spillane.

HB 1261, relative to multiple indictments in criminal prosecutions, removed by Rep. Abramson.

HB 1311, relative to solitary confinement, removed by Rep. Hannon.

HB 1318, relative to sex offender registration, removed by Rep. Spillane.

HB 1610-FN, legalizing the possession and cultivation of marijuana for personal use, removed by Rep. Sylvia.

HB 1414, repealing the home education advisory council, removed by Rep. Hoell.

HB 1497, relative to the limits on disclosure of information used on college entrance exams, removed by Rep. Ladd.

HB 1143, relative to showing a ballot, removed by Rep. Rideout.

HB 1144-L, relative to notice for sessions of correction of the check list, removed by Rep. Bates.

HB 1466, relative to labeling requirements for certain homestead food operations, removed by Rep. Hannon.

HB 1661-FN, relative to conversion therapy seeking to change a person's sexual orientation, removed by Rep. Moore.

HB 1701-FN, relative to specialty care in drop-in or walk-in clinics, removed by Rep. Joe Sweeney.

HB 1370, relative to termination of tenancy, removed by Rep. Abramson.

HB 1126, limiting the authority of delegates to Article V conventions, removed by Rep. Hoell.

HB 1263, authorizing municipalities to use form-based codes as an alternative zoning regulation, removed by Rep. Abramson.

HB 1359, relative to the tax credit for service-connected disability, removed by Rep. Estevez.

HB 1134, relative to open access to broadband infrastructure, removed by Rep. Abramson.

HCR 10, requesting an investigation on whether benzodiazepines contribute to suicides by veterans, removed by Rep. Abramson.

HB 1422-FN, creating an exemption from the business profits tax for new businesses in New Hampshire, removed by Rep. Estevez.
Consent Calendar adopted.

HB 1118, relative to the determination of parental rights and responsibilities and establishing a presumption in favor of shared residential responsibility. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank Edelblut for Children and Family Law. This bill establishes as the starting point in a custody proceeding that it is in the best interest of the child, barring extenuating circumstances such as abuse or neglect, that both parents have continuing substantive involvement in the child's life. A large body of research in this area establishes that shared parenting arrangements result in lower risks of fear, aggression or depression, behavioral problems and risky behaviors. Vote 14-0.

Amendment (0801h)

Amend RSA 461-A:6, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) In the absence of an agreement between the parties, or a determination of the parental rights and responsibilities for each child under subparagraph (a), the court shall issue an order that provides for continuing contact between each parent and the minor child or children and for the shared parenting responsibilities of child-rearing and encouraging the love, affection, and contact between the minor child or children and the parents regardless of marital status, unless the court makes explicit findings that such contact is not in the best interest of the child. There shall be a rebuttable presumption that shared parenting and shared residential rights and responsibilities are in the best interest of the child or children.

Amend the bill by replacing section 3 with the following:

3 New Paragraph; Parental Rights and Responsibilities; Definition of Shared Parenting. Amend RSA 461-A:1 by inserting after paragraph VII the following new paragraph:

VIII. "Shared parenting" means an arrangement by which:

(a) A child has comparable time with each parent appropriate to (i) the developmental age and status of the child, (ii) the child's routine schedule of school and other activities, (iii) holidays and other child-centered special events, and (iv) the parent's availability to fulfill parenting responsibilities; and

(b) The child's material, developmental, educational, and emotional needs are provided by the parents according to the parents' individual capability.

2016-0801h

AMENDED ANALYSIS

This bill:

I. Provides a list of factors the court may consider in determining parental rights and responsibilities.

II. Establishes a presumption in favor of shared parental rights, including residential responsibility.

III. Permits the court to modify parental rights and responsibilities based on the best interest of the child.

HB 1165, changing "incapacitated" to "vulnerable" in the adult protective services laws. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Debra DeSimone for Children and Family Law. This bill and amendment simply changes the word "incapacitated" to "vulnerable." It was the testimony heard from a multitude of departments and councils that this change would be a less disagreeable term to those who are "vulnerable." Vote 13-0.

Amendment (0670h)

Amend the bill by inserting after section 1 the following and renumbering the original sections 2-11 to read as 3-12, respectively:

2 Elderly and Adult Services; "Incapacitated" Changed to "Vulnerable." Amend the introductory paragraph of RSA 161-F:46 to read as follows:

Any person, including, but not limited to, physicians, other health care professionals, social workers, clergy, and law enforcement officials, suspecting or believing in good faith that any adult who is or who is suspected to be ~~incapacitated~~ **vulnerable** has been subjected to abuse, neglect, self-neglect, or exploitation or is living in hazardous conditions shall report or cause a report to be made as follows:

Amend RSA 161-F:49, I(a) as inserted by section 3 of the bill by replacing it with the following:

(a) "Individual" means an individual, 18 years of age or older, ~~found eligible for or receiving services pursuant to RSA 171-A, RSA 135-C:13, RSA 135-C:14, RSA 161-E, RSA 161-I, or programs licensed under RSA 151:2, I(b), (c), or (f), or~~ who is ~~an incapacitated~~ **a vulnerable** adult, as defined under RSA 161-F:43, VII.

HB 1237, establishing a committee to study the establishment of a default conflict management and resolution system for parents and children. **OUGHT TO PASS.**

Rep. Jeffrey Oigny for Children and Family Law. Despite many attempts by the court to help resolve family conflict over many years, the committee still hears many complaints about high conflict in family court. The majority believe enough evidence exists to support the bill and potential enhanced default systems which may better serve New Hampshire families. Vote 10-2.

HB 1279, relative to grounds for termination of parental rights. **OUGHT TO PASS.**

Rep. Skip Berrien for Children and Family Law. This bill terminates the parental rights of a parent convicted of murder or manslaughter of the other parent or the child's sibling when the child was born after the parent's conviction. Vote 11-0.

HB 1105, establishing a committee to study third party mortgage processors. **OUGHT TO PASS.**

Rep. Edward Butler for Commerce and Consumer Affairs. In the process of analyzing recent fraud and Ponzi schemes, such as the Financial Resources Mortgage (FRM) debacle, questions have been raised about whether the state is appropriately regulating third party mortgagors. Focused effort is needed to understand this issue better. This study is designed to accomplish this goal. Vote 17-2.

HB 1111, relative to securities advisory councils and committees. **INEXPEDIENT TO LEGISLATE.**

Rep. Harold French for Commerce and Consumer Affairs. After deliberations, the majority of the committee determined, that creating an entire new state entity under the Secretary of State was not the best nor most effective way to handle complaints of possible fraud in the sale of securities. Vote 19-0.

HB 1150, relative to the penalty for failure to deliver goods under the Uniform Commercial Code. **INEXPEDIENT TO LEGISLATE.**

Rep. Valerie Fraser for Commerce and Consumer Affairs. This bill is an attempt to add a new section to RSA 382-A:1-311, creating a penalty of negligence with liability for damages equal to triple the value of the contract as defined in the Uniform Commercial Code (UCC), if there is failure to deliver any part of the property included in a contract to any purchaser. The committee feels that there are many remedies available in law that address a breach of contract relative to goods purchased and the UCC is not the appropriate place to add this provision since the Consumer Protection Act already has triple damages. Vote 20-0.

HB 1152, relative to the definition of specialty beer. **OUGHT TO PASS.**

Rep. Bart Fromuth for Commerce and Consumer Affairs. This bill, as introduced, raises the allowable alcohol by volume content in specialty beers from 12 to 21%. The committee felt that this was a good bill and people should be able to buy the same specialty beers in NH that they can acquire in other states. This bill also bypasses the previous requirement for approval of the Liquor Commission for beers with content over 12%, which should save the state time and money. Vote 20-0.

HB 1160-FN, relative to licensing spas and salons to serve alcoholic beverages. **INEXPEDIENT TO LEGISLATE.**

Rep. Rebecca McBeath for Commerce and Consumer Affairs. This bill establishes a license for spas and salons to serve alcoholic beverages. The committee was concerned about who should be included in the bill since many businesses, not just spas, might give away free alcohol to their customers. Defining and ultimately enforcing this license seems to be problematic so the committee decided to not pass this bill. Vote 17-0.

HB 1169, prohibiting bank fees for on-line accounts. **INEXPEDIENT TO LEGISLATE.**

Rep. Valerie Fraser for Commerce and Consumer Affairs. This bill is an attempt to prohibit in-state banks from charging fees for an accessible on-line account. This bill is not necessary as most banks that provide on-line banking do not charge any transaction fees. Vote 20-0.

HB 1194, relative to medical benefits under motor vehicle insurance. **INEXPEDIENT TO LEGISLATE.**

Rep. Edward Butler for Commerce and Consumer Affairs. The intent of this bill was to clarify the process for billing for ambulance services. However, this legislature looked at this issue a few years ago and made the necessary changes. The Insurance Department provided the necessary information and assistance to the constituent. Therefore this bill is not needed. Vote 19-0.

HB 1195, relative to prepayment contracts for petroleum products. **OUGHT TO PASS.**

Rep. John Hunt for Commerce and Consumer Affairs. Under a recently adopted law, oil and propane companies are barred from soliciting pre-pay contracts for the next heating season until after May of that year. Given that some municipalities and school districts can't wait until May, this bill removes this restriction and permits fuel companies to sign contracts, as long as the initial contact is from the customer and not the fuel dealer. Vote 18-1.

HB 1206, relative to limited credits. **REFER FOR INTERIM STUDY.**

Rep. Barbara Biggie for Commerce and Consumer Affairs. This bill updates RSA 179:13, by requiring wine manufacturers as well as wholesale distributors, brew pubs, nano breweries, beverage vendors and beverage manufacturers to report to the Liquor Commission when a payment to them from another licensee is delinquent. The Liquor Commission then informs all holders of these licenses of the delinquent licensees, thereby

restricting any delivery of beverages to these licensees until payments are made. These payments must also be reported to the Liquor Commission, who will again inform all. The Liquor Commission states that this information aids them in identifying those licensees who may be under financial stress. Because of the complex nature of RSA 179:13, and to ensure all licensees, manufacturers, distributors and retailers are considered for equal treatment, as well as the timely nature of all reporting, the committee agreed unanimously to refer this bill for Interim Study. Vote 19-0.

HB 1211, relative to requirements for certain alcoholic beverage licenses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bart Fromuth for Commerce and Consumer Affairs. This bill, as amended, allows former felons who have served their time for crimes committed, to access employment opportunities at restaurants and other liquor serving establishments without the approval of the Liquor Commission. Under current law, everyone from the bartender, to the doorman, to the dishwasher must seek approval from the Liquor Commission if they have a previous felony on their record. The majority of the committee felt that this requirement was not only unnecessary but also counter to state policy of promoting access to gainful employment for all Granite Staters. Vote 19-1.

Amendment (0638h)

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

1 License Qualifications. Amend RSA 178:3, VII(b) to read as follows:

(b) The applicant and any person listed pursuant to subparagraph V(b) are at least 21 years of age and **the applicant is** of sufficiently good character to leave no substantial doubt that the proposed business shall be operated in strict accordance with all applicable state and federal alcoholic beverage control laws and rules.

2 Repeal. The following are repealed:

I. RSA 178:3, VII(e), relative character of managers.

II. RSA 179:23, V-VI, relative to approval of employees convicted of felonies.

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

2016-0638h

AMENDED ANALYSIS

This bill eliminates restrictions on being employed by a liquor licensee based on felony convictions and character.

HB 1264, relative to carnival or amusement ride inspections. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Harold French for Commerce and Consumer Affairs. The majority of the committee felt that this legislation brings uniformity to inspection forms to be used in the amusement ride industry. This uniformity will make it easier for operators to remain in compliance with filing such forms with the state as required. In addition, this bill increases the insurance coverage amounts to a level more in line with today's requirements. Vote 19-1.

Amendment (0640h)

Amend RSA 321-A:2-a, I(a)(4) as inserted by section 3 of the bill by replacing it with the following:

(4) By the operator, daily on days of operation and prior to operation, using an inspection form developed by the ~~[director, which form]~~ **manufacturer, or if no such form exists, one approved by the director. Completed inspection forms** shall be kept by the owner of the ride for a period of 2 years **and shall be made available and open to inspection and copies shall be furnished to the commissioner or his or her agents upon request.**

Amend RSA 321-A:2-a, I(b)(2) as inserted by section 4 of the bill by replacing it with the following:

(2) ~~[By an agent of the commissioner not less than 90 days and not more than 120 days after the inspection required by subparagraph (1).~~

(3) ~~By the operator on each day of operation, prior to operation, using the inspection form developed by the~~ **manufacturer, or if no such form exists, one approved by the director.** ~~[director. The form shall be forwarded to the director on a weekly basis, or upon relocation of the ride, whichever occurs first.]~~ **The completed inspection forms shall be retained by the owner of the ride for a period of 2 years and shall be made available and open to inspection and copies shall be furnished to the commissioner or his or her agents upon request.**

Amend RSA 321-A:5, III(a) as inserted by section 6 of the bill by replacing it with the following:

(a) A certificate of insurance showing the operator as a named insured and confirming that insurance has been issued and is in force providing coverage for specified equipment or devices in a minimum amount of ~~[\$300,000 per person]~~ **\$1,000,000 per occurrence** and ~~[\$1,000,000]~~ **\$2,000,000** aggregate. **Such certificate shall include the provision that coverage shall remain in effect until the expiration date or if canceled by the insurer prior to the expiration date for any reason, the cancellation shall not take effect until 20 days after written notice received by the director that said certificate is being canceled and the reason or reasons for such cancellation.**

Amend RSA 321-A:5, IV(a) as inserted by section 7 of the bill by replacing it with the following:

(a) A certificate of insurance showing the operator as a named insured and confirming that insurance has been issued and is in force providing coverage for specified equipment or devices at specified locations, in a minimum amount of ~~[\$100,000 per person]~~ **\$1,000,000 per occurrence** and ~~[\$300,000]~~ **\$2,000,000** aggregate. ***Such certificate shall include the provision that coverage shall remain in effect until the expiration date or if canceled by the insurer prior to the expiration date for any reason, the cancellation shall not take effect until 20 days after written notice received by the director that said certificate is being canceled and the reason or reasons for such cancellation.***

2016-0640h

AMENDED ANALYSIS

This bill requires carnival or amusement ride operators to make inspection forms available to the commissioner of the department of safety.

This bill also makes changes to the required insurance coverage for carnival or amusement ride operators.

HB 1307, relative to the procedure for amendment of condominium instruments. **OUGHT TO PASS.**

Rep. Kermit Williams for Commerce and Consumer Affairs. When a condominium community votes to change its bylaws or other legal instruments, they are sometimes required to request approval from the mortgage holders for individual units in the development. When the mortgage holder was the bank downtown, this process was easy, but today mortgages are bought and sold on a daily basis and mortgage holders are often huge financial firms who have little interest in the affairs of a New Hampshire condominium association. This bill gives the mortgage holder a reasonable 60 days to respond to the request, after which the request is deemed approved. Vote 18-2.

HB 1316, relative to hospital rates for self-pay patients. **OUGHT TO PASS.**

Rep. John Hunt for Commerce and Consumer Affairs. Under current law, self-pay patients at a hospital can get the same discounts as someone who has health insurance. This bill clarifies who is self-pay - which means a patient seeking care at a hospital who does not have any form of insurance, including, but not limited to, health insurance, Med Pay coverage, or any other liability coverage. Vote 20-0.

HB 1403, relative to reinsurance. **OUGHT TO PASS.**

Rep. Edward Butler for Commerce and Consumer Affairs. In 2013, the New Hampshire Insurance Department (NHID) modernized the standards governing credit for reinsurance by adoption of the National Association of Insurance Commissioners (NAIC) credit for reinsurance model law. Adoption of this model law is an NAIC accreditation standard. When the NAIC model law was adopted in 2013, NHID inadvertently deleted the section regarding required insolvency clauses standards for reinsurance contracts (previously RSA 405:49). These standards had been in place since 2004. This legislation simply returns those same insolvency clause standards back into law. Vote 17-2.

HB 1409, relative to life, accident, and health insurance. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Hunt for Commerce and Consumer Affairs. At the request of the Insurance Department, this bill makes technical corrections to the life, accident and health insurance statutes, including repealing redundant statutes. Vote 18-1.

Amendment (0437h)

Amend the bill by deleting section 2 and renumbering the original sections 3-9 to read as 2-8, respectively:

Amend the bill by replacing section 8 with the following:

8 Effective Date.

I. Sections 4-6 of this act shall take effect upon its passage.

II. Section 7 of this act shall take effect 30 days after its passage.

III. The remainder of this act shall take effect January 1, 2017.

2016-0437h

AMENDED ANALYSIS

This bill makes various changes in the laws relating to life, accident, and health insurance.

HB 1410, relative to motor vehicle coverage. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Hunt for Commerce and Consumer Affairs. At the request of the Insurance Department, this bill makes technical corrections to the auto insurance statutes, such as corrections to statutory references. The amendment addresses who is included under coverage for a vehicle not owned by the insured by clarifying that coverage includes certain relatives who reside in the same household. Vote 19-0.

Amendment (0629h)

Amend RSA 259:61, II as inserted by section 1 of the bill by replacing it with the following:

II. Which further provides indemnity for or protection to the named insured, ~~[and to the spouse of such named insured as insured if a]~~ **any relative of the named insured by marriage, blood, or adoption who is a** resident of the same household, or ~~[the private chauffeur or]~~ **any** domestic servant acting within the

scope of the employment of any such ***named or resident*** insured [~~with respect to the presence of any such insured in any other motor vehicle,~~] from liability as a result of accidents which occur [~~in New Hampshire~~] ***within the limits of the United States of America, its territories or possessions, and the Dominion of Canada*** due to the [~~driving~~] ***operation*** of any motor vehicle, trailer, or semi-trailer not owned in whole or in part by such insured; provided, however, the insurance afforded under this paragraph applies only if no other valid and collectible insurance is available to the insured.

HB 1437, relative to health insurance fraud and abuse reporting. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph Hannon for Commerce and Consumer Affairs. The bill requires health insurance carriers to establish a fraud and abuse detection system and to investigate any health insurance claim or series of claims for services that are suspected to be the result of health care provider billing fraud and abuse. Under this bill, the health insurance carrier shall report suspected fraud or abuse to the fraud investigation unit. Fraud and abuse programs have been, and are currently being developed by insurance companies. It is in the best interests of the companies to do this in ways that are best for them and their customers. Vote 18-0.

HB 1450, relative to risk-based capital for insurers. **OUGHT TO PASS.**

Rep. Edward Butler for Commerce and Consumer Affairs. This bill simply changes the calculation of risk based capital within annual life and/or health insurance reports from a 2.5 multiplier to 3. This is now the national standard with which all states comply. Vote 17-1.

HB 1459, relative to commercial coverage. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill is a request of the Insurance Department and makes certain changes to the laws governing property and casualty insurance. Changes include revising the definition of 'large commercial policyholder.' These policyholders are exempt from some insurance regulations. The bill also extends the time frame for approval of an extra 30 days for policies that are in the nonconforming market. Vote 18-0.

Amendment (0674h)

Amend RSA 412:15, IV(b) and (c) as inserted by section 2 of the bill by replacing them with the following:
(b) No greater than plus or minus 40 percent of the insurer's base rates.

2016-0674h

AMENDED ANALYSIS

This bill makes certain changes to the laws governing property and casualty insurance.

HB 1473, relative to small loans. **INEXPEDIENT TO LEGISLATE.**

Rep. Kermit Williams for Commerce and Consumer Affairs. When the Banking Department presented a bill last year to recodify the small loan statute, they neglected to point out two small changes to the law that were included in the legislation. In order to ensure that the legislature was aware of these changes, the department requested this bill to repeal the provisions this year. The committee felt that the changes were acceptable and provide some additional protection to small loan borrowers, and voted unanimously to recommend the bill be found Inexpedient to Legislate. Vote 18-0.

HB 1491, relative to trust fund interest. **INEXPEDIENT TO LEGISLATE.**

Rep. Edward Butler for Commerce and Consumer Affairs. This bill would mandate that any interest earned through a deposit into a trust fund would be returned to the depositor. Notwithstanding the difficulty for the many NH businesses who take deposits and the difficulty they would have in calculating the interest earned, the committee learned that there are trust funds, like the IOLTA (Interest on Lawyer Trust Accounts), in which the interest earned is not returned to the depositor but rather is used to provide legal services for those unable to afford them otherwise. The committee determined that services provided through such a program are valuable to our communities and therefore voted this bill Inexpedient to Legislate. Vote 18-0.

HB 1516-FN, relative to balance billing. **REFER FOR INTERIM STUDY.**

Rep. David Luneau for Commerce and Consumer Affairs. An insured patient who obtains medical services from an in-network provider, such as a hospital, may end up having services performed by a doctor who is not a member of the insurance carrier's network. Under current law, there is nothing to prevent these doctors from billing the patient for the difference between their normal charge and the amount the doctor was paid by the patient's insurance carrier. Balance billing, as it is known, often can follow an emergency procedure, but it can happen following any medical procedure. The committee recognizes as a problem that patients should not be billed for procedures that otherwise would be covered by their insurance and seeks to work with health care providers and insurance carriers to find a solution. Vote 18-0.

HB 1579, relative to regulation of the practice of out-of-state brokers by the real estate commission. **OUGHT TO PASS.**

Rep. Harold French for Commerce and Consumer Affairs. After careful consideration of this legislation, the committee recommended that the House adopt it. This bill assists real estate brokers licensed in NH

by codifying what is the practical and existing practice in the sale and leasing of commercial real estate. It clears up, within existing statute, certain ambiguities that have been a hindrance to the industry in the past. Vote 17-0.

HB 1601, relative to certain continuing care communities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard Abel for Commerce and Consumer Affairs. This bill directs that the Commissioner of Insurance shall not prescribe by rule or otherwise require submission of an actuarial report from any facility which does not offer a contract in which all or part of the risk of uncertain future health care costs is borne by the facility and not the resident. The amendment clarifies the language in the original bill. Vote 17-0.

Amendment (0008h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Certain Continuing Care Communities. Amend RSA 420-D:7 by inserting after paragraph III the following new paragraph:

IV. Notwithstanding paragraph II, the commissioner shall not prescribe by rule or otherwise require submission of an actuarial report from any facility which does not offer a contract in which all or part of the risk of uncertain future health care costs is borne by the facility and not the resident.

2016-0008h

AMENDED ANALYSIS

This bill declares that any continuing care community which charges an entrance fee but which does not assume risk of uncertain future health care costs shall not be required to submit actuarial studies to the insurance department.

HB 1617, relative to funding for housing projects by the New Hampshire housing finance authority. **INEXPEDIENT TO LEGISLATE.**

Rep. Edward Butler for Commerce and Consumer Affairs. This bill requires that the NH Housing Authority to conduct a market study prior to authorizing a proposed housing development. It was reinforced for the committee that such studies are always done for proposed new developments. In the specific situation that engendered this bill, a total of 4 studies were done in an effort to answer questions raised by interested parties. Therefore, the committee believes that this bill is not needed. Vote 15-1.

HB 1618, relative to debt adjustment services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laurie Sanborn for Commerce and Consumer Affairs. This bill recodifies and modernizes existing laws regulating debt adjustment services by modifying the definition of debt adjustment to match industry models and by restructuring the statute to match other statutes enforced by the NH Banking Department. The committee amendment restores an exemption that is in current law. Vote 17-0.

Amendment (0811h)

Amend RSA 399-D:1, IX(f) as inserted by section 1 of the bill by replacing it with the following:

(f) Any person that serves as an intermediary between a debtor and one or more creditors of the debtor for the purpose of obtaining concessions.

(1) An intermediary includes but is not limited to any person that:

(A) Engages in the business of mortgage loan loss mitigation; and

(B) Is not subject to RSA 397-A or RSA 397-B.

(2) An intermediary does not include any person specifically exempted pursuant to RSA 397-A:4 or RSA 397-B:10.

Amend the bill by replacing section 2 with the following:

2 Exemptions; Debt Adjustment Services. Amend RSA 479-B:11, I(g) through (h) to read as follows:

(g) A nonprofit organization or government entity that offers counseling or advice to homeowners in foreclosure or loan default, if the organization is not directly or indirectly related to and does not contract for services with for-profit lenders, foreclosure consultants, or pre-foreclosure purchasers; [or]

(h) A creditors' committee or trustee participating in a place of reorganization or repayment through a proceeding under the jurisdiction of the United States Bankruptcy Court[.] **or**

(i) A person licensed to engage in the business of debt adjustment under RSA 399-D.

HB 1700-FN, relative to abuse-deterrent opioid drug products. **INEXPEDIENT TO LEGISLATE.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill requires insurers to include in their formulary an abuse-deterrent alternative for each opiate on the formulary, where one is available. Considering that the committee has endorsed HB 1608 the Prior Authorization form legislation and the fact that health plans have some of these already on their formularies, the committee accepted the sponsor's recommendation that the legislation was no longer necessary. Vote 17-0.

HB 1113, requiring a performance audit of the sex offender treatment program in the department of corrections. **OUGHT TO PASS.**

Rep. Geoffrey Hirsch for Criminal Justice and Public Safety. This bill requires an audit of the sex offender treatment program in the Department of Corrections. Testimony revealed that the sex offender treatment program has both laudable results as well as areas of concern. All the testimony was in favor of this bill, from the Department of Corrections to former inmates. The audit will be conducted by the Audit Division of the Legislation Budget Assistant office, which will submit its findings within 9 months of the bill's effective date. Vote 11-0.

HB 1235, relative to stalking. **INEXPEDIENT TO LEGISLATE.**

Rep. John Burt for Criminal Justice and Public Safety. This bill redefines "course of conduct" in the stalking statute. This bill seeks to amend RSA 633:3-a, which reads in part: "nor shall it include conduct that was necessary to accomplish a legitimate purpose independent of making contact with the targeted person." The committee understood this language was added to law many years ago so a person that had a "legitimate" reason to be at a place - a local grocery, gas station, children's school - would not be charged for stalking if another person had an issue and wanted to file a stalking charge. The committee heard a lot of testimony from the one woman that wanted this bill and the committee felt if the woman was afraid of her ex-spouse that she could have filed a domestic violence charge. Vote 17-0.

HB 1266, legalizing firecrackers and smoke bombs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Arthur Barnes for Criminal Justice and Public Safety. This bill as amended legalizes the sale of firecrackers. The statute which prohibits the retail sale of firecrackers (RSA 160-B:16-b) was last revisited in 2004. Since that time the size and quantity of gunpowder contained therein has been reduced. Based upon the documented testimony provided, the committee determined that the explosive power of mortar firecrackers does not present the level of danger they once did. Vote 9-3.

Amendment (0412h)

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

AN ACT legalizing firecrackers.

Amend the bill by replacing sections 2-3 with the following:

2 Repeal. RSA 160-B:16-b, relative to the prohibition on the retail sale of firecrackers, is repealed.

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

2016-0412h

AMENDED ANALYSIS

This bill legalizes the sale of firecrackers.

HB 1287, repealing a provision of the harassment statute. **OUGHT TO PASS.**

Rep. John Burt for Criminal Justice and Public Safety. This bill repeals a section of the harassment statute, RSA 644:4 I(f), that was struck down as unconstitutional by the New Hampshire Supreme Court in the case of State v. Pierce, 152 N.H. 790 (2005). The Supreme Court struck the law down on free speech grounds, holding that it violated Part I, Article 15 of the New Hampshire Constitution. Vote 17-0.

HB 1305, relative to the use of an ignition interlock device after a license suspension. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Latha Mangipudi for Criminal Justice and Public Safety. This bill was discussed at length by the committee regarding the benefits to the safety of New Hampshire drivers. The bill as amended provides that a person requesting a restricted license shall have an enhanced technology interlock device installed for a period of one year, thus providing the ability of the driver to work and support the family while modifying the driver's behavior involving drinking and driving. Vote 12-1.

Amendment (0346h)

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

AN ACT relative to the use of an ignition interlock device.

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

1 New Paragraph; Limited Driving Privilege; Ignition Interlock Program. Amend RSA 263:57-b by inserting after paragraph V the following new paragraph:

VI. As a condition of receiving a limited privilege license, the person shall agree to be subject to the ignition interlock program for one year immediately following restoration of driving privileges.

2 New Subparagraph; Use of Mobile Electronic Devices While Driving. Amend RSA 265:79-c, II by inserting after subparagraph (c) the following new subparagraph:

(d) To perform any action required by an ignition interlock device.

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

2016-0346h
AMENDED ANALYSIS

This bill requires a person receiving a limited privilege license to be subject to the ignition interlock program for one year after restoration of driving privileges. This bill also establishes an exemption from the prohibition on the use of mobile electronic devices while driving for actions required by an ignition interlock device.

HB 1327, relative to the statute of limitations for continuing violations of trespass. **INEXPEDIENT TO LEGISLATE.**

Rep. David Welch for Criminal Justice and Public Safety. This bill excepts continuing violations of trespass from the 3-year statute of limitations for personal actions. No one spoke in favor of the bill, so the committee voted to dispense with the bill accordingly. Vote 13-1.

HB 1343, prohibiting the retroactive application of the sex offender registry. **INEXPEDIENT TO LEGISLATE.**

Rep. John Martin for Criminal Justice and Public Safety. Although this bill was very brief, it garnered a lot of testimony, both for and against. Much of the testimony centered on Doe v. State of NH which was decided by the New Hampshire Supreme Court on February 12, 2015. This decision weighed the punitive nature of the sex offender registry versus its regulatory nature. While the decision partially upheld and partially struck down a lower court decision, the court did not expressly forbid the retroactive use of the sex offender registry, as it was originally held to be regulatory in nature and not ex post facto punishment. Many of the problems argued arise from subsequent changes to RSA 651-B. As written, this bill does not meet any need relative to correcting any ex post facto issues. Other testimony, from the Department of Safety and from domestic violence groups also opposed this bill, and the Department of Safety advised this bill has the potential of removing 900 offenders from the registry without any further review. Additionally, other bills may deal with the issues raised in Doe, but this one does not. Vote 11-5.

HB 1344, prohibiting the sale or possession of sky lanterns. **INEXPEDIENT TO LEGISLATE.**

Rep. David Welch for Criminal Justice and Public Safety. Sky lanterns are devices sold in many retail outlets that are powered by heat from a combustible source. The bag-shaped lantern rises as the heat builds up within the bag and when the heat source is extinguished the bag floats down. There is no flame when the combustible material is consumed. The state fire marshal has ruled these sky lanterns as “recreational fire” and suggests that they be tethered by a string so that they are attended. The committee saw no need to prohibit their sale or possession. Vote 12-0.

HB 1353, relative to the notice required of a law enforcement officer prior to making an audio recording of a routine stop. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Welch for Criminal Justice and Public Safety. This bill amends the statute that provides that a uniformed law enforcement officer during a routine stop must notify the party of the fact that he or she is being recorded. The added language states it must be done “where it is reasonable or practicable under the circumstances.” This is because there are times when it may not be reasonable, such as when the party is intoxicated or under duress or when the situation makes notification difficult or impossible, such as during a confrontation or an accident. The amendment changes the effective date to upon passage. Vote 14-0.

Amendment (0415h)

Amend the bill by replacing section 2 with the following:

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

HB 1369, requiring judges to grant earned time credits when a prisoner has substantially reduced the threat he or she poses to the public. **INEXPEDIENT TO LEGISLATE.**

Rep. John Martin for Criminal Justice and Public Safety. This bill requires the sentencing court to grant a prisoner’s petition for earned time credits whenever the prisoner has substantially reduced, through self-improvement efforts, the threat he or she poses to the public. This legislation mixes the person’s behavior with these efforts and that is not the intent. The bill also does not define any methodology or risk assessment procedure to determine whether the prisoner no longer poses a threat to the public. In addition, we have not had enough time under the existing law to determine any correlation between granting earned time credit with reduction in recidivism, including the possibility of reduction of threat or risk. This bill also requires judges to grant petitions for earned time credits from prisoners. The use of the word “shall” removes the discretion from the judge. It sets a bad precedent for a judge’s decisions to be dictated by the legislature and is a blurring of the principle of separation of powers. Vote 16-1.

HB 1381-FN, legalizing the sale of smoke bombs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Welch for Criminal Justice and Public Safety. This bill as introduced would have repealed the prohibition on the sale or use of smoke bombs. If that had happened military canisters of smoke would have been allowed. The amendment amends the statute which allows small smoke devices sold as permissible fireworks and limits the sale to those 21 and older. The devices have been illegally sold in other retail outlets but now are only available from licensed fireworks dealers. Vote 12-1.

Amendment (0416h)

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

AN ACT relative to the sale of smoke bombs.

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

1 Smoke Bombs. Amend RSA 644:16-b, II to read as follows:

II. With the exception of persons or groups, including law enforcement organizations, who use smoke bombs for training purposes or to protect property or lives, **and with the exception of smoke bombs sold or offered for sale by a person licensed to sell permissible fireworks pursuant to RSA 160-C**, any person who sells, barter, lends, or gives to any person a smoke bomb and any person who uses a smoke bomb in a public place shall be guilty of a violation.

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

2016-0416h

AMENDED ANALYSIS

This bill creates an exception for the sale or use of smoke bombs by a person licensed to sell permissible fireworks.

HB 1415, relative to escape from official custody. **OUGHT TO PASS.**

Rep. Latha Mangipudi for Criminal Justice and Public Safety. This bill clarifies current law so that if a person escapes from official custody, confinement pursuant to a court order, from a jail, prison, house of correction or juvenile custody they are guilty of a class B felony. This bill corrects a prior omission from the statute from several years ago where those persons released from a correctional institution pursuant to administrative home confinement or any treatment program or other place as directed by the commissioner or sentencing court were inadvertently left out of the statute. Vote 13-0.

HB 1426-FN, relative to earned time credits for prisoners participating in rehabilitative or educational programming. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Welch for Criminal Justice and Public Safety. This bill expands a program initiated in 2014 which allows prisoners who earn degrees to be granted time off their minimum and maximum sentences. The bill adds master's degree and doctorate degree to the list of programs. The Department of Corrections agrees with the amended bill. The costs for these programs are borne by the prisoner or the prisoner's family and participation is determined by the prisoner's behavior. Vote 17-0.

Amendment (0681h)

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

AN ACT relative to earned time credits for prisoners participating in educational programming.

Amend RSA 651-A:22-a as inserted by section 1 of the bill by replacing it with the following:

651-A:22-a Earned Time Credits.

I. The commissioner, after reviewing a prisoner's record, shall award to a prisoner or recommend that the prisoner receive a one-time reduction in his or her minimum and maximum sentences for successful completion of each of the following programs while incarcerated:

(a) Education Programs:

(1) ~~[GED]~~ **High School Equivalency Certificate** 90 day reduction in the prisoner's minimum sentence and 90 day reduction in the prisoner's maximum sentence.

(2) High School Diploma 120 day reduction in the prisoner's minimum sentence and 120 day reduction in the prisoner's maximum sentence.

(3) Associate's Degree 180 day reduction in the prisoner's minimum sentence and 180 day reduction in the prisoner's maximum sentence.

(4) Bachelor's Degree 180 day reduction in the prisoner's minimum sentence and 180 day reduction in the prisoner's maximum sentence.

(5) **Master's Degree** 180 day reduction in the prisoner's minimum sentence and 180 day reduction in the prisoner's maximum sentence.

(6) **Doctorate Degree** 180 day reduction in the prisoner's minimum sentence and 180 day reduction in the prisoner's maximum sentence.

(b) Vocational Programming. A prisoner who successfully completes a vocational program that is authorized and approved by the department or who successfully completes a vocational program that the commissioner deems to be valuable to the prisoner's rehabilitation, shall be entitled to a reduction of ~~[up to]~~ 60 days in his or her minimum sentence and a reduction of ~~[up to]~~ 60 days in his or her maximum sentence. The commissioner shall establish procedures, which shall be exempt from RSA 541-A, for awarding such reductions.

(c) Mental Health Programming. A prisoner who meaningfully participates in recommended or mandated mental health and/or substance use treatment that is authorized and approved by the department or

that the commissioner deems to be valuable to the prisoner's rehabilitation, shall be entitled to a one-time reduction of 60 days in his or her minimum sentence and a one-time reduction of 60 days in his or her maximum sentence. The commissioner shall establish procedures, which shall be exempt from RSA 541-A, for awarding such reductions.

(d) Participation in Family Connections Center Programming. A prisoner who is a parent and who meaningfully participates in the programming offered by the Family Connections Center that the commissioner deems to be valuable to the prisoner's rehabilitation, shall be entitled to a one-time reduction of 60 days in his or her minimum sentence and a one-time reduction of 60 days in his or her maximum sentence. The commissioner shall establish procedures, which shall be exempt from RSA 541-A, for awarding such reductions.

II. The earned time reductions authorized in paragraph I of this section shall be available to prisoners who were incarcerated on or after the effective date of this section and who have been granted this option by the presiding justice at the time of sentencing. The earned time reductions authorized in paragraph I of this section shall be available to prisoners who were incarcerated prior to the effective date of this section upon recommendation of the commissioner and upon approval of the sentencing court in response to a petition which is timely brought by the prisoner.

III. The earned time reductions authorized in paragraph I of this section shall only be earned and available to prisoners while in the least restrictive security classifications of general population and minimum security. The earned time may be forfeited for involvement or membership in a security threat group, attempted escape, escape, or commission of any category A offense listed in the department of corrections policy and procedure directives.

IV. The earned time reductions granted under this section shall not exceed [13] **21** months off the prisoner's minimum sentence and [13] **21** months off the prisoner's maximum sentence.

HB 1492, regarding individual privacy when law enforcement agencies use body-worn cameras. **INEXPEDIENT TO LEGISLATE.**

Rep. David Welch for Criminal Justice and Public Safety. The subject matter contained in this bill is already covered in a previous bill which has passed the House (HB 617). The sponsor requested that the committee find this bill Inexpedient to Legislate. Vote 11-0.

HB 1506, establishing a committee to study the use of solitary confinement in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Dick Marston for Criminal Justice and Public Safety. The bill is unnecessary as it does not address issues or conditions in New Hampshire. The anecdotal evidence presented in testimony to the committee referred to practices in other states. Solitary confinement is not a condition of confinement used by the NH Department of Corrections (DOC) or the various counties, as was presented in extensive testimony by the Assistant Commissioner of the Department of Corrections, Helen Hanks. It appears that prior to the introduction of this legislation not enough research was done or attempts made to reach out to DOC or the counties to review facilities or processes. Additionally, the committee felt there is insufficient time for a study committee. Vote 11-0.

HB 1507, amending the procedures for the use of solitary confinement and establishing a committee to study the use and effectiveness of solitary confinement in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. John Martin for Criminal Justice and Public Safety. This bill is unnecessary as it does not address issues or conditions that arise in New Hampshire. Solitary confinement, as repeatedly described, is not a condition of confinement used in the New Hampshire Department of Corrections (DOC) or the various counties. The anecdotal evidence presented in testimony to the committee referred to practices in other states. The Laaman consent decree, DOC policy and procedures, and standards from the American Correctional Association all address conditions of confinement. Further, prior to the introduction of the legislation, none of the sponsors had researched or reached out to the DOC or counties to review facilities or processes. One of the prison housing units mentioned in the bill did not even have the segregated space targeted by the bill. Enactment of this bill would be a solution searching for a problem and would squander precious time and resources. If there is a question relative to the county jails, the county delegations are able to arrange tours and inspect every area behind the walls. The DOC has been forthcoming with information and accessibility. The committee has had opportunities to tour the Men's Prison in Concord and meet with inmates unsupervised. Every area and housing unit was available for inspection and no areas exist that fit the description in the proposed legislation. The facility in Berlin has made it a practice, since it opened, to return problematic inmates to Concord, and they are not equipped with an area to totally segregate an inmate. Vote 9-2.

HB 1525-FN, relative to the circumstances that constitute indecent exposure and lewdness. **INEXPEDIENT TO LEGISLATE.**

Rep. John Burt for Criminal Justice and Public Safety. This bill expands the indecent exposure law to include the anus (regardless of gender) as well as the nipple and areola (only if female). The committee heard testimony from many who warned that, due to likely acts of civil disobedience, the state would face expensive

court fees should this become law. The NH Civil Liberties Union testified that violation of such a law could be considered protected political speech, indicating that the state would be unsuccessful in litigation. The committee sees no sense in passing a law that cannot be enforced. The committee also believes that this bill violates Part I, Article 2 of the State Constitution, which states that "Equality of rights under the law shall not be denied or abridged on account of race, creed, color, sex or national origin." This bill attempts to apply a law to women only. This bill would also place police officers in the uncomfortable position of having to determine the gender of a potential offender. Lastly, an offender (if convicted) would be listed in the state's sex offender registry after a second conviction, which many considered to be an excessive punishment. In a state with an average temperature of only 46 degrees, the risk of rampant nudity seems rather low. The committee considers this legislation Inexpedient to Legislate for these reasons. Vote 19-0.

HB 1586-FN, prohibiting the impersonation of an emergency medical technician or firefighter. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dick Marston for Criminal Justice and Public Safety. This bill as amended will provide that all first responders, not just police, cannot be impersonated without penalty of law. First responders are granted access to emergency scenes or critical infrastructure not granted to untrained and unauthorized persons. Individuals with malicious intent target these roles for impersonation because of the unrestricted access they may obtain. This puts the private citizens at a great risk in many various ways. The committee, with a near unanimous vote, is seeking to plug up this loophole in our laws. Vote 16-1.

Amendment (0603h)

Amend the bill by replacing section 1 with the following:

1 Penalty; Impersonation of a Firefighter. Amend RSA 154:9 to read as follows:
154:9 Penalty.

I. If any person present at a fire, emergency or service call, at or to which the fire department is responding shall refuse or neglect to obey the commands of any member who is recognized as, or should have been recognized as, a member of the fire department, or shall unlawfully assume the office or badge of office of a fire chief, fire officer or firefighter, such person shall be guilty of a violation.

II. Any person who knowingly and falsely assumes or exercises the functions, powers, duties, or privileges incident to the position of firefighter of any city, town, or private fire department, or any other firefighter or fire investigator employed by any state, county, or political subdivision of a state or county, or who wears or displays without authority any uniform, badge, or other identification by which such firefighter or investigator is lawfully identified, and with the intent to be recognized as such, shall be guilty of a class B felony. This paragraph shall not apply to a retired firefighter who wears apparel with his or her former station's insignia upon it.

Amend RSA 153-A:21-a as inserted by section 2 of the bill by replacing it with the following:

153-A:21-a Emergency Medical Technicians and Paramedics; False Personation. Any person who knowingly and falsely assumes or exercises the functions, powers, duties, or privileges incident to the position of emergency medical technician or paramedic of any city, town, or private entity, or any emergency medical technician or paramedic employed by any state, county, or political subdivision of a state or county, or who wears or displays without authority any uniform, badge, or other identification by which such emergency medical technician or paramedic is lawfully identified, and with the intent to be recognized as such, shall be guilty of a class B felony.

HB 1597-FN, relative to preservation of biological material in a criminal investigation for DNA testing. **INEXPEDIENT TO LEGISLATE.**

Rep. Arthur Barnes for Criminal Justice and Public Safety. This bill as introduced would require an investigating agency to preserve any biological material obtained in connection with a criminal or delinquency investigation or prosecution for five years from the date of conviction or adjudication, or as long as any person connected with that case or investigation remains in custody, whichever is longer. The testimony of the state police's criminal lab was that modern techniques in DNA testing do not require maintaining all biological material collected to have an accurate chain of evidence. Additional time costs of preserving all biological material collected would be astronomical. Vote 15-0.

HB 1598-FN, relative to the penalty for driving while intoxicated, third or subsequent offense. **INEXPEDIENT TO LEGISLATE.**

Rep. Dick Marston for Criminal Justice and Public Safety. This bill would require the indefinite revocation of the driver's license of any person convicted of a third driving while intoxicated offense. There was no testimony in favor of the bill and two witnesses testified against the bill. Additionally, the Department of Safety took no position. The committee believes that changes to current law are unnecessary. Vote 13-0.

HB 1603-FN, requiring the registration of drug dealers. **INEXPEDIENT TO LEGISLATE.**

Rep. Geoffrey Hirsch for Criminal Justice and Public Safety. The committee was presented with compelling testimony that such a registry will do nothing to alleviate NH's drug crisis but will add additional administra-

tive duties to state and local law enforcement. Further, given the Drug Task Force's work, it is increasingly clear that we need to treat the issue of drug addiction as a public health issue and NOT as a criminal justice issue. Law enforcement already has records of those convicted of drug trafficking. Vote 15-0.

HB 1606-FN, relative to unlawful sale or possession of alcoholic beverages. **INEXPEDIENT TO LEGISLATE.** Rep. John Martin for Criminal Justice and Public Safety. This bill would have allowed the consumption of beer and wine by 18 to 20 year olds while under the supervision of a "responsible" adult over the age of 21. While its stated intent is to facilitate the introduction of alcohol to 18 to 20 year olds in a responsible, supervised manner, it does nothing of the kind. There is no way to quantify what a "responsible" adult is, let alone a 21 year old. There was very little support for this bill. The scenario of 18 to 20 year olds drinking beer and wine under the supervision of a 21 year old would be a fair description of a fraternity party or an underage home drinking party. This bill would only serve to encourage underage drinking and essentially legalize irresponsible behavior. Vote 9-2.

HB 1613-FN, relative to criminal prosecution for those charged with prostitution. **INEXPEDIENT TO LEGISLATE.**

Rep. Geoffrey Hirsch for Criminal Justice and Public Safety. This bill attempts to adjust criminal penalties for clients of prostitution, while ignoring the other party to the activity. This one-sided approach is not an appropriate way to address any changes in NH prostitution laws. Vote 15-1.

HB 1628-FN, relative to human trafficking involving persons under 18 years of age. **OUGHT TO PASS.** Rep. David Welch for Criminal Justice and Public Safety. This bill makes it a crime for a person to pay to engage in sexual contact with a person under the age of 18. It also makes it illegal to observe a sexually explicit performance involving a person under the age of 18. The committee unanimously supported passage of the bill. Vote 12-0.

HB 1654-FN, relative to flying drones near correctional facilities. **OUGHT TO PASS WITH AMENDMENT.** Rep. John Martin for Criminal Justice and Public Safety. This bill, as amended, prohibits, with certain exceptions, the flying of a drone over or close to the environs of a jail or prison under penalty of a class A misdemeanor. This bill was at the request of the Department of Corrections after several intrusions by drones over Department facilities. Such intrusions could facilitate an avenue for the introduction of contraband and this bill becomes another tool in assuring security. It also allows for the proper authorities to operate a drone over the facility for security purposes or authorize the operation by other parties under certain conditions. Vote 11-2.

Amendment (0390h)

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

AN ACT relative to flying a drone above a correctional facility.

Amend the bill by replacing section 1 with the following:

1 New Section; Breaches of the Peace; Flying a Drone Above a Correctional Facility. Amend RSA 644 by inserting after section 21 the following new section:

644:22 Flying a Drone Above a Correctional Facility.

I. Except as otherwise provided in this section, no person shall fly a drone in the airspace above a state or county correctional facility or municipal jail. Any person who violates this section shall be guilty of a class A misdemeanor.

II.(a) State, county, or municipal correctional authorities may fly a drone above a correctional facility over which they have control for security purposes.

(b) State, county, or municipal correctional authorities may authorize a request by a person to fly a drone above a correctional facility over which they have control, provided the person:

(1) Requests permission from the appropriate correctional authority;

(2) Is authorized by the Federal Aviation Administration to operate a drone for commercial purposes; and

(3) Operates the drone in a manner that complies with the authorization.

III. In this section:

(a) "Airspace" means the space above the ground on which a state or county correctional facility or municipal jail is sited.

(b) "Drone" means a powered, aerial vehicle, excluding a geosynchronous satellite, that:

(1) Does not carry a human operator;

(2) Uses aerodynamic forces to provide vehicle lift;

(3) Can fly autonomously or be piloted remotely; and

(4) May be expendable or recoverable.

(c) "Person" means an individual, corporation, organization, and for-profit or not-for-profit entities.

2016-0390h
AMENDED ANALYSIS

This bill prohibits, with certain exceptions, a person from flying a drone above a state or county correctional facility or a municipal jail.

HB 1692-FN, revising the procedures relating to parole violation and parole revocation. **INEXPEDIENT TO LEGISLATE.**

Rep. John Martin for Criminal Justice and Public Safety. This bill would have lengthened the term of incarceration for a parole violation from 90 days to 2 years, and eliminated provisions for bail for a parole violator arrested pursuant to this bill. Testimony was largely opposed to this bill, as it would have contributed greatly to crowding conditions in the State Prison and limited options for the Adult Parole Board in dealing with offenders. There can be many mitigating circumstances in a parole violation that cannot be dealt with by a “one size fits all” solution, and decisions of this nature are best left to the parole department and the Adult Parole Board. Vote 16-0.

HB 1121, relative to the academic areas that comprise the statewide assessment. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. The annual statewide assessment is currently administered to students in grades 3-8 and grade 11 in the academic areas of reading and language arts, mathematics and science. The statewide assessment program also requires the state to assess: history, geography, civics and economics; however, these academic areas have never been tested by the state either in the old NECAP or the current Smarter Balanced systems. This bill directs statutory responsibility for assessment of history, geography, civics and economics to the local level. It is the recommendation of the education committee, although equally important, that assessment in these critical areas of study is best provided and should appropriately remain within the purview of the local school board. Vote 16-1.

Amendment (0554h)

Amend RSA 193-C:5 as inserted by section 1 of the bill by replacing it with the following:

193-C:5 Areas of Assessment. The **statewide** academic areas to be assessed shall include~~[-but not be limited to:]~~ reading and language arts, mathematics, **and** science~~[-history, geography, civics, and economics]~~. ***History, geography, civics, and economics remain critical areas of study. Therefore, assessment of these subjects remains within the purview of the local school board.*** The statewide assessment program shall only measure student understanding of key content-specific concepts, skills, and knowledge applied within or across academic content domains.

HB 1137, relative to the adoption of school administrative unit budgets. **INEXPEDIENT TO LEGISLATE.**

Rep. Terry Wolf for Education. This bill amends the alternative budget procedure in a school administrative unit and requires that the warrant article for the school administrative unit budget state the cost per pupil per fiscal year under the proposed budget. School districts currently are able to state the cost per pupil per year in a budget proposal. This bill is not necessary. Vote 20-0.

HB 1145, establishing a committee to study suspensions and expulsions in licensed preschools and in kindergarten through grade 3. **OUGHT TO PASS.**

Rep. Ralph Boehm for Education. This bill establishes a committee to look into why students in K through 3 are being suspended from school. Last year there were 101 kindergarten students suspended. A total of 523 students in K through 3. We need to find out why. Is it because of a school’s zero tolerance policies? We even heard of a kindergarten student suspended for sexual harassment – for tickling another student. School policies on this matter need attention. Vote 20-0.

HB 1201, relative to withdrawal from a cooperative school district. **INEXPEDIENT TO LEGISLATE.**

Rep. James Grenier for Education. Breakup of, or withdrawal from a cooperative school district presents challenging financial and educational issues. The intent of this bill will be addressed in an amended version of HB 1303. HB 1303 has been amended to a study commission and will address multiple aspects of withdrawal from a cooperative school district. Vote 20-0.

HB 1205, including libraries that provide children’s programming in the definition of drug-free school zone. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara Shaw for Education. This bill includes libraries with children’s programming in the definition of “drug-free school zones.” The committee believes this bill is not necessary because the language of existing law allows for the designation of drug-free zones through policy established by local government and law enforcement agencies. Vote 18-0.

HB 1239, relative to certain terminology in the education statutes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. This bill as amended cleans up statutory language in regard to difficult to understand terminology in RSA 186:8, 193-C, and 193-E. Amending language states that it is the respon-

sibility of the local level to identify and implement skills and knowledge included in curriculum. Academic standards mean what a student should know and be able to do at each grade level. Curriculum means the lessons and academic content taught in school or in a specific course or program. Past statute has unclearly referenced educational and curriculum standards. This bill uses common terminology throughout statute when referencing standards, and the terms used are “academic standard or minimum standards.” All other references to “standards” have been removed with all references to curriculum assigned to schools or school districts. Vote 19-0.

Amendment (0581h)

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

1 State Board of Education; Rulemaking Authority. Amend RSA 186:8 to read as follows:

186:8 Rulemaking Authority; Standards; Employee Qualifications. The state board of education shall adopt rules, pursuant to RSA 541-A, relative to:

I. Academic standards for all grades of the public schools.

II. Minimum ~~[curriculum and educational]~~ standards for public school approval ~~[standards]~~ for all grades of the public schools.

~~[H.]~~ **III.** Qualifications and duties for school superintendents, principals, school administrative unit professionals and other public school employees.

~~[H.]~~ **IV.** Certification standards for educational personnel, including those listed in RSA 21-N:9, II(s), provided that the commissioner of the department of education may, through an agreement with another state when such state and New Hampshire are parties to an interstate agreement, provide for recertification based on another state’s procedures if the other state’s professional development plan is approved by the New Hampshire department of education.

~~[IV.]~~ **V.** Establishing requirements for teachers and teacher preparation programs to ensure that all teachers are prepared to teach to a broad range of students’ needs, including, but not limited to, the needs of exceptional learners.

~~[V.]~~ **VI.** Certification standards for advanced teaching credentials, including administering the master teacher credential as provided in RSA 189:14-f.

~~[VI.]~~ **VII.** Appeals from a school board on the matter of nonrenewal of teacher contracts, providing that the appeal to the state board of education shall be limited to the record developed at the school board hearing, except where the state board of education determines that new evidence is available which could not have been reasonably discovered at the time of the school board hearing and that such evidence may have materially affected the outcome of the school board hearing. In such cases, the state board of education shall render a final decision in the matter or remand it to the school board for a new hearing.

~~[VII.]~~ **VIII.** Requiring a high school pupil to attain competency in mathematics for each year in which he or she is in high school through graduation to ensure career and college readiness. A pupil may meet this requirement either by satisfactorily completing a minimum of 4 courses in mathematics or by satisfactorily completing a minimum of 3 mathematics courses and one non-mathematics content area course in which mathematics knowledge and skills are embedded and applied, as may be approved by the school board. The rules shall be implemented in the 2015-16 school year.

2 Duties of the State Board of Education. Amend RSA 186:11, IX(a) to read as follows:

(a) Direct the department to develop ~~[curriculum frameworks]~~ **academic standards to serve as a guide and reference** in health, physiology, and hygiene as they relate to the effects of alcohol and other drugs, child abuse, human immunodeficiency virus (HIV)/acquired immunodeficiency syndrome (AIDS), and sexually transmitted diseases on the human system, and which are designed to help students lead longer, healthier lives.

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

II. A statewide education improvement and assessment program built upon the establishment of ~~[educational]~~ **academic** standards specifying what students should know and be able to do is an important element in educational improvement. Such a program also serves as an effective measure of accountability **and student performance** when the assessment exercises or tasks are valid and appropriate representations of the ~~[curriculum standards]~~ **knowledge and skills** that students are expected to achieve.

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]~~ **academic** 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 methods to enable students to acquire and apply the requisite knowledge and skills.

4 Statewide Education Improvement and Assessment Program; Program Established. Amend RSA 193-C:3, III(a)-(b) to read as follows:

(a) ~~[Educational]~~ **Academic** standards specifying what students should know and be able to do shall be clearly defined before assessment procedures and exercises are developed.

(b) The assessment exercises or tasks shall be valid and appropriate representations of the **academic** standards the students are expected to achieve.

5 Statewide Education Improvement and Assessment Program; Program Established. Amend RSA 193-C:3, IV(a) to read as follows:

(a) At the student level, by students, parents, and teachers, to determine what the student knows and is able to do in relationship to the state-established **academic** standards.

6 Adequate Public Education; Policy and Purpose. Amend RSA 193-E:1 to read as follows:

193-E:1 Policy and Purpose.

I. It is the policy of the state of New Hampshire that public elementary and secondary education shall provide all students with the opportunity to acquire the knowledge and skills necessary to prepare them for successful participation in the social, economic, scientific, technological, and political systems of a free government, now and in the years to come; an education that is consistent with the ~~[curriculum]~~ **minimum standards for public school approval, the state-established academic standards** ~~[and student proficiency standards specified in state school approval rules and New Hampshire], and school district or school curriculum [frameworks].~~

II. Respecting New Hampshire's long tradition of community involvement, it is the purpose of this chapter to ensure that appropriate means are established to provide an adequate education through an integrated system of shared responsibility between state and local government. In this system, the state establishes~~;~~ ~~through]~~ **minimum standards for public school approval**, ~~[and student proficiency standards]~~ and ~~[curriculum guidelines,]~~ **academic standards** ~~[the framework]~~ for ~~[the]~~ **inclusion and** delivery of educational services at the local level. School districts then have **responsibility and** flexibility in implementing diverse educational approaches **to instruction and curriculum** tailored to meet student needs.

7 Adequate Public Education; Substantive Educational Content of an Adequate Education. Amend RSA 193-E:2-a, IV-VI to read as follows:

IV. The **minimum standards for public school approval** ~~[standards]~~ for the areas identified in paragraph I shall constitute the opportunity for the delivery of an adequate education. The general court shall periodically, but not less frequently than every 10 years, review, revise, and update, as necessary, the **minimum** standards identified in paragraph I and shall ensure that the high quality of the **minimum standards for public school approval in each area of education identified in paragraph I** is maintained. Changes made by the board of education to the school approval standards through rulemaking after the effective date of this section shall not be included within the standards that constitute the opportunity for the delivery of an adequate education without prior adoption by the general court. The board of education shall provide written notice to the speaker of the house of representatives, the president of the senate, and the chairs of the house and senate education committees of any changes to the school approval standards adopted pursuant to RSA 541-A.

V. The general court requires the state board of education and the department of education to institute procedures for maintaining, updating, improving, and refining ~~[curriculum frameworks]~~ **the minimum standards for public school approval** for each area of education identified in paragraph I. **Each school district shall be responsible for maintaining, updating, improving, and refining curriculum.** The curriculum ~~[frameworks]~~ shall present educational goals, broad pedagogical approaches and strategies for assisting students in the development of the skills, competencies, and knowledge called for by the ~~[academic]~~ **minimum standards for public school approval** for each area of education identified in paragraph I. ~~[The curriculum frameworks shall serve as a guide and reference to what New Hampshire students should know and be able to do in each area of education. The frameworks do not establish a statewide curriculum.]~~ It is the responsibility of local teachers, administrators, and school boards to identify and implement approaches best suited for the students in their communities to acquire the skills and knowledge included in the ~~[frameworks]~~ **curriculum**, to determine the scope, organization, and sequence of course offerings, and to choose the methods of instruction, the activities, and the materials to be used.

VI. In this section~~;~~:

(a) ~~["School approval standards"]~~ **"Minimum standards for public school approval"** mean the applicable criteria that public schools and public academies shall meet in order to be an approved school, as adopted by the state board of education through administrative rules.

(b) **"Academic standards"** mean what a student should know and be able to do at each grade level.

(c) **"Curriculum"** means the lessons and academic content taught in school or in a specific course or program.

8 Adequate Public Education; Accountability. Amend RSA 193-E:3-c, III(a) to read as follows:

(a) Performance on state ~~[tests]~~ **assessments** administered pursuant to RSA 193-C and, upon the prior approval of the department, other assessments administered at local option that are consistent with the state's ~~[curriculum]~~ **academic** standards.

9 Adequate Public Education; Performance-Based Accountability System. Amend RSA 193-E:3-c, VI to read as follows:

VI. The department shall annually prepare a detailed report documenting the results of each school on the performance-based school accountability system to be developed pursuant to RSA 193-E:3-c, and identifying all schools that can demonstrate the opportunity for an adequate education through the performance-based methodology. The report shall be submitted no later than ~~[October 1]~~ **January 15 annually** to the same individuals receiving the final report under paragraph IV. ~~[The initial report shall be due October 1, 2012.]~~

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

HB 1240, relative to alternatives to the statewide assessment. **INEXPEDIENT TO LEGISLATE.**

Rep. James Grenier for Education. The intent of this bill is to reduce the number of times a statewide assessment would be administered in grades 3-8 at NH public schools. Additionally, the bill allows a locally developed assessment for those years when a statewide assessment is not required. While there is broad consensus that statewide assessment should not be administered in each of grades 3-8 the uncertainty of the impact of new federal legislation, Every Student Succeeds Act, (ESSA) precludes the possibility of pursuing the intent of this bill. Vote 17-0.

HB 1283, relative to school notification of a change in placement. **OUGHT TO PASS.**

Rep. Rick Ladd for Education. This bill requires the New Hampshire Department of Health and Human Services or any other state department to notify a school as soon as possible when initiating or placing a child in an out-of-home placement that results in attendance at another school. Transitions such as this should be accomplished in accordance with a developed transition plan that reduces emotional and mental impact to the child. Vote 18-0.

HB 1303, relative to withdrawal from a cooperative school district. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Christopher Adams for Education. There are over 50 cooperative districts comprised of almost 250 individual towns in New Hampshire. Each cooperative district has a unique set of "Articles of Agreement" that describe the conditions and circumstances under which they will operate their cooperative. These agreements were entered into under the statute applicable at the time of the agreements. Changes to current statutes without full consideration to the multitude of complex circumstances would be injudicious at this time. Therefore, the committee has agreed to form a comprehensive commission to help recommend potential legislation. Vote 20-0.

Amendment (0683h)

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

AN ACT establishing a commission to study issues relating to pre-existing districts withdrawing from a cooperative school district.

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

1 New Subdivision; Commission to Study Issues Relating to Pre-existing Districts Withdrawing from a Cooperative School District. Amend RSA 195 by inserting after section 31 the following new subdivision:

Commission to Study Issues

Relating to Pre-existing Districts Withdrawing from a Cooperative School District.

195:32 Commission Established.

I. There is established a commission to study issues related to pre-existing districts withdrawing from a cooperative school district. The membership of the commission shall be as follows:

(a) Three members from the house of representatives, 2 of whom shall serve on the education committee, and one of whom shall serve on the finance committee, appointed by the speaker of the house of representatives.

(b) One member from the senate education committee, appointed by the senate president.

(c) The commissioner of the department of education, or designee.

(d) The commissioner of the department of revenue administration, or designee.

(e) Two school board members from cooperative school districts, appointed by the governor.

(f) Two superintendents from cooperative school districts, appointed by the governor.

(g) One member from the New Hampshire School Administrators Association, appointed by that association.

(h) One member from the New Hampshire School Boards Association, appointed by that association.

(i) One member from the New Hampshire Council of School Attorneys, appointed by that association.

(j) One member from the public, appointed by the governor.

II. The commission shall study issues relating to the withdrawal of pre-existing districts from their cooperative school district, including:

(a) The procedure for withdrawal, including the procedure for both initiating a withdrawal study and the procedure for approval of any proposed withdrawal plan.

(b) How assets are determined, valued, and apportioned among the pre-existing districts.

(c) The nature and scope of the withdrawal plan created according to RSA 195:26, including the liability of the withdrawing pre-existing district pursuant to RSA 195:27 and the disposition of any property pursuant to RSA 195:28.

(d) Any other issue which the commission deems relevant to the objective of the study.

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

IV. The department of education and house committee research staff shall provide clerical, administrative, and research services to the commission as may be needed.

V. 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 house member. The first meeting of the commission shall be held within 30 days of the effective date of this section. Eight members of the commission shall constitute a quorum.

VI. The commission shall file an interim report on or before January 1, 2017, and 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, 2017.

2 Repeal. RSA 195:32, relative to the commission to study issues relating to pre-existing districts withdrawing from a cooperative school district, is repealed.

3 Effective Date.

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

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

2016-0683h

AMENDED ANALYSIS

This bill establishes a commission to study issues relating to pre-existing districts withdrawing from a cooperative school district.

HB 1323, relative to nonrenewal of a teacher's contract. **INEXPEDIENT TO LEGISLATE.**

Rep. James Grenier for Education. This bill would amend RSA 189:14-a (Failure to be Renominated or Re-elected) to eliminate the condition that a person "have taught one or more years in the same school district." This change was contrary to the "intent" of the bill, "to require justification for not renominating a non-tenured teacher." The actual "intent" of the bill was addressed. After such testimony, there was not sufficient evidence to justify a change of existing statute. Vote 19-0.

HB 1364, relative to the membership of the cooperative school district budget committee. **INEXPEDIENT TO LEGISLATE.**

Rep. James Grenier for Education. A study commission for withdrawal from a cooperative school district has been established in a related amended bill. The membership of the cooperative school district budget committee will be addressed by that commission. Vote 20-0.

HB 1366, relative to the definition of educational competencies. **INEXPEDIENT TO LEGISLATE.**

Rep. James Verschueren for Education. The bill proposes to limit student assessment, whether standard assessment or competency-based assessment, to a single content domain. As written, the bill is internally inconsistent as it includes "science" as a single domain which it clearly is not. In addition, the bill proposes to further limit assessment by removing assessment of a student's ability to apply key concepts across academic content domains. Testimony before the committee characterized the changes as fundamentally changing competency-based education and removing local control by restricting what a school board may wish to assess. The committee found no positive purpose to support this bill. Vote 18-1.

HB 1372, permitting a child with a disability to use audio or video recording devices in the classroom. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Glenn Cordelli for Education. Last year HB 507 (Chapter 71, Laws of 2015) regarding teacher protections and privacy was passed and signed. A portion of the bill dealt with recordings in the classroom and it had unintended consequences. This bill clarifies that special needs students may use recording devices, if needed, and that recording for instructional purpose is also acceptable. As amended, it also allows recording of student teachers after notification to classroom parents. Vote 20-0.

Amendment (0459h)

Amend RSA 189:68, V as inserted by section 1 of the bill by inserting after subparagraph (b) the following new subparagraph:

(c) Nothing in this section shall preclude the use of audio or video recordings for use in the instruction of teacher interns or student teachers after written notification to the parent or legal guardian of each affected student as to the purpose of, and privacy policy for, the recordings.

HB 1379, amending the requirement to use English in schools. **INEXPEDIENT TO LEGISLATE.**

Rep. James Grenier for Education. This bill would allow a private school to educate a student exclusive of English. A student might then transfer to a public school with no knowledge of English and would then be a financial burden to the public school district. Vote 19-1.

HB 1408-FN, relative to a school building inventory. **OUGHT TO PASS.**

Rep. Rick Ladd for Education. This bill requires the New Hampshire Department of Education (DOE) to conduct a statewide school building inventory to gather basic data and information on the condition of public school buildings. In July 2000, the DOE released the Turner Report related to the condition and adequacy of school facilities. Although the survey had limitations, it did contain useful information covering the condition of 391 school buildings throughout NH. In an effort to obtain needed data to better understand our current situation, this bill enables the department to acquire data and information that includes, but is not limited to: demographic shifts, structural condition, fire and life safety code compliance, building operational costs, HVAC systems, suitability of instructional space and equipment to prepare students for later careers and more. The survey will cost no money as information can be gathered and assessed using online technology and staff in place at the department and schools. Vote 19-1.

HB 1411, making civics mandatory in public schools. **INEXPEDIENT TO LEGISLATE.**

Rep. Christopher Adams for Education. This bill provides that a half-year course in civics shall be required for high school graduation. It was determined by the committee that this bill, while laudable in intention, was duplicative of current statute and Ed 306 rules and therefore unnecessary. Vote 19-1.

HB 1431, relative to academic freedom and whistleblower protection. **INEXPEDIENT TO LEGISLATE.**

Rep. Rick Ladd for Education. It is the committee's position and that of the Community College System and the University System that this bill is not needed because: 1) NH Law already has a whistleblower protection act, 2) academic freedom is protected in the constitution, and 3) those protections are reflected in contracts. Vote 18-2.

HB 1456, relative to chartered public school boards. **INEXPEDIENT TO LEGISLATE.**

Rep. Victoria Sullivan for Education. This bill requires the members of a chartered public school board of trustees to be appointed by the Governor with the advice and consent of the council. Appointment and membership of charter school boards of trustees is already referenced in existing law. Charter schools have unique mission statements that are reflected in the make-up of their boards. Present law is working and should not be changed to a more complicated process. Vote 17-0.

HB 1457, establishing a code of professional ethics for New Hampshire teachers. **REFER FOR INTERIM STUDY.**

Rep. Robert Elliott for Education. This bill establishes a code of professional ethical standards and practices for teachers. The committee feels very strongly that we need a code of ethics for all NH teachers. Regardless, 16 members felt there are some issues in this legislation that need further clarification, especially in the area of new technology and electronics. Smart phones, computers, which are personal electronic devices have raised new social, political and religious issues which need careful consideration. Interim Study provides the committee members the opportunity to review and identify professional responsibilities for the teaching profession as it relates to communities, students, parents, the profession and public. Vote 19-1.

HB 1458, relative to social media policies for educational institutions. **INEXPEDIENT TO LEGISLATE.**

Rep. Ralph Boehm for Education. This bill amends legislation passed into law last year, HB 142, (Chapter 270, Laws of 2015) Educational Institution Policies in Social Media. The bill makes reference to Home Education, but this section of law based upon HB 142 was not intended to affect Home Education students. Current law provides all the protection necessary for students and the NH School Board Association developed needed policies for the law. Vote 18-0.

HB 1558-FN, requiring the university system of New Hampshire to examine the disposition of children in state custody. **INEXPEDIENT TO LEGISLATE.**

Rep. Ralph Boehm for Education. This bill requires the University System of New Hampshire (USNH) to conduct a child welfare study, the objective of which shall be to analyze the disposition of children in state custody. This is not the job of USNH. The Executive Branch of government is responsible for overseeing its own agencies. This kind of study will only cause financial distress on the already burdened University System. Also, the time limit placed in the bill is not reasonable for any such study. If a study is needed, it needs to be done by the Governor's office and not the University System. Vote 20-0.

HB 1114, relative to the number of inspectors of election. **OUGHT TO PASS.**

Rep. James Gray for Election Law. This bill would limit the number of inspectors of election appointed by the political parties to 2 per party at each polling place regardless of the number of voters. Statute provides that the moderator may appoint additional workers. Vote 17-0.

HB 1183, relative to election result recounts. **INEXPEDIENT TO LEGISLATE.**

Rep. Adam Schroadter for Election Law. This bill seeks to improve the recount process for close elections by requiring that all candidates involved in the election and present agree to end the recount. However, the committee became concerned about unintended consequences and costs associated with high-number candidate elections such as state representative elections for large districts. Vote 17-0.

HB 1220, relative to disqualification of election officers. **OUGHT TO PASS.**

Rep. James Gray for Election Law. This bill would clarify the statute which states election officials whose names are on the ballot for another position may perform their duties within the restrictions specified. Vote 17-0.

HB 1223, relative to changes of address on election day. **OUGHT TO PASS.**

Rep. James Gray for Election Law. This bill clarifies the wording of RSA 659:13 I (a) with regard to a change of address identified to the ballot clerks on election day. It requires that a change of address be recorded rather than corrected. Vote 19-0.

HB 1265, permitting municipalities to adopt a system of approval voting. **INEXPEDIENT TO LEGISLATE.**

Rep. Yvonne Dean-Bailey for Election Law. This bill significantly changes our current electoral process by permitting towns to change to a method called approval voting for a primary election. Approval voting would allow voters to vote for multiple candidates for one office instead of only one candidate. If this is allowed, some towns would then be using different voting methods which would cause significant confusion. This would greatly change our method of electing candidates and the committee saw no pressing reason to allow municipalities to make this change. Vote 18-0.

HB 1377, relative to receipt of absentee ballots. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kathleen Souza for Election Law. This bill facilitates the delivery of absentee ballots to the polls by adding "ward clerk" to those officials able to accept them. It also provides that absentee ballots delivered by a voter's spouse, parent, sibling, or child must be received by the town, city, or ward clerk by 5:00 p.m. on election day. Vote 18-0.

Amendment (0247h)

Amend the bill by replacing section 1 with the following:

1 Absentee Voting; Procedure by Voter. Amend RSA 657:17 to read as follows:

657:17 Procedure by Voter. After marking the ballot, the voter or the person assisting a blind voter shall enclose and seal the same in an inner envelope. The voter shall execute the affidavit. The voter or the person assisting the blind voter shall enclose and seal the inner envelope with the affidavit in an outer envelope. The voter shall then endorse on the outer envelope his or her name, address, and voting place and shall mail the envelope, affixing postage, or personally deliver it or have it delivered by the voter's spouse, parent, sibling, or child to the city or town clerk from whom it was sent. The city or town clerk, **or ward clerk on election day at the polls**, shall not accept an absentee ballot from a family member unless the family member completes a form provided by the secretary of state, which shall be maintained by the city or town clerk, and the family member presents a government-issued photo identification or has his or her identity verified by the city or town clerk. **Absentee ballots delivered through the mail or by the voter's spouse, parent, sibling, or child shall be received by the town, city, or ward clerk no later than 5:00 p.m. on the day of the election.**

HB 1378, relative to disabled voters requiring assistance. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James Gray for Election Law. Absentee ballots are currently used prior to election day to assist voters who cannot access the polling place due to a physical disability. This bill codifies the absentee ballot process to be used on election day for voters who are physically unable to access the polling place. The committee unanimously recommends approval. Vote 17-0.

Amendment (0496h)

Amend RSA 659:20-a as inserted by section 1 of the bill by replacing it with the following:

659:20-a Assistance in Voting; Disabled Voter. Any voter who declares to the moderator under oath that said voter is unable to access a polling place due to physical disability, after appearing at the polling place location to vote in person shall, upon the voter's request, have an absentee ballot delivered to the voter outside the guardrail by the town or ward clerk or one of his or her assistants. The absentee ballot delivered by the town or ward clerk shall be delivered and processed using the same procedures as any other absentee ballot except that the voter shall be treated on the marked checklist as having voted in person.

HB 1387, relative to vacancies in county offices. **INEXPEDIENT TO LEGISLATE.**

Rep. James Gray for Election Law. The committee believes that vacancies in county offices should not be filled by a secret ballot at the county convention. Since the county delegation represents the citizens, the voters have a right to know how their representatives vote. Vote 15-0.

HB 1467, relative to notice of village district elections. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Barbara Griffin for Election Law. This bill provides minimum time periods for village districts to notify the supervisors of the checklist when they are having elections. There are a number of village districts in the state and this will eliminate local issues regarding adequacy of notice. Vote 19-0.

Amendment (0043h)

Amend RSA 670:5 as inserted by section 1 of the bill by replacing it with the following:

670:5 Warrant. Village district elections shall be warned by the commissioners in the same manner as town elections are warned by the selectmen as provided in RSA 669:2 and RSA 39. ***The commissioners shall give the supervisors of the checklist 60 days notice of any village district election.***

2016-0043h

AMENDED ANALYSIS

This bill requires commissioners to give notice of village district elections to supervisors of the checklist.

HB 1503, relative to distributing campaign materials at the polling place. **OUGHT TO PASS.**

Rep. Duane Brown for Election Law. This bill helps to clarify, for the moderator and the general public, items that are deemed as electioneering and may not be distributed or posted within the building where an election is being held. It also prohibits any person from distributing such materials. Vote 15-2.

HB 1511-FN-L, relative to hours of polling. **INEXPEDIENT TO LEGISLATE.**

Rep. William Gannon for Election Law. The majority opposed this bill as it is a 'one size fits all' approach. The needs of a small northern town differ greatly from the needs of a city. Forcing a town to stay open beyond their needs would be wrong. This bill would be more palatable if it had permissive language such as "may." This way a municipality could opt in or out to earlier or later hours as best fits the individual, city or town needs. Vote 17-0.

HB 1515, requiring persons sending absentee ballot applications to comply with identification requirements for political advertising. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James Gray for Election Law. The bill, with the amendment, requires anyone who distributes absentee ballot applications to voters to identify who is responsible for distributing the applications. Vote 15-0.

Amendment (0721h)

Amend RSA 657:4, II(a) as inserted by section 1 of the bill by replacing it with the following:

II.(a) Any person, ***other than the city or town clerk or the secretary of state***, that publishes, mails, or distributes in any manner any written communication that contains a form or post card which a reasonable person would consider as intended to be used by the recipient of the communication to submit a request for an absentee ballot shall ***identify who is publishing, mailing, or distributing the communication, and*** attach a copy of the form prepared by the secretary of state pursuant to paragraph I of this section to the communication or include in the communication a complete facsimile of the form prepared by the secretary of state pursuant to paragraph I of this section.

HB 1521, allowing voters to vote for multiple candidates for an office. **INEXPEDIENT TO LEGISLATE.**

Rep. Yvonne Dean-Bailey for Election Law. This bill significantly changes our current electoral process to the method of approval voting. Approval voting would allow voters to vote for multiple candidates for one office instead of only one. This would greatly change our method of electing candidates and the committee saw no pressing reason to make this change. Vote 18-0.

HB 1534, relative to reports of death of voters. **OUGHT TO PASS.**

Rep. Robert Luther for Election Law. This bill provides that deaths recorded in the statewide voter registration database can be the basis for the Town or City Clerk to notify the Supervisors of the Checklist of the change in a voter's status. Vote 17-0.

HB 1539-FN, relative to procedures for resolving ties in legislative races. **INEXPEDIENT TO LEGISLATE.**

Rep. James Gray for Election Law. This bill establishes a process for run-off elections in the event of a tie in a state legislative race. The committee believes that existing state law should not be changed. Vote 17-0.

HB 1624-FN, relative to electioneering by public employees. **OUGHT TO PASS.**

Rep. Barbara Griffin for Election Law. This bill modifies the applicability of the prohibition on electioneering by public employees by clarifying that the prohibition applies to equipment. Currently, the statute prohibits the use of government property which raises issues as to areas of public access such as the grounds of the State House or the lobby room of a public building. Vote 16-1.

HB 1642-FN-L, relative to persons executing election affidavits. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara Griffin for Election Law. This bill, as proposed, addressed the verification of the identity of individuals who sign an election affidavit in the process of registering to vote on Election Day and do not provide photo identification. The committee understood that the state is currently responsible for verifica-

tion after the election, and they do not have enough resources to do so. This bill required that the individual would be responsible for verifying his or her qualifications to vote within ten days after registering. Concerns were raised regarding the notice and process for the individual as provided in the bill as presented. Vote 14-3.

HB 1646, relative to the disclosure of felony convictions by individuals seeking an elected office. **INEXPEDIENT TO LEGISLATE.**

Rep. Adam Schroadter for Election Law. This bill introduced new language to the Declaration of Candidacy form in reaction to a well-publicized concern regarding felons and elections in Nashua. However, the form already requires candidates who have previously been convicted of a felony to declare that their sentence has been completed as required by RSA 607-A:2. The committee did not feel that the Declaration of Candidacy form was the correct place to address additional qualifications for candidacy. Vote 16-0.

HB 1679-FN, relative to electioneering by a public official. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara Griffin for Election Law. The bill, as presented, was an attempt to prevent elected or constitutional officials from using government property or funding for electioneering. While the committee discussed that the intent of the proponents to ensure appropriate conduct was a legitimate issue, the bill, as worded, was inconsistent with wording in similar statutes. Further, concern was expressed that the determination of what conduct was covered would be subjective. Vote 17-0.

HB 1682-FN, relative to electioneering by public servants and relative to warrant articles. **INEXPEDIENT TO LEGISLATE.**

Rep. James Gray for Election Law. The committee believes that the current law addressing electioneering by public employees does not need to be expanded. It further believes that the current laws relative to recommendations for special warrant articles provide useful information and should be retained. Vote 17-0.

HB 1141, defining "agritourism." **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen Darrow for Environment and Agriculture. This bill is in response to a NH Supreme Court decision that said that agritourism is not part of the definition of agriculture in NH law. That decision has far-reaching implications for our farmers statewide. Agritourism is necessary to keep our farms viable by attracting customers to the farm to buy their products. It includes things like pick-your-own, hayrides, farm stays, and farm to plate meals. This bill with amendment puts the definition of agritourism into the definition of agriculture in RSA 21:34-a, II, thereby addressing the concerns of the court. Vote 17-0.

Amendment (0269h)

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

1 Farm, Agriculture, Farming; Marketing. Amend RSA 21:34-a, II(b)(5) to read as follows:

(5) The marketing or selling at wholesale or retail~~[, on-site and off-site, where permitted by local regulations,]~~ *of any products from the farm on-site and off-site, where not prohibited by local regulations. Marketing includes agritourism, which means attracting visitors to a farm to attend events and activities that are accessory uses to the primary farm operation, including but not limited to: eating meals, making overnight stays, enjoyment of the farm environment, education about farm operations, or active involvement in the activity of the farm.*

2 Repeal. RSA 21:34-a, VI, relative to the definition of agritourism, is repealed.

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

HB 1171, relative to appeals heard by the waste management council. **OUGHT TO PASS.**

Rep. John O'Connor for Environment and Agriculture. This bill makes corrections to which council hears appeals of decisions of the Department of Environmental Services regarding oil discharges to surface and ground waters and from underground storage facilities. RSA 146-A and 146-C are amended to direct such appeals to the Waste Management Council instead of the Water Council, or the Water Supply and Pollution Control Council which no longer exists. Vote 18-0.

HB 1354, establishing a committee to study livestock and meat inspection. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Bixby for Environment and Agriculture. This bill establishes a study committee to review RSA 427, LiveStock and Meat Inspection. Parts of this chapter are inactive; other parts are unclearly written or outdated. The committee will review the chapter, consult stakeholders, remove unnecessary statutes, and rewrite others as needed in clear, concise language. The amendment reduces the number of senators to one. Vote 16-0.

Amendment (0547h)

Amend the bill by replacing section 2 with the following:

2 Membership and Compensation.

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

(a) 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.

Amend the bill by replacing section 4 with the following:

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.

HB 1355, relative to poultry producers exempted from meat inspection requirements. **OUGHT TO PASS.** Rep. Peter Bixby for Environment and Agriculture. This bill raises the limit for on-farm poultry slaughter for sale to restaurants from the 1,000 birds in the existing statute to the federal limit of 20,000 birds. Farmers who slaughter under this exemption must first take a safe-slaughter workshop, and the slaughter facilities are subject to inspection by the United States Department of Agriculture (USDA), Food Safety Inspection Service. Vote 15-0.

HB 1398, establishing a commission to study septic sludge spreading. **INEXPEDIENT TO LEGISLATE.** Rep. Christy Bartlett for Environment and Agriculture. This bill would establish a commission to study septic sludge spreading. The testimony, both oral and written, was overwhelmingly opposed to another study commission. The Department of Environmental Services is opposed to the bill and told us there were comprehensive studies done in 2003 and 2007. There is a great deal of awareness among those in the industry of what is contained in the septage and the rules and compliance needs are in place. The tanks are treated to kill pathogens and the liquids are filtered. Our committee did not hear that there was a problem that needed to be studied further at this time. Vote 18-0.

HB 1514, relative to the application of nitrogen and phosphorus content fertilizers. **INEXPEDIENT TO LEGISLATE.**

Rep. Christy Bartlett for Environment and Agriculture. This bill would exempt the sale of certain fertilizers sold in bulk from limitations of nitrogen and phosphorus content. We worked with the Department of Agriculture, Markets and Food to try to address concerns regarding inappropriate application of fertilizers that are affecting waterways and lakes. The bill is quite specific about the allowances and content and it would be difficult for manufacturers to meet only NH requirements. In addition, it does not appear that there is a lawful way to separate commercial applicators from homeowner consumers in retail sales. Finally, there is no enforcement mechanism to be used by the department. The committee has agreed to continue to work on the problem and address some of the concerns through public education. Vote 16-0.

HB 1571-FN, prohibiting the possession, purchase, or sale of equipment used for animal fighting. **INEXPEDIENT TO LEGISLATE.**

Rep. John O'Connor for Environment and Agriculture. The committee overwhelmingly agrees that animal fighting is inhumane. This bill attempts to use various types of paraphernalia found in the possession of a person, even without the evidence of any animal being present, as a basis for finding the person guilty of animal fighting and subject to a class B felony. Many legitimate animal handlers could be subject to this vague interpretation of law. This bill would presume that they are guilty and now are required to prove their innocence with no recourse. Currently, there are sufficient laws in statute to regulate any animal fighting that may occur. There have not been any instances of animal fighting in NH for many years. Vote 20-0.

HB 1615-FN, regulating the transfer of dogs from out of state. **REFER FOR INTERIM STUDY.**

Rep. Robert Haefner for Environment and Agriculture. This bill licenses and regulates out of state transporters of dogs and cats who deliver pets for transfer into New Hampshire from out of state. Some of these transfers are under the radar such that the state does not know how many animals are delivered to New Hampshire, where they go, their health or behavior. Those transfers that are done following the rules are known about, whereas others are not, such as the dogs sold in parking lots in our state. We are hearing of health and behavioral problems that may not be reported. While the committee believes we need to get a better handle on out of state transporters as some of neighboring states have done, we do not think the bill is ready for passage. We also have a problem with the fiscal note that says a new hire is needed, which the bill does not fund. The committee recommends unanimously that the bill be studied further to better prepare legislation for passage next term. Vote 20-0.

HB 1128, proclaiming the second week in September as Patriot Week. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Schmidt for Executive Departments and Administration. This bill requires the Governor to declare the second week of September of every year as Patriot Week. The sponsors anticipate that this will encourage appropriate activities to be included in all schools. While the committee recognizes the good intentions of the bill's sponsors, it does not see any significant need for, or benefit from, statutory intervention in this regard. We believe NH schools, students and citizens are already imbued with love for their state and country; and our towns and cities are, and should continue to be, the focal points of citizenship activities. Vote 14-2.

HB 1142, relative to employee compensation at certain hospitals. **INEXPEDIENT TO LEGISLATE.**

Rep. J.R. Hoell for Executive Departments and Administration. The bill sought to limit the compensation of non-profit hospital CEOs to 100 times that of the lowest paid full-time employee. The testimony was about a prior non-profit hospital executive receiving over \$1 million, but that employee is no longer there and this is no longer the case. Concerns were raised by opponents of the bill that included that there were no appropriations for enforcement of the provision and that the definition sections was overly broad and even included "loans to be repaid." During the executive session, the committee felt that the government did not have any business regulating how much non-profits pay their employees. Furthermore, in 2012 the NH Attorney General's office funded a study on this particular issue: "Executive Compensation at New Hampshire's Non-Profit Hospitals." The New Hampshire Center for Public Policy Studies reviewed the New Hampshire's health care system and the finances of the state's hospitals and concluded "The majority of non-profit hospitals in New Hampshire meet the IRS standards for executive compensation practices. Moreover, New Hampshire CEO compensation levels, on average, are roughly in line with those in other New England states." Vote 13-0.

HB 1167-FN, repealing the administrative procedure act. **INEXPEDIENT TO LEGISLATE.**

Rep. John Sytek for Executive Departments and Administration. This bill would repeal the Administrative Procedure Act (RSA 541-A). At present, RSA 541-A specifies the process by which state agencies make rules that follow from and implement legislation. These rules are reviewed by the Joint Legislative Committee on Administrative Rules (JLCAR). JLCAR serves as a check and balance on executive actions, i.e. the agencies. Without RSA 541-A, there would not be guidance, restraint, or oversight on agency rulemaking. The consequence of such a repeal would have a devastating effect on the ability of state agencies to carry out the will of the legislature in rulemaking. Vote 12-0.

HB 1213-FN, repealing athletic trainer license requirements. **INEXPEDIENT TO LEGISLATE.**

Rep. J.R. Hoell for Executive Departments and Administration. This bill would have repealed the licensing for athletic trainers. In order to be licensed, athletic trainers must have a four year degree with a concentration in athletic training. The committee, with the agreement of the sponsor, determined that licensure should remain in place for these professionals. Vote 14-0.

HB 1226, relative to administration of pharmaceutical agents by optometrists. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J.R. Hoell for Executive Departments and Administration. Currently optometrists are the only independently practicing licensed health professionals whose regulatory board does not fully control the list of medications they are allowed to prescribe. This bill completes the effort, started a number of years ago, of moving formulary decisions from a Joint Pharmaceutical Formulary and Credentialing Committee to the Board of Optometry. Because the Board of Optometry meets more often, it can make formulary decisions regarding new medications faster than current practice. The medicines that are involved are typically schedule III and schedule IV medications. The ophthalmologists objected to the bill as filed and worked with the optometrists on language upon which both parties agree. Vote 15-0.

Amendment (0136h)

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

1 Optometry; Definition; Pharmaceutical Agent. Amend RSA 327:1, III(j) and (k) to read as follows:

(j) Non-steroidal anti-inflammatory agents approved pursuant to RSA 327:6-a, VI ~~[and included in the formulary]~~.

(k) Anti-glaucoma agents ~~[which are topically applied]~~ provided that an optometrist may dispense or prescribe such agents if the optometrist has met the requirements of RSA 327:6-c.

2 Optometry; Authorization for Pharmaceutical Agents. Amend RSA 327:6-a, IV and V to read as follows:

IV. Nothing in this section shall be construed to permit an optometrist to administer any pharmaceutical product by ~~[intravenous]~~ **schedule I or schedule II** injection; or to administer, prescribe or dispense any pharmaceutical product designated as a ~~[category]~~ **schedule I or schedule II** controlled substance ~~[defined by the United States Controlled Substances Act of 1970, as amended]~~ **under RSA 318-B:1-a**; or to administer, prescribe or dispense any pharmaceutical product except for the diagnosis or treatment of disease or conditions of the human eye, adnexa or eyelids.

V. Notwithstanding any other provision of law, an optometrist who is certified to use pharmaceutical agents in the practice of optometry shall be permitted to administer diphenhydramine, epinephrine or an equivalent medication **administered by injection** to counter anaphylaxis or anaphylactic reaction.

Amend the bill by inserting after section 5 the following and renumbering the original sections 6 and 7 to read as 7 and 8, respectively:

6 Treatment of Glaucoma; Topical Medical Therapy. Amend RSA 327:6-c, IV(b)(1) to read as follows:

(1) The patient is experiencing documented progression of optic nerve damage or the patient develops documented and repeated progression of visual field loss on maximum tolerated **topical** medical therapy; or

HB 1245-FN, relative to petitions for adoption of rules under the administrative procedures act and incorporation of documents by reference. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Schmidt for Executive Departments and Administration. This bill is offered by the leadership of the Joint Legislative Committee on Administrative Rules (JLCAR) to address some procedural glitches in current regulatory language. As such, it is a housekeeping bill for the JLCAR to facilitate better communications between stakeholders and oversight boards. Vote 14-0.

Amendment (0194h)

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4, respectively:

3 New Paragraph; Rulemaking; Exceptions; Department of Transportation. Amend RSA 541-A:21 by inserting after paragraph VIII the following new paragraph:

IX. Rules of the department of transportation relating to the state bridge aid program or the state highway aid program adopted under rulemaking authority of the commissioner of the department, shall be exempt from RSA 541-A:12, III and may incorporate by reference the department of transportation's Standard Specifications for Road and Bridge Construction, Highway Design Manual, and Bridge Design Manual without specifying a date or edition for the content incorporated, as provided in RSA 234:5, II and RSA 235:14, II.

2014-0194h

AMENDED ANALYSIS

This bill allows boards, commissions, and groups which are petitioned to adopt rules under RSA 541-A to have 30 days after the next scheduled meeting to respond to the petition. The bill also allows certain documents prepared by third parties and certain manuals of the department of transportation to be incorporated by reference in administrative rules.

HB 1246-FN, relative to speech-language assistants. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew Christie for Executive Departments and Administration. This bill was requested by the Board of Speech Language Pathologists and has the full support of both the board and the Department of Education. The bill, with the amendment, exempts individuals employed in public and private schools from licensure if they work under the direction and supervision of a licensed speech-language pathologist or a certified speech-language specialist. Vote 14-0.

Amendment (0290h)

Amend RSA 326-F:2, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Individuals employed at a public school or nonpublic school approved by the department of education who do not act independently but work under the direction and supervision of a speech-language pathologist licensed under this chapter or a speech language specialist certified by the department of education.

HB 1255, designating May 19 as a Day of Compassion. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Hansen for Executive Departments and Administration. This bill would amend state law to require the Governor to proclaim May 19 as a Day of Compassion on an annual basis. The bill was intended to encourage teachers in the state to cultivate compassionate thinking and actions through programs such as assemblies, classroom exercises, or other age appropriate means. The committee was deeply impressed by the sponsor's concern for the wellbeing of our young people, her sincere intentions, and informative delivery of the potential affects passage of the bill would yield. The majority of the committee felt that while the merits of the idea were worthy, the subject matter could be best taught on a continuing basis by parents and through existing educational programs. Vote 13-1.

HB 1294, relative to exemptions from licensure as a massage therapist. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J.R. Hoell for Executive Departments and Administration. Bowen Therapy uses very light touch to align the autonomous nervous system to allow the body to heal itself. The current statutes currently exempt polarity therapy and therapeutic touch from regulation under the massage theory statutes. This bill would just add this one additional therapeutic treatment to the list of exempt practices. No one showed up in opposition to the bill and the practitioners spoke about national standards that were already in place to oversee this technique. The committee saw no harm in removing this technique from regulation under the massage therapy practice act. Vote 16-0.

Amendment (0128h)

Amend the bill by replacing section 2 with the following:

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

HB 1357, relative to the duties of the department of cultural resources. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jacalyn Cilley for Executive Departments and Administration. This bill, with the amendment, establishes the Division of Film and Digital Media within the Department of Cultural Resources. The mission of this division is to market and promote film, video and digital media production for the purpose of strengthening the cultural, educational and economic impact of media production in New Hampshire. The committee heard testimony that these media forms are becoming a more vibrant part of our economy and as such require resources dedicated to amplifying and enhancing the contributions of this sector. Support for this legislation is intended to recognize an important part of our economy. Vote 13-1.

Amendment (0288h)

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

1 New Subparagraph; General Functions of the Department of Cultural Resources. Amend RSA 21-K:2, II by inserting after subparagraph the following new subparagraph:

(e) Marketing and promotion of film and digital media for the purpose of strengthening the cultural, educational, and economic impact of media production in New Hampshire.

2 New Subdivision; Division of Film and Digital Media Established. Amend RSA 21-K by inserting after section 24 the following new subdivision:

Division of Film and Digital Media

21-K:25 Division of Film and Digital Media Established. There is hereby established within the department the division of film and digital media, which shall also be known as the state film office, under the supervision of an unclassified director of film and digital media, with the primary goal of marketing and promotion of film, video, and digital media production for the purpose of strengthening the cultural, educational, and economic impact of media production in New Hampshire.

3 Commissioner; Directors; Compensation. Amend RSA 21-K:3, II to read as follows:

II. The commissioner shall nominate each division director for appointment by the governor, with the consent of the council. Division directors shall serve for a term of 4 years. The directors of the divisions of arts, ~~and~~ historical resources, **and film and digital media** shall be qualified by reason of professional competence, education, and experience. The director of the division of libraries, who shall also be known as the state librarian, shall hold a master of library science degree from an accredited library school and shall have had at least 4 years' experience in a library in an administrative capacity. An accredited library school means an institution of higher education which is accredited by the American Library Association to grant a degree of master of library science.

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

2016-0288h

AMENDED ANALYSIS

This bill establishes the division of film and digital media in the department of cultural resources.

HB 1424-FN, establishing an office of program evaluation and government accountability. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven Beaudoin for Executive Departments and Administration. This bill establishes a new state office under the direction of a joint legislative committee. The office would be responsible for evaluating state agencies and programs and, if the committee deemed necessary, local and county agencies and programs. In addition, the office would ensure that public funds provided to local county governments, and many other non-profits and quasi-municipal organizations, is spent for the designated purpose. The committee was unanimous in its feeling that, though well-intentioned, the bill was too broad in scope and lacked a funding source. Further, the Audit Division of the Legislative Budget Assistant's Office is already set up to conduct performance audits and financial audits of state agencies and programs. Therefore, the committee felt that this bill was not necessary. Vote 16-0.

HB 1580-FN, removing the real estate commission from the office of professional licensure and certification. **REFER FOR INTERIM STUDY.**

Rep. John Sytek for Executive Departments and Administration. In the last legislative session, the boards that regulate the various professions licensed by the state of NH were brought under the Office of Professional Licensing and Certification (OPLC). The Real Estate Commission was one of the agencies included in this consolidation. There was a great deal of conflicting testimony on this bill. Some boards, previously under the Joint Board (the immediate predecessor the OPLC), were satisfied with the new arrangement. The Real Estate Commission was not. Were we witnessing growing pains or a fundamental incompatibility? A performance audit of the Real Estate Commission has been scheduled. The committee decided to wait for the results of the audit and is recommending Refer for Interim Study as a means for the committee to monitor the situation. Vote 16-0.

HB 1588, relative to employment restrictions on former executive branch commissioners, and repealing certain prohibitions on employment of state employees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J.R. Hoell for Executive Departments and Administration. The bill, with the amendment, removes two current prohibitions that are in statute regarding employment after working as a state employee. These prohibitions apply to certain employees in two state agencies. The current statutes are overly restrictive and would prohibit a large office supply firm, [hypothetically Staples] from selling paper to the state if any “commissioner, deputy commissioner, financial data manager, accounting director, or director of procurement and support services of the department” decided to even work in one of their retail locations as a clerk. The penalties for the firms that hire these higher level employees is loss of business for 5 years with the state. Testimony was given that positions were hard to fill given these “non-compete” requirements, even if the new job had no conflict of interest. The committee was very sensitive to the public perception of a revolving door policy and the chairman has called for a study of the current prohibitions regarding future employment after working for the state. That study will take place over the summer. There is already another general prohibition in place in regarding future employment under RSA 21-G:26 that prohibits for a period of 6 months any executive branch official from directly lobbying the state on behalf of a client. The bill leaves this general prohibition untouched. Vote 13-0.

Amendment (0569h)

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

AN ACT repealing certain prohibitions on employment of state employees.

Amend the bill by deleting section 1 and renumbering the original sections 2 and 3 to read as 1 and 2:

2016-0569h

AMENDED ANALYSIS

The bill repeals provisions on future employment by former employees of the lottery commission and the department of administrative services.

HCR 11, encouraging and commending the governor and council to open meetings of the council with an opening prayer. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Schmidt for Executive Departments and Administration. This House Concurrent Resolution seeks to encourage an opening prayer at Governor and Council meetings. It elicited articulate and principled testimony in opposition as to its basis, purpose, premise and language. The committee believes the Governor and Council need no guidance from the House as to its practices, nor would they likely welcome our oversight. Vote 14-1.

HB 218-FN, relative to third grade proficiency in mathematics. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph Pitre for Finance. This bill would amend RSA 198:40-a, II-a for an additional \$675 (adjusted to the consumer price index in subsequent years, \$710.71 for FY2018) 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 mathematics component of the state assessment and who is not eligible to receive special education, English as a second language, or free or reduced-price meal program funds in the determination year. This would increase FY 2018 Adequate Education Grants based on FY 2017 preliminary data to an estimated additional cost of \$309,471. The committee felt that this affected only a small part of the student population at each school within districts and could be corrected with targeted differentiated instruction. The number of students in this category was distributed quite evenly with zero to ten affected students in each district with a comparable distribution among larger school populations. The committee believes the additional benefit from this formula change was not worth the cost. Vote 24-1.

HB 231, relative to the criteria for evaluating school building aid applications. **OUGHT TO PASS.**

Rep. Kenneth Weyler for Finance. This bill adds to the criteria for scoring requests for school building aid. In response to the present circumstances of declining enrollments, some districts are consolidating their buildings. This creates savings for operations and hopefully lower property taxes. It also credits any safety projects that the district already paid for with some points. The bill came to the Finance Committee to ensure that passing the bill did not reopen the budget, or obligate money in violation of the moratorium on building aid. With that reassurance we are in favor of the bill. Vote 25-0.

HB 549-FN-A-L, relative to school building aid grants. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Weyler for Finance. The concept of school building aid was vital to our state in past decades when growing student populations put great pressure on communities to add new school buildings. Most of this past decade has seen significant declines in enrollment. Therefore, the legislature saw less urgency in this part of the budget versus some others. We have had a moratorium on school building aid. Since the state is paying portions of school building bonds that were passed with 20-year payments, we are still obligated well into the future. These collective shares peaked at \$50 million in our budget and then began to decline as older bonds were paid off. In the present budget, the House position was to sustain the level at \$50 million, but with bond maturities, we would have had \$8 million to spare in FY16, and \$13 million in FY17. This scheme did not survive the committee of conference, where money was reduced to bond payments only. This bill proposes

to restore the House position but reduces all the previously agreed state portions, which ranged from 30% to 60%, to 25% to 55%, so each of the five categories is reduced by 5%. Although the committee appreciates the effort, the changing priorities in our budgeting have brought competing issues to more prominence, and we are not ready to bring school building aid back. Vote 25-0.

HB 585-FN-A, (New Title) relative to penalty assessments. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Leishman for Finance. The bill provides a funding source for several very worthy programs. However, the majority could not support placing penalty assessments on administrative fines imposed by the NH Liquor Commission on license holders as a source of funding. The bill contains no appeal process to challenge the proposed 24 percent penalty assessment or the fiscal impact to collect the proposed penalty assessment. Allowing the Liquor Commission or any other state agency or commission to assess penalties without a right of judicial oversight is inequitable. Vote 25-0.

HB 1215-FN-A, changing the allocation of penalty assessment funds, establishing a compensation fund for victims of crimes against the person, and continually appropriating a percentage of penalty assessments to such fund. **INEXPEDIENT TO LEGISLATE.**

Rep. Daniel Eaton for Finance. While well intended, HB 1215 would have significant unintended consequences. The bill would reallocate the part of the penalty assessment fund that supports the Police Standards and Training Council. NH law requires all law enforcement to attend the academy and be certified. Without the penalty assessment money, the academy would cease to exist, placing officers and their communities in violation of state law. The sponsor wanted the money to fund victims of crime. If police have no ability to meet the state training mandate, there would be no one to certify that a crime had occurred thereby leaving victims doubly victimized. Vote 25-0.

HB 1228-FN-A, requiring the payment of an amount paid to redeem real property and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert Walsh for Finance. The members of the committee felt that the legislature was not the agency for appealing for the recovery of monies or property taken in 1993. Rather, it should have been handled as a legal matter requiring the services of an attorney and seeking remedies through the judicial system. This bill requires that the monies be paid from performance bonds held by the state, which is not allowed under state law. Vote 24-0.

HB 1447-FN, relative to child support paid through the department of health and human services. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsy McKinney for Finance. This was a bill that addressed a citizen's request for better information regarding support payments. However, the Department of Health and Human Services has already taken steps to fix the problem and will have a new system in July that should be up, running and available for use by August or September making this bill unnecessary. Vote 25-0.

HB 1592-FN, relative to the health care premium contribution for retired state employees who are over 65 years of age, relative to funding of retiree health benefits, and making an appropriation to the department of administrative services. **INEXPEDIENT TO LEGISLATE.**

Rep. Lynne Ober for Finance. This bill was a companion bill that was intended to introduce additional options for the Department of Administrative Services in the management of the NH state retirement health benefits. After exploring the details of the option and the insufficient time for implementation, the prime sponsor requested the bill be voted Inexpedient to Legislate. Vote 25-0.

HJR 4-FN-A, recognizing the failure of the clerk of the supreme court to process a notice of errors and requiring payment of certain money to Joseph Haas. **INEXPEDIENT TO LEGISLATE.**

Rep. David Danielson for Finance. Citing RSA 93-B this resolution seeks a payment of \$42,500 plus 5% annual interest to Mr. Joseph Haas for a reported loss attributed to non-performance of a supreme court clerk's performance in FY 1994. After hearing testimony and considering the response of the Judicial Branch, citing RSA 93-B:1-a, that the bond coverage provided by the Department of Administrative Services provides coverage to the state and not individuals, and learning that a suit would have to be brought against the state for recovery, and learning that since the loss is over 20 years old, it would be time barred, the committee voted Inexpedient to Legislate. Vote 24-0.

HJR 5-FN-A, making a payment to Joseph Haas for compensation for unlawful incarceration. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Spanos for Finance. This bill was filed on behalf of one individual for an action that occurred in Grafton County jail in 1984. The bill requests monetary damages to be paid from the performance bond of the superior court judge and clerk. State law prohibits paying damages from any performance bond to any individual, making it impossible to implement this bill. Vote 24-0.

HJR 6-FN-A, making a payment to compensate Edward Brown for an illegal action. **INEXPEDIENT TO LEGISLATE.**

Rep. David Danielson for Finance. Citing RSA 93-B this resolution seeks a payment of \$150 to Mr. Edward Brown for a claim of alleged theft of filing fee. This payment would come from a performance bond maintained by the Department of Administrative Services. After considering testimony and comments from the Judicial Branch, it was determined that the bond is maintained by the Department of Administrative Services and that the coverage is for losses to the state, not to individual citizens. Therefore, the bond is not available for payment to any individual or entity other than the state. The individual would have to bring suit against the state for recovery of the alleged loss. Without such a suit, the Judicial Branch stated, there could be no fiscal resolution to this claim. Vote 24-0.

SB 155-FN-A, establishing the Financial Resources Mortgage (FRM) victims' contribution recovery fund for victims of the FRM fraud and continually appropriating a special fund. **OUGHT TO PASS WITH AMENDMENT.** Rep. Peter Spanos for Finance. This bill establishes a process for restitution assistance for victims of the Financial Resources Mortgage (FRM) fraud. The committee amendment will set up a fund for the first six years for donations for the victims of the FRM scandal and the bankruptcy. After six years this fund will be sunset, but if future donations are received, they will be added to the Victims Assistance Fund and distributed to FRM victims who have applied. This requires no state dollars, as a private administrator will administer and distribute funds according to the provisions of this bill. The private administrator will receive no more than 10 percent of the private donations as remuneration. Vote 23-2.

Amendment (0440h)

Amend the bill by replacing all after section 1 with the following:

2 New Chapter; FRM Victims' Contribution Recovery Fund. Amend RSA by inserting after chapter 359-O the following new chapter:

CHAPTER 359-P

FRM VICTIMS' CONTRIBUTION RECOVERY FUND

359-P:1 Definitions. In this chapter:

I. "Claimant" means a person who is a victim of the Financial Resources Mortgage fraud and who has filed a complete application for recovery assistance under this chapter.

II. "Director" means the director of charitable trusts, department of justice.

III. "Financial Resources Mortgage" means Financial Resources Mortgage, Inc., C L and M, Inc., and any predecessor, successor, or affiliated entities, and any entities established by, through, or with Scott Farah or Donald Dodge, through which moneys of Financial Resources Mortgage, Inc., C L and M, Inc., and any predecessor, successor, or affiliated entities passed.

IV. "Financial Resources Mortgage fraud" means fraudulent acts committed by Financial Resources Mortgage or its principals where loans brokered by or serviced by Financial Resources Mortgage.

V. "Fund" means the FRM victims' contribution recovery fund established in RSA 359-P:2.

VI. "Person" means an individual, corporation, partnership, association, joint stock company, unincorporated organization, or any other entity.

VII. "Qualifying claimant" means a person who suffered financial losses as a result of the Financial Resources Mortgage fraud and is a claimant eligible for recovery assistance under this chapter. Qualifying claimant shall not include a borrower under any loan transaction borrowed or serviced by Financial Resources Mortgage.

VIII. "Recovery assistance" means payments from the fund to persons who suffered financial losses as a result of the Financial Resources Mortgage fraud.

IX. "Victim" means a person who suffered monetary injury as a result of the Financial Resources Mortgage fraud.

359-P:2 FRM Victims' Contribution Recovery Fund Established.

I. There is hereby established the FRM victims' contribution recovery fund. The fund shall be nonlapsing and continually appropriated to the director. The fund shall be capped at \$10,000,000 and shall consist of gifts and contributions of any kind.

II. The fund shall be used for awarding recovery assistance pursuant to this chapter.

III. The total amount in the fund less costs of administration shall be distributed on a pro rata basis to qualifying claimants annually on December 31 until all such claims are satisfied.

359-P:3 Eligibility for Recovery Assistance.

I. Except as otherwise provided in this chapter, a claimant shall be eligible for recovery assistance at the rate of 50 cents on each dollar lost by the claimant under this chapter if the claimant:

- (a) Submits all supplemental documents as requested by the attorney or administrator.
- (b) Can demonstrate loss due to the Financial Resources Mortgage fraud.
- (c) Meets all other requirements of this chapter.

II. In addition to a qualifying claimant and except as otherwise provided in this chapter, a surviving spouse or surviving child of a qualifying claimant shall be eligible for recovery assistance under this chapter.

359-P:4 Attorney/Administrator. The director shall hire/appoint a private attorney or administrator who shall collect gifts and contributions, review applications for assistance submitted pursuant to this chapter, make awards of assistance in accordance with the procedures of this chapter, and report annually to the director commencing on February 1, 2017 and each February 1 thereafter. The director shall negotiate the attorney's or administrator's compensation which in any calendar year shall be no more than 10 percent of any private sector contributions received in that calendar year.

359-P:5 Recovery Assistance.

I. A victim eligible for recovery assistance under RSA 359-P:3 may file an application for recovery assistance with the attorney or administrator on the following form:

Financial Resources Mortgage, Inc and CL&M, Inc. Victims Indemnification Application

Name _____

Address _____

Phone _____

E-mail _____

Social Security No. _____

I.) Proof of Claim Federal Bankruptcy Court Case 09-14565-JMD and 09-14566-JMD date filed _____

Loans or Mortgages claimed (copy attached)

1. _____	Amount \$ _____
2. _____	Amount \$ _____
3. _____	Amount \$ _____
4. _____	Amount \$ _____
5. _____	Amount \$ _____
6. _____	Amount \$ _____
7. _____	Amount \$ _____
8. _____	Amount \$ _____
9. _____	Amount \$ _____
10. _____	Amount \$ _____
Total Proof of Claim	Amount \$ _____

II.) Were you a defendant in case no. 09-1184-JMD? Yes No

Were you dismissed from the case? Yes No

III.) Did you settle with the Trustee? Yes No

Did you make a payment to the Trustee for the benefit of the bankruptcy estates to settle with the Trustee? Yes No

Amount \$ _____

IV.) List any additional payments to the trustee as a result of any mortgage foreclosed, sold, or repaid as a condition of your settlement. Example: Agreed to split proceeds 80/20 with Trustee.

1. _____	Amount \$ _____
2. _____	Amount \$ _____
3. _____	Amount \$ _____
4. _____	Amount \$ _____
5. _____	Amount \$ _____
Post settlement payments to Trustee	Amount \$ _____

V.) Did you retain 100% ownership of any mortgages as a result of settlement? Yes (list below) No

1. _____	Amount \$ _____
2. _____	Amount \$ _____
3. _____	Amount \$ _____
4. _____	Amount \$ _____
5. _____	Amount \$ _____
Total Retained 100% ownership	\$ _____

VI.) List any payment from the Trustee on any mortgage he or she foreclosed on, sold, or received repayment of principle and from which proceeds were agreed to be split with you as a result of settlement.

1. _____	Amount \$ _____
2. _____	Amount \$ _____
3. _____	Amount \$ _____
4. _____	Amount \$ _____
5. _____	Amount \$ _____

Total Split Proceeds received from Trustee post settlement \$ _____

VII.) Final Distribution of Bankruptcy Estate by Trustee

received by you \$ _____

VIII.) Total Interest received from FRM or CL&M January 2006 through November 2009

\$ _____

(attach form 1040 and Schedule B, Interest and Dividends, for 2006-2009)

Calculate Loss:

A.	Total Section I. Proof of Claim	\$ _____
	Total Section III. Settlement Payment	\$ _____
	Total Section IV. Proceed split payment to Trustee	\$ _____
	Total A.	\$ _____
B.	Total Section V. 00% Retained Mortgages	\$ _____
	Total Section VI. Proceed Split receipt from Trustee	\$ _____
	Total Section VII. Final Distribution from Trustee	\$ _____
	Total Section VIII. Interest Received	\$ _____
	Total of any other awards not otherwise accounted for	\$ _____
	Total B.	\$ _____
C.	Total A minus Total B. Allowable Loss	\$ _____

Signature _____

Date _____

Signed under penalty of perjury

For administration purposes only

Grand Total All Losses submitted

\$ _____

(name) _____ allowable loss submitted

\$ _____

Percent of Grand Total submitted _____%

II. The complete application shall be received not more than 180 days after the effective date of this section. An extension of time may be granted for good cause shown by the claimant. However, an application that is received more than 270 days after the effective date of this section shall not be accepted. The attorney or administrator shall send a notice regarding the process for recovery under this chapter to the last known address of potential claimants.

III. All applications filed in compliance with this chapter shall be accepted. Processing of an application shall begin upon receipt of a complete application. All applications shall be reviewed by the attorney or administrator to ensure that the applications are complete. If an application is not complete, it shall be returned to the claimant with a brief statement of the additional information required. The application shall be denied if the applicant does not furnish additional information or additional time is not granted for good cause. Once an application is accepted as complete, the applicant shall be so notified.

IV. The attorney or administrator shall determine the amount of loss of original investments, if any, of each claimant and the pro rata share to be distributed to a claim demonstrating loss.

V. Recovery assistance shall be limited to 50 cents on each dollar lost on the amount of the claimant's original investment.

VI. The attorney or administrator may consider individual claims filed by persons owning a joint interest that was subject to loss due to the Financial Resources Mortgage fraud, but any recovery awarded shall only be to the extent of each individual claimant's original investment.

359-P:6 Awards Under This Chapter Set Off Against Any Other Recovery.

I. The amount of any award made under this chapter shall be set off against any other recovery sources, including, but not limited to awards from private suits, arbitration, bankruptcy court awards or settlements, or other sources of recovery.

II. In the event a qualifying claimant receives an award from a recovery source listed in paragraph I subsequent to the filing of a claim under this chapter, the claimant shall immediately notify the attorney or administrator of the award. The attorney or administrator shall then modify the claimant's award and pro rata share by offsetting such award against the claimant's award under this chapter.

359-P:7 Recovery Assistance Prohibited. Recovery assistance shall not be awarded if the attorney or administrator for the attorney or administrator determines the claimant:

I. Sustained the monetary injury as a result of participating or assisting in or attempting to commit or committing financial fraud with Financial Resources Mortgage; or

II. Profited or would have profited from the financial fraud of Financial Resources Mortgage.

359-P:8 Award Not Subject to Other Processes. An award made under this chapter shall not be subject to execution, attachment, garnishment, or other process. A claimant convicted of forgery, fraud, or deception in connection with a claim under this chapter shall forfeit an award paid to the claimant under this chapter.

359-P:9 Liability of State. The state shall be under no obligation or liability under this chapter except to make payments to claimants to whom the recovery fund attorney or administrator has made awards of assistance, but only to the extent there is money available in the fund.

359-P:10 Claims Prior to January 1, 2006. Claims for restitution assistance shall not be accepted for any losses that occurred prior to January 1, 2006 due to financial fraud.

3 New Subparagraph; FRM Victims Contribution Recovery Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (331) the following new subparagraph:

(332) Moneys deposited under the FRM victims' contribution recovery fund, established in RSA 359-P:2.

4 Victim's Assistance Account; Department of Justice; FRM Victims Added. Amend RSA 21-M:8-h, I(a)(4) to read as follows:

(4) Any person who is a victim of human trafficking and has been tattooed with an identifying mark of human trafficking by a person who has forced him or her into trafficking;

(5) Victims of the FRM fraud.

5 Applicability. Upon repeal of the FRM victims' contribution recovery fund, established in RSA 359-P:2, on July 1, 2023, any remaining moneys in such fund shall be deposited in the victim's assistance account established in RSA 21-M:8-g and shall be used to compensate any remaining victims of the FRM fraud.

6 Repeal. The following are repealed:

I. RSA 359-P, relative to a recovery fund for victims of the Financial Resources Mortgage (FRM) fraud.

II. RSA 6:12, I(b)(332), relative to the FRM victims' contribution recovery fund.

7 Effective Date.

I. Sections 4 through 6 of this act shall take effect July 1, 2023.

II. The remainder of this act shall take effect 60 days after its passage.

2016-0440h

AMENDED ANALYSIS

This bill establishes a process for restitution assistance for victims of the Financial Resources Mortgage (FRM) fraud. Under this bill, the director of charitable trusts shall hire or appoint an attorney or administrator to review applications for and make restitution assistance to victims from the FRM victims' contribution recovery fund.

HB 1100, relative to licensure of guides by the fish and game department. **INEXPEDIENT TO LEGISLATE.** Rep. Douglas Long for Fish and Game and Marine Resources. After testimony, the committee felt that licensed guides need to be held to a higher standard of safety and responsibility, with appropriate repercussions for failing in this regard. This bill would weaken this standard. The Department of Fish and Game opposes the bill. Vote 13-0.

HB 1106, relative to days on which fishing is permitted without a license. **INEXPEDIENT TO LEGISLATE.** Rep. Ivy Vann for Fish and Game and Marine Resources. The committee is in favor of another bill (HB 1286) that it has heard on the same subject, which the committee believes is more effective. Vote 11-0.

HB 1136, authorizing the fish and game department to grant awards for solutions to reducing the Asian shore crab and European green crab populations. **INEXPEDIENT TO LEGISLATE.** Rep. Ivy Vann for Fish and Game and Marine Resources. The committee voted to oppose the bill because no mechanism for raising the money for the awards was provided. Additionally, the Department of Fish and Game can already entertain proposed solutions for crab control from citizens. Vote 13-0.

HB 1176, relative to nomination and qualification of fish and game commissioners. **REFER FOR INTERIM STUDY.**

Rep. Jonathan Manley for Fish and Game and Marine Resources. This bill needs more study and is not yet ready to become a law. Vote 12-0.

HB 1177, relative to permission required for baiting for game on the property of another. **INEXPEDIENT TO LEGISLATE.**

Rep. Jonathan Manley for Fish and Game and Marine Resources. This bill removes the requirement that a person, before baiting for game on the property of another, must first file with the local conservation officer the written permission granted by the property owner and a map showing the bait site. All testimony received by the committee on this bill was in opposition, including that of the sponsor. Vote 13-0.

HB 1191, establishing an exotic game license for hunting in a game preserve. **INEXPEDIENT TO LEGISLATE.** Rep. James Spillane for Fish and Game and Marine Resources. This bill was targeting one specific organization in the state, and the exotic animals are private property exactly like farm animals. Asking someone to pay the state for a license to kill private property is a violation of private property rights. Vote 11-2.

HB 1267, relative to the family hike safe card for fish and game search and recovery expenses. **OUGHT TO PASS.** Rep. Ivy Vann for Fish and Game and Marine Resources. This bill changes the definition of family to include dependent adults for the purpose of coverage under a family hike safe card. Such individuals should enjoy the benefits of a hike safe card since they are members of the family. Vote 11-0.

HB 1268, relative to liability for payment of expenses of search and rescue recovery by the fish and game department. **OUGHT TO PASS.**

Rep. James Spillane for Fish and Game and Marine Resources. This bill gives further clarification to the situations in which the Department of Fish and Game can recover expenses from individuals for rescue operations by strengthening the ability to seek restitution in the courts from those who acted recklessly. Vote 11-0.

HB 1286, relative to days when fishing without a license is permitted. **OUGHT TO PASS.**

Rep. James Spillane for Fish and Game and Marine Resources. This bill allows the Department of Fish and Game to add an extra promotional day of fishing in a calendar year when no license is required. The extra day chosen may be in the winter so people would get a chance to experience ice fishing. Hopefully, this will get more people interested in fishing. Vote 11-0.

HB 1383, repealing the penalty for carrying away seaweed at night. **INEXPEDIENT TO LEGISLATE.**

Rep. Jonathan Manley for Fish and Game and Marine Resources. The law that this bill seeks to repeal is a needed protection for live seaweed. With words such as "below high water mark" and "harvest," it is clear the law covers live plants that should have this restriction. With only 18 miles of shoreline, New Hampshire could quickly be depleted of this natural resource by unregulated activity. Vote 13-0.

HB 1388-FN, expanding crossbow use into muzzleloader season. **OUGHT TO PASS.**

Rep. James Spillane for Fish and Game and Marine Resources. This bill allows a person who has purchased a muzzleloader license to hunt deer with a crossbow. This will generate revenue for the Department of Fish and Game and also allow for better deer management in the troubled compact areas where muzzleloaders cannot be discharged. Vote 12-1.

HB 1519, relative to the season for taking bear using dogs set by the executive director of fish and game. **INEXPEDIENT TO LEGISLATE.**

Rep. Douglas Long for Fish and Game and Marine Resources. The sponsor was able to work out a resolution with the Department of Fish and Game concerning the issue addressed by the bill, and so the bill is no longer necessary in the opinion of the sponsor and the committee. Vote 13-0.

HB 1124, relative to the membership of the occupational therapy governing board and relative to equipment used in respiratory care practice. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy Weber for Health, Human Services and Elderly Affairs. This bill originally had two parts; the first part made a change in the membership of the occupational therapy governing board and the second part addressed requirements surrounding the delivery and installation of respiratory care equipment. The testimony on the second part of the bill raised more questions than it answered, so the amendment removed the second part of the bill. As amended, the bill simply omits the requirement of a physician on the board governing occupational therapy, and adds one more occupational therapist to the board. The physician member is not needed because occupational therapists are not supervised by physicians, and it has been difficult to fill this position. Vote 17-0.

Amendment (0623h)

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

AN ACT relative to the membership of the occupational therapy governing board.

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

2016-0623h

AMENDED ANALYSIS

This bill removes the requirement that a physician be appointed to the occupational therapy governing board.

HB 1138, relative to access to investigational drugs, biological products, and devices. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Fothergill for Health, Human Services and Elderly Affairs. This bill establishes the Terminal Patient's Right to Try Act which allows a patient with a terminal illness access to investigational drugs, biological products and devices. The committee felt strongly that terminal patients deserve this option. The bill protects the rights of all involved. Similar bills have been enacted in other states. Vote 15-0.

Amendment (0645h)

Amend RSA 126-Z:1, III as inserted by section 2 of the bill by replacing it with the following:

III. "Physician" means the licensed physician who is providing medical care or treatment to the eligible patient for the terminal illness.

Amend RSA 126-Z:4 as inserted by section 2 of the bill by replacing it with the following:

126-Z:4 Private Cause of Action. Nothing in this chapter shall be construed to create a private cause of action against a manufacturer of an investigational drug, biological product, or device or against any other person or entity involved in the care of an eligible patient using the investigational drug, biological product, or

device for any harm done to the eligible patient resulting from the investigational drug, biological product, or device, if the manufacturer or other person or entity is complying in good faith with the terms of this chapter and has exercised reasonable care.

126-Z:5 Severability. If any provision of this chapter, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of the chapter which can be given effect without the invalid provisions or applications and to this end the provisions of this chapter are severable.

HB 1209, relative to consultations under the telemedicine law. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary Freitas for Health, Human Services and Elderly Affairs. The law currently requires a face to face connection between practitioners and patient in telemedicine. This bill would remove the face to face requirement, services being provided via telephone only. The committee believes that current practices already provide a telephone level of service to patients. Vote 18-0.

HB 1210, relative to prescriptions for controlled drugs by telemedicine. **OUGHT TO PASS.**

Rep. James MacKay for Health, Human Services and Elderly Affairs. This legislation extends the use of telemedicine care. It provides for a prescriber to continue the treatment of an established patient after the patient moves, for example, telemedicine allows the provider to monitor, prescribe and plan for follow-up care. For example, an established patient who moves to attend college can continue their care with their provider. This includes individuals who are receiving care at a community mental health center, or those in an opioid treatment center. Vote 18-0.

HB 1256, requiring the attorney general to prepare an inventory of all untested rape kits. **INEXPEDIENT TO LEGISLATE.**

Rep. John Fothergill for Health, Human Services and Elderly Affairs. This bill would require the NH Attorney General's office to inventory all collected, but untested rape kits. Extensive testimony revealed that the state forensic lab does a great job with processing rape kits and has no significant backlog. It was also pointed out that the New Hampshire Coalition Against Domestic and Sexual Violence monitors all collected rape test kits and, therefore, the bill is not needed. Vote 15-0.

HB 1269, extending the New Hampshire health care quality assurance commission. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy Weber for Health, Human Services and Elderly Affairs. This bill, as amended, adds a second public member to the commission, and extends the term of the commission to 2021. The commission performs a vital function, as it provides a forum for health care institutions to discuss and share information about safety issues and best practices. This contribution to patient safety and quality of care is valuable and should be extended. Vote 17-0.

Amendment (0093h)

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

AN ACT extending the New Hampshire health care quality assurance commission and relative to the membership of the commission.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3, respectively:

Amend RSA 151-G:1, II(e) to read as follows:

(e) [~~One member-at-large~~] **Two members-at-large**, appointed by the governor.

2016-0093h

AMENDED ANALYSIS

This bill extends the New Hampshire health care quality assurance commission until July 1, 2021. This bill also clarifies the membership of the commission.

HB 1273, requiring a medical care provider to inform a woman who is discovered to have dense breast tissue. **INEXPEDIENT TO LEGISLATE.**

Rep. John Fothergill for Health, Human Services and Elderly Affairs. This bill requires health care providers performing mammography testing to send a notice to women who have dense breast tissue containing information about breast density. The committee heard from a radiologist explaining the reports presently being provided to every person who has a mammogram. These reports were found to be detailed and adding further requirements unnecessary. Vote 18-0.

HB 1285, relative to the donation of food that has passed its expiration date. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kendall Snow for Health, Human Services and Elderly Affairs. This bill extends the hold harmless protection for donors of food products from criminal penalties and civil damages to include food used for animal feed, or composting unless damage is caused by gross negligence, recklessness, or intentional misconduct. Vote 15-2.

Amendment (0091h)

Amend RSA 508:15, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) "Food" means any raw, cooked or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption **or for feeding of animals**. "Food" also means food items open-dated for which the date has passed.

Amend RSA 508:15, II as inserted by section 2 of the bill by replacing it with the following:

II. The good faith donor of any food to a needy individual or individuals or to a bona fide charitable or non-profit organization for distribution or serving by such organization without charge or at a charge sufficient only to cover the cost of handling and administering such food and the distribution thereof, **or to a person for uses such as animal feed or composting**, shall not be subject to criminal penalty or civil damages arising from the condition of the food, unless an injury is caused by the gross negligence, recklessness, or intentional misconduct of the donor; provided, however, that at the time of donation such food is not knowingly misbranded and is not adulterated and has not been manufactured, processed, prepared, handled or stored in violation of applicable rules of the department of health and human services, or unless an injury is caused by the gross negligence, recklessness or intentional conduct of the donor.

HB 1309, adding post-traumatic stress disorder to qualifying medical conditions under therapeutic use of cannabis. **INEXPEDIENT TO LEGISLATE.**

Rep. Joanne Ward for Health, Human Services and Elderly Affairs. This bill adds post-traumatic stress disorder to the qualifying medical conditions under therapeutic use of cannabis. The committee believes that changes should not be made prior to the implementation of the medical marijuana law prior to its complete roll-out. This is not to disagree that our veterans suffering from post-traumatic stress disorder would benefit from this inclusion. However, it was also believed that many with substance abuse co-existing conditions may not benefit. The committee believes that it is too soon to be making any changes. Vote 16-0.

HB 1324, relative to membership of the oversight committee on health and human services. **INEXPEDIENT TO LEGISLATE.**

Rep. James MacKay for Health, Human Services and Elderly Affairs. The Oversight Committee on Health and Human Services is a long standing joint committee of the House and Senate. The House and Senate members are appointed from the health policy committees. In addition, the committee membership was extended to include a member of the House Finance Committee as significant health legislation is often referred to the Finance Committee. The committee feels the present membership is appropriate to carry out the responsibilities assigned to the committee. Vote 18-0.

HB 1394, requiring the department of health and human services to report on the effectiveness of mental health treatment programs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald LeBrun for Health, Human Services and Elderly Affairs. This bill requires the department of health and human services to make an annual report on the effectiveness of mental health treatment programs. As amended, this bill prevents funds for services from lapsing and thus being unused from year to year. This will allow the appropriation to proceed forward for Developmental Services. The bill extends the non lapsing of appropriations through June 30, 2017, thus providing time to effectively analyze effectiveness of the programs. Vote 15-0.

Amendment (0693h)

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

AN ACT relative to the appropriation for developmental services.

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

1 Health and Human Services; Developmental Services Appropriations. Amend 2015, 275:1, accounting unit 05-95-93-930010-7100 by inserting a class note immediately following such accounting unit as follows:

CLASS NOTE

557 F. This appropriation shall not lapse until June 30, 2017.

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

2016-0693h

AMENDED ANALYSIS

This bill clarifies the appropriation for developmental services contained in the 2016-2017 operating budget.

HB 1406, establishing a commission to study the termination of Medicaid benefits when a person enters certain state institutions or county correctional facilities. **REFER FOR INTERIM STUDY.**

Rep. Thomas Sherman for Health, Human Services and Elderly Affairs. The committee supports the sponsor's concerns about this complex issue. We are assured by the NH Department of Health and Human Services that conversion from termination of benefits to suspension of benefits with incarceration is progressing well towards resolution. Vote 17-0.

HB 1423-FN, relative to rulemaking for prescribing controlled drugs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy Weber for Health, Human Services and Elderly Affairs. The bill, as amended, sets out a timetable for rulemaking about the prescription of controlled drugs and sets out detailed requirements as to the many issues that the proposed rules must address. The major provisions of the bill apply to six boards: medicine, dental exams, nursing, optometry, podiatry and naturopathy. The intent is to specify what issues each board must address, but to let each board adopt standards which are appropriate to their areas of practice. Areas to be included in rulemaking are the taking of medical history, patient examiners, risk assessment documentation of treatment plans, querying the prescription and drug monitoring program data base. The requirements recognize the differing approaches needed for treatment of acute pain and chronic pain. Specific attention is given to requirements for prescription in emergency rooms, urgent care settings and walk in clinics. A separate section of the bill requires the board of veterinary medicine to propose rules for the prescription of opioids for use of treatment of pain in animals, and measures to be taken to ensure medicine prescribed is not being diverted. Vote 16-0.

Amendment (0872h)

Amend the bill by replacing section 1 with the following:

1 New Section; Rulemaking for Prescribing Controlled Drugs; Controlled Drug Prescription Health and Safety Program. Amend RSA 318-B by inserting after section 40 the following new section:

318-B:41 Rulemaking for Prescribing Controlled Drugs.

I.(a) Before September 1, 2016, the following boards shall submit to the joint legislative committee on administrative rules final proposed rules for prescribing schedule II, III, and IV opioids, for the management or treatment of pain:

- (1) The board of medicine, concerning physicians and physician assistants.
- (2) The board of dental examiners, concerning dentists.
- (3) The board of nursing, concerning advanced practice registered nurses.
- (4) The board of registration in optometry, concerning optometrists.
- (5) The board of registration in podiatry, concerning podiatrists.
- (6) The naturopathic board of examiners, concerning naturopaths.

(b) The rules required under paragraph I shall, at a minimum, contain mandatory standards for the practice components established in paragraph II.

II. The rules shall, at a minimum, contain mandatory standards for the following practice components:

(a) Standards for the use of opioids for the management or treatment of all pain:

- (1) Conducting and documenting a detailed history and a physical exam in response to a complaint of pain or anticipated pain.
- (2) Completing a board-approved risk assessment tool to determine whether a patient is an appropriate candidate for a schedule II, III, or IV opioid.
- (3) Establishing and documenting an appropriate pain treatment plan that includes consideration of nonpharmacological modalities and non-opioid therapy.

(4)(A) Querying the program database when writing an initial schedule II, III, or IV opioid prescription for the management or treatment of a patient's pain and then periodically, at least twice a year. Such rules shall include exceptions for:

- (i) Controlled substances administered to a patient in a health care setting;
- (ii) The program is inaccessible or not functioning properly, due to an internal or external electronic issue; or
- (iii) An emergency department is experiencing a higher than normal patient volume, and to query the program database would materially delay care.

(B) When a situation falling under exception (A)(ii) or (iii) is applicable, such exception shall be documented in the patient's medical record.

- (5) Establishing procedures for informed consent outlining the risks and benefits of opioid use.
- (6) Requiring the lowest effective dosage for the fewest number of days with specific dose limits be prescribed for a medical condition or specialty.

(7) Providing for the enforcement of the prescribing rules by specifying that noncompliance with the rules may constitute unprofessional conduct under the board's practice act.

(b) Standards for the use of opioids for the management or treatment of acute pain:

- (1) Limiting the amount of days for an opioid prescription issued in an emergency department, urgent care setting, or walk-in clinic. This specific duration limit shall be set by each board no later than August 1, 2016 taking into consideration the recommendation from a majority vote of a policy group consisting of the chief medical officer of the department of health and human services, a physician designated by the New Hampshire chapter of the American College of Emergency Physicians, a physician designated by the New Hampshire Hospital Association, an advanced practice registered nurse designated by the New

Hampshire Nurse Practitioner Association, a physician or advanced practice registered nurse designated by the governor, a board certified surgeon, designated by the New Hampshire Medical Society, and an oral surgeon, designated by the New Hampshire Dental Society. Five members of the policy group shall constitute a quorum. All policy group meetings shall be open to the public and noticed in the house and senate calendars.

(2) In settings where continuity of care is anticipated, each board shall establish finite limits considering dose and duration of opioid prescriptions for treatment of acute pain and appropriate timing of office follow up for persistent, unresolved acute pain.

(c) Standards for the use of opioids for the management or treatment of chronic pain:

(1) Mandatory use of written treatment agreements, such as the agreement developed by the American Academy of Pain Medicine. Treatment agreements shall include conduct that triggers the discontinuation or tapering of opioid prescriptions.

(2) Establishing a requirement for periodic review conducted at reasonable intervals to reevaluate treatment plans and use of opioids.

(3) Establishing a procedure for, and documenting consideration of, consultation with, or referral to a specialist for patients receiving a high morphine equivalent dose for longer than 90 days.

(4) Creating exemptions to the prescribing rules for situations in which an opioid is being prescribed for the management of chronic pain for:

(A) Patients with cancer pain;

(B) Patients with a terminal condition;

(C) Long-term, nonrehabilitative, residents of a nursing home facility.

III. Before September 1, 2016, the board of veterinary medicine shall submit to the joint legislative committee on administrative rules final proposed rules for prescribing schedule II, III, and IV opioids by veterinarians for the management or treatment of pain. For the practice components set forth in paragraph IV, the term "patient" refers to the animal being prescribed opioids for the management or treatment of pain, and the term "owner" refers to the legal owner of the animal.

IV. The prescribing rules required by paragraph III shall, at a minimum, contain mandatory standards for the following practice components.

(a) Standards for the use of opioids for the management or treatment of pain:

(1) Conducting and documenting a detailed history and a physical exam in response to a complaint of pain or anticipated pain.

(2) Completing a board-approved risk assessment tool to determine whether a patient is an appropriate candidate for a schedule II, III, or IV opioid.

(3) Establishing and documenting an appropriate pain treatment plan that includes consideration of nonpharmacological modalities and non-opioid therapy.

(4)(A) Querying the program database when writing an initial schedule II, III, or IV opioid prescription for the management or treatment of a patient's pain and then periodically, at least twice a year. The program shall be queried for the patient, its owner, and the individual bringing the patient in to see the veterinarian, if applicable. Exceptions to this requirement shall be limited to situations in which:

(i) Controlled substances are to be administered to a patient in a health care setting.

(ii) The program is inaccessible or not functioning properly, due to an internal or external electronic issue.

(B) For exception (ii), the specific reason why there was no query of the program database shall be documented in the patient's medical record.

(5) Establishing procedures for informed consent outlining the risks and benefits of opioid use.

(6) Requiring the lowest effective dosage for the fewest number of days with specific dose limits, if appropriate, be prescribed for a medical condition or specialty.

(7) Providing for the enforcement of the prescribing rules by specifying that noncompliance with the rules may constitute unprofessional conduct under the board's practice act.

(b) Standards for the use of opioids for the management or treatment of acute pain:

(1) Limiting the amount of days for an opioid prescription issued in an emergency care setting. The board shall base its recommendation on the limit established pursuant to paragraph II(b)(1).

(2) In settings where continuity of care is anticipated, establishing finite limits on dose and duration of opioid prescriptions for treatment of acute pain and appropriate timing of office follow up for persistent, unresolved acute pain.

(c) Standards for the use of opioids in the management or treatment of chronic pain.

(1) Mandatory use of written treatment agreements, such as the agreement developed by the American Academy of Pain Medicine. Treatment agreements shall include conduct that triggers the discontinuation or tapering of opioid prescriptions.

(2) Establishing a requirement for periodic review conducted at reasonable intervals to reevaluate treatment plans and use of opioids.

V. At a minimum, each board's Internet website shall include online links to board approved:

- (a) Continuing education on the prescribing of opioids.
- (b) Screening tools.
- (c) Treatment agreements.
- (d) Risks and benefits of opioid use.
- (e) Proper storage of opioids.
- (f) Proper disposal of unused opioids.

Amend RSA 329:9, XX as inserted by section 2 of the bill by replacing it with the following:

XX. Prescribing controlled drugs pursuant to RSA 318-B:41.

Amend RSA 317-A:12, XIII as inserted by section 3 of the bill by replacing it with the following:

XIII. **Prescribing controlled drugs pursuant to RSA 318-B:41; and**

Amend RSA 326-B:9, XII as inserted by section 4 of the bill by replacing it with the following:

XII. Prescribing controlled drugs pursuant to RSA 318-B:41.

Amend RSA 327:31, X as inserted by section 5 of the bill by replacing it with the following:

X. Prescribing controlled drugs pursuant to RSA 318-B:41.

Amend RSA 315:4, XII as inserted by section 6 of the bill by replacing it with the following:

XII. Prescribing controlled drugs pursuant to RSA 318-B:41.

Amend RSA 328-E:10, I(e) as inserted by section 7 of the bill by replacing it with the following:

(e) **Prescribing controlled drugs pursuant to RSA 318-B:41.**

Amend RSA 332-B:7-a, XV as inserted by section 8 of the bill by replacing it with the following:

XV. Prescribing controlled drugs pursuant to RSA 318-B:41.

Amend the bill by replacing section 9 with the following:

9 Repeal. RSA 318-B:39, relative to prescribers required to query the program prior to prescribing controlled substances, is repealed.

10 Effective Date.

I. RSA 318-B:41, II(a)(4), IV(a)(4), and section 9 shall take effect January 1, 2017.

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

HB 1425-FN, restricting the use of food stamps in convenience stores. **INEXPEDIENT TO LEGISLATE.** Rep. Joanne Ward for Health, Human Services and Elderly Affairs. This bill sought to limit "food stamp" purchases to only milk at convenience stores. Strict guidelines are issued from the USDA, which administers the program on what categories of items a store has to sell in order to be qualified to accept the Supplemental Nutrition Assistance Program (SNAP) benefits. The sponsor believed that recipients could purchase food at grocery stores to get a better price for food. The committee believed that this bill is discriminatory and not within the ability of the state to implement. Vote 15-0.

HB 1429, relative to the use of microbeads in personal care products and over-the-counter drugs. **INEXPEDIENT TO LEGISLATE.**

Rep. Joanne Ward for Health, Human Services and Elderly Affairs. Microbeads used in beauty products can cause problems with water treatment facilities. They do not disintegrate and can cause problems for wildlife. This bill is no longer needed because a federal law has been passed which regulates use. Vote 13-0.

HB 1464-FN, relative to monitoring visits to child day care agencies. **INEXPEDIENT TO LEGISLATE.**

Rep. Joanne Ward for Health, Human Services and Elderly Affairs. The committee understood the sponsor's view for only announced inspections for day care. The Department of Health and Human Services testified that the funding the state receives for day care is in the form of a block grant and it mandates that the department conduct unannounced inspections. The department also testified that if they arrive at a center or day care and it was inconvenient or an activity was happening, that the department would be flexible and conduct the inspection on another day. Vote 18-0.

HB 1490, relative to collaborative practice between pharmacists and health care practitioners. **OUGHT TO PASS.**

Rep. James MacKay for Health, Human Services and Elderly Affairs. This legislation upgrades the qualifications, standards and supervision of collaborative pharmacy agreements between pharmacists and health care practitioners. Health care systems are undergoing significant changes nationally and in New Hampshire. Pharmacists occupy a significant place in the delivery of healthy services. Specifically, pharmacists have expertise in dealing with people who have multiple chronic conditions and the increased use of more complex medication. This legislation was the unanimous product of the Commission to Study the Standards for Collaborative Practice. Vote 13-0.

HB 1501, relative to qualifying medical conditions for the use of cannabis. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald LeBrun for Health, Human Services and Elderly Affairs. This bill, having been fully vetted by the committee and being determined to be Inexpedient to Legislate, is felt it is not an addition that needs to be adopted at this time. It is the finding of the committee that the current law has not been fully implemented and we should allow time for it to go into effect as originally passed before making changes or additions. Vote 15-0.

HB 1537-FN, relative to testing for Lyme disease. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas Sherman for Health, Human Services and Elderly Affairs. This bill requires health care providers to send certain information to persons being tested for Lyme disease. While expressing concerns for issues raised by the sponsors and receiving assurances from the appropriate society that they would work with the sponsor to address these concerns, the committee reaffirmed a strong reluctance to commit medical information, or recommendations to statute. Vote 18-0.

HB 1541-FN, prohibiting placement of certain persons with a mental illness in the secure psychiatric unit, and authorizing the commissioner of the department of corrections to seek therapeutic alternatives. **REFER FOR INTERIM STUDY.**

Rep. James MacKay for Health, Human Services and Elderly Affairs. There has been considerable discussion over the past several years about the location and operation of the Secure Psychiatric Unit (SPU) presently operated by the New Hampshire Department of Corrections. Thoughtful studies were conducted in 2006 and 2010. This present legislation provoked considerable concern about the present location of the SPU. However, there was considerable concern about potential unintended consequences from passage of this legislation. It is the hope of the committee that a robust Interim Study committee can move this serious issue forward. Vote 17-0.

HB 1542-FN, requiring drug testing of public assistance recipients. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy Weber for Health, Human Services and Elderly Affairs. The bill requires an invasive and suspicious drug test of all public assistance recipients. Recipients of public assistance do not surrender their constitutional rights. Courts have already held that the state may not deny an individual benefits because the individual has exercised his or her constitutional rights. Nor may an entire class of citizens be denied their constitutional rights. There is no documentation that drug use in this population is any greater than that of the general population. In addition, the program would likely cost more to administer than it would save in benefit costs. Vote 18-0.

HB 1634-FN, relative to the penalty for possession, use, or sale of fentanyl. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen Schmidt for Health, Human Services and Elderly Affairs. This bill was found inexpedient to legislate as the penalty for fentanyl use, or sale, was addressed previously in Senate Bill 576 which has already been signed into law. The bill sponsor agreed that this bill was no longer necessary. Vote 18-0.

HB 1648-FN, relative to sales by pharmacists under the controlled drug act. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald LeBrun for Health, Human Services and Elderly Affairs. This bill authorizes pharmacists to fill a prescription for certain controlled drugs for a 34-day supply or 100 dosage units, whichever is less. This bill is similar to HB 1423-FN, relative to rulemaking for prescribing controlled drugs which was recommended ought to pass as amended by the committee. Therefore this bill is deemed to be unnecessary. Vote 16-0.

HB 1662-FN, relative to abortion-inducing drugs. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas Sherman for Health, Human Services and Elderly Affairs. Without demonstrating a compelling need, this bill would set several precedents in addressing abortion including requiring use of FDA guidelines rather than the medical standard of practice, requiring admitting privileges for an outpatient procedure and requiring a contract with her physician to handle procedure complications. Furthermore, it would apply criminal penalties for activities under the jurisdiction of the Board of Medicine. Vote 16-1.

HB 1664-FN, relative to pharmacy benefit managers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Fothergill for Health, Human Services and Elderly Affairs. This bill requires certain provisions to be included in contracts between carriers or pharmacy benefit managers and pharmacies. The committee heard concerns from pharmacists relative to maximum allowable cost pricing (MAC), which is a tool used by pharmacy benefit managers to control prescription drug costs. The bill establishes requirements that pharmacy benefit managers provide certain information relative to MAC pricing to pharmacists and include a process to appeal, investigate and resolve disputes. All stakeholders, including the pharmacists, the pharmacy benefit managers, and the Department of Insurance agreed to the bill as amended. Vote 16-0.

Amendment (0846h)

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

AN ACT relative to contracts between carriers or pharmacy benefit managers and certain pharmacies.

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

1 New Paragraph; Managed Care; Definitions. Amend RSA 420-J:3 by inserting after paragraph X the following new paragraph:

X-a. "Contracted pharmacy" or "pharmacy" means a pharmacy participating in the network of a pharmacy benefit manager through a direct contract or through a contract with a pharmacy services administration organization or group purchasing organization.

2 New Paragraph; Managed Care; Definitions. Amend RSA 420-J:3 by inserting after paragraph XIV the following new paragraph:

XIV-a. "Drug product reimbursement" means the amount paid by a carrier or pharmacy benefit manager to a contracted pharmacy or pharmacist for the cost of the drug dispensed to a patient and does not include a dispensing or professional fee.

3 New Paragraph; Managed Care; Definitions. Amend RSA 420-J:8 by inserting after paragraph XIV the following new paragraph:

XV.(a) All contracts between a carrier or pharmacy benefit manager and a contracted pharmacy shall include:

(1) The sources used by the pharmacy benefit manager to calculate the drug product reimbursement paid for covered drugs available under the pharmacy health benefit plan administered by the carrier or pharmacy benefit manager.

(2) A process to appeal, investigate, and resolve disputes regarding the maximum allowable cost pricing. The process shall include the following provisions:

(A) A provision granting the contracted pharmacy or pharmacist at least 30 business days following the initial claim to file an appeal;

(B) A provision requiring the carrier or pharmacy benefit manager to investigate and resolve the appeal within 30 business days; and

(C) A provision requiring that, if the appeal is denied, the carrier or pharmacy benefit manager shall:

(i) Provide the reason for the denial; and

(ii) Identify the national drug code of a drug product that may be purchased by contracted pharmacies at a price at or below the maximum allowable cost.

(D) A provision requiring that, if an appeal is granted, the carrier or pharmacy benefits manager shall within 30 business days after granting the appeal:

(i) Make the change in the maximum allowable cost; and

(ii) Permit the challenging pharmacy or pharmacist to reverse and rebill the claim in question.

(b) For every drug for which the pharmacy benefit manager establishes a maximum allowable cost to determine the drug product reimbursement, the pharmacy benefit manager shall:

(1) Include in the contract with the pharmacy information identifying the national drug pricing compendia or sources used to obtain the drug price data.

(2) Make available to a contracted pharmacy the actual maximum allowable cost for each drug.

(3) Review and make necessary adjustments to the maximum allowable cost for every drug for which the price has changed at least every 14 days.

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

2016-0846h

AMENDED ANALYSIS

This bill establishes procedures for contracts between carriers or pharmacy benefit managers and contracted pharmacies.

HB 1665-FN, adopting the interstate medical licensure compact. **OUGHT TO PASS.**

Rep. Joanne Ward for Health, Human Services and Elderly Affairs. This bill allows the State of New Hampshire to join with other states in the formation of a medical licensure compact. Committee support for the concept was unanimous. Being a member of the compact will allow a licensed physician in one state that wishes to practice in another state, to not have to duplicate all of the history that is required for an initial license. Each state the physician holds a license in will have the renewal requirements and the licensee needs to satisfy each license. This does not lower any requirements. Vote 18-0.

HB 1680-FN, extending the suspension of prior authorization requirements for a community mental health program on drugs used to treat mental illness. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy Weber for Health, Human Services and Elderly Affairs. This bill, as amended, extends for one year to June 30, 2017 the suspension of prior authorization requirements for a community mental health program for drugs used to treat mental illness. The committee is persuaded that this moratorium should not be lifted without having additional safeguards in place to protect both patients and public safety. Vote 16-0.

Amendment (0622h)

Amend the bill by deleting section 1 and renumbering the original sections 2-3 to read as 1-2, respectively.

HB 1681-FN, relative to hypodermic syringes and needles containing trace amounts of controlled drugs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Fothergill for Health, Human Services and Elderly Affairs. The bill is relative to hypodermic syringes and needles containing residual amounts of controlled drugs. Exchanging needles with residual amounts of controlled drugs is not illegal. Needle exchange programs will provide a point of access for reaching ADDICTED people. This access has been shown to improve the health of addicts. More importantly this bill will help protect the wider public from impending outbreaks of Hepatitis C and HIV. Vote 15-0.

Amendment (0634h)

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

AN ACT relative to hypodermic syringes and needles containing residual amounts of controlled drugs.

Amend the bill by replacing all after section 1 with the following:

2 New Paragraph; Controlled Drug Act; Definition Added. Amend RSA 318-B:1 by inserting after paragraph XXIX the following new paragraph:

XXIX-a. "Residual amount" means an unusable amount of a controlled substance in or on a hypodermic syringe or needle.

3 Controlled Drug Act; Acts Prohibited. Amend RSA 318-B:2, IV(d) to read as follows:

(d) The proximity of any residue of controlled substances, ***except for hypodermic syringes and needles with or without residual amounts***;

4 Controlled Drug Act; Disposal of Controlled Drugs in Possession of Practitioner. Amend RSA 318-B:17-a to read as follows:

318-B:17-a Disposal of Controlled Drugs in Possession of Practitioner. No person other than the pharmacy board, its officers, agents, and inspectors is authorized to destroy any out-dated, deteriorated, excessive or otherwise unwanted or confiscated controlled drugs which are in the possession of a practitioner, veterinarian, pharmacy, peace officer, nursing home, manufacturer, wholesaler, clinic, or laboratory or hospital. No payment shall be made to any person or institution for any drug surrendered for destruction. A record shall be maintained which indicates the name, strength, and quantity of all drugs destroyed; the place and manner of destruction; the date and time destroyed; the name of the practitioner or institution surrendering the drugs; and the signature and title of the person witnessing destruction. Such records shall conform to any federal requirements and shall be open to inspection by all federal or state officers charged with the enforcement of federal or state controlled drug laws. ***This section shall not apply to residual amounts in hypodermic syringes and needles.***

5 Controlled Drug Act; Penalties; Exception Added. Amend the introductory paragraph of RSA 318-B:26, I(c) to read as follows:

(c) ***Except for residual amounts in hypodermic syringes and needles***, in the case of a violation involving any of the following, a person may be sentenced to a maximum term of imprisonment of not more than 7 years, a fine of not more than \$100,000, or both. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person may be sentenced to a maximum term of imprisonment of not more than 15 years, a fine of not more than \$200,000, or both:

6 Repeal. RSA 318:52-d, recording and filing of prescriptions for hypodermic syringes and needles, is repealed.

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

2016-0634h

AMENDED ANALYSIS

This bill exempts residual amounts of controlled substances in hypodermic syringes and needles from the provisions of the controlled drug act. The bill also authorizes persons other than pharmacists to dispense hypodermic syringes and needles and allows them to be sold in retail establishments other than pharmacies. Referred to the Committee on Criminal Justice and Public Safety.

HB 1698-FN, relative to an integrative approach to substance abuse disorders. **INEXPEDIENT TO LEGISLATE.**

Rep. John Fothergill for Health, Human Services and Elderly Affairs. This bill requires treatment and recovery programs for substance abuse disorders to use an integrative approach, including homeopathic remedies, when treating patients. All boards such as medical and nursing will be releasing new rules asking for consideration of all modalities available when treating substance abuse. The committee felt these new rules would be adequate. Vote 18-0.

HB 1109, relative to notice of offer for property in eminent domain cases and making the condemning entity liable for reasonable attorney's fees in certain cases. **INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for Judiciary. This bill would make the taking entity in an eminent domain case liable for attorney's fees if the property were undervalued by 20% and, in all eminent domain cases, offer at least 300% of the fair market value of the property. The majority recognized that in some cases the appraisal might undervalue the property, but extending the 300% benchmark to all cases would be unfair to the taker and, in many (perhaps most) cases unnecessarily burden taxpayers. Vote 17-1.

HB 1115, relative to the laws governing the citizens of New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. David Woodbury for Judiciary. Although some members regret the extent of regulations, rules, local ordinances and the like which have the force of law, a strong majority recognized the chaos which would ensue if this bill became law. The intention of this bill is to make this legislature, and the United States Congress, the sole source of law in this state. It would be physically impossible to place this burden on this body and the result, if enacted, would be unfortunate. Vote 13-1.

HB 1166-FN, appointing personal representatives for persons who had founded petitions before the house committee on redress of grievances. **INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for Judiciary. This bill would have the Attorney General appoint a personal representative to pursue the legislative remedies in reports from the now disbanded Committee on Redress of Grievances. The committee believes these remedies either have been or could be pursued through the normal legislative process making this bill unnecessary. Vote 14-1.

HB 1196, relative to the amount of a money judgment for unpaid rent. **INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for Judiciary. This bill sought to increase the maximum money judgment order in an eviction case from \$1,500 to \$5,000. The committee believes that this would cause many more evictions to move to Superior Court, defeating the purpose of the increase. Vote 14-0.

HB 1204, relative to payment of rent pending the stay of an eviction proceeding. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Claire Rouillard for Judiciary. This bill as amended allows a tenant and a landlord to negotiate and enter into an agreement to pay past due rent, which includes an agreement of the tenant to waive any right to appeal. This agreement allows the tenant to remain in their home if timely payment of arrearage and future rents are made. Vote 18-0.

Amendment (0234h)

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

1 Landlord Tenant; Discretionary Stay Dependent on Payment of Rent; Payment of Arrearage and Current Rent Due. Amend RSA 540:13-c, II to read as follows:

II. Nothing in this section shall be construed to prohibit the parties in a case of nonpayment of rent from agreeing that, in spite of judgment for the plaintiff, a writ of possession shall not be issued, if the defendant makes payments in accordance with a schedule designated in the agreement. ~~[However, if such payments are not made when due, a writ of possession shall be issued upon request of the plaintiff.]~~ ***The agreement may incorporate the arrearage, future rent due, court costs, and service fees. Entering into such an agreement shall waive the defendant's right to appeal.***

(a) Every such agreement shall conspicuously state in a separate paragraph at the end of the agreement the following language:

I, TENANT/DEFENDANT IN THIS ACTION, UNDERSTAND THAT IF I FAIL TO MAKE ANY OF THE PAYMENTS CALLED FOR IN THIS AGREEMENT ON TIME, THE COURT MAY ORDER THE SHERIFF TO EVICT ME WITHOUT A HEARING. I ALSO UNDERSTAND THAT BY SIGNING THIS AGREEMENT I AM GIVING UP MY RIGHT TO FILE ANY APPEAL IN THIS CASE.

(b) If the plaintiff has not filed an affidavit of non-compliance within 14 days of the date that the final payment under the agreement is due, the court shall dismiss the action.

(c) The acceptance of any payment pursuant to such an agreement shall not establish a new tenancy.

(d) If payments are not made when due, as evidenced by an affidavit of non-compliance filed with the court by the plaintiff and served in hand or at the abode of the defendant before the affidavit is filed with the court, the court shall issue a writ of possession, within 5 business days of the filing of the affidavit with the court, and without further hearing or judicial review.

(e)(1) Notwithstanding the provisions of subparagraph (d), the court may hold a hearing to determine whether or not a writ of possession shall issue if the defendant files an objection or other pleading in court within 4 business days of the filing of the affidavit of non-compliance and certificate of service with the court, which alleges that:

(A) The defendant made a timely tender of the required payment; or

(B) The defendant had a specific compelling cause for not tendering the required payment or payments on time, and that the defendant is able to tender the past-due payment or payments at the time the defendant files his or her objection or other pleading.

(2) If the court finds that the defendant's motion or other pleading do not meet the requirements of subparagraph (1)(A) or (1)(B), it shall issue a writ of possession. If the court determines that the defendant's allegations meet the requirements, a hearing shall be scheduled to occur within 4 business days of the filing of the defendant's objection or other pleading.

(f)(1) At any hearing under subparagraph (e)(2), the defendant shall have the burden to prove that:

(A) The defendant has made timely payments, and therefore the writ of possession shall not issue; or

(B) The defendant has brought to court cash or a certified check sufficient to tender all past-due payments, and the defendant had a specific compelling cause for his or her failure to tender any past-due payments.

(2) If the defendant fails to meet his or her burden of proof under subparagraph (1)(A) or (1)(B), the court shall issue the writ of possession.

(3) If the defendant meets his or her burden of proof under subparagraph (1)(B), the court shall order the defendant to tender, by cash or certified check, all past-due payments to the plaintiff immediately. If all past due-payments are tendered immediately by cash or certified check, a writ of possession shall not issue, otherwise a writ of possession shall issue.

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

HB 1216-FN, requiring public bodies and agencies to provide information which is not regularly kept or reported upon payment by the requestor. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark McLean for Judiciary. RSA 91-A:4 grants all citizens the right to inspect governmental records. However, the statute explicitly states that public bodies or agencies are not required to compile, cross reference, or assemble information into a form in which it is not already kept. This bill would reenact that portion of the law to require public bodies and agencies to compile and report information that is not normally kept after receiving payment by the requestor. The supporters of this bill testified that repeated Right to Know requests were refused on the grounds that the data requested was scattered and would require compiling. They believed that this bill would address the issue by mandating the compilation. The committee unanimously agreed that while there were some cases where compilation could be easily achieved, there were many more cases where this would not be so, and that the bill was so broadly written that it would have the impact of turning agencies into data researchers. Public bodies and agencies do not have the resources to execute this kind of work on a large scale. The current Right to Know statute grants anyone the right to inspect any document for free, and it has no restrictions on how the requestor may choose to compile or tabulate that data after it has been received. The committee therefore felt that this bill was unnecessary and burdensome. Vote 12-0.

HB 1218, relative to levy of executions on shares in any corporation. **INEXPEDIENT TO LEGISLATE.**

Rep. Claire Rouillard for Judiciary. This bill attempts to add a criminal penalty to civil litigation. The language of the bill is directed to "officers" of a corporation who fail to give appropriate notice of the sale in two adjoining towns, 30 days prior to the sale. Failure to provide this notice would result in a "penalty" and find an "officer" guilty of a "violation" and subject to a "fine" equal to the value of such shares or interest. This is inconsistent and contrary to the civil law in New Hampshire. Vote 15-0.

HB 1276, relative to a taxpayer's application for a property tax abatement. **INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for Judiciary. This bill seeks to allow a taxpayer to raise constitutional issues when seeking a tax abatement. The committee believes that tax abatement boards should not be asked to rule on such issues. Vote 17-1.

HB 1306, allowing periodic payments of judgments to include assignment of wages. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Sylvia for Judiciary. This bill would allow the court to order judgment in some circumstances to be deducted from wages by employers. The sponsor agreed that the bill needs substantial additional work. Vote 16-0.

HB 1333, requiring that courts provide jurors with information regarding the authority of the position of juror. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark McLean for Judiciary. This bill seeks to educate jurors as to their authority by requiring that courts provide educational information to prospective jurors with their juror qualification forms. The bill also specifies the language of the information to be provided. While some members of the committee felt that there might be value to an educational brochure or pamphlet, the bill as written takes language directly from literature generated by the Fully Informed Jury Association and mandates its use. The committee unanimously found the proposed language to be unnecessarily harsh and combative and believed it would inevitably create an adversarial relationship between the jury and the judge. Vote 16-0.

HB 1413, establishing a commission to study processes to resolve right-to-know complaints. **INEXPEDIENT TO LEGISLATE.**

Rep. Linda Kenison for Judiciary. This bill would establish a commission to study processes to resolve Right to Know complaints. The bill as written would create a narrow and unbalanced commission membership. It includes a member from Right to Know New Hampshire, and fails to include other significant stakeholders. Suggestions for a more balanced membership were discussed at the hearing on this bill, however, no amendment was offered. In addition, the focus of study by the commission is about creating an ongoing board or commission to adjudicate citizen Right to Know complaints. The committee did not support this concept. Vote 11-3.

HB 1418-L, relative to the minutes of nonpublic sessions of public bodies. **OUGHT TO PASS.**

Rep. Mark McLean for Judiciary. This bill addresses the type of information that is to be included in the minutes of nonpublic sessions under the Right to Know law. Testimony revealed that there is confusion as to what should be in the contents of nonpublic minutes and this has led to a wide variation in the application

of the law in cities and towns throughout the state. The bill creates consistency by clarifying that the same content that is contained in public minutes must also be contained in nonpublic minutes. In addition to this, the nonpublic provisions that allow for the sealing of minutes containing sensitive information are untouched by this bill. Thus, the right to keep sensitive information confidential is preserved. This bill had broad support from both Right to Know activists and the New Hampshire Municipal Association. Vote 18-0.

HB 1419, relative to voting records in nonpublic sessions of public bodies. **OUGHT TO PASS.**

Rep. Michael Sylvia for Judiciary. This bill makes a slight change to our Right to Know statute as it applies to the minutes of nonpublic sessions under RSA 91-A:3, III. The minutes of nonpublic sessions with this change will require that the vote of each member may be ascertained. This can be accomplished by noting a unanimous decision, those dissenting, or a roll call. The committee believes this is a simple rule which will enhance transparency as required under our Constitution's Part I, Article 8. Vote 18-0.

HB 1494, relative to the expectation of privacy in personal information. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Horrigan for Judiciary. The majority of the committee recognized that this bill dealt with issues of great importance to the people of New Hampshire. However, the remedies in the bill were unworkable and overly broad, and for the most part would be more appropriately addressed at the federal level. Furthermore, the bill had numerous technical flaws; for example, it would apply to all activities of any government contractor with the federal government, including activities not directly related to the contracts themselves. Vote 19-1.

HB 1510, relative to the review of minutes of nonpublic sessions. **INEXPEDIENT TO LEGISLATE.**

Rep. Linda Kenison for Judiciary. This bill requires public bodies to properly notify persons who are the subject of certain nonpublic sessions. This bill also requires public bodies to review minutes of nonpublic sessions every three years and after review such records may be sealed. This bill relates to nonpublic meetings having to do with employee dismissal, promotion, compensation, discipline, or investigations of charges against him or her. This blanket requirement of the public body to review such records every three years, by calling another nonpublic meeting to determine if the record should remain sealed, is not practical. There are decades of such records. To carry this out would result in untold financial costs, as well as time and resources. The bill lacks a fiscal note to address the financial costs. Vote 16-2.

HB 1569-FN, relative to volunteers under the department of resources and economic development. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Woodbury for Judiciary. Under present law, volunteers performing duties at a state park, forest, reservation, trail or historic site will be defended and indemnified, in case of a lawsuit, by the Attorney General's Office and State Treasury. Umbrella organizations, corporate or non-profit do the same work, but do not have the same protection. This bill, as amended, brings both the persons and the organizations into line with one another giving both an identical level of protection. This allows the organization to function and perform valuable services to the state with confidence they will be defended and indemnified. Vote 17-1.

Amendment (0633h)

Amend RSA 216-A:3-h as inserted by section 1 of the bill by replacing it with the following:

216-A:3-h Indemnification of Department of Resources and Economic Development Volunteers.

Any person recognized by the commissioner of the department of resources and economic development as a volunteer *or, notwithstanding RSA 508:17, II, a corporation or other nonprofit legal entity that is recognized by the commissioner of the department of resources and economic development*, and who is under the general supervision of authorized department of resources and economic development personnel, and is actually performing assigned volunteer duties or activities at a state park, forest, reservation, trail, or historic site, shall be considered *as* a state employee for the purpose of defense and indemnification from civil suits under RSA 99-D.

2016-0633h

AMENDED ANALYSIS

This bill indemnifies volunteer organizations working for the department of resources and economic development.

HB 1577-FN, relative to alternatives to incarceration as a criminal penalty. **INEXPEDIENT TO LEGISLATE.**

Rep. Linda Kenison for Judiciary. The sponsor favored alternatives to incarceration for non-violent offenders. While the committee agrees with reducing the number of incarcerations, this bill does not achieve this goal. The bill adds an unnecessary layer for prosecutors by requiring them to submit a written statement to the court, duplicating what is currently done at oral argument in court and which is recorded. Further, this bill would add additional work for the clerk of court and additional time for the judge to review the written statement. The Judicial Branch estimates the fiscal impact of this bill to exceed at least \$10,000 annually and the counties assume an unspecified cost for attorney and staff time. Vote 16-0.

HB 1582-FN, relative to judicial salaries. **INEXPEDIENT TO LEGISLATE.**

Rep. Linda Kenison for Judiciary. This bill would eliminate the weighted caseload method of compensation for part-time district and probate court judges and require them to be paid the same salaries as full-time judges. The sponsor of the bill testified that he opposes his bill due to the prohibitive cost to the state. Vote 15-0.

HB 1596-FN-L, changing the marriage license requirement to a requirement that couples obtain a certificate of notice of intent to marry and a certificate of marriage. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Horrigan for Judiciary. This bill proposed totally revising the law related to marriage licenses, apparently by rolling back many provisions of vital records law and marriage law to how the laws were at some point in the distant past. This bill, if passed, would severely disrupt the keeping of vital records, would delay and complicate couples' wedding plans, and would totally disregard changes to marriage law made in recent decades. Vote 16-0.

HB 1607-FN, relative to entering dismissals of cases by nolle prosequi. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark McLean for Judiciary. This bill requires that a state or county attorney seeking to dismiss a case by nolle prosequi must have the attorney general issue a written report evaluating the evidence to the parties to the case a minimum of five business days before the dismissal is sought. The sponsors of the bill felt it was necessary to prevent termination of prosecution without advance notification to the involved parties. However, this bill would create a need for the Attorney General to oversee all county attorneys and their prosecutorial decisions. This would have a substantial fiscal impact on the Department of Justice. The bill would also inhibit the discretion and flexibility of the county attorney. In many cases, the need to nol pros is immediate and the five day notification would not be able to be met. If, for example, a witness were absent or reluctant, this bill would force the county attorney to go forward with the case even though it was not ready, potentially resulting in an undesirable verdict that would prevent future prosecution. Vote 15-1.

HR 17, authorizing and directing the house judiciary committee to investigate whether cause exists for the impeachment of Governor Maggie Hassan. **INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for Judiciary. This bill sought to investigate whether cause exists for impeachment of Governor Maggie Hassan. The committee could find no basis in the text of the bill or in the testimony presented. Vote 15-0.

HR 18, directing the house judiciary committee to investigate former superior court justices Robert Morrill and James O'Neill and retired Grafton county superior court clerk Robert Muh for violations of law and constitutions. **INEXPEDIENT TO LEGISLATE.**

Rep. Linda Kenison for Judiciary. This bill sought to direct the Judiciary Committee to investigate several justices and clerks of court based on the assertion that they made decisions that were not constitutional and were a violation of laws. The committee found no basis in the text of the bill or in the testimony presented. Vote 14-1.

HR 19, authorizing and directing the house judiciary committee to investigate whether cause exists for the impeachment of the 5 executive councilors. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph Hagan for Judiciary. This bill sought to direct the Judiciary Committee to investigate whether cause exists for impeachment of all the executive councilors. This is a constituent bill to address lingering grievances against the Judiciary. No evidence was presented by the sponsor or the constituent that merited further action. Vote 15-0.

HB 1108, relative to inquiries by employers into the criminal history of applicants for employment. **REFER FOR INTERIM STUDY.**

Rep. Andrew White for Labor, Industrial and Rehabilitative Services. The bill presented to the committee would have banned employers from asking potential employees if they had been convicted of a crime on an employment application. The committee agreed the bill as presented had some technical problems on which consensus could not be gained. The committee did however support the concept of giving those convicted of a crime a second chance. The Refer for Interim Study motion will allow the committee to continue to look at all options to carry out this concept. Vote 22-0.

HB 1278, requiring payment of lawful money to employees. **INEXPEDIENT TO LEGISLATE.**

Rep. Andrew White for Labor, Industrial and Rehabilitative Services. The bill sought to punish banks and credit unions with the crime of theft by extortion for charging a non-member a fee for cashing a payroll check. Current law RSA 275:43 addresses the issue adequately making this legislation unnecessary. Vote 13-0.

HB 1331, relative to the membership of the compensation appeals board. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew White for Labor, Industrial and Rehabilitative Services. The bill as amended makes clear the experience requirements a person must have to be appointed to the Compensations Appeals Board, which hears appeals on workers compensation claims. The bill came to us because the Department of Labor was having difficulty finding interested parties with the experience required under the current statute which requires

at least five years of workers' compensation experience. The original bill added equivalent experience in the field of employment. The amendment requires at least five years of experience in workers' compensation law, human resources, or administrative law. Vote 18-0.

Amendment (0628h)

Amend RSA 281-A:42-a, I as inserted by section 1 of the bill by replacing it with the following:

I. There is established a compensation appeals board. The board shall consist of a pool of 33 members, of which 11 members shall represent labor, 11 members shall represent employers or workers' compensation insurers and 11 members shall be attorneys who shall be neutral. Members of the board shall be appointed by the governor and council from a list of nominees submitted by the commissioner. The commissioner shall submit at least 2 nominees for each vacancy to be filled. Any person appointed by the governor and council who is not qualified or who ceases to be qualified in the capacity in which such person is serving on the appeals board shall be replaced by the governor and council. Terms of board members shall be 3 years, except the initial appointments shall be staggered so that no more than 1/3 of the members' terms shall expire in the same year. Members of the board shall have at least 5 years' experience in the area of workers' compensation **or human resources or administrative law**. As a condition to maintaining eligibility to hear appeals, board members shall have at least 10 hours annually of training and briefing in the area of workers' compensation and relevant disciplines. The commissioner, or designee, with the assistance of the attorney general's staff shall supervise and approve the training. The commissioner shall have the authority to suspend the eligibility of any member of the board who is not in compliance with such annual training requirements, and to reinstate such member's eligibility upon compliance. The commissioner may suspend from active participation any board member who fails to render a decision or order within 30 days of the hearing as required by RSA 281-A:43, I(b). The commissioner may rescind the suspension once the board member is in compliance with RSA 281-A:43, I(b). Appeals from a decision of the commissioner or the commissioner's representative shall be heard de novo by a 3-member panel, composed of an attorney who shall serve as chair, one member representing labor and one member representing employers or workers' compensation insurers. At least 2 like votes shall be necessary for a decision by the panel. The board shall hear appeals, in accordance with RSA 281-A:43, I(b), from the decisions of the commissioner made pursuant to RSA 281-A:43. No person who is an interested party or an employee of an interested party shall participate as a member of the panel. The board shall conduct its proceedings in such a manner as to ensure a fair and impartial hearing.

2016-0628h

AMENDED ANALYSIS

This bill clarifies the experience that the members of the compensation appeals board must have to be members of the board.

HB 1341, relative to employee payments to unions. **REFER FOR INTERIM STUDY.**

Rep. Tammy Simmons for Labor, Industrial and Rehabilitative Services. While the committee felt the premise of this bill deserves consideration, as written, the bill needs further study. Vote 18-0.

HB 1463, relative to mandatory vaccines. **REFER FOR INTERIM STUDY.**

Rep. Tammy Simmons for Labor, Industrial and Rehabilitative Services. The original bill dealt with mandatory vaccines and potential resulting workers' compensation claims from adverse effects of the vaccines. The sponsor's proposed amendment, while still dealing with vaccinations provided by employers, no longer pertained to a labor statute but to RSA 151, which the committee unanimously agreed would fall under the purview of the Health, Human Services and Elderly Affairs Committee. While both the original bill and the suggested amendment had some merit, neither, as written or suggested, has the support of the committee. Vote 20-0.

HB 1476, relative to prohibitions on the employment of youth. **INEXPEDIENT TO LEGISLATE.**

Rep. William Infantine for Labor, Industrial and Rehabilitative Services. The committee heard two bills regarding the same issue. The parties agreed to kill this bill and to amend the remaining bill (HB 1301) to deal with one combined piece of legislation. Vote 13-0.

HB 1512, relative to the definition of "employee" for the purposes of workers' compensation and unemployment compensation. **REFER FOR INTERIM STUDY.**

Rep. Keith Murphy for Labor, Industrial and Rehabilitative Services. This bill is intended to address the unfortunate fact that the Department of Labor and the Department of Employment Security use different definitions for the terms "employee" and "independent contractor." In some cases employers have followed the definition provided by one agency only to face penalties and interest from another agency. The sentiment of the committee was that this inconsistency is unfair and confusing to both employers and employees. However, providing a common definition proved to be a very complicated task raising issues of possible worker misclassification, and the committee was unable to achieve a solution in the short time window prior to crossover. Rather than possibly cause harm through unintended consequences, the committee felt it best to take the time to solve this problem after due consideration and input from all stakeholders. Vote 22-0.

HB 1523, relative to government construction contracts. **REFER FOR INTERIM STUDY.**

Rep. Jack Flanagan for Labor, Industrial and Rehabilitative Services. Although the bill was well received and has merit, it failed to address two areas of concern. First, it restricts controls set at the local level. Second, it was best suited for contracts under \$25 million dollars. Vote 19-1.

HB 1535-FN, relative to liability for payment of criminal record background checks and drug tests. **INEXPEDIENT TO LEGISLATE.**

Rep. Leonard Turcotte for Labor, Industrial and Rehabilitative Services. If passed, this bill would have prevented an employer from recovering the costs of both criminal background checks and drug testing. The majority believes that the employer/employee contractual relationship should not be interfered with by further legislative actions. During the hiring process, an employer will determine who is responsible for the costs of background checks and drug testing. Once employed, the employer will have already made known to the employee which party is responsible for those costs going forward. The employee, as a condition of employment, must then accept those conditions. An employee paying costs associated with employment is not uncommon. Employees in many job classifications are personally responsible for the costs of maintaining their health, expertise, licenses and training to acceptable/adequate levels. Finally, current statutes authorize municipalities to require job applicants to pay the costs of background checks. This bill would therefore set up a situation where private employers would be subject to laws that public employers would not have to adhere to. Fiscal note information provided by the New Hampshire Municipal Association also point to multiple ambiguities as to the bill's application. Vote 16-1.

HB 1633-FN, relative to the use of the Family and Medical Leave Act time as it applies to workers' compensation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Brian Seaworth for Labor, Industrial and Rehabilitative Services. As amended, this bill would require that employers notify workers' compensation claimants when they are placed on Family and Medical Leave Act (FMLA) leave as a result of worker injury. The notification requirement replaces the original bill, which prohibited an employer from requiring an employee to file for or accept time off under the FMLA as a result of such injury. FMLA provides a limited extension to medical benefits and we heard testimony from workers who were taken by surprise when losing coverage due to a workplace injury while federal law does require notification. The committee unanimously agreed that an effort to fully inform impacted workers was appropriate at the state level. Vote 22-0.

Amendment (0680h)

Amend the bill by replacing section 1 with the following:

1 New Section; Leave Time; Notification Required. Amend RSA 281-A by inserting after section 19 the following new section:

281-A:19-a Leave Time Due to Workers' Compensation Injury; Notification Required. An employer shall notify an employee, in writing, relative to the benefits and adverse effects of signing an application for, or accepting time off under the Family and Medical Leave Act of 1993, as amended, as a result of a workers' compensation injury when the employee is eligible. The employer shall provide such notification either prior to the employee being placed on family and medical leave or the employer accepting an application for family and medical leave from the employee.

2016-0680h

AMENDED ANALYSIS

This bill requires an employer to notify an employee, in writing, relative to the benefits and adverse effects of signing an application for, or accepting time off under the Family and Medical Leave Act as a result of a workers' compensation injury.

CACR 14, relating to government of right. Providing that the people of New Hampshire have the right of local community self government. **INEXPEDIENT TO LEGISLATE.**

Rep. Sherman Packard for Legislative Administration. Members of the committee agree with the concerns expressed by the supporters of this proposed constitutional amendment. Local control over local land use is very important. However, committee members were concerned about the possible effects of the proposed language, which is very broad. The committee could not see any language which limited local power to issues of land use. Concern was expressed that the language could be used to allow a local community unfettered taxing authority. Concern was expressed that a community desiring, with the support of a large vote of its' residents, to authorize the building of a large gambling casino by an out of state corporation, might be able to use this language as way to circumvent state law and do just that. We were told that the proposed amendment would not completely override state or federal law, but the argument was not clear as to how. Opposing opinions were expressed as to whether adoption of the amendment would make New Hampshire a home rule state. A further concern is the expenditure of public funds which would inevitably occur when some entity challenged the new provision of the state constitution on the grounds of federal

preemption, and the state would be forced to defend one or more costly lawsuits. With all these concerns and questions unresolved, the committee thought that a vote of Inexpedient to Legislate was the only option at this time. Vote 6-0.

CACR 18, relating to compensation of legislators. Providing that members of the general court shall receive \$2,500 per year. **INEXPEDIENT TO LEGISLATE.**

Rep. Sherman Packard for Legislative Administration. This proposed amendment to the state constitution would increase the compensation of state legislators from \$100 to \$2,500 per year. We have many times over the years turned down raises for ourselves and we should continue to do so. Vote 8-0.

CACR 19, relating to the taking of human life. Providing that the general court shall not appropriate nor authorize any expenditure to benefit any corporation having as its object the taking of innocent human life. **INEXPEDIENT TO LEGISLATE.**

Rep. Russell Ober for Legislative Administration. This proposal to amend the state constitution would prevent any state expenditures for any corporation which has the object of taking innocent human life at any stage of development. The wording of the amendment is very vague. It also lacks definitions. It appears that the functions of the New Hampshire National Guard would be constrained. The committee believes that some important medical interventions in hospitals in New Hampshire could be curtailed. And, finally, many unintended consequences were foreseen. Vote 8-0.

CACR 20, relating to the veto of bills. Providing that a three-fifths vote of both houses of the general court be required to override a veto. **INEXPEDIENT TO LEGISLATE.**

Rep. Anthony Pellegrino for Legislative Administration. This proposal to amend the state constitution would change the vote required to override a governor's veto from two-thirds of those present and voting to three-fifths. The current Article 44 has worked fine since 1792. A majority of the committee felt that it was not necessary to change it at this time. Two-thirds is a standard super majority for many other procedures and states, and we saw no reason to change it just for veto overrides. Vote 7-1.

CACR 25, relating to legislation. Providing that bills dealing with assessments, rates, and taxes shall originate in the house of representatives. **INEXPEDIENT TO LEGISLATE.**

Rep. Sherman Packard for Legislative Administration. Part 2, Article 18 of the NH Constitution has been in existence since June 2, 1784. This article requires all money bills to originate in the House. When something has worked successfully for that long the committee felt there was no reason to change it. The current language allows the proper amount of discretion for us to deal effectively with bills relative to assessments rates and taxes. Vote 7-1.

HB 1103, requiring a report on the avails and income of a tract of land granted by the state to Dartmouth College. **INEXPEDIENT TO LEGISLATE.**

Rep. Russell Ober for Legislative Administration. This bill required an annual report from the trustees of Dartmouth College pertaining to income and expenses for a certain tract of land that had been granted to the college in 1807. Discussion of the bill revealed that this report had been initiated by the college and that this bill was premature. Vote 6-0.

HB 1163, relative to lobbying, campaign contributions, and political advertising. **INEXPEDIENT TO LEGISLATE.**

Rep. Sherman Packard for Legislative Administration. This bill contains a number of provisions designed to enhance transparency in the political process. The committee feels that the goals of this legislation are laudable but that further work should be done to ensure that the proposed changes to the legislative ethics, lobbyist registration and campaign finance laws don't lead to unintended consequences and that they address problems that exist at the state level. Vote 6-0.

HB 1233, relative to the right of attendance by general court members at legislative proceedings. **INEXPEDIENT TO LEGISLATE.**

Rep. Sherman Packard for Legislative Administration. The committee discussed the existing provision addressing the ability of legislators to attend legislative proceedings and whether it presented any problems. The committee members felt that the current law covers travel to and from the State House for legislative business effectively. Vote 7-0.

HB 1234, relative to the seal of the general court. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy Weber for Legislative Administration. This bill would adopt the first state seal, the fish, tree, and bundle of arrows, as the seal of the General Court. The bill would also restrict the use of this seal to current and former members of the New Hampshire House and Senate and legislative staff. Committee members believe the first state seal belongs to the people of New Hampshire, and it should not be so restricted. Vote 7-0.

HB 1319, relative to seating assignments of members of the house of representatives. **INEXPEDIENT TO LEGISLATE.**

Rep. Anthony Pellegrino for Legislative Administration. This bill would require the Speaker to consider a member's physical disability when making seating assignments in the House chamber. This is already the practice in the House and legislation in this area is not needed. Vote 7-0.

HB 1325, relative to the election of chairs of house standing policy committees. **INEXPEDIENT TO LEGISLATE.**

Rep. Sherman Packard for Legislative Administration. RSA 14-A:1 currently outlines the process for filling a vacancy when the position of chairman of a legislative committee becomes vacant for any reason. This law permits the Speaker or the Senate President to appoint another member of the committee to fill the vacancy. The committee feels that this process is appropriate and should not be changed. Therefore, this bill is unnecessary. Vote 8-0.

HB 1326, prohibiting the general court from filing legislation in the second year of the session. **INEXPEDIENT TO LEGISLATE.**

Rep. Sherman Packard for Legislative Administration. This bill would prohibit the filing of bills in the second year of the session. Many on the committee believe there should be a way of limiting excessive filing of bills. However, the adoption of this bill would restrict a member's ability to help a citizen address a problem through the legislative process. Vote 8-0.

HB 1386-FN, establishing a process for petitions for redress of grievance. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy Weber for Legislative Administration. This bill would establish by statute a permanent Legislative Committee for Redress of Grievances, with broad authority, among other things, to overturn actions taken by the executive branch, award sums of money to petitioners, remove judges, and issue directives to state agencies. We were also asked to ensure the committee would have the power to overturn judicial decisions. Members of the committee were concerned that efforts by one legislature to fix the rules of future legislative bodies by statute would be ineffective, as one legislature cannot bind the next. Members of the committee were also concerned about unconstitutional intrusion into the realms of the other two branches of government, and were persuaded by a legal opinion issued by House Counsel that any effort on the part of the legislature to overturn judicial decisions is also unconstitutional. With respect to the workings of the executive branch, the legislature may change those at any time by the usual passage of a bill into law. Vote 9-0.

HB 1432-FN, including the legislature as a public employer under the public employee labor relations act. **INEXPEDIENT TO LEGISLATE.**

Rep. Pamela Tucker for Legislative Administration. This bill attempts to solve a problem that has yet to be revealed. The bill would require collective bargaining (union representation) for all of the employees of the legislature. The employees in the legislative branch would lose their individual negotiating power to their wages. Individuals with exemplary service could not receive raises based upon their stellar performance, but would be tied to a negotiated pay raise for all. This does not promote efficiency in our government. During the hearing, there was no demonstrated need brought forth for this bill. In the words of FDR, "The Government does not engage -- of course, the words "collective bargaining" were unheard of in those days -- the Government does not make contracts with any Government employee." The application of FDR's statement to all branches of government should be considered instead of this bill. Vote 7-1.

HB 1441-FN, requiring business impact notes for proposed legislation. **REFER FOR INTERIM STUDY.**

Rep. Sherman Packard for Legislative Administration. This bill requires the Department of Resources and Economic Development to prepare 'business impact notes' for bills. These notes would be written in addition to the 'fiscal notes' already required and before the introduction of a bill. They would involve an extensive analysis of the proposed legislation including comparisons to other state and federal laws. The committee believes that this is an idea ahead of its time, but feels that more work should be done to ensure that any new process can realistically be completed within the constraints of our current bill drafting and introduction deadlines. By sending this bill to study, we will have more time to examine all of the implications of the bill. The Clerk of the House has offered to assist the committee in making the bill more workable. Vote 6-0.

HB 1454, establishing a committee to determine a process for inhabitants of the state to effectuate the protections of Article 14. **INEXPEDIENT TO LEGISLATE.**

Rep. Sherman Packard for Legislative Administration. This bill would establish a legislative committee to study and develop a process for inhabitants of the state to effectuate their rights under Part 1, Article 14 of the state constitution. This article entitles subjects of the state to free and prompt access to legal remedies for all injuries they may receive. The committee does not feel that a study committee is the best approach for addressing the concerns of the sponsor. Vote 8-0.

HB 1465, relative to recording of roll calls of legislative committees. **INEXPEDIENT TO LEGISLATE.**

Rep. James MacKay for Legislative Administration. The central focus of this legislation is to make available to the public the results of roll call votes and other pertinent data in as timely a manner as possible. The Office of the House Clerk is already taking responsibility to satisfy the interest of this legislation. The important goals of this bill are in the process of being reviewed and achieved and therefore the legislation is not needed. Vote 7-0.

HB 1486, relative to membership of the state house bicentennial commission. **OUGHT TO PASS.**

Rep. Lucy Weber for Legislative Administration. The bill adds four people to the State House Bicentennial Commission: the clerks of the House and Senate, and the chiefs of staff of the House and the Senate. Committee members believe this is a necessary and important addition for planning, scheduling and general liaison purposes as we prepare for the bicentennial celebration in 2019. Vote 6-0.

HB 1653-FN, establishing a citizen complaint and grievance website. **INEXPEDIENT TO LEGISLATE.**

Rep. James MacKay for Legislative Administration. This bill is an attempt to provide another avenue to service a focus on citizen complaints and grievances. It is clear the House has no authority to overturn a court ruling. In fact, it is deemed to be unconstitutional. Thus, it is clear that the office of the House Clerk has no legal authority to establish and maintain an internet website for receiving and reviewing citizens' complaints and grievances. House Legal Counsel has written a 'Redress of Grievances Analysis as of 2015' which is pertinent to the legal questions raised by the proposed legislation. Vote 9-0.

HB 1669-FN, establishing a state procedure for conventions to ratify proposed amendments to the United States Constitution. **INEXPEDIENT TO LEGISLATE.**

Rep. Pamela Tucker for Legislative Administration. This bill establishes a procedure for the ratification or rejection of a proposed amendment to the US Constitution. This procedure would only take effect in the event that Congress proposes an amendment and has not specified that it must be addressed by the state legislatures and the manner in which constitutional conventions must be constituted. The committee feels that it is unnecessary to adopt the procedure proposed by this bill at this time. Vote 8-0.

HCR 12, urging support of the 65/25 initiative in New Hampshire. **OUGHT TO PASS.**

Rep. Lucy Weber for Legislative Administration. The 65/25 initiative is a workforce enhancement goal created by a coalition of business interests and educational institutions. The goal is to ensure that 65 percent of the New Hampshire workforce has a postsecondary educational qualification by the year 2025. Meeting this goal will help ensure that New Hampshire has a workforce that will be qualified for the jobs that will be needed in the future. The New Hampshire Coalition for Business and Education requested the endorsement of the legislature on this important goal. Vote 7-0.

HR 16, calling on the United States Senate and House of Representatives to consider a constitutional amendment prohibiting campaign contributions unless the donor is eligible to vote in that election. **INEXPEDIENT TO LEGISLATE.**

Rep. Russell Ober for Legislative Administration. This resolution is in support of the concept of prohibiting a campaign contribution in any national election by any person or entity who was not eligible to vote in that election locally. This would mean that a citizen of New Hampshire would not be allowed to contribute to a candidate running for office in the state of Massachusetts. Vote 6-0.

HB 1164, relative to contributions by a city to the county or state. **OUGHT TO PASS.**

Rep. Marjorie Porter for Municipal and County Government. This bill amends RSA 44:1 by allowing cities, upon approval by the city council, to make voluntary contributions of funds or resources to county or state projects. Vote 15-0.

HB 1179-L, relative to the taxation of manufactured housing on the land of another. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin Sterling for Municipal and County Government. This bill would shift the liability for back property taxes on a manufactured home from the home owner to the land owner upon which the home was located. The land owner has no authority to collect taxes and has no leverage to force compliance from the delinquent tax payer. Vote 16-0.

HB 1181, relative to designating an alternate cemetery trustee. **OUGHT TO PASS.**

Rep. Benjamin Tilton for Municipal and County Government. This bill allows the governing body (select board) to appoint alternates to serve as a cemetery trustee. Alternate trustees would serve for a one year term and could support the elected trustees as well as act in the absence of an elected trustee to conduct the business of the board. There are times when a three member board has a member that is absent which provides the possibility of a tie vote and an alternate member could solve that problem. The language in this bill is the same as provided for library trustees and trust fund trustees. The committee felt bringing this in line with other elected bodies was beneficial. Vote 15-0.

HB 1190, relative to a grant of land to Dartmouth College. **INEXPEDIENT TO LEGISLATE.**

Rep. Ken Peterson for Municipal and County Government. This bill would have prohibited the sale of certain land granted by the General Court to Dartmouth College in 1807. It would have repealed an act approved July 10, 1846, in the Laws of New Hampshire permitting sale of this land. The committee believes the bill is unconstitutional because it seeks to repeal the 1846 Act. Part I, Art. 23 of the New Hampshire Constitution, entitled "Retrospective Laws Prohibited" applies. The right to sell property is a vested property right. The legislature may not revoke that right or condition it after the fact. The bill is no different from a private landowner who sells property, later seeking to prevent the sale of that land, despite having no ownership right in it. Vote 16-0.

HB 1202, relative to applications submitted to a planning board. **OUGHT TO PASS.**

Rep. James Belanger for Municipal and County Government. This bill deals with time lines for planning board applications. Current law states: the applicant shall file the application with the board or its agent at least 15 days prior to the meeting at which the application will be accepted. Many planning boards find that time period too short to deal with incomplete applications, publishing notices, notifying abutters, etc. This bill increases that time to 21 days which would allow sufficient time for processing applications. There were no objections to this bill presented in the public hearing. Vote 17-0.

HB 1203, relative to voting on variances. **OUGHT TO PASS.**

Rep. James Belanger for Municipal and County Government. Most New Hampshire municipalities have enacted zoning ordinances to control how their community controls and manages growth and development among other things. The legislative body votes to approve these stipulations on how their community will be governed and this becomes their zoning ordinance. Varying from the established ordinance should not be treated lightly as any change in the written ordinance modifies what the community has decided will be the ground rules, so to speak. Five members of a zoning board are allowed to vary the stipulations in the adopted ordinance if the applicant meets five criteria set in NH law. A vote of three of the five voting members is all that is required to grant a variance from the adopted ordinance. In order to ensure that each of those five criteria are taken individually and seriously, this bill requires each of the five criteria be treated individually to ensure the provisions of the laws set down in our statutes are met. It was the intent of the sponsor and co-sponsor of this bill, as evidenced by testimony, that the same three members of the board vote in the affirmative on all five criteria. However, during the deliberation in executive session, it was not clear to all committee members that the same three members needed to vote in the affirmative on all five criteria. In order to make that clear, the sponsor had an amendment drafted that specifically said the same three members had to approve each of the five criteria. When that amendment was presented to the committee during executive session, it was defeated by a vote of eight in the affirmative and nine in the negative. Then the original wording of the bill was presented and was approved on a vote of fourteen to three. It was then clear that the intent of the Municipal and County Government Committee that a vote in the affirmative on each criteria by any three members was sufficient to approve but that all five criteria be voted on individually. Therefore, an affirmative vote by any three members of the zoning board on each of the five criteria is needed to vary the provisions of the municipality's zoning ordinance. Vote 14-3.

HB 1222, relative to procedures for appraisals by assessing officials. **INEXPEDIENT TO LEGISLATE.**

Rep. James Coffey for Municipal and County Government. This bill requires assessing officials to make three attempts for an in-person inspection of property before applying a statistical update to an appraisal for property tax purposes. This bill would place restrictions on assessing officials while in the performance of their duties with respect to viewing properties for purposes of re-assessments. The Department of Revenue Administration (DRA) testified that this would place an added burden on a community as well as significantly increase costs. Assessors testified in opposition with the Manchester assessor indicating this would increase costs to the city by three times. The current system of gaining access to property is working well. Vote 15-0.

HB 1244-L, relative to municipal cemeteries. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Bickford for Municipal and County Government. If a municipality has a problem providing a cemetery within its boundaries this bill will allow it to enter into agreements with adjacent municipalities to provide space. The original bill allowed agreements with "for profit" cemeteries which are illegal in NH. The amendment removed the "for profit cemetery" option. Vote 14-1.

Amendment (0379h)

Amend RSA 289:2 as inserted by section 1 of the bill by replacing it with the following:

289:2 Municipality to Provide. Every municipality shall provide, **or may enter into agreements with adjacent municipalities or nonprofit entities to provide**, one or more suitable cemeteries for the interment of deceased persons ~~[within its boundaries]~~, which shall be subject to such regulations as the municipality may establish. In the absence of regulations established by vote of the legislative body, the cemetery trustees may establish such regulations pursuant to RSA 289:7, I(a). The operation and maintenance of all cemeteries owned and maintained by the municipality shall be in the charge of the cemetery trustees.

HB 1253-L, relative to the removal of land use board members and municipal officers. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin Sterling for Municipal and County Government. This bill modifies the provisions for removing land use board members and repeals the provision for removing certain municipal officers. The bill goes into great detail in listing the reasons and justifications for removing appointed or elected members with explanations of such reasons as incompetency and malfeasance. The existing statutes are rather clear and appear to include all the contents of this new bill. The bill provides for appeals from dismissal to the Superior Court and holds the governing body responsible for legal and other fees in the event the court determines the dismissal was not justified. The final portion of the bill removes insanity and incapacitated to discharge the duties of the office as reasons for removal. This could create an involved legal battle if an insane or incapacitated person were removed from office. The committee felt existing statutes already cover what this bill attempts to adopt and this bill is unnecessary. Vote 14-1.

HB 1259, relative to liability for third party review of site plans. **INEXPEDIENT TO LEGISLATE.**

Rep. Catherine Cheney for Municipal and County Government. The intent of the bill was to solve a problem of unreasonable requests for third-party review of projects by planning boards. Citizens desiring to improve their lots bring in the appropriate engineered plans and planning boards can ask for another engineered plan or review by another firm. Contrary to the expectations of fairness from all planning boards, abuse has been known to occur as a result of nepotism and preference given to firms with whom members of the board have favor, either as friends or relatives of the engineer. The committee felt the bill using the term "one lot" was not specific enough because a large project could be situated on one lot and other reviews may be prudent for the larger project albeit on a single lot. Further study of this situation and preventive measures to protect citizens need to be put in place. Last year we passed SB 98 (Ch. 126, Laws of 2015) to have planning boards and the applicant compose a list of three firms for third-party reviews from which a second firm was to be chosen by mutual agreement. However an unforeseen consequence of this bill is that some planning boards select firms a long distance away and the person seeking the permit pays for travel time. This bill corrects unforeseen circumstances resulting after the passage of last year's bill. Vote 17-0.

HB 1260, repealing the authority of assessing officials to obtain administrative inspection warrants to complete property appraisals. **INEXPEDIENT TO LEGISLATE.**

Rep. James Coffey for Municipal and County Government. This bill removes the authority of assessing officials to obtain an administrative inspection warrant to inspect property to complete an inventory or appraisal for purposes of property taxation. This would hinder the ability for assessing officials to perform their duties and possibly end up costing the community in legal fees. Assessors need a mechanism to view the interior of a property to assess value and ensure that the tax levied on the property is fair. This is a last ditch effort for assessors and is a valuable tool which should not be eliminated. When access to a property is refused, officials should be able to continue to get a warrant even if it means going before a justice with probable cause. The committee felt this bill tied the hands of assessing officials and could allow lower assessments than what is fair. Upon passage of this bill, refusals to allow entry would increase dramatically. For that reason, and others, the committee recommends this bill be Inexpedient to Legislate. Vote 15-0.

HB 1262, relative to the application of zoning ordinances to home-based businesses. **INEXPEDIENT TO LEGISLATE.**

Rep. David Bickford for Municipal and County Government. This bill applies to unincorporated places which are governed by county government. The counties showed no interest in the state limiting home based business to gross business receipts of \$200,000 or less. The committee felt this bill was not needed. Vote 13-1.

HB 1277, establishing a homestead act. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin Sterling for Municipal and County Government. This bill would allow any property owner of a primary residence not to pay taxes and continue to occupy at least half the property under the homestead statutes. The bill says an indebted person claiming a homestead right may assert a common law right to moiety, or up to half of the freehold/estate, and the other half temporarily subject to be occupied and used by the creditor until the claimed debt shall be either extinguished by a court action or paid in full. The committee felt this provided a loophole to allow a property owner to avoid paying taxes indefinitely. Vote 15-0.

HB 1284, relative to highway agents. **INEXPEDIENT TO LEGISLATE.**

Rep. David Bickford for Municipal and County Government. The committee felt this bill contradicts RSA 231:65 which holds a road agent accountable when the circumstances require it. Governing bodies already have statutory authority to remove certain employees and this should not be treated any differently. Examples of reasons for removal would be offenses involving corruption, sexual assault on an employee, violations of administrative policies and ordinances of the municipality. The authority of the governing body to manage a community and do those things they were elected to do should not be undermined. Vote 15-0.

HB 1293, relative to the procedure for charter amendments. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Catherine Cheney for Municipal and County Government. This bill clarified some of the provisions for municipal officers and citizens regarding charter amendments. In 2014, HB 422 (Ch. 292, Laws of 2014) changed many aspects of RSA 49-B:4 and 5. Application of the law (RSA 49-B:5) in practice revealed a few things: it made sense to move text from one paragraph to another in a couple of instances, the bar for the number of signatures was too high, the process was confusing depending on which approach was taken, municipal or petition, and the process ended up in one comingled and confusing paragraph. There was not a need for an attorney's opinion of the charter amendment before sending to the state agencies (Secretary of State, Attorney General, and Department of Revenue Administration). Testimony showed that even with an attorney's opinion the state agencies might deem the language to be noncompliant with state law. The process of sending the charter amendment to the state agencies and applying their input to the amendment prevents confusion and works best. The Secretary of State, an attorney, and others familiar with charter amendments all testified that a redundant legal opinion is unnecessary. The requirement for the number of registered voters that voted in the last municipal election was lowered by the bill from 20% to 10%. Tables showing the numbers of the change revealed this was a very high bar to meet in both cases. In all cases, there are about 20 signatures in 100 that cannot be counted. The name may be unreadable, the person signing is not a registered voter of the community, the address does not match the voter checklist, a false name is given or for another reason the clerk is unable to deem the signature "sufficient." The amendment changed the number of signatures needed of registered voters in the community for a petition from 20% in current law and 10% as proposed in the bill, to 15%. The amendment changed the reference for those authorized by the petition committee to gather signatures from "persons" to "voters of the municipality," it separated out the processes for a charter amendment coming from the municipal officers versus by a petitioners' committee, and moved a few sentences around between paragraphs, which made more sense. Vote 17-0.

Amendment (0453h)

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

1 Municipal Charter Amendments; Procedures. Amend RSA 49-B:5, I to read as follows:

I. The municipal officers may determine that one or more amendments to the municipal charter are necessary and shall, by order, provide for notice and hearing on them ~~[in the same manner as provided in RSA 49-B:5, V(a)].~~ ***The notice of the hearing shall be published in a newspaper having general circulation in the municipality at least 7 days prior to the hearing, and shall contain the text of the proposed amendment and a brief explanation. The hearing shall be conducted by the municipal officers or a committee appointed by them. If substantive changes are made to the proposed amendment, a hearing on the modified amendment shall be held. Notice of the hearing and the conduct thereof shall be as provided in this paragraph.***

(a) Within 7 days after the last public hearing, the municipal officers or the committee appointed by them shall file with the municipal clerk a report containing the proposed amendment. In the case of a report of an appointed committee, a copy shall be filed with the municipal officers.

(b) Within 7 days after receiving approval from the secretary of state, the attorney general, and the commissioner of the department of revenue administration under RSA 49-B:4-a, the municipal officers may order the proposed amendment to be placed on a ballot at the next regular municipal election. In the case of municipalities with biennial elections, the municipal officers may order amendments to be placed on the ballot at either the next regular municipal election or [the next state biennial election, whichever occurs earlier,] at a special municipal election that occurs not less than 60 days after the order.

~~[(a)]~~ ***(c)*** Each amendment shall be limited to a single subject, but more than one section of the charter may be amended as long as it is germane to that subject.

~~[(b)]~~ ***(d)*** Alternative statements of a single amendment are prohibited.

2 Municipal Charter Amendments; Procedure. Amend the introductory paragraph of RSA 49-B:5, II to read as follows:

II. On the written petition of a number of voters equal to at least ~~[20]~~ **15** percent of the number of ballots cast in a municipality at the last regular municipal election, but in no case fewer than 10 voters, the municipal officers shall, by order, provide that proposed amendments to the municipal charter be placed on a ballot in accordance with the procedures set out ***in paragraphs II-a through V:***

3 Charter Amendments; Procedure. Amend RSA 49-B:5, II-a (b) and (c) to read as follows:

~~(b) [The petitioners' committee, or voters of the municipality designated by the committee, may circulate the petition and file it in proper form.]~~ ***Each signature on the affidavit required by subparagraph II-a(a) shall be included in the clerk's count of the number of signatures required by paragraph II unless a signatory has signed both the affidavit and the petition, in which case the signature shall be counted only once.***

(c) Promptly after the affidavit is filed by the petitioners' committee, the clerk shall file a certified copy of the affidavit, including the proposed amendment, for review of the proposed amendment in accordance

with RSA 49-B:4-a. Promptly after receiving approval of the proposed amendment from the state officials under RSA 49-B:4-a, the clerk shall issue petition *form* blanks to the committee. ***The petition forms shall read substantially as follows: "Each of the undersigned voters respectfully requests the municipal officers to provide for the amendment(s) of the municipal charter as set out below. If more than one subject is included in a petition, each subject shall be addressed in a separate amendment".***

4 Charter Amendments; Procedure. Amend RSA 49-B:5, III(a) to read as follows:

III.(a) [~~The petition forms shall read substantially as follows: "Each of the undersigned voters respectfully requests the municipal officers to provide for the amendment(s) of the municipal charter as set out below."~~ If more than one subject is included in a petition, each subject shall be addressed in a separate amendment.] ***The petitioners' committee, or voters of the municipality designated by the committee, may circulate the petition and file it in proper form.*** Each signature affixed to a petition shall be in ink or other indelible instrument and shall be followed by the place of domicile of the voter with street and number, if any. No petition shall contain any party or political designation.

5 Charter Amendments; Procedure. Amend RSA 49-B:5, V to read as follows:

V.(a) Within 10 days of receipt of a report that a petition is sufficient, the municipal officers shall by order provide for ***and issue notice of*** a public hearing on the proposed amendment. The notice of the hearing shall be published in a newspaper having general circulation in the municipality at least 7 days prior to the hearing, and shall contain the text of the proposed amendment and a brief explanation. The hearing shall be conducted by the municipal officers [~~or a committee appointed by them; provided that in the case of an amendment submitted by voter petition, the hearing shall be conducted by the municipal officers. If, as a result of the public hearing, substantive changes are made to the proposed amendment, a second hearing shall be held~~] ***and no substantive changes may be made to the amendment.*** [~~Notice of the hearing and the conduct thereof shall be as provided in this section.~~]

(b) Within 7 days after the [~~last~~] public hearing, the municipal officers [~~or the committee appointed by them~~] shall file with the municipal clerk a report containing the [~~final draft of the~~] proposed ***petitioned*** amendment [~~and a written opinion by an attorney admitted to the bar of this state that the proposed amendment is not in conflict with the general laws or the constitution. In the case of a committee report, a copy shall be filed with the municipal officers. Upon such filing, the provisions of RSA 49-B:4-a shall apply in the same manner as for a charter adoption; provided, however, that the municipal officers or the appointed committee shall be substituted for the charter commission for purposes of RSA 49-B:4-a, III.~~]

(c) [~~Within 7 days after the approval by the secretary of state, the attorney general and the commissioner of the department of revenue administration, or within 7 days after the last public hearing in the case of an amendment submitted by voter petition, the municipal officers~~] ***and*** shall order the proposed amendment to be placed on the ballot at the next regular municipal election. In the case of municipalities with biennial elections, the municipal officers shall order the amendments to be placed on the ballot at either the next regular municipal election or at a special municipal election that occurs not less than 60 days after the date of the order.

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

HB 1296, requiring the legislative body to approve the appointment of town managers and prohibiting town managers from hiring contractors to perform the duties of town managers. **INEXPEDIENT TO LEGISLATE.** Rep. James Belanger for Municipal and County Government. The committee felt this bill was unnecessary. The bill would require a vote of the legislative body (town meeting in the case of towns) to approve the appointment of a town manager. Legislative bodies mostly meet only once a year at the annual meeting and mandating that they approve employee appointments like a town manager would not be workable. The bill also states: "No town manager shall hire any contractor to perform the duties he or she is required to perform." The committee felt this language might prohibit hiring an assistant and would undermine the authority and responsibilities of the governing body (selectmen in the case of towns). Vote 16-0.

HB 1304, relative to town maintenance of a road designated as a highway to summer cottages. **INEXPEDIENT TO LEGISLATE.**

Rep. Francis Chase for Municipal and County Government. This bill would mandate the town to plow a road designated as a "summer cottage road" by the legislative body if a summer resident decided to live there year round. The committee felt that the residence was purchased with the knowledge of the extent of maintenance on the road and that this was a self-created hardship. It should be no different than a residence on a Class VI road or a private road if the resident decided to change the conditions of his or her residency. The cure would be to petition the legislative body to change the class of the road and treat it like any other Class V road in town. Vote 13-2.

HB 1315, adding mixed-use development to the definition of business and industrial facility. **OUGHT TO PASS.** Rep. Catherine Cheney for Municipal and County Government. The intent of the bill is to add the term "mixed-use development" to the definition of types of development that business development authorities

facilitate with communities. Though RSA 162-G:16, IV states: "The provisions of this chapter shall be liberally construed in order to effect its purposes," adding the term to the existing definition in RSA 162-G:3, IV: "...commercial, business service, mixed-use development, manufacturing,..." clarifies this. This update to the definition has clear support from agencies and communities supporting walk-able communities, clean air and economic development. Even though some communities do allow this, making it clear will avoid any unnecessary court cases. Vote 12-2.

HB 1336-FN-L, relative to interest on abatements of taxes. **INEXPEDIENT TO LEGISLATE.**

Rep. James Coffey for Municipal and County Government. When a taxpayer is granted a refund on paid property taxes, the municipality pays 6% interest on the amount. This bill proposes to increase that interest paid by the municipality from 6% to 12%. This appears to mimic the 12% interest penalty paid for late payment of taxes, which is also intended to be a deterrent for taxpayers from using their city or town as a short term bank. An increase in the amount of interest being paid to the taxpayer when an abatement is granted would increase local government expenses, and in the instance of a large utility, commercial enterprise or industrial development, this could be significant. Vote 11-3.

HB 1363, relative to filling of vacancies in town offices. **INEXPEDIENT TO LEGISLATE.**

Rep. James Coffey for Municipal and County Government. This bill requires towns to provide notice of vacancies in town offices. More specifically, it states that the authorized body or person shall post notice of the vacancy to be filled in two appropriate places, one of which may be the town's Internet website, if such exists, or in a newspaper of general circulation in the town. The notice shall include a solicitation for letters of interest and only those persons who submit such a letter shall be considered. This limits the ability of the appointing authority to an unreasonable degree. The committee felt existing hiring practices differ in different municipalities and local control should prevail. Vote 14-0.

HB 1380, relative to duties of police commissions. **INEXPEDIENT TO LEGISLATE.**

Rep. Susan Treleaven for Municipal and County Government. This bill attempts to limit the power of police commissions with regard to setting budgets. It states that the police commission cannot set compensation to exceed the police department budget as established by the governing body. Statutes already control spending within the budget of any municipality. The committee recognizes that police commissions have authority over supervisory and advisory duties while the governing body and/or legislative body of the municipality already has control over the budgets set. Although money can be moved within line items in a budget by the governing body, the bottom line approved by the legislative body cannot be exceeded without strict adherence to statutes already in effect. After careful consideration, the committee felt that the police commission's spending is already limited by the police department budget and this bill is unnecessary. Vote 15-0.

HB 1384, clarifying powers of commissioners of deeds. **INEXPEDIENT TO LEGISLATE.**

Rep. Keith Ammon for Municipal and County Government. This bill attempts to clarify the power of a Commissioner of Deeds. Commissioners of Deeds are officers appointed by the Governor and Executive Council to a term of five years. They are authorized to administer oaths, take depositions and affidavits, and acknowledge instruments of writing intended to be used or recorded in the State of New Hampshire. They may or may not be residents of New Hampshire and are currently authorized to act both within and without the state. Importantly, this bill removed the authority of the Commissioner of Deeds to operate outside of the state of New Hampshire. It was due to this reduction in authority, and the unknown consequences that could result, that the committee voted to recommend Inexpedient to Legislate. Vote 15-0.

HB 1390, relative to municipal authority to restrict where registered sex offenders live. **INEXPEDIENT TO LEGISLATE.**

Rep. Keith Ammon for Municipal and County Government. The original version of this bill had two parts. 1) It would have allowed towns to make bylaws prohibiting registered sex offenders from residing within a certain distance from a school, daycare center, or another place where children regularly congregate. 2) It would also have allowed a sex offender who was convicted after a guilty plea without a trial, before the establishment of the sex offender registry, to petition the court to have his or her name removed from the registry. The bill came before the Municipal and County Government Committee due to the first part of the bill. The prime sponsor submitted an amendment to the committee that would have removed the first part and requested that the amended bill be sent to the Criminal Justice and Public Safety Committee. Since there are already two other bills with similar subject matter as the proposed amended version (HB 1318 and HB 1343) before the proper committee and have yet to be heard before the public, our committee decided to recommend Inexpedient to Legislate for this bill and allow the other bills to address the issue at hand. Vote 15-0.

HB 1392-L, relative to notice of land use violations and court costs in cases brought by a municipality. **INEXPEDIENT TO LEGISLATE.**

Rep. James Coffey for Municipal and County Government. This bill would prohibit a building inspector, or other municipal official, from visiting a location where no building permit has been issued, unless the owner

is notified and written consent is obtained. It also seeks to allow for the recovery of costs, including loss of income and attorney fees, against any planning board, zoning board of adjustment or building code board of appeals, or as a result of any other administrative action, when a person who is charged with a violation of the New Hampshire Building Code is found to be not guilty of such violation. The proposed bill states that a court shall award fees if the municipality's legal action was in bad faith, frivolous, or not well-grounded in fact. This bill attempts to make the award of costs mandatory for the court by the use of the word "shall." It sets criteria that are not well defined such as "well-grounded," which would further add confusion. This proposal is unnecessary since courts already award costs to persons or businesses affected by improper action by a municipality. This bill is unnecessary and will lead to higher local costs and to making the job of our local officials more difficult. Vote 16-0.

HB 1395, relative to municipal electronic records. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Bickford for Municipal and County Government. The bill allowed municipalities to store records in a portable document format (PDF) as well as paper and microfilm. The amendment allows such storage in PDF format on a medium from which it is readily accessible, as well as paper and microfilm. PDF documents can be stored at significantly less cost compared to the physical space for paper. Vote 15-2.

Amendment (0577h)

Amend RSA 33-A:5-a as inserted by section 1 of the bill by replacing it with the following:

33-A:5-a Electronic Records. Electronic records as defined in RSA 5:29, VI and designated on the disposition schedule under RSA 33-A:3-a to be retained for more than 10 years shall be transferred to paper[,] **or** microfilm, or [both] **stored in portable document format on a medium from which it is readily accessible**. Electronic records designated on the disposition schedule to be retained for less than 10 years may be retained solely electronically if so approved by the record committee of the municipality responsible for the records. The municipality is responsible for assuring the accessibility of the records for the mandated period.

HB 1407, establishing a property tax credit for persons providing certain home health care services for a family member. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin Sterling for Municipal and County Government. This bill proposed that a tax credit of \$750 be given to a family member who provided "continuing health care, nursing care or other rehabilitative care" to another family member in the provider's primary residence. The committee was concerned that the tax credit was a mandate and not optional for a municipality to adopt and that the definition of what type of care would be provided was not defined. The application form that would be filed with the town was not specific enough for the assessing body to make a determination as to eligibility. Vote 17-0.

HB 1439-L, requiring regional planning commissions to file an annual report. **INEXPEDIENT TO LEGISLATE.**

Rep. James Coffey for Municipal and County Government. This bill modifies RSA 36:49 to require that all regional planning commissions shall make an annual report to include a summary of the activities of the agency and an audited financial statement. All regional planning commissions already require audits which are available. A publication of all of the past year's activities into a single report would be an added expense which will be passed on to the participating municipalities. Some planning commissions do prepare an annual summary of highlights and others send out frequent monthly updates of current work activity. This bill is unnecessary and will only serve to provide a coffee table book few will read. Vote 12-3.

HB 1460, relative to perambulation of town boundaries. **INEXPEDIENT TO LEGISLATE.**

Rep. Ken Peterson for Municipal and County Government. This bill removes the requirement that a municipality verify their town lines and bounds once every seven years. The reason given for changing the word "shall" to "may" and making the perambulation voluntary was that most towns don't do this now. This requirement was adopted for a reason and the fact that it is an old law does not make it obsolete. Physical verification that industrial and residential developments have not crossed over into an adjacent community is still needed. Examples of these instances happening do not support the assertion that GPS abilities of today render such verification unnecessary. Missing town bound markers and monuments cannot be detected by GPS. Finding that a building is not located in the community it was intended to be is always a surprise, and is something that GPS could not have detected. Bounds need to be inspected and property lines need to be verified, especially when the abutting property is in another state. The committee found a similar bill Inexpedient to Legislate last year and has not changed positions with this bill. Vote 14-1.

HB 1504-FN-L, relative to the execution of a real estate tax lien on a primary residence. **INEXPEDIENT TO LEGISLATE.**

Rep. James Belanger for Municipal and County Government. This bill would prevent a community from executing a tax lien on property that was in arrears for non-payment of taxes in the community as long as that property was occupied by the owner as their primary residence. This would promote non-payment of taxes in periods where the stock market was yielding high returns with no incentive for the property owner to pay

taxes. If this became widespread, the community could not meet its obligations without going out for tax anticipation notes and place the community in a financial crisis. Every property, no matter who occupies it, should be treated equally unless some of the existing statutes are used for deferred or abated taxes. Vote 15-0.

HB 1513, relative to the duties of registers of probate. **REFER FOR INTERIM STUDY.**

Rep. James Coffey for Municipal and County Government. This legislation attempts to reinstate the duties of the Register of Probate which was removed in 2011. The committee felt that this bill was incomplete and left too many open issues and requires additional study. Vote 15-0.

HB 1518, relative to village district members of budget committees. **INEXPEDIENT TO LEGISLATE.**

Rep. David Bickford for Municipal and County Government. This bill would remove the requirement that a member from a village district be appointed as a member of the municipal budget committee, thus denying the district of representation. The committee felt if a district is to be taxed the district needs a representative on the committee. Vote 14-1.

HB 1533, relative to noise level limitations for permanent machinery. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin Sterling for Municipal and County Government. The purpose of this bill was to give cities and towns the authority to create noise ordinances. That ability already exists in RSA 31:39(n). At the request of the prime sponsor the committee voted Inexpedient to Legislate. Vote 16-0.

HB 1559-FN, relative to property taxes paid by education facilities leasing property. **INEXPEDIENT TO LEGISLATE.**

Rep. James Coffey for Municipal and County Government. Current statutes provide for tax considerations for educational institutions using property that is normally taxable. Assessing standards provide for these situations and are handled locally without state intervention. This bill would expand the tax exemptions provided to charter schools and other similar facilities to include any property used for educational purposes. However, the word educational can be interpreted in many ways and could include facilities that educate but are not in use for schooling like K-12 or community colleges, etc. The brush is much too broad and the committee felt its intent should be left to the community. Vote 15-0.

HB 1585-FN, relative to competitive bidding in Carroll county. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin Sterling for Municipal and County Government. The intent of this bill is to place into statute language similar to RSA 28:8-e that mandates the competitive bidding process to be followed in Hillsborough County. The committee heard testimony from the prime sponsor as to why Carroll County's bidding process needs to be codified in a similar manner. The committee also heard from the Carroll County Administrator acknowledging that errors may have been made in the past but as he was newly appointed he asked that before the legislature took the step of passing this bill that he, the county commissioners and the county delegation work toward a policy of their own. The committee agreed and therefore recommends Inexpedient to Legislate. Vote 16-0.

HB 1587, relative to limitations on capital reserve funds of counties. **OUGHT TO PASS.**

Rep. Franklin Sterling for Municipal and County Government. The intent of this bill is to raise the amount of funding that counties can place in capital reserve funds. Currently the cap on capital reserve funds is 1/100 of 1% of the last base valuation. This bill raises that to 1/50 of 1% of the last base valuation. The committee felt this increase was in keeping with inflation. Vote 12-3.

HB 1683-FN-L, relative to lowering the interest rate and costs for the redemption and repurchase of property subject to a tax lien or tax deed. **INEXPEDIENT TO LEGISLATE.**

Rep. James Belanger for Municipal and County Government. This bill attempts to lower the interest charged on payments in the redemption or repurchase of property subject to a tax lien or tax deed. There have been times, in prior economies, when tax payers earned more money on investments than was charged for late payments of tax bills. This resulted in communities supporting investments of tax payers by delaying tax payments. Other bills, in prior years, attempted to reduce the interest rate charged on late tax payments and all of those failed. The seemingly high rate of interest is meant to be a deterrent to not paying taxes and should not be reduced. After three years, the municipality has the option of taking a deed on the property and, at that time, the interest rate increases, again as a deterrent to not paying taxes when due. The second part of the bill attempts to remove the fifteen percent penalty added to the cost to repurchase the tax deeded property. The committee felt this had some merit but was informed that there is another bill that addresses this issue and it does not need to be in this bill. The committee felt that the best course of action to leave interest rates as they are and to address the fifteen percent repurchase issue in the other bill could be best accomplished by a recommendation of Inexpedient to Legislate on this bill and allow the penalty section to be addressed by the other bill. Vote 16-0.

HB 1200-L, relative to the use of recycled glass. **INEXPEDIENT TO LEGISLATE.**

Rep. Martin Jack for Public Works and Highways. This very well intentioned bill attempts to increase the market for recycled glass in paving materials. Allowable state road and bridge construction materials are de-

tailed in NH Department of Transportation specifications that are harmonized with the national engineering standards for highway construction materials. Testing and field experience ensures that approved materials are safe, strong, and durable in their intended usages. These standards already allow for use of recycled glass where appropriate. For these reasons, the bill is unnecessary. Vote 18-0.

HB 1242, relative to rules of the department of transportation on driveway permits. **REFER FOR INTERIM STUDY.**

Rep. Mark McConkey for Public Works and Highways. Presently the Department of Transportation is exempt from rule making for driveway permits. The sponsor proposes to change RSA 236:13 to require DOT to go through the rule making process to adopt rules for driveway permits. While testimony spoke of a restrictive permit process, DOT testified that 98.6% of driveway permits are approved. DOT also highlighted that they have changed the appeal process so that all local district denials are now reviewed in Concord. The committee was indifferent on the rulemaking change, but agreed that the appeal process should be more clearly defined in the driveway permit application, and has tasked DOT to make these changes in the appeal notification process. If substantial changes are not made by the department, a new bill can be filed next session. Interim study will allow the committee to work on a better process with the department. Vote 14-0.

HB 1317, renaming the North Hampton state beach as the Robert Shaw Memorial state beach. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark McConkey for Public Works and Highways. United States Marine Corps Rifleman PFC Robert Ernest Shaw was the only North Hampton resident that died during the Vietnam War. Testimony revealed that PFC Shaw is presently memorialized in North Hampton on town property that was renamed the "Shaw Common." While it is the practice of the Public Works and Highways Committee to consider renaming state highways and bridges to honor fallen veterans, the renaming of state parks or state beaches has not happened previously and the committee is concerned with the precedent as it is more involved than just changing the name – maps, brochures and a number of other official documents would need to be changed and would, or at a minimum could, lead to confusion amongst the public. The committee applauds the students who took on this project and urges them to work on improvements and recognition of the current memorial at the Shaw Common in North Hampton. Vote 14-0.

HB 1397, establishing a committee to study improvements to the Hannah Duston Memorial. **OUGHT TO PASS.**

Rep. Virginia Irwin for Public Works and Highways. Hannah Duston was the first woman in United States history to have a monument erected in her name. In fact, there are two monuments, one of which is in Boscawen, NH. It is in a questionable location and in need of attention. There is joint ownership by the state and the town and the location is also a railroad right of way. We need to study improvements to this site and make appropriate recommendations for future preservation, considering all aspects of her story. Vote 18-0.

HB 1578, relative to the maintenance of private roads. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark McConkey for Public Works and Highways. This bill was introduced in response to a change in criteria used by Fannie Mae for financing of homes on private roads. The effect of the change has impacted the ability of some buyers to obtain financing, and the committee received testimony that it has impacted sale prices. A number of interested parties attempted to find a solution without creating additional responsibilities for private road maintenance on existing landowners. Unfortunately, language to address the problem was not developed but interested parties have agreed to continue to work toward a solution outside of the legislative process in hopes of introducing legislation in a subsequent session. The committee agreed to find the bill inexpedient to legislate at the suggestion of those who had an interest in the bill based on their commitment to continue to work toward a compromise. Vote 17-0.

HB 1147, requiring a report on federal landholdings within the state and establishing a moratorium on federal land acquisitions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Resources, Recreation and Development. This bill, as amended, requires an annual report by the Department of Resources and Economic Development (DRED) on federal landholding in the state and every town. Recently, the US Fish and Wildlife Service announced their intention to expand the Silvio O. Conte National Fish and Wildlife Refuge to a large part of the Connecticut River watershed, so that the sponsors were concerned that these possible acquisitions would violate existing limits on federal landholding of 2% of the area of the state and 5% of the assessed value of any town, excluding the White Mountain National Forest. This limit, imposed by state law (RSA 121:6), is not widely known. A preliminary report from DRED showed that the actual percentage was 0.7%, but if the Silvio O. Conte Refuge and the proposed Great Thicket Refuge both reach the maximum contemplated, it will exceed 2%. Since land acquisitions are a slow process, the committee believed an annual report would be sufficient. Vote 19-0.

Amendment (0472h)

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

AN ACT requiring a report on federal landholdings within the state.

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

1 New Section; Report on Federal Landholdings. Amend RSA 121 by inserting after section 6 the following new section:

121:6-a Report on Federal Landholdings. The commissioner of the department of resources and economic development shall annually prepare and file a report on the current inventory of federal landholdings within the state and calculate what percentage of New Hampshire land is held by the federal government in accordance with RSA 121:6. Such report shall be filed with 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 July 1.

2 Initial Report. The commissioner of the department of resources and economic development shall make the first report required in RSA 121:6-a within 30 days of the effective date of this section.

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

2016-0472h

AMENDED ANALYSIS

This bill requires the commissioner of the department of resources and economic development to make an annual report on federal landholdings within the state.

HB 1170, relative to special permits for OHRV operation in Jericho Mountain State Park. **OUGHT TO PASS.** Rep. Yvonne Thomas for Resources, Recreation and Development. This bill would allow the Department of Resources and Economic Development (DRED) to continue to offer specialty trails for 4 x 4 off road vehicles at Jericho Mountain State Park. In 2013, HB 349 was passed which provided DRED with a three year opportunity to develop new recreational trails for such purposes. The trails opened this spring and have proven to be a successful venture. Formal authority to continue use of the trails expired on January first and this bill would reinstate that authority. Vote 20-0.

HB 1172, relative to corrective action implementation of audit findings concerning Cannon Mountain. **OUGHT TO PASS.**

Rep. Suzanne Gottling for Resources, Recreation and Development. A FY 2014 audit of Cannon Mountain operations resulted in several findings that require statutory changes. This bill implements the changes outlined in audit observation 25. These changes included removal of the position of Marketing and Ski Service Administrator, updated referrals to other statutes, removed references to Mount Sunapee, specified uniform reporting dates, changed the package plan description and authority so it accurately describes present practices, gives authority to the manager to grant special passes, and specifies the responsibilities of the Park Director and the Cannon Mountain Advisory Commission in relation to capital improvements. Vote 20-0.

HB 1299, relative to the frequency of background checks for camp employees. **INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne Smith for Resources, Recreation and Development. This bill would amend RSA 485-A:24 and loosen the requirement for annual criminal background checks for employees and volunteers who may be left alone with children at youth skill camps. Presently, criminal background checks are required annually. This bill would amend the law so that criminal background checks on these employees or volunteers would only be required every three years. Although the committee understands the desire to save municipalities and public/private entities the annual fee for the criminal background checks, the committee also believes that the safety of our children and grandchildren trumps the annual fee. Vote 20-0.

HB 1332, adding a member to the aquatic resources compensatory mitigation site selection committee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judith Spang for Resources, Recreation and Development. When wetlands will be impacted by a land development project, state and federal regulations require mitigation to be performed, whether by improvement of a wetland or through wetland conservation either on the same property or elsewhere. Particularly on a small property, it is not always possible for the developer to do meaningful mitigation. Alternative sites may not be available. Therefore, the Aquatic Resource Mitigation program was developed to allow developers to take the money they would have spent on their own mitigation project and place it in a large state fund. When funds are sufficient, a site selection committee evaluates potential wetland projects and disperses funds to them. This bill adds to that committee a member who is expert in stream restoration work for projects involving stream rehabilitation. The amendment just changes the name of the organization that will nominate that person. Vote 18-0.

Amendment (0734h)

Amend RSA 482-A:32, I(e)(5) as inserted by section 1 of the bill by replacing it with the following:

(5) A person with experience in stream restoration work, who shall be nominated jointly by the Northeast Region of American Rivers and the New Hampshire Rivers Council.

HB 1461, relative to the definition of and criteria for protection instream flow. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Mullen for Resources, Recreation and Development. Prior to the implementation of the protected instream flow component of the Rivers Management and Protection Program, pilot studies on the Lamprey and Souhegan rivers were conducted. As a result, the amended bill makes changes to the statute which will support full implementation of instream flow protection on all designated rivers. The language modifications include a definition of instream flow that incorporates current scientific knowledge, as well as additional requirements for local, broad-based stakeholder input before and during the development of protected instream flows and water management plans. Vote 19-0.

Amendment (0456h)

Amend RSA 483:9-c, II as inserted by section 6 of the bill by replacing it with the following:

II. No less than 60 days prior to commencing a protected instream flow study on any designated river, the department shall hold a public hearing jointly with the senate committee with jurisdiction over river management issues and the house committee with jurisdiction over river management issues and provide a public comment period of 30 days. The department shall consider the public comments received before commencing the study.

Amend RSA 483:9-c, VII as inserted by section 6 of the bill by replacing it with the following:

~~[V.] VII. [The maintenance of protected instream flows shall constitute a condition of any permit]~~ ***Only those permits issued by the department that affect stream flow [for any project or activity] within a designated river shall be required to meet protected instream flows [or segment and corridor].***

2016-0456h

AMENDED ANALYSIS

This bill revises the definition of protected instream flow.

HB 1589-FN, prohibiting the transportation of exotic aquatic weeds. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frederick Rice for Resources, Recreation and Development. Invasive exotic aquatic plants have a substantial negative impact on the water bodies in which they occur. This bill, as amended, is designed to curb the spread of such plants by prohibiting the transport of such plants from one water body to another and requiring that all boats, vehicles and equipment be cleaned of attached plant material and drained of water according to specified procedures when exiting any water body. Vote 20-0.

Amendment (0488h)

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

AN ACT prohibiting the transport of aquatic plants and aquatic weeds.

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

1 Purpose; Clean Lakes Program. Amend RSA 487:15 to read as follows:

487:15 Purpose. The general court recognizes that rapidly escalating pressures of shorefront development and recreational uses of public waters have placed increasing strains upon the state's lake resources, thereby accelerating the eutrophication process in many of our public lakes through nuisance growths of aquatic ***macrophytes (aquatic plants)*** [~~macrophyton~~] and phytoplankton (algae) and thus posing a threat to water quality. ***The general court further recognizes that transporting boats from one water body to another increases the risk of inadvertent transport of aquatic nuisance species, some of which are invisible to the unaided eye. This risk can be reduced by inspecting and draining all boats and water-related equipment upon leaving state waters.*** The general court further recognizes the need to restore, preserve and maintain the state's lakes and ponds in order that these significant environmental, aesthetic and recreational assets will continue to benefit the social and economic well-being of the state's citizens.

2 New Paragraph; New Definition; Aquatic Plants. Amend RSA 487:16 by inserting after paragraph IV the following new paragraph:

V. "Aquatic plants" means plants that are adapted to live in freshwater aquatic environments, also referred to as aquatic macrophytes.

3 Exotic Aquatic Weed Penalties. Amend RSA 487:16-b to read as follows:

487:16-b Exotic Aquatic Weed Penalties. It shall be unlawful to [~~knowingly, recklessly, or purposely~~] offer for sale, distribute, sell, import, purchase, propagate, ***transport***, or introduce exotic aquatic weeds into New Hampshire waterbodies. Notwithstanding RSA 487:7, any person engaging in such an activity shall be guilty of a violation.

4 New Sections; Aquatic Plants or Exotic Aquatic Weeds; Requirements for Draining Water Conveyances. Amend RSA 487 by inserting after section 16-b the following new sections:

487:16-c Transport of Aquatic Plants or Exotic Aquatic Weeds On Outside of Boats, Vehicles, and Equipment. No person shall transport any aquatic plants or plant parts or exotic aquatic weed or weed parts to or from any New Hampshire waters on the outside of a vehicle, boat, ski craft as defined in RSA 270:73, trailer, or other equipment.

487:16-d Draining of Water Conveyances.

I. When leaving waters of the state, a person shall drain their boat and other water-related equipment that holds water, including live wells and bilges.

II. Drain plugs, bailers, valves, or other devices used to control the draining of water from ballast tanks, bilges, and live wells shall be removed or opened while transporting boats and other water-related equipment, if the vessel is so equipped.

III. Commercial enterprises transporting boats for off-site storage, maintenance, or repairs, and emergency response vehicles and their related equipment are exempted from paragraphs I and II, however all such exempt commercial enterprises shall drain all water-related equipment holding water and live wells and bilges prior to transporting the equipment to another waterbody.

487:16-e Penalties. Notwithstanding RSA 487:7, any person who violates RSA 487:16-c through 487:16-d shall be guilty of a violation punishable by a fine of \$50 for a first offense and \$250 for any subsequent offense. The authority to enforce these sections shall extend to all peace officers in the state of New Hampshire.

5 Enforcement Powers Conferred. Amend RSA 270:12-a, I(e)-(f) to read as follows:

(e) Any crime or offense, excluding a violation of title XVIII or a violation of title XXI not involving a boat or watercraft, that occurs on an island or on the mainland contiguous to inland or coastal bodies of water in the absence of any law enforcement agency with jurisdiction immediately available when immediate action is required; ~~and~~

(f) Any crime or offense when requested to render assistance to another peace officer having jurisdiction in the area[-]; **and**

(g) *The provisions of RSA 487:16-c and RSA 487:16-d, relative to the transport of aquatic plants or plant parts or exotic aquatic weeds or weed parts on the outside of boats, vehicles, and equipment, and the draining of water conveyances.*

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

2016-0488h

AMENDED ANALYSIS

This bill prohibits the transport of aquatic plants and exotic aquatic weeds.

HB 1595-FN, relative to the rivers management and protection program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James McConnell for Resources, Recreation and Development. The Rivers Management and Protection Program (RMPP) was instituted in 1988 to provide for enhanced protection for certain rivers or watersheds which are documented as having outstanding characteristics. It is a ground-up program, with local citizens and groups nominating their river for designation into the program by the legislature, then taking an ongoing role in monitoring and promoting protection of the river's resources. In the intervening years, it has become apparent that refinements needed to be made in the statute's terminology as well as the composition and role of the local river management advisory committees. This bill, which emanated from the State Rivers Management Advisory Committee, makes those changes. It also makes it more apparent that designation of a river into the program means that the whole designated river, not just the most substantial parts of the stream, will be subject to the Comprehensive Shoreland Water Quality Protection Act. At the same time, it reduces the extent to which the Shoreland Act applies to smaller streams in the designated area. The amendment requires that shoreland property owners be notified when their river is being considered for designation into the RMPP. Notification of the State Rivers Coordinator and local advisory committees will no longer be required for minimum impact activities for timbering, recreational path maintenance, and agriculture. Only streams running year-round are eligible for inclusion. With these changes, the bill has the support of participating conservationists, agriculture and timber interests, and landowner rights advocates. Vote 17-0.

Amendment (0782h)

Amend the bill by replacing section 5 with the following:

5 New Paragraph; New Hampshire Rivers Management and Protection Program; Definitions. Amend RSA 483:4 by inserting after paragraph XII the following new paragraph:

XII-a. "Meander belt" means the width on either side of a river channel which the river can occupy through time as a result of migration.

Amend RSA 483:6, I as inserted by section 9 of the bill by replacing it with the following:

I. Any New Hampshire organization or resident may nominate a **perennial** river or any segment or segments of such river for protection by submitting to the commissioner a description of the river or segment or segments of such river and its values and characteristics. The completed nomination shall be submitted to the rivers coordinator on or before June 1 in order for it to be considered in the next legislative session. This nomination shall include, but not be limited to, an assessment of fisheries; geologic and hydrologic features; vegetation; wildlife; historical and archaeological features; open space and recreation features and potential; water quality and quantity; dams, hydropower generation, buildings, and other manmade

structures; riparian interests and public water supply, including flowage rights known by the nominating individual or group, and other pertinent instream and riverbank and tributary drainage area information. The nominating party shall hold at least one public meeting on the information prior to final submittal to the commissioner. The department shall encourage the nominating party to include tributary drainage area information in the nomination. ***Nominations shall include identification of the stream order of each river or river segment proposed for designation and the provisions of RSA 483-B that apply to each segment.*** The nominating party shall advertise the meeting ***publicly*** in cooperation with the rivers coordinator and shall give written notice to riparian landowners and the governing body of any municipality where segments of the river are located. The rivers coordinator shall provide assistance to the nominating party in the presentation of the nomination at the public meeting.

Amend RSA 483:8, I(g) as inserted by section 14 of the bill by replacing it with the following:

(g) A representative of the conservation community [~~chosen from a list of 3 nominees submitted~~] ***nominated*** by the Society for Protection of New Hampshire Forests, ~~the~~ Audubon Society of New Hampshire, and the New Hampshire [~~Wildlife Federation~~] ***Council of Trout Unlimited***.

Amend RSA 483:8-a, III(b) as inserted by section 17 of the bill by replacing it with the following:

(b) To consider and comment on any federal, state, or local governmental plans to approve, license, fund, or construct facilities ***or applications for permits, certificates, or licenses***, that [~~would~~] ***may*** alter the resource values and characteristics for which the river or segment is designated.

Amend RSA 483:10, II (j) as inserted by section 31 of the bill by replacing it with the following:

(j) State-owned lands within the corridor and tributary drainage areas thereof. The plan shall include a description of the importance of those lands to the characteristics for which the river was designated.

Amend RSA 483:12-a, I as inserted by section 33 of the bill by replacing it with the following:

I. Any state agency considering any action affecting any river or segment designated under this chapter shall notify the rivers coordinator ***and the local river management advisory committee*** prior to taking any such action. Such agency shall forward to the rivers coordinator ***and the local river management advisory committee*** for review and comment copies of all notices of public hearings, or, where a public hearing is not required, a copy of the application for issuance of a permit, certificate, or license within the designated river or corridor under RSA 485-C, RSA 485-A, RSA 483-B, RSA 12-E, RSA 270:12, RSA 482, RSA 482-A, ***except notifications for minimum impact activities under RSA 482-A:3, V and XII and for routine roadway maintenance under RSA 482-A:3, XVI on land used for agricultural purposes***, RSA 149-M, RSA 430, or RSA 147-A. If an agency is notified by the rivers coordinator that a proposed activity would violate a protection measure under RSA 483:9, 483:9-a, 483:9-aa, or 483:9-b, such agency shall deny the application.

Amend the bill by replacing all after section 35 with the following:

36 New Hampshire Rivers Management and Protection Program; Definitions. Amend RSA 483:4, VIII to read as follows:

VIII. "Designated river" means that portion of a ***perennial*** river which has been specifically designated by the general court pursuant to RSA 483:15.

37 New Hampshire Rivers Management and Protection Program; Definitions. Amend RSA 483-B:4, XV to read as follows:

XV. "Protected shore land" means, for natural, fresh water bodies without artificial impoundments, for artificially impounded fresh water bodies, except private garden water features and ponds of less than 10 acres, and for coastal waters and rivers, all land located within 250 feet of the reference line of public waters. ***For river segments of third order or lower designated as protected under RSA 483:15 which are either designated after or for which specific exemptions are repealed after December 31, 2015, "protected shore land" means all land located within 50 feet of the reference line of public water.***

38 Repeal. The following are repealed:

I. RSA 483:10-a, relative to long-range river management plans.

II. RSA 483:14, II, relative to state owned property included in a long-range river management plan.

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

2016-0782h

AMENDED ANALYSIS

This bill:

I. Adds definitions for aquatic connectivity, fluvial geomorphology, and meander belt.

II. Expands the criteria for nomination of a river to the rivers management and protection program.

III. Changes the mechanism by which members of the rivers management advisory committee are selected.

HB 1155, relative to providing choice of meters to customers of utilities. **INEXPEDIENT TO LEGISLATE.** Rep. Douglas Thomas for Science, Technology and Energy. This bill would permit customers of utilities to choose whether to consent to the installation of smart meters and allow the utility to charge a surcharge

to such customers at the completion of the installation period. This bill would produce confusion among customers as not all smart meters transmit using radio waves (the concern of some), but rather use the existing electric lines serving the customers' property, and it would only potentially benefit a few customers that have old meters. Affected utilities are currently working with customers who have concerns, so the committee felt this bill was not ready or needed. Vote 20-0.

HB 1275, relative to net energy metering capacity. **INEXPEDIENT TO LEGISLATE.**

Rep. John Mann for Science, Technology and Energy. This bill is unnecessary as its content and purpose are contained within HB 1116 which the committee is bringing forward with a positive recommendation. Vote 20-0.

HB 1362, requiring telephone notice where an electrical outage is expected to exceed 4 hours. **INEXPEDIENT TO LEGISLATE.**

Rep. Herbert Richardson for Science, Technology and Energy. Requiring telephone notice to customers when an electrical outage is expected to exceed four hours is not an appropriate standard or practical means of notice in all situations, nor does it encompass the systematic approach needed to inform customers about outages and emergencies. Utilities already have plans in place to accomplish this which may include, depending on the circumstances, the use of various media outlets, phone call notifications, and communications with state and local authorities. In addition, utilities are working on making further improvements to take advantage of changes in technology and how people communicate. Vote 20-0.

HB 1367, relative to the public utility commission's authority to implement measures to increase the reliability, cost effectiveness, efficiency, or resiliency of the electrical grid. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert Backus for Science, Technology and Energy. This bill would have waived any limitations under the Limited Electrical Energy Producers Act, RSA 362-A, regarding targeted net energy metering or to implement measures designed to increase grid reliability, efficiency, cost effectiveness, or overall resiliency of the electrical grid. Since the Public Utilities Commission currently has an open and active docket on grid modernization, the committee deemed this bill unnecessary. Vote 20-0.

HB 1472, relative to the siting of certain new pipelines and storage vessels. **INEXPEDIENT TO LEGISLATE.**

Rep. Glen Aldrich for Science, Technology and Energy. This bill would make it more difficult for gas transmission lines to be put in place. There was no testimony of any problems with gas transmission lines being damaged by frost heaves. Considering both the standard way they are buried with substantial overburden and the heat generated from the gas being compressed, there seems to be no issues of failure due to freezing. Therefore, the majority felt this bill unnecessary. Vote 17-1.

HB 1483, relative to community renewable energy. **INEXPEDIENT TO LEGISLATE.**

Rep. James Parison for Science, Technology and Energy. This bill would require electric utilities to sort out individual usage in a collective generation community (group net metering) and then bill each user separately. While this convenience may be a reasonable ask, the bill would also provide for reduced utility tariffs and create a targeted local tax exemption that would allow taking money from ratepayers and average town taxpayers and redistributing these funds to a list of special interests and projects the bill sponsors seem to think deserving. Since the local cash award decisions could be made by any two selectmen, the committee felt this bill if enacted would lead to favoritism and the corruption of an otherwise fair tax system. Vote 20-0.

HB 1502, establishing a committee to study odor emissions from landfills. **INEXPEDIENT TO LEGISLATE.**

Rep. Glen Aldrich for Science, Technology and Energy. After hearing testimony on the bill, it appears that the annual testing already being done at landfills shows that odors are well within the limits set by the state. Even though many complaints have been filed, it seems that only a couple of property owners downwind of the landfill made a majority of the complaints. While the committee understands the frustration of the property owners, the committee feels that studying this further will not solve the problem of being downwind of a landfill. Vote 20-1.

HB 1449-FN, relative to additional temporary supplemental allowances for retired members of the retirement system. **REFER FOR INTERIM STUDY.**

Rep. Gary Azarian for Special Committee on Public Employee Pension Plans. The committee was unanimous in recommending this bill be Referred for Interim Study. The committee agreed that there are retired persons in the system that could benefit from a temporary supplemental allowance (TSA). The committee wants more time to consider the amount of the TSA, who would qualify, the funding mechanism, and the total amount to be appropriated. The committee also believed that any appropriations to fund a TSA should follow standard legislative procedure and be referred to the Finance Committee as a second committee if the House votes to adopt the underlying policy. Vote 10-0.

HB 1489, establishing a committee to study the rates of employer contributions in the retirement system. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary Azarian for Special Committee on Public Employee Pension Plans. Establishing a committee to study the rates of employer contributions to the NH retirement system is not necessary. The information that this committee would gather is readily available now from the NHRS and legislating yet another study committee is not needed. Vote 9-0.

CACR 24, relating to the right to travel. Providing that all people have the right to travel within the state in their choice of privately owned conveyance. **INEXPEDIENT TO LEGISLATE.**

Rep. Chris True for Transportation. This amendment would do away with most of the motor vehicle laws. The committee does not support cancelling the requirements of licensing and registering trucks and automobiles, which would cost the state over \$93 million in lost revenue. Vote 18-0.

HB 1102, relative to travel on ways with 3 or more lanes. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas Walsh for Transportation. This bill attempts to exclude commercial vehicles from traveling in the extreme lane on certain highways with three or more lanes. There are unanswered questions about open road tolling areas and additional signage costs, among others. No amendments were offered to address the issues. Vote 17-0.

HB 1131, relative to vehicles formerly used as ambulances. **INEXPEDIENT TO LEGISLATE.**

Rep. Karel Crawford for Transportation. This committee passed HB 196 (Ch. 63, Laws of 2015, RSA 266:78-r) last session which says a vehicle formerly used as an ambulance must have identifying features removed such as red forward and side emergency lights, etc. The majority of the committee agreed to let the law have time to work. Vote 14-3.

HB 1151, relative to after market tinting on side windows. **INEXPEDIENT TO LEGISLATE.**

Rep. Werner Horn for Transportation. This bill seeks to allow tinting on side windows. Legislation to allow this, in the form of HB 1445, has already been recommended by this committee, making this bill unnecessary. Vote 17-0.

HB 1156, relative to interference with traffic devices. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas Walsh for Transportation. This bill adds public transit bus operators to the list of exemptions from RSA 265:15, II(c) which prohibits using a device to change traffic signals. The amendment added a reference in subparagraph (d) as well. Repealing this prohibition allows stakeholders to study a system that could eventually be considered for future legislation and municipal approval. The bill and amendment do not create or even authorize implementation of such a system at this time. Vote 16-0.

Amendment (0523h)

Amend RSA 265:15, II(d) as inserted by section 2 of the bill by replacing it with the following:

(d) The exemptions set forth in subparagraphs (c)(1)-[~~(c)(4)~~] **(c)(5)** shall only apply to such personnel when they are operating licensed ambulances, licensed fire apparatus, [Ø] government-owned vehicles, **or fixed route public transit buses.**

HB 1157, relative to enforcement of the prohibition on the use of mobile electronic devices while driving. **INEXPEDIENT TO LEGISLATE.**

Rep. Werner Horn for Transportation. RSA 265:79-c limits driving while using a mobile electronic device. Testimony by state police indicated that three years is an appropriate length of time to evaluate the impact on driver behavior. With RSA 265:79-c having only been implemented since July 2015, bills that modify the law without proper time to evaluate the impact on driver behavior hinder the effect of these laws. Vote 15-2.

HB 1158, relative to an exemption from the prohibition on the use of mobile electronic devices while driving. **INEXPEDIENT TO LEGISLATE.**

Rep. Werner Horn for Transportation. RSA 265:79-c limits driving while using a mobile electronic device. Testimony by state police indicated that three years is an appropriate length of time to evaluate the impact on driver behavior. With RSA 265:79-c having only been implemented since July 2015, bills that modify the law without proper time to evaluate the impact on driver behavior hinder the effect of these laws. Vote 15-2.

HB 1161, relative to the traffic safety commission. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Karel Crawford for Transportation. This bill reorganizes the Traffic Safety Commission and was requested by the Department of Safety. No one testified against this bill. The amendment changed the word "chairman" to "representative" and American Association of Retired Persons to "AARP." Vote 17-0.

Amendment (0649h)

Amend RSA 238:10, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Representatives of the following organizations nominated by their respective organizations and appointed by the commissioner of the department of safety. Initial appointments shall be: 4 members for one

year, 5 members for 2 years, and 5 members for 3 years. After the initial term, members shall each serve for terms of 3 years and until a successor is duly qualified and recommended by their respective organizations. Vacancies shall be filled for the unexpired terms in the same manner as the original appointment.

- (1) One member of the New Hampshire Association of Chiefs of Police.
- (2) One member of the New Hampshire Sheriffs Association.
- (3) One county attorney representing the New Hampshire Association of Counties.
- (4) The executive director of the New Hampshire Municipal Association.
- (5) One representative of the New Hampshire Automobile Dealers Association.
- (6) One representative of the New Hampshire Motor Transport Association.
- (7) One representative of the New Hampshire School Transportation Association.
- (8) One representative of the American Automobile Association of Northern New England.
- (9) One representative of the New Hampshire branch of AARP.
- (10) One representative of the New Hampshire Driver Education Teachers Association.
- (11) One representative of the New Hampshire Hospital Association.
- (12) One representative of the New Hampshire Association of Fire Chiefs.
- (13) One representative of the Granite State Wheelmen.
- (14) One representative of the Associated General Contractors of New Hampshire.

HB 1162, relative to eligibility for utility dealer registration. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven Smith for Transportation. This bill was well intended, but the stakeholders were unable to reach a consensus regarding collecting the fees from independent registration agents. Vote 18-0.

HB 1186, repealing the law prohibiting coasting of vehicles. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alan Cohen for Transportation. This law is unobservable by law enforcement and therefore unenforceable. It should be removed from the statutes. The amendment changes the effective date to date of bill passage. Vote 16-2.

Amendment (0753h)

Amend the bill by replacing section 2 with the following:

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

HB 1271, making certain length and width exemptions concerning commercial vehicles. **OUGHT TO PASS.**
Rep. Larry Gagne for Transportation. This bill will establish additional length and width exemptions for commercial vehicles which will create parity between New Hampshire and neighboring states regarding commercial vehicle exceptions. Consistency among the states will help companies and others engaged in transportation to more efficiently and safely move goods between the states. This bill was requested by the Department of Safety. Vote 16-0.

HB 1302, relative to driver's license requirements for operation of a mixed use school bus. **OUGHT TO PASS.**
Rep. Gladys Johnsen for Transportation. This bill requires the operator of a commercial vehicle to hold a valid commercial driver's license. An operator of a mixed use school bus that qualifies as a commercial motor vehicle as defined in RSA 259:12-e shall hold a valid commercial driver's license pursuant to RSA 263:86 appropriate for the type and class of mixed use school vehicle being driven. This could be a coach or a choral director. Federal law requires a CDL when there are 15 or more passengers. The vehicle must be owned by the school or institution. Non-profit schools (i.e., charter) are exempt; they have different rules. This bill is supported by the Department of Safety. Vote 15-1.

HB 1308, allowing motorcycles to pass a vehicle in the same lane or travel between lanes of traffic in certain instances. **INEXPEDIENT TO LEGISLATE.**

Rep. Alan Cohen for Transportation. This bill allows motorcycles to pass vehicles in the same lane. This bill would also allow three-wheeled motorcycles to cut through slow traffic and create a huge logjam at red lights. The committee believes that this bill creates safety issues for motorcyclists and other drivers, and ignores the need to update right of way statutes. Vote 19-0.

HB 1347, establishing a committee to study sharing the road with bicycles and motorcycles. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian Chirichello for Transportation. This is a study bill in the second half of the session. While this topic may have merit, it would be best to bring this bill up in the new session which would provide a better chance for the committee to produce legislation. The committee also felt that the charge contained in the bill was too broad, and that the proposed study committee would lack focus. Vote 18-1.

HB 1396, relative to OHRV operation on certain highways in Grafton County. **OUGHT TO PASS.**

Rep. George Sykes for Transportation. This bill will extend the allowable practice of OHRV operation on highways, if designated by the Department of Resources and Economic Development Bureau of Trails, and approved by the Department of Transportation, from just Coos County to also include Grafton County. This bill will help drive further economic activity in Grafton County. No highways will be approved as trail connectors without first following the procedures established in current statute. Vote 17-0.

HB 1405, repealing the prohibition on after market tinted glass in motor vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. Karel Crawford for Transportation. This bill is one of three bills that repeal the prohibition on market tinted glass in a motor vehicle. This committee passed a similar bill, HB 1445, that permits tinting at 35%. This is essentially a duplicate. Vote 17-0.

HB 1421-FN, relative to exemptions from certificate of title for a vehicle. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas Walsh for Transportation. This bill seeks to reverse a law that has been in effect for just over a year. Starting in January 2015, titles are required on all vehicles from year 2000 and up. Proof of ownership, ability to get loans and safely being able to scrap old cars are just a few reasons this change had such wide support. The committee didn't hear any compelling reasons for changing the title requirement back to vehicles 15 years old. People who may lose or buy a vehicle with a missing title have a means through DMV to get it re-titled. Vote 18-0.

HB 1452, relative to motor vehicle laws applicable to diplomats and certain officials. **OUGHT TO PASS.**

Rep. Steven Smith for Transportation. In the 1980s a bill was passed that gave New Hampshire car registrations, free of charge, to members of the State Department, US Senators, and White House staff. The committee believes that these people can afford to register their cars. This bill adds those people to the cover plate statute. Like New Hampshire State Representatives, they can register their own cars and pay \$9 for cover plates. Vote 15-1.

HB 1462, relative to the height of a motor vehicle body and chassis. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas Walsh for Transportation. This bill seeks to eliminate the minimum bumper height on motor vehicles. There was no testimony in favor. Car customizers have pneumatic and hydraulic options available to lower their cars for shows, while still complying with road regulations. Vote 17-1.

HB 1469, relative to the restriction of drivers' licenses for nonpayment of child support. **INEXPEDIENT TO LEGISLATE.**

Rep. Russell Dumais for Transportation. The Department of Motor Vehicles, the Department of Health and Human Services and New Hampshire Legal Assistance all opposed the bill. No one testified in support of the bill. Vote 19-0.

HB 1649-FN, relative to state inspection of new motor vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas Walsh for Transportation. This bill would eliminate safety inspection requirements for cars under three years old. The bill makes no provision for OBD inspections necessary for compliance with the Clean Air Act. Further, illegal modifications to a new vehicle would not be discovered until an expensive violation ticket was written. Vote 17-1.

HB 1101, prohibiting charges to New Hampshire residents for the construction of high pressure gas pipelines. **REFER FOR INTERIM STUDY.**

Rep. Richard Ames for Ways and Means. The New Hampshire Public Utilities Commission (PUC) is currently considering whether to allow electric utilities (also known as Electric Distribution Companies or EDCs) to enter into long term contracts acquiring gas transportation capacity on new high pressure natural gas pipelines. Such contracts, if approved by the PUC, would help finance pipeline development costs. The development costs covered by such an approved contract would then be recovered through involuntary assessments on the electric utility's customers or ratepayers. The central legal issue is whether or not such capacity acquisitions by EDCs would violate the state's electric utility restructuring principles as set out in RSA 374-F, particularly the principle calling for the functional separation of generating services, which are to be subject to open market competition, from transmission and distribution services, which are to continue under state regulation. In a January 19, 2016 order, the PUC stated that no consensus exists regarding the potential legality of such an acquisition of gas capacity by a New Hampshire EDC and that it expected that such a capacity acquisition and the related cost recovery would be highly controversial. HB 1101, both as originally filed and as clarified and focused in an amendment considered by the committee, would resolve this legal dispute by simply prohibiting the imposition of all such charges on ratepayers. On February 18, 2016, Eversource filed a petition requesting the PUC's approval of a 20-year interstate pipeline capacity acquisition contract. Similar proposals have been presented for approval in neighboring states. In these circumstances, retention of HB 1101 for interim study will allow the committee time to monitor over the next six months all legal developments relating to these pipeline capacity acquisition contracts here in New Hampshire and in neighboring states. Also, during this time, the committee will be able to gain a better understanding of the likely impact of these pipeline developments on natural gas prices, electric utility pricing, and carbon emissions in New Hampshire. Whichever way the PUC comes out on the basic question of the legality or illegality of the pipeline acquisition contracts, a committee report in October 2016 on whether or not further legislation is needed will be based on far better information than is now available. Vote 21-0.

HB 1197, relative to conservation number plate funds. **OUGHT TO PASS.**

Rep. Patrick Abrami for Ways and Means. This bill was brought forth by the State Treasurer. It amends statutes related to the Land and Community Heritage Investment Program (LCHIP) to reflect that the State Treasurer has no involvement in the administration of this program as current statutes imply. The allocation of funds from the conservation fund plate is the responsibility of the Commissioner of Safety and not the State Treasurer. In addition, the establishment of the fund known as the Land and Community Heritage Investment Program Administrative Fund is the responsibility of the New Hampshire Land and Community Heritage Investment Authority and not the State Treasurer. The other major change is modifying any language referring to a trust fund to simply a fund, since these funds are not trust funds. There was no testimony in opposition to these changes. Vote 20-0.

HB 1199, allowing adults to play children's bingo at private campgrounds or hotels. **OUGHT TO PASS.**

Rep. Joseph Lachance for Ways and Means. This bill updated the law regarding special bingo games for children at a private campground or hotel. Specifically, any person over the age of 18 may play the game for the purpose of supervising the child or children he or she is with, however such adult shall not be eligible to win. The card such adult is playing shall be marked in such a way that the bingo attendant is able to identify it as not eligible to win under this paragraph. Vote 17-0.

HB 1208-FN, relative to administration of the tobacco tax. **OUGHT TO PASS.**

Rep. Patrick Abrami for Ways and Means. This bill makes technical and clarifying changes to RSA 78, Tobacco Tax laws, which include changing the definition of "premium cigar," adding needed definitions, removing references to "metering machines," and clarifying activities which constitute unauthorized sales of tobacco products. In addition this bill adds a requirement for records of tobacco stamps sold to wholesalers and tobacco products distributed, and provides for consumer reporting on Internet sales and out of state purchases and payment for same. The definition of "premium cigar" is amended to remove the dollar criterion of \$2.00 or more. This bill was previously passed by the House in 2015 (HB 550). Vote 20-0.

HB 1254-FN-L, providing an exemption from the business profits tax and the business enterprise tax for certain manufacturing businesses. **INEXPEDIENT TO LEGISLATE.**

Rep. Bill Ohm for Ways and Means. This bill would provide a 15 year exemption from business taxes to certain entities in several counties. The committee feels that selective tax exemptions are not good policy, and that other entities in other counties would be discriminated against, raising constitutional questions. Vote 19-0.

HB 1258-FN, establishing exemptions from the business profits tax and business enterprise tax for new businesses in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Jordan Ulery for Ways and Means. This bill attempted to create a carve-out from the Business Enterprise Tax and Business Profits Tax for new businesses in New Hampshire. The intent was to encourage new business openings in the Granite State. Unfortunately the wording was difficult in several areas. The constitutional mandate that taxes in New Hampshire be equitable and proportionate would have required creating a new class of taxable entity, a "new business." While the definition in the bill required a different North American Industry Classification System code for each enterprise, there was nothing to effectively prevent dissolution and reforming at the expiration of the exemption. Thus the definition of "new business" was not as complete as necessary. Also contained in the bill was wording that left to a bureaucracy the requirement of determining what "good citizenship" and contributing to the economy of New Hampshire entailed. The Department of Revenue Administration was also concerned about the administrative practices and costs of monitoring and evaluating the internship programs contained in the bill. In addition the illicit practice of creating a hiring preference for New Hampshire residents was included. Vote 19-0.

HB 1289, making technical corrections to certain tax laws. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick Abrami for Ways and Means. This bill was brought forth by the Department of Revenue Administration (DRA). This bill makes nine technical corrections to a variety of statutes related to taxes. The committee heard testimony on each change and questioned the DRA on each before moving to the next. They did respond to all the committee's questions to its satisfaction. There was one small amendment to the original bill that clarified issues brought up during the public hearing. No one testified against these changes. None of these changes will have an impact in any way on state revenue going forward. Vote 20-0.

Amendment (0181h)

Amend the bill by replacing section 7 with the following:

7 New Paragraph; Nursing Facility Quality Assessment; Rulemaking. Amend RSA 84-C:9 by inserting after paragraph I the following new paragraph:

I-a. The commissioner may adopt rules, pursuant to RSA 541-A, relative to exceptions to the requirement of RSA 84-C:5, I that payment be made by electronic transfer in instances when a nursing facility is unable to remit payment to the state treasurer by electronic transfer.

Amend the bill by inserting after section 10 the following and renumbering the original section 11 to read as 13:

11 Reference; Multistate Tax Commission Audits. Amend RSA 21-J:3, XXXI to read as follows:

XXXI. Have the authority, subject to appropriation, to contract with the Multistate Tax Commission for participation in audits performed by the Multistate Tax Commission on behalf of member states. While under contract with the state, the Multistate Tax Commission shall be an authorized agent of the commissioner for the purposes ~~[RSA 21-J:14-e]~~ **of paragraph IX.**

12 Real Estate Transfer Tax; Declaration of Consideration. Amend RSA 78-B:10, I(b) to read as follows:

(b) Contain a space immediately below the statement in subparagraph (a) for the dated ~~[and witnessed]~~ signature of the purchaser, grantee, assignee, or transferee of the deeded real estate on their respective declaration of consideration and for the dated ~~[and witnessed]~~ signature of the seller, grantor, assignor, or transferor of the deeded real estate on their respective declaration of consideration.

2016-0181h

AMENDED ANALYSIS

This bill makes technical corrections regarding rulemaking authority and reporting and payment dates to certain tax laws. The bill removes a requirement for witnessed signatures on declaration of consideration reports under the real estate transfer tax. The bill repeals the law establishing the division of automated information systems.

This bill was requested by the department of revenue administration.

HB 1290, relative to filing dates for business taxes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Don Leeman for Ways and Means. This bill was requested by the Department of Revenue Administration (DRA) and calls for a change of the due dates for filing returns for both the Business Profits Tax and the Business Enterprise Tax. The bill makes these changes so as to comply with the federal due dates for partnership and corporate tax returns. The bill also makes one technical correction, as was explained to Ways and Means by the DRA. The amendment resolves the issue of when the bill applies, starting with taxable periods after December 31, 2015. Vote 20-0.

Amendment (0149h)

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Applicability. The provisions of this act shall apply to taxable periods beginning after December 31, 2015.

HB 1385-FN-A, relative to the sale or exchange of an interest in a business organization under the business profits tax. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia Lovejoy for Ways and Means. This bill corrects a flaw in our tax system. NH taxes partnerships, Sub Chapter S corporations and (Limited Liability Companies) LLC's differently than does the federal government and the vast majority of states. The federal government and most states treat all net income or loss from one of these entities as a pass through to the owner's personal tax returns. Since NH does not have a personal income tax, NH taxes the entity with both Business Enterprise Tax and Business Profit Taxes (BPT). When an interest in one of these types of organizations is sold for more than the owner's basis, NH imposes BPT on the PURCHASER not the SELLER for the difference between sales price and the seller's basis. In return the purchaser gets to record the assets purchased at their purchased price, not the previous owner's basis. This is referred to as a step-up in basis. The Business Tax Commission had identified this situation as a flaw that hurts NH's competitive basis, and significantly disadvantages small businesses, especially start-up businesses. This bill gives the purchaser the choice between not paying the tax and therefore not getting the step-up in basis or paying the tax and getting the step-up in basis. The amendment changes the default from paying the tax to not paying the tax if the taxpayer neglects to select an option on their tax return. This provides needed flexibility for NH businesses. Vote 20-1.

Amendment (0828h)

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

1 Sale or Exchange of an Interest in a Business Organization. RSA 77-A:4, XIV is repealed and reenacted to read as follows:

XIV.(a) In the case of a business organization where an ownership interest in the business organization is sold or exchanged and the transaction, for federal income tax purposes results in an increase in the basis of the assets for one or more of the parties to the transaction, the business organization shall:

(1) Add to the gross business profits of the business organization, for each taxable period, an amount equal to the annual depreciation or amortization attributable to the increase in the basis of the assets recognized by the parties to the transaction for federal income tax purposes; and

(2) Calculate the gain or loss on the sale or other disposition of an asset without regard to the basis increase recognized by any party to the transaction for federal income tax purposes, from the sale or exchange of the ownership interest in the business organization.

(b) A business organization may, for a particular sale or exchange, make an irrevocable election on a timely filed return including any extension period, to recognize the basis increase of the assets for one or more of the parties to the transaction for federal income tax purposes. Such business organization for the purposes of the business profits tax shall:

(1) Be required to make an addition to gross business profits of the business organization equal to the net increase in the basis of all assets transferred or sold in the tax period in which the sale or exchange of the ownership interest occurs;

(2) Be allowed a deduction against its gross business profits for annual depreciation or amortization attributable to the increase in the basis of the assets recognized by the parties to the transaction for federal income tax purposes; and

(3) Calculate the gain or loss on the sale or other disposition of an asset with regard to the basis increase recognized by any party to the transaction for federal income tax purposes, from the sale or exchange of the ownership interest in the business organization.

2 Applicability. This act shall take effect for sales or exchanges of interests in business organizations that occur on and after January 1, 2016.

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

HB 1391, relative to the price of bingo cards at senior bingo and bingo at private campgrounds and hotels. **DOUGHT TO PASS.**

Rep. Brian Gallagher for Ways and Means. This bill raises the limit on the price paid per bingo card at senior bingo. This bill also sets limits on payouts for senior bingo and bingo at private campgrounds and hotels. Testimony was received that every penny collected would go back to the players and that more people could play and avoid being turned away. The change in limit was noted as an adjustment due to inflation, the prize changes are permissive and not mandatory. Vote 17-0.

HB 1436-FN, relative to exemption from the yield tax on timber for clearing for solar energy. **INEXPEDIENT TO LEGISLATE.**

Rep. Susan Almy for Ways and Means. This bill emerged from the problem of a single constituent, but the current and prior chief assessor of the Department of Revenue Administration said current law is clear that no tax is due the town or state when the trees cut are near the house. As they explained, the "value on the stump" that triggers an intent to cut form and local Timber Tax is the amount that a third party would pay the landowner to be able to cut and remove a tree. Since small numbers of trees near houses cost more to cut and remove than they can be sold for, their value is negative, and no tax is levied. Vote 20-0.

HB 1488, establishing a commission to review and make recommendations for the recodification of RSA 284 and RSA 287-D. **INEXPEDIENT TO LEGISLATE.**

Rep. Bill Ohm for Ways and Means. This bill proposed a study commission to review and make recommendations regarding statutes dealing with horse and dog racing and games of chance. No one testified in support of the bill, and the Lottery Commission is opposed, because Racing & Charitable Gaming is merging with the Lottery Commission, and this could be premature. The committee sees no need for this bill at this time. Vote 17-0.

HB 1498, repealing the prohibition on certain gambling. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary Azarian for Ways and Means. This bill seeks to repeal RSA 647:2 which, if enacted, would allow all forms of gambling in NH. The bill makes no provision for rules, rulemaking authority, regulation or oversight. If NH decides to expand gaming, this certainly would not be the model. The Attorney General also expressed opposition. Vote 17-0.

HB 1538-FN-A, relative to revising the business enterprise tax as a business flat tax, reducing the rate of the interest and dividends tax, repealing certain taxes, and establishing a commission to recommend statutory changes for the implementation of this new tax structure. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary Azarian for Ways and Means. This bill seeks to repeal the Business Profits Tax, Business Enterprise Tax and the Medicaid Enhancement Tax. It also reduces the rate of the Interest and Dividends Tax by implementing a Business Flat Tax. The bill also establishes a commission to recommend statutory changes for the implementation of this new tax structure. The legislation would nullify the exemption for schools and non-profits. Additionally, the bill would subject state departments and political subdivisions to the Business Flat Tax. Vote 19-0.

HB 1544-FN-A-L, establishing a tax on revenues from natural gas transmission. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian Gallagher for Ways and Means. This bill establishes a tax on revenues received under contracts for natural gas transmission via in-state pipelines. No information could be provided on revenues which could potentially be subject to this tax. Pursuant to Federal Energy Regulatory Commission (FERC) regulations, any such tax would be considered an allowed cost of service item and thus recoverable in future rate structures over which FERC has jurisdiction. Strong opposition was expressed to this proposal from the Nashua Chamber of Commerce. Vote 21-0.

HB 1545-FN, relative to Lucky 7 tickets. **REFER FOR INTERIM STUDY.**

Rep. Bill Ohm for Ways and Means. This bill would authorize charitable gaming organizations to increase the denomination of Lucky 7 tickets from 50 cents to \$1, and permit electronic dispensers of such tickets to

only dispense a paper ticket on request. The committee feels that these electronic dispensers already look, feel and act like slot machines, and the proposed changes would only enhance the effect. While the committee heard testimony that such machines are legal, they believe that they are contrary to legislative intent. Approximately 350 of these machines are installed, none recently. Refer for Interim Study is recommended to review what, if anything should be done with this type of device. Vote 21-0.

HB 1554-FN, establishing a state sports lottery. **INEXPEDIENT TO LEGISLATE.**

Rep. Patrick Abrami for Ways and Means. This bill called for the introduction of sports lottery into the portfolio of New Hampshire Lottery games. Although there were members intrigued by the idea of having a lottery tied to actual athletic events, there were several major reasons that this was not felt to be a good idea at this time. There are only a few states with this type of lottery game in place with the most prominent being Delaware. There is ongoing major litigation that we would have the potential of being drawn into if this bill were to pass and be signed into law. It was felt that the timing of the filing of this bill was not good. Once other states have cleared the legal hurdles it would lead to a clearer path for New Hampshire to consider this type of lottery game on its merits. With this said the bill also needed work to make it acceptable to the committee. One major item was the bill called for the game to be tied to both professional and collegiate sporting events. There was no appetite on the committee to have this game tied to collegiate sporting events. Vote 19-0.

HB 1572-FN, establishing a broadband deployment tax credit incentive program against the business profits tax and the business enterprise tax. **REFER FOR INTERIM STUDY.**

Rep. Gary Azarian for Ways and Means. This bill called for tax credits of up to \$2 million for broadband companies to provide Internet and broadband service in areas of the state where such service is unavailable. There is high site cost for construction to provide service in remote areas. The committee will study this issue to help better understand whether issuing credits is the best way to move forward in providing broadband and Internet service to these areas. Vote 21-0.

HB 1650, relative to limits in table stakes poker. **REFER FOR INTERIM STUDY.**

Rep. Patrick Abrami for Ways and Means. This bill attempts to correct language in a statute that was passed last term (HB 169, Chapter 160, Laws of 2015) related to how table stakes poker games shall be played at charitable gaming facilities across the state. This committee's Inexpedient to Legislate recommendation was overridden on the House floor last term. This statute led to an open ended amount of money being bet at our charitable gaming establishments. Our charitable gaming facilities had crossed the line into the world of true casinos. To stem the tide, the Lottery Commission published a policy which took effect on September 25, 2015 which, in the short run, has stabilized how last year's statute was being interpreted. The committee attempted to use the commission's guidelines as a template for amending the underlying bill. It became clear that as the committee dug deeper into how the game of poker is played and the betting schemes that more time was required. The committee was comfortable with the Lottery Commission's policies in place and their policing of these policies that the initial crisis had passed and that there was time for the committee to take a more expansive examination of the whole issue. This resulted in a motion to Refer for Interim Study to examine all aspects of table stakes poker and how it should be played at our charitable gaming facilities. Vote 21-0.

HB 1656-FN, relative to exceptions to the real estate transfer tax. **OUGHT TO PASS.**

Rep. Gary Azarian for Ways and Means. This bill creates an exemption from the Real Estate Transfer Tax for transfers of like ownership. For example, if an individual or couple who own property wishes to transfer that property to an LLC or trust with like ownership for estate planning purposes. With this bill this type of transfer would be exempt from the Real Estate Transfer Tax. Vote 20-0.

HB 1689, relative to operator requirements under the meals and rooms tax. **OUGHT TO PASS.**

Rep. Jordan Ulery for Ways and Means. This bill seeks to inventory taxable rental property to help the Department of Revenue Administration to identify units that would be subject to the Meals and Rooms Tax assessment. Each rental business already, as part of their business operations, maintains a list of rental properties. This bill merely creates a basis from where taxes are due. The committee felt that this requirement would not be burdensome to the industry. Vote 21-0.

REGULAR CALENDAR

CACR 17, relating to domicile for the purpose of voting. Providing that only a resident of the state may establish a domicile for the purpose of voting. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Barbara Griffin for the Majority of Election Law. For most of the history of our state, it was understood that a person had to be a resident of New Hampshire in order to vote here. However, in recent years, the law has been interpreted to permit people who are residents of other states to vote in our elections if they claim they are domiciled somewhere in the state for voting purposes. This policy was litigated in *Guare vs. the State of New Hampshire*. On July 24, 2014, Superior Court Judge Brian Tucker issued an order in which he stated, in part "a citizen need not be a resident of New Hampshire in order to vote in this state." The state

appealed to the New Hampshire Supreme Court and lost. This proposed constitutional amendment will require voters in this state to be residents of New Hampshire. It inserts after Part I, Article 11, one sentence that says "[Only Residents May Vote.] No person may establish a domicile for the purpose of voting unless he or she is a resident of the town, ward, or unincorporated place where he or she seeks to vote." No testimony was offered in the committee stating any reason why any resident of another state should be permitted to vote in our elections. Residency is not a requirement to remain in the state permanently. This constitutional amendment protects the votes of all legitimate residents of our state from being diluted by the votes of people who are not residents of New Hampshire. Vote 11-7.

Rep. Wayne Burton for the Minority of Election Law. By redefining domicile as residence, this proposed amendment to our state constitution will have the effect of disenfranchising those coming to NH as college students, veterans seeking services, and medical professionals on interim appointments, for example, through requiring a permanency standard deemed constitutionally unacceptable by the US Supreme Court. Changing settled law in ways that reduce voter turnout, now among the highest in the country, diminishes our exemplary status of which our forebears would be proud.

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

Rep. Bates spoke in favor.

Rep. Burton spoke against.

Rep. Hinch requested a roll call; sufficiently seconded.

YEAS 188 - NAYS 135

YEAS - 188

BELKNAP

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

Dumais, Russell
Gallagher, Brian
Russell, David

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

Flanders, Donald
Hurt, George
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

CHESHIRE

Hunt, John

McConnell, James

Sterling, Franklin

COOS

Fothergill, John
Tholl, John

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Hennessey, Erin

Brown, Duane
Hull, Robert

Darrow, Stephen
Johnson, Eric

Gionet, Edmond
Ladd, Rick

HILLSBOROUGH

Adams, Christopher
Belanger, James
Byron, Frank
Danielson, David
Ferreira, Elizabeth
Gould, Linda
Hinch, Richard
Lachance, Joseph
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pierce, David
Rowe, Robert
Smith, Gregory
Ulery, Jordan

Ammon, Keith
Biggie, Barbara
Christensen, Chris
Donovan, Daniel
Flanagan, Jack
Griffin, Barbara
Hogan, Edith
LeBrun, Donald
McLean, Mark
Notter, Jeanine
Palmer, Barry
Proulx, Mark
Sanborn, Laurie
Sweeney, Shawn
Wolf, Terry

Balcom, John
Boehm, Ralph
Christie, Rick
Edelblut, Frank
Fromuth, Bart
Halstead, Carolyn
Hopper, Gary
Marston, Dick
Moore, Josh
Ober, Lynne
Pellegrino, Anthony
Rice, Kimberly
Seidel, Carl
Takesian, Charlene
Zaricki, Nick

Barry, Richard
Burt, John
Coffey, James
Estevez, Eric
Gagne, Larry
Hansen, Peter
Kurk, Neal
McCarthy, Peggy
Murotake, David
Ober, Russell
Peterson, Ken
Rouillard, Claire
Simmons, Tammy
Twombly, Timothy

MERRIMACK

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

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

Hess, David
Kidder, David
Marple, Richard
Parent, Jason

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

ROCK INGHAM

Abrami, Patrick
Barnes, Arthur
Chirichiello, Brian
Devine, James
Friel, William
Griffin, Mary
Hoelzel, Kathleen
Kolodziej, Walter
McKinney, Betsy
Osborne, Jason
Prudhomme-O'Brien, Katherine
Thomas, Douglas
Vose, Michael
Weyler, Kenneth

Abramson, Max
Bates, David
Cook, Allen
Elliott, Robert
Gannon, William
Guthrie, Joseph
Introne, Robert
Lundgren, David
McMahon, Charles
Packard, Sherman
Rice, Frederick
Tilton, Rio
Ward, Joanne
Woitkun, Steven

Allen, Mary
Bush, Carol
Dean-Bailey, Yvonne
Emerick, J. Tracy
Gordon, Richard
Harris, Jeffrey
Kappler, Lawrence
Major, Norman
Milz, David
Peckham, Michele
Schroader, Adam
True, Chris
Webb, James

Azarian, Gary
Cardon, G. Thomas
DeSimone, Debra
Ferrante, Beverly
Green, Dennis
Hodgdon, Bruce
Katsakiores, Phyllis
Matthews, Carolyn
Nigrello, Robert
Potucek, John
Sweeney, Joe
Tucker, Pamela
Welch, David

STRAFFORD

Beaudoin, Steven
Gray, James
Knowles, Robert
Turcotte, Leonard

Bickford, David
Groen, Warren
Leeman, Don
Wuelper, Kurt

Cheney, Catherine
Hannon, Joseph
Mullen, John

Graham, Robert
Jones, Laura
Pitre, Joseph

SULLIVAN

Grenier, James

Laware, Thomas

Rollins, Skip

Smith, Steven

NAYS - 135**BELKNAP**

Fisher, Robert

CARROLL

Buco, Thomas

Butler, Edward

Ticehurst, Susan

CHESHIRE

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

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

Berch, Paul
Johnsen, Gladys
Phillips, Larry
Shepardson, Marjorie

Bordenet, John
Ley, Douglas
Roberts, Kris
Tatro, Bruce

COOS

Froburg, Alethea

Moynihan, Wayne

Theberge, Robert

Thomas, Yvonne

GRAFTON

Abel, Richard
Hennessey, Martha
Piper, Wendy
White, Andrew

Almy, Susan
Higgins, Patricia
Smith, Suzanne

Cooney, Mary
Maes, Kevin
Sykes, George

Ford, Susan
Massimilla, Linda
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Cote, David
Freitas, Mary
Heath, Mary
Leishman, Peter
O'Neil, William
Shattuck, Gilman
Soucy, Timothy

Brown, Pamela
DiSilvestro, Linda
Goley, Jeffrey
Herbert, Christopher
Mangipudi, Latha
Porter, Marjorie
Shaw, Barbara
Vann, Ivy

Cohen, Alan
Edwards, Elizabeth
Gorman, Mary
Jack, Martin
Manley, Jonathan
Roberts, Carol
Smith, Timothy
Walsh, Robert

Comell, Patricia
Forest, Armand
Harvey, Suzanne
Judy, Jean
McNamara, Richard
Rosenwald, Cindy
Snow, Kendall
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Deloge, Helen
French, Barbara
Karrick, David
Moffett, Howard
Rice, Chip
Shurtleff, Stephen

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

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

Carson, Clyde
Frazer, June
Hirsch, Geoffrey
MacKay, James
Ratzki, Mario
Schuett, Dianne
Wheeler, Deborah

ROCK INGHAM

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

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

Cahill, Michael
Francese, Paula
McBeath, Rebecca

Cali-Pitts, Jacqueline
Gordon, Pamela
Pantelakos, Laura

STRAFFORD

Baber, William
 Cilley, Jacalyn
 Schmidt, Peter
 Stevens, Audrey

Berube, Roger
 DiSesa, Len
 Smith, Marjorie
 Treleven, Susan

Bixby, Peter
 Horrigan, Timothy
 Southworth, Thomas
 Wall, Janet

Burton, Wayne
 Kaen, Naida
 Spang, Judith
 Ward, Kenneth

SULLIVAN

Cloutier, John
 Irwin, Virginia

Converse, Larry
 Schmidt, Andrew

Gagnon, Raymond

Gottling, Suzanne

and the majority committee report failed.

MOTION TO LAY ON THE TABLE

Rep. Shurtleff moved that **CACR 17**, relating to domicile for the purpose of voting. Providing that only a resident of the state may establish a domicile for the purpose of voting, be laid on the table.

Motion adopted.

MOTION TO SPECIAL ORDER

Rep. Hinch moved that **SB 380**, establishing the drinking water and groundwater trust fund and establishing the New Hampshire drinking water and groundwater advisory commission, be made a Special Order as the next order of business.

Motion adopted.

SPECIAL ORDER

SB 380, establishing the drinking water and groundwater trust fund and establishing the New Hampshire drinking water and groundwater advisory commission. **OUGHT TO PASS.**

Rep. Chris Christensen for Resources, Recreation and Development. In 2003, New Hampshire brought suit against companies distributing methyl tertiary-butyl ether (MTBE) in the state, causing contamination of its waters. MTBE was banned in the state in 2007. Most companies settled out of court, but Exxon contested the suit. The case is now close to being finished in the court system, and when a settlement is received, we need to be prepared to administer the funds. There is a goal to be sure the settlement is used for its intended purposes which are water protection and remediation of contaminated sites. This bill establishes such a fund in the custody of the State Treasurer and establishes an 11 member advisory commission to oversee the use of the funds. The commission will report annually on its operations and progress. Vote 18-0.

Rep. Kurk offered floor amendment (0940h).

Floor Amendment (0940h)

Amend the introductory paragraph of RSA 485-F:3, I as inserted by section 2 of the bill by replacing it with the following:

I. The department shall administer the drinking water and groundwater trust fund through the MTBE remediation bureau. Subject to the approval of the fiscal committee of the general court, trust fund proceeds sufficient to fund the department's MTBE remediation bureau and qualifying projects shall be transferred to the department and maintained in a separate, nonlapsing account, continually appropriated to the department for the purpose of paying all costs of this program. The department shall:

Rep. Kurk spoke in favor and yielded to questions.

Floor amendment adopted.

Committee report adopted and ordered to third reading.

MOTION TO PRINT DEBATE

Rep. Shurtleff moved that the debate on **SB 380**, establishing the drinking water and groundwater trust fund and establishing the New Hampshire drinking water and groundwater advisory commission, be printed in the Permanent Journal.

Without objection, the Speaker ordered.

DEBATE ON SB 380

Speaker Jasper: The Chair recognizes Rep. Kurk to offer floor amendment (0940h) and to speak to his motion.

Rep. kurk: Thank you, Mister Speaker. Mister Speaker, this bill sets up a fund consisting of the entire amount of money awarded to the State of New Hampshire in the Exxon case and requires the money to be spent for MTBE remediation and other water type projects. The way the bill is set up, the Department of Environmental Services has total control over what happens to the money, without any review, and there are no standards set up in the bill for them to operate. For a variety of reasons, I think that's inappropriate so this amendment inserts the language, "subject to the approval of the Fiscal Committee," so that at least there's some legislative involvement in spending \$200 million. This language has been vetted by various parties and it does not affect the reason for the introduction of this bill. Thank you, Mister Speaker.

Speaker Jasper: Will the member yield to a question? Rep. Lynne Ober, you may inquire.

Rep. Lynne Ober: Thank you for taking my question. Normally a bill that spends money would be coming to Finance as a second committee. Is that true with this situation, and if no, would you explain please?

Rep. kurk: The answer is no and I think any explanation needs to come from the Speaker.

Speaker Jasper: I will answer the question. This bill would not be referred to Finance as it does not involve state funds, any appropriations from the state. This is actually dealing with a settlement and that's why it would not go to Finance. Representative Marjorie Smith, you may inquire. Will the member yield to a question? Rep. Smith, you may inquire.

Rep. Marjorie Smith: Thank you, Mister Speaker. Representative, is there anything in the language of your amendment that could interfere with all of the funds that may come out of this settlement being spent for the stated purposes?

Rep. kurk: No, this amendment will not change the purpose for which the funds can be spent. It only allows the department to spend those funds with the approval of the Fiscal Committee, but only for the purposes set forth in the bill.

Speaker Jasper: Thank you. By way of further explanation to the House, as you notice, this is a Senate Bill. This bill is being fast-tracked due to the fact that the whole issue with the groundwater contamination is in litigation. There is a question of will the state just take the money and spend it for any purpose. This locks it into the purpose for which the settlement would take place and the decisions are expected at the end of the month and so this language is necessary for the settlement to take place. Rep. Kurk? Member yields, you may inquire.

Rep. Spang: Thank you, Mister Speaker. Thank you to the Representative from Weare. That's alright, it's just the introductions. Just to put a finer point on it. I think it is essential that we make sure that this bill goes through as cleanly as possible. When Exxon-Mobil was arguing against giving this money to the State of New Hampshire, they argued that the state has a habit of taking money that has been dedicated to something and putting it into something else. They were arguing that we would do the same...

Speaker Jasper: Will the member please suspend? The member was recognized for a question.

Rep. Spang: So, I'm asking Rep. Kurk what this amendment would do in terms of undermining that, or supporting that argument by Exxon-Mobil that we are going to put anything in the way of this money being spent strictly for MTBE? Thank you.

Rep. kurk: Thank you for the question. I can assure the member that there is nothing in this amendment which would allow the Fiscal Committee to divert the money to any other purpose. The only thing the Fiscal Committee is doing is approving or not approving the proposal from the department. It is a very minor approval in one sense, but a very important one to make sure that the department's actions are at least reviewed to some extent by the legislature through the Fiscal Committee. I don't like putting the Fiscal Committee in this kind of a position because these decisions should be made by all of us, not a group of ten, but considering the circumstances, this was the least offensive way that we could introduce the legislature into the process without in any way affecting the fact that the funds will only be used for remediation and water purposes as set forth in the bill itself. I can't think of any way to divert the money as a result of this amendment, so I'm very comfortable in assuring you and anyone else that will not happen as a result of this amendment.

Speaker Jasper: The Chair will state that this language has been vetted by all parties concerned and is acceptable to all parties. Does the member yield to a further question? Member yields, you may inquire.

Rep. Cooney: I see from the blurb, that there is established an eleven-member advisory commission to oversee the use of the funds. I don't have the bill in front of me so I don't know how those are established. Wouldn't that be sufficient?

Rep. kurk: Thank you for the question. The advisory committee simply receives reports and has no impact on how the funds are spent. It is to provide information back to the legislature, but has no role in the determination of the purposes for which the funds are used, the particular program or anything like that. It's not like the commission is giving advice to the commissioner.

Speaker Jasper: The Chair is going to make a point of clarification when I said all parties. I was referring to the State of New Hampshire. The Attorney General has vetted this language and is acceptable to the Attorney General and to the Department of Environmental Services so those are the parties and is necessary to make that clarification. Are you ready for the question? All those in favor, signify by saying, Aye; those opposed, Nay. The Ayes have it and the amendment is adopted.

THIRD READING MOTION

Reps. Hinch and Shurtleff moved that **SB 380**, establishing the drinking water and groundwater trust fund and establishing the New Hampshire drinking water and groundwater advisory commission, be read a third time and passed at the present time.

Adopted by the necessary two-thirds vote.

REGULAR CALENDAR CONT'D

CACR 23, relating to the warning of biennial meetings. Providing that the selectmen are not required to be present to receive the votes. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen Hoelzel for the Majority of Election Law. The NH Constitution requires that the selectmen be present at the time the polls are opened and when the ballots are counted. This mandate imposed upon communities has become burdensome for local officials in recent years. This proposed amendment to the state constitution repeals the requirement that selectmen be present during voting. Their presence would continue to be required when votes are counted. The selectmen also provide notice of the meeting and the meeting is "governed" by the moderator. The moderator is authorized by statute to appoint election officials as he or she deems necessary. Integrity of the ballot box is of utmost importance and that can be accomplished by trusted appointed election officials who have been properly trained. Vote 11-7.

Rep. Wayne Moynihan for the Minority of Election Law. Without a good reason, this bill proposes the initiation of the important, complicated, and cumbersome process of amending our State's Constitution. The bill wants to change the Constitution to eliminate the duty it imposes upon town selectmen to be present "in open meeting" to "receive the votes of all the inhabitants." This duty has been generally construed to mean that, not all, but at least a "quorum" of the board of selectmen must be present at the voting place during elections. The bill was presented on behalf of an unknown number of selectmen, with the claim that it is burdensome and unnecessary for them to be present at elections; and that the obligation may conflict with their work lives and other activities. While there was no mention of it by the sponsors or witnesses at the public hearing, the committee learned that less than 90 days ago, in November 2015, the Governor signed into law HB 331. In 2015, HB 331 was introduced, considered by committees, and passed by both the House and the Senate. HB 331 allows selectmen to appoint substitutes, or selectmen pro tem to stand in for them on election days when they cannot be present. It is much more sensible and much better public policy to allow the just enacted HB 331 to have some time to operate before it is changed; especially by means of an amendment to the NH Constitution.

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

Rep. Moynihan spoke against.

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

YEAS 169 - NAYS 164**YEAS - 169****BELKNAP**

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

Dumais, Russell
Gallagher, Brian
Russell, David

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

Flanders, Donald
Hurt, George
Tilton, Franklin

CARROLL

Avellani, Lino
McCarthy, Frank
Umberger, Karen

Chandler, Gene
McConkey, Mark

Cordelli, Glenn
Nelson, Bill

Crawford, Karel
Schmidt, Stephen

CHESHIRE

Bordenet, John
Sterling, Franklin

Hunt, John

McConnell, James

Phillips, Larry

COOS

Fothergill, John
Tholl, John

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Hennessey, Erin

Brown, Duane
Johnson, Eric

Darrow, Stephen
Ladd, Rick

Gionet, Edmond

HILLSBOROUGH

Adams, Christopher
Biggie, Barbara
Christie, Rick
Estevez, Eric
Griffin, Barbara
Kurk, Neal
McCarthy, Peggy
Murotake, David

Balcom, John
Boehm, Ralph
Donovan, Daniel
Flanagan, Jack
Haefner, Robert
Lachance, Joseph
McClarren, Donald
Murphy, Keith

Barry, Richard
Byron, Frank
Eastman, Eric
Gagne, Larry
Hinch, Richard
LeBrun, Donald
McLean, Mark
Notter, Jeanine

Belanger, James
Christensen, Chris
Edelblut, Frank
Gould, Linda
Hogan, Edith
Marston, Dick
Moore, Josh
Ober, Lynne

Ober, Russell
Pierce, David
Sanborn, Laurie
Takesian, Charlene
Zaricki, Nick

Ohm, Bill
Proulx, Mark
Seidel, Carl
Twombly, Timothy

Palmer, Barry
Rice, Kimberly
Simmons, Tammy
Ulery, Jordan

Peterson, Ken
Rouillard, Claire
Sweeney, Shawn
Wolf, Terry

MERRIMACK

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

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

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

Horn, Werner
Long, Douglas
McGuire, Dan

ROCK INGHAM

Abrami, Patrick
Barnes, Arthur
Chirichiello, Brian
DeSimone, Debra
Emerick, J. Tracy
Guthrie, Joseph
Hoelzel, Kathleen
Major, Norman
Nigrello, Robert
Packard, Sherman
Sytek, John
Vose, Michael
Weyler, Kenneth

Abramson, Max
Belanger, Ronald
Christie, Andrew
Devine, James
Gannon, William
Harris, Jeffrey
Introne, Robert
McKinney, Betsy
O'Connor, John
Potucek, John
Tilton, Rio
Ward, Joanne
Woitkun, Steven

Allen, Mary
Bush, Carol
Cook, Allen
Doucette, Fred
Green, Dennis
Heffron, Frank
Kappler, Lawrence
McMahon, Charles
Oligny, Jeffrey
Schroadter, Adam
True, Chris
Webb, James

Azarian, Gary
Cardon, G. Thomas
Dean-Bailey, Yvonne
Elliott, Robert
Griffin, Mary
Hodgdon, Bruce
Katsakiores, Phyllis
Milz, David
Osborne, Jason
Sweeney, Joe
Tucker, Pamela
Welch, David

STRAFFORD

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

Bickford, David
Groen, Warren
Knowles, Robert

Cheney, Catherine
Hannon, Joseph
Leeman, Don

Graham, Robert
Jones, Laura
Wuelper, Kurt

SULLIVAN

Grenier, James

Laware, Thomas

Rollins, Skip

Smith, Steven

NAYS - 164

BELK NAB

Fisher, Robert

CARROLL

Buco, Thomas
Ticehurst, Susan

Butler, Edward

Comeau, Ed

Parker, Harold

CHESHIRE

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

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

Berch, Paul
Ley, Douglas
Robertson, Timothy
Tilton, Benjamin

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

COOS

Froburg, Alethea

Moynihan, Wayne

Theberge, Robert

Thomas, Yvonne

GRAFTON

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

Almy, Susan
Higgins, Patricia
Piper, Wendy
Townsend, Charles

Cooney, Mary
Hull, Robert
Shackett, Jeffrey
White, Andrew

Ford, Susan
Maes, Kevin
Smith, Suzanne

HILLSBOROUGH

Ammon, Keith
Christiansen, Lars
Cote, David
Ferreira, Elizabeth
Goley, Jeffrey
Harvey, Suzanne
Jack, Martin
Manley, Jonathan
Porter, Marjorie
Shattuck, Gilman
Snow, Kendall
Williams, Kermit

Backus, Robert
Coffey, James
Danielson, David
Forest, Armand
Gorman, Mary
Heath, Mary
Judy, Jean
McNamara, Richard
Roberts, Carol
Shaw, Barbara
Soucy, Timothy

Brown, Pamela
Cohen, Alan
DiSilvestro, Linda
Freitas, Mary
Halstead, Carolyn
Herbert, Christopher
Leishman, Peter
O'Neil, William
Rosenwald, Cindy
Smith, Gregory
Vann, Ivy

Burt, John
Cornell, Patricia
Edwards, Elizabeth
Fromuth, Bart
Hansen, Peter
Hopper, Gary
Mangipudi, Latha
Pellegrino, Anthony
Rowe, Robert
Smith, Timothy
Walsh, Robert

MERRIMACK

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

Bartlett, Christy
 Deloge, Helen
 French, Barbara
 Hoell, J.R.
 Mackay, James
 Ratzki, Mario
 Schuett, Dianne
 Wheeler, Deborah

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

Brewster, Michael
 Ebel, Karen
 Henle, Paul
 Kenison, Linda
 Myler, Mel
 Rogers, Katherine
 Turcotte, Alan

ROCK INGHAM

Bates, David
 Cali-Pitts, Jacqueline
 Francese, Paula
 Kolodziej, Walter
 McBeath, Rebecca
 Rice, Frederick

Berrien, Skip
 Cushing, Robert
 Friel, William
 Lovejoy, Patricia
 Pantelakos, Laura
 Simpson, Alexis

Borden, David
 DiFranco, Debbie
 Gordon, Pamela
 Lundgren, David
 Peckham, Michele
 Thomas, Douglas

Cahill, Michael
 Ferrante, Beverly
 Gordon, Richard
 Matthews, Carolyn
 Prudhomme-O'Brien, Katherine
 Ward, Gerald

STRAFFORD

Baber, William
 Cilley, Jacalyn
 Pitre, Joseph
 Spang, Judith
 Wall, Janet

Berube, Roger
 DiSesa, Len
 Schmidt, Peter
 Stevens, Audrey
 Ward, Kenneth

Bixby, Peter
 Horrigan, Timothy
 Smith, Marjorie
 Treleaven, Susan

Burton, Wayne
 Mullen, John
 Southworth, Thomas
 Turcotte, Leonard

SULLIVAN

Cloutier, John
 Irwin, Virginia

Converse, Larry
 Schmidt, Andrew

Gagnon, Raymond

Gottling, Suzanne

and the majority committee report failed lacking the necessary three-fifths vote.

MOTION TO LAY ON THE TABLE

Rep. Shurtleff moved that **CACR 23**, relating to the warning of biennial meetings. Providing that the selectmen are not required to be present to receive the votes, be laid on the table.

Motion adopted.

REGULAR CALENDAR CONT'D

HB 1313-FN, relative to eligibility to vote and relative to availability of voter information. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William Gannon for the Majority of Election Law. The majority of the committee believes that requiring that a voter be a resident of the state for at least 10 days is constitutional. Currently, it has been shown that there are numerous examples of out-of-state voter fraud that dilute the NH vote and are causing a loss of faith in the very integrity of the NH voting process itself. Idaho has same-day voter registration, just as NH does, with a 30-day durational residency requirement. Expanding the definition of domicile is constitutional and will guarantee that the people of NH alone choose NH elected officials. Vote 11-7.

Rep. Wayne Moynihan for the Minority of Election Law. For those who have been a part of this legislative body for the last few terms, the content and purpose of this bill amounts to "deja vu all over again." The NH Constitution establishes that a citizen may vote wherever he or she is "domiciled." This bill seeks to require a citizen to prove their "residency" before being able to exercise their right to vote. As with bills in the past, this bill seeks to conflate the meaning of these two words so as to limit the fundamental right to vote. The bill would enable a town or city clerk to examine documents such as income tax filings, hunting and fishing license applications, passport applications, and history of military service. It enables a clerk to inquire as to where a citizen spends his or her nights. The official may examine any federal identification, or driver's licenses to establish whether one is eligible to vote, and to confirm that the "residency" has existed for ten days. The history of court decisions clearly establishes that, unless bureaucratic processing requires some number of days of time to complete, no durational residency requirement may be imposed upon the right to vote. Because NH has "same-day voter registration" we know, for a fact, that there is no justification for the residency requirement of ten days or any other number of days. This bill is flawed for the same reasons it has been flawed in its prior iterations.

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

Rep. Moynihan spoke against.

Rep. Gannon spoke in favor.

Majority committee report adopted and ordered to third reading.

HB 1356, relative to construction of the terms "resident" and "inhabitant." **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Barbara Griffin for the Majority of Election Law. This bill with the amendment makes technical corrections to the statutory definitions of resident and residence. The current law in RSA 21:6 says that a resident must demonstrate "... a current intent to designate that place of abode as his principal place of physical presence for the indefinite future to the exclusion of all others." In 1972, the New Hampshire Supreme Court ruled in the Newburger v. Peterson case that "the indefinite intention test offends the equal protection clause of the Fourteenth Amendment." As a result of that decision, the current definition of resident in RSA 21:6 is unconstitutional with respect to voting. To eliminate the conflict between that court decision and current law, this bill simply removes the four words "for the indefinite future" from the definition of resident. The amendment removes the same four words from the definition of residence. This legislation does not implement any policy change and has been vetted for unintended consequences by the Department of Safety, the Division of Vital Records, the New Hampshire Fish and Game Department, the University System of New Hampshire, and the Secretary of State. None of these departments found any concerns with the proposed changes and the Department of Safety and the Secretary of State explicitly support the clarification of these definitions. Vote 11-7.

Rep. Wayne Burton for the Minority of Election Law. This bill is yet another attempt to change the laws that have served NH well for many years as to who may vote in our state. Federal court decisions have protected the rights of students, veterans and others in our mobile society. In this, the 100th anniversary of our presidential primary, measures tending to limit access to the polls run counter to our desire to preserve our rightful place as first in the nation.

Majority Amendment (0566h)

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

AN ACT relative to construction of the terms "resident," "inhabitant," "residence," and "residency."

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:
2 Statutory Construction; Residence; Residency. Amend RSA 21:6-a to read as follows:

21:6-a Residence. Residence or residency shall mean a person's place of abode or domicile. The place of abode or domicile is that designated by a person as his *or her* principal place of physical presence ~~for the indefinite future~~ to the exclusion of all others. Such residence or residency shall not be interrupted or lost by a temporary absence from it, if there is an intent to return to such residence or residency as the principal place of physical presence.

2016-0566h

AMENDED ANALYSIS

This bill modifies the general statutory definitions of "resident or inhabitant" and "residence or residency." Majority committee amendment adopted.

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

Rep. Burton spoke against.

Rep. Barbara Griffin spoke in favor.

On a division vote, with 200 members having voted in the affirmative and 139 in the negative, the majority committee report was adopted and ordered to third reading.

HB 1468, relative to sessions for correction of the checklist. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James Gray for Election Law. Currently RSA 654:27 and 654:28 require multiple meetings of the Supervisors of the Checklist when elections are held in close proximity. Often no voter's changes are identified during these meetings. This bill allows one meeting to serve to fulfill the requirements within a 21 day period. Additionally, it provides greater flexibility in regard to the scheduling of that meeting. Vote 13-6.

Amendment (0309h)

Amend the bill by replacing section 1 with the following:

1 Checklists; Session for Correction. Amend RSA 654:27 and 654:28 to read as follows:

654:27 Session for Correction. In cities and towns, the supervisors of the checklist shall be in session for the correction of the checklist at some suitable place in the city or town on ~~the Saturday 10~~ **a day designated by the supervisors which shall be 6 to 13** days prior to the election and upon which all hearings shall be finally closed; provided that ~~if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, 7 days prior to the election, between 7:00 p.m. and 7:30 p.m. and at the discretion of the supervisors for extended hours~~ **whenever more than one meeting is required within a 21-day period, the first required meeting may serve to fulfill the requirements of the remaining meetings. All sessions for the correction of the checklist shall be for no less than 30 minutes and at the discretion of the supervisors for additional hours.** Notice of the day, hour, and place of each session of the board of supervisors shall be given upon the checklists first posted and shall be published in a newspaper of general circulation in the city or town at least 7 days prior to each such session. The reconvening of any session which has been adjourned shall not require the publication of notice.

654:28 Procedure. The supervisors of the checklist shall hear all applications for a correction of the checklist and the evidence submitted thereon and shall correct it according to their best knowledge so that it contains only the names of those persons qualified to vote at said election. The names of all persons not qualified to vote at the time of any session, but who shall clearly be qualified to vote on election day, may be added to the checklist at that session. ~~[The session which is held on the Saturday 10 days prior to election day shall be held as a minimum requirement between 11:00 a.m. and 11:30 a.m. and at the discretion of the supervisors for additional hours.]~~ No additions or corrections shall be made after the Saturday session, except as provided in RSA 659:12 or RSA 654:27~~[, provided, however, that if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, 7 days prior to the election, between 7:00 p.m. and 7:30 p.m. and at the discretion of the supervisors for extended hours]~~. The additions and corrections resulting from such session shall be made to the previously posted checklist on or before midnight on the succeeding Friday either by additions or corrections to said checklist or by posting a new corrected checklist. Notice of such additions or corrections to the checklist shall also be given to the town or city clerk.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 1482, establishing a committee to study improving the statewide voter registration database. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Adam Schroadter for the Majority of Election Law. Under the current statewide voter registration system, a person who moves from one New England state to another and registers to vote in the new state is requested to provide his or her address in the previous state so the record can be canceled there. If the person fails to provide the previous address, or if the registrar or supervisor of the checklist fails to send it to the previous jurisdiction, or if the registrar or supervisor of the checklist in the previous jurisdiction fails to act on the cancellation notice, a duplicate record exists. As introduced, this bill aimed to establish a committee to study improving the statewide voter registration database. The majority of the committee chose to amend the language, replacing the study with permissive legislation allowing the Secretary of State to enter into agreement to share voter information or data from the statewide centralized voter registration database for the purpose of comparing duplicate information with other states or groups of states. With this permissive legislation the Secretary of State may enter into the agreements necessary for New Hampshire to participate in the Interstate Voter Registration Crosscheck Program. A majority of the states already participate in this program, including our neighboring states Massachusetts and Maine who reported as many as 14,659 duplicate records between them in 2015. If the NH Secretary of State chooses to enter the program as well, they shall review the data resulting from our participation and forward any voter irregularities identified to the Attorney General. This program will help keep voter registration information up to date and help identify voters who may be illegally voting in multiple states during the same election. Vote 10-5.

Rep. William Pearson for the Minority of Election Law. The amendment attached to this bill is vague in its application and potentially harmful to New Hampshire voters. This legislation would permit the Secretary of State to enter the Interstate Voter Registration Crosscheck Program; a program that may have disenfranchised over 3,000 eligible voters in its own state of conception, Kansas. As a study committee, the bill would have afforded the House time to decide how misleading data and false positives (upwards of 59%) could be handled. The amendment takes that language out and, thus, is not supported by the minority.

Majority Amendment (0676h)

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

AN ACT relative to the Interstate Voter Registration Crosscheck Program.

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

1 New Paragraph; Centralized Voter Registration Database; Agreements to Share Voter Information or Data with Other States. Amend RSA 654:45 by inserting after paragraph VII the following new paragraph:

VIII. The secretary of state may enter into an agreement to share voter information or data from the statewide centralized voter registration database for the purpose of comparing duplicate voter information with other states or groups of states. The secretary of state shall only provide information that is necessary for matching duplicate voter information with other states and shall take precautions to make sure that information in the database is secure in a manner consistent with RSA 654:45, VI. The secretary of state may solicit input from the department of safety and the department of information technology and shall ensure that any information or data shared between the agencies that is of a confidential nature remains confidential.

2 Interstate Voter Registration Crosscheck Program. Pursuant to the authority in RSA 654:45, VIII, the secretary of state may enter into the agreements necessary for the state of New Hampshire to participate in the Interstate Voter Registration Crosscheck Program. The secretary of state shall review the data resulting from its participation in the Interstate Voter Registration Crosscheck Program and forward any voter irregularities identified to the attorney general.

3 Effective Date. This act shall take effect 10 days after its passage.

2016-0676h
AMENDED ANALYSIS

This bill authorizes the secretary of state to enter into an agreement to share voter information and data through the Interstate Voter Registration Crosscheck Program.
Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Pearson spoke against and yielded to questions.

Rep. Schroadter spoke in favor.

Rep. Cote requested a roll call; sufficiently seconded.

YEAS 208 - NAYS 140

YEAS - 208

BELK NAP

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

Dumais, Russell
Gallagher, Brian
Russell, David
Vadney, Herbert

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

Flanders, Donald
Hurt, George
Sylvia, Michael

CARROLL

Avellani, Lino
McCarthy, Frank
Schmidt, Stephen

Comeau, Ed
McConkey, Mark
Umberger, Karen

Cordelli, Glenn
Nelson, Bill

Crawford, Karel
Parker, Harold

CHESHIRE

Hunt, John
Sterling, Franklin

Johnsen, Gladys

McConnell, James

Roberts, Kris

COOS

Fothergill, John
Theberge, Robert

Rappaport, Laurence
Tholl, John

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Hennessey, Erin
Massimilla, Linda

Brown, Duane
Hull, Robert
Piper, Wendy

Darrow, Stephen
Johnson, Eric
Shackett, Jeffrey

Gionet, Edmond
Ladd, Rick

HILLSBOROUGH

Adams, Christopher
Belanger, James
Byron, Frank
Danielson, David
Estevez, Eric
Gagne, Larry
Halstead, Carolyn
Hopper, Gary
Marston, Dick
McLean, Mark
Notter, Jeanine
Palmer, Barry
Pierce, David
Rowe, Robert
Smith, Gregory
Twombly, Timothy

Ammon, Keith
Biggie, Barbara
Christensen, Chris
Donovan, Daniel
Ferreira, Elizabeth
Gould, Linda
Hansen, Peter
Kurk, Neal
Martel, Andre
Moore, Josh
Ober, Lynne
Parison, James
Proulx, Mark
Sanborn, Laurie
Stepanek, Stephen
Ulery, Jordan

Balcom, John
Boehm, Ralph
Christie, Rick
Eastman, Eric
Flanagan, Jack
Griffin, Barbara
Hinch, Richard
Lachance, Joseph
McCarthy, Peggy
Murotake, David
Ober, Russell
Pellegrino, Anthony
Rice, Kimberly
Seidel, Carl
Sweeney, Shawn
Wolf, Terry

Barry, Richard
Burt, John
Coffey, James
Edelblut, Frank
Fromuth, Bart
Haefner, Robert
Hogan, Edith
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Ohm, Bill
Peterson, Ken
Rouillard, Claire
Simmons, Tammy
Takesian, Charlene
Zaricki, Nick

MERRIMACK

Brewster, Michael
Kidder, David
Marple, Richard
Moffett, Howard
Walsh, Thomas

Hess, David
Kotowski, Frank
Martin, John
Parent, Jason

Hill, Gregory
Kuch, Bill
McGuire, Carol
Ratzki, Mario

Hom, Werner
Long, Douglas
McGuire, Dan
Seaworth, Brian

ROCK INGHAM

Abrami, Patrick
Barnes, Arthur
Cardon, G. Thomas
Cook, Allen
Doucette, Fred

Abramson, Max
Bates, David
Chase, Francis
Dean-Bailey, Yvonne
Elliott, Robert

Allen, Mary
Belanger, Ronald
Chirichiello, Brian
DeSimone, Debra
Emerick, J. Tracy

Azarian, Gary
Bush, Carol
Christie, Andrew
Devine, James
Ferrante, Beverly

Friel, William
Griffin, Mary
Hoelzel, Kathleen
Katsakiores, Phyllis
Matthews, Carolyn
Nigrello, Robert
Packard, Sherman
Rice, Frederick
Thomas, Douglas
Vose, Michael
Weyler, Kenneth

Gannon, William
Guthrie, Joseph
Introne, Robert
Kolodziej, Walter
McKinney, Betsy
O'Connor, John
Peckham, Michele
Schroader, Adam
Tilton, Rio
Ward, Joanne

Gordon, Richard
Harris, Jeffrey
Itse, Daniel
Lundgren, David
McMahon, Charles
Oligny, Jeffrey
Potucek, John
Sweeney, Joe
True, Chris
Webb, James

Green, Dennis
Hodgdon, Bruce
Kappler, Lawrence
Major, Norman
Milz, David
Osborne, Jason
Prudhomme-O'Brien, Katherine
Sytek, John
Tucker, Pamela
Welch, David

STRAFFORD

Beaudoin, Steven
Gray, James
Kaczynski, Jr., Thomas
Pitre, Joseph

Bickford, David
Groen, Warren
Knowles, Robert
Turcotte, Leonard

Cheney, Catherine
Hannon, Joseph
Leeman, Don
Wuelper, Kurt

Graham, Robert
Jones, Laura
Mullen, John

SULLIVAN

Grenier, James

Laware, Thomas

Rollins, Skip

Smith, Steven

NAYS - 140

BELKNAP

Fisher, Robert

CARROLL

Buco, Thomas

Butler, Edward

Ticehurst, Susan

CHESHIRE

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

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

Berch, Paul
Ley, Douglas
Phillips, Larry
Tatro, Bruce

Bordenet, John
Mann, John
Robertson, Timothy
Tilton, Benjamin

COOS

Froburg, Alethea

Moynihan, Wayne

Thomas, Yvonne

GRAFTON

Abel, Richard
Ford, Susan
Smith, Suzanne

Almy, Susan
Hennessey, Martha
Sykes, George

Brown, Rebecca
Higgins, Patricia
Townsend, Charles

Cooney, Mary
Maes, Kevin
White, Andrew

HILLSBOROUGH

Backus, Robert
Cohen, Alan
Edwards, Elizabeth
Goley, Jeffrey
Harvey, Suzanne
Judy, Jean
McNamara, Richard
Rosenwald, Cindy
Snow, Kendall
Walsh, Robert

Beaulieu, Jane
Cornell, Patricia
Forest, Armand
Gorman, Mary
Heath, Mary
Leishman, Peter
O'Neil, William
Shattuck, Gilman
Soucy, Timothy
Williams, Kermit

Brown, Pamela
Cote, David
Freitas, Mary
Guerette, C. Lee
Herbert, Christopher
Mangipudi, Latha
Porter, Marjorie
Shaw, Barbara
Sullivan, Daniel

Christiansen, Lars
DiSilvestro, Linda
Gidge, Kenneth
Hansberry, Daniel
Jack, Martin
Manley, Jonathan
Roberts, Carol
Smith, Timothy
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Deloge, Helen
French, Barbara
Hirsch, Geoffrey
MacKay, James
Rogers, Katherine
Turcotte, Alan

Bartlett, Christy
Doherty, David
French, Harold
Karrick, David
Myler, Mel
Saunderson, George
Wallner, Mary Jane

Bradley, Paula
Ebel, Karen
Gle, Mary
Kenison, Linda
Patten, Dick
Schuett, Dianne
Wheeler, Deborah

Carson, Clyde
Frazer, June
Henle, Paul
Luneau, David
Rice, Chip
Shurtleff, Stephen

ROCKINGHAM

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

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

Cahill, Michael
Francese, Paula
McBeath, Rebecca

Cali-Pitts, Jacqueline
Gordon, Pamela
Pantelakos, Laura

STRAFFORD

Baber, William
Cilley, Jacalyn

Berube, Roger
DiSesa, Len

Bixby, Peter
Gardner, Janice

Burton, Wayne
Horriggan, Timothy

Kaen, Naida
Southworth, Thomas
Treleven, Susan

Rollo, Deanna
Spang, Judith
Wall, Janet

Schmidt, Peter
Sprague, Dale
Ward, Kenneth

Smith, Marjorie
Stevens, Audrey

SULLIVAN

Cloutier, John
Irwin, Virginia

Converse, Larry
Schmidt, Andrew

Gagnon, Raymond

Gottling, Suzanne

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

HB 1529-FN, relative to reporting of felony convictions for voter checklist updates. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Barbara Griffin for the Majority of Election Law. This bill provides a mechanism for enforcement of our law that felons have forfeited the right to vote. Currently, there is no way for supervisors of a checklist to know when a registered voter is convicted of a felony. This bill directs that the Secretary of State shall obtain a monthly report from the Commissioner of Safety of persons who have lost their right to vote. The Secretary of State shall then indicate that disqualification on the voter database so the local communities have that information. Vote 10-7.

Rep. Wayne Moynihan for the Minority of Election Law. In New Hampshire there is just no evidence of any history of incarcerated felons voting, or voting while on work release, on a suspended sentence, or attempting to vote by absentee ballot. Despite the absence of need, this bill creates complicated bureaucratic responsibilities which are imposed on the Department of Safety and Secretary of State's office, which the fiscal note declares will cost tens of thousands of dollars each year to administer. The sponsor did not present any source of funding for this additional government spending. The sole purpose of the new bureaucracy is to remove citizens with felonies from the voter checklists. This new system will do nothing to restore the citizen to his or her right to vote when eligible again. It is only those felons who are incarcerated in a jail or prison that are ineligible to vote. Felons on parole, probation, or serving suspended sentences are eligible to vote. However, this bill does nothing to insure that these eligible citizens are not disenfranchised. A felon may hold public office, but must swear by affidavit that he or she has completed their sentence; a fact easily determined by reference to the public record. This bill creates an unnecessary felony "tracking system" on statewide voter checklists. Since there is no demonstrable voting by ineligible felons, this burdensome and costly system solves no problem. Rather, it is much more likely to unjustly deprive a citizen of their fundamental right to vote.

Majority Amendment (0031h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Duties of Commissioner of Safety. Amend RSA 21-P:4 by inserting after paragraph XVI the following new paragraph:

XVII. Provide monthly reports to the secretary of state of all persons who have lost their right to vote pursuant to RSA 607-A:2 during the prior month.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 New Subparagraph; Criminal Records; Disclosure. Amend RSA 106-B:14, I by inserting after subparagraph (e) the following new subparagraph:

(f) The commissioner of the department of safety may provide monthly reports to the secretary of state pursuant to RSA 21-P:4, XVII.

Majority committee amendment adopted.

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

Rep. Moynihan spoke against and yielded to questions.

Rep. Barbara Griffin spoke in favor and yielded to questions.

On a division vote, with 187 members having voted in the affirmative and 160 in the negative, the majority committee report was adopted and ordered to third reading.

HB 1530-FN-L, relative to mail-in voting. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara Griffin for Election Law. This bill fundamentally changes our current system of voting. Our current method allows a voter to ask for an absentee ballot if they cannot go to the polling place on the day of the voting. This bill proposes to allow any voter to vote by mail. While allegedly proposed to encourage voter turnout, NH currently has one of the highest voter turn-out rates in the country. The bill contains no clear process or standard as to how the verification process for ballots would occur. The Department of State and New Hampshire Municipal Association both said this would increase state and local expenditures by an unknown amount. A change to the bill as to the time ballots could be received was not received from the sponsors. Finally, there only three states that use a similar type of voting. This does not appear to create a substantially different voter participation rate than we currently have. Vote 13-5.

Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 287 - NAYS 66**YEAS - 287****BELKNAP**

Aldrich, Glen
Flanders, Donald
Hurt, George
Tilton, Franklin

Dumais, Russell
Fraser, Valerie
LeBreche, Shari
Vadney, Herbert

Fields, Dennis
Gallagher, Brian
Russell, David
Varney, Peter

Fisher, Robert
Howard, Jr., Raymond
Spanos, Peter

CARROLL

Avellani, Lino
Cordelli, Glenn
Nelson, Bill
Umberger, Karen

Butler, Edward
Crawford, Karel
Parker, Harold
Wright, Ted

Chandler, Gene
McCarthy, Frank
Schmidt, Stephen

Comeau, Ed
McConkey, Mark
Ticehurst, Susan

CHESHIRE

Abbott, Michael
Ley, Douglas
Phillips, Larry
Shepardson, Marjorie

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

Eaton, Daniel
McConnell, James
Robertson, Timothy
Tatro, Bruce

Hunt, John
Parkhurst, Henry
Sad, Tara

COOS

Fothergill, John
Theberge, Robert

Rappaport, Laurence
Tholl, John

Richardson, Herbert
Thomas, Yvonne

Rideout, Leon

GRAFTON

Almy, Susan
Darrow, Stephen
Higgins, Patricia
Ladd, Rick
Sykes, George

Bailey, Brad
Gionet, Edmond
Hull, Robert
Maes, Kevin
Townsend, Charles

Brown, Duane
Hennessey, Erin
Ingbretson, Paul
Piper, Wendy
White, Andrew

Brown, Rebecca
Hennessey, Martha
Johnson, Eric
Shackett, Jeffrey

HILLSBOROUGH

Adams, Christopher
Beaulieu, Jane
Burt, John
Coffey, James
Edelblut, Frank
Flanagan, Jack
Goley, Jeffrey
Guerette, C. Lee
Hansen, Peter
Hopper, Gary
Lachance, Joseph
Mangipudi, Latha
McClarren, Donald
Murphy, Keith
Ober, Russell
Pellegrino, Anthony
Proulx, Mark
Sanborn, Laurie
Simmons, Tammy
Sullivan, Daniel
Ulery, Jordan
Wolf, Terry

Backus, Robert
Belanger, James
Byron, Frank
Cohen, Alan
Edwards, Elizabeth
Fromuth, Bart
Gorman, Mary
Haefner, Robert
Harvey, Suzanne
Jack, Martin
LeBrun, Donald
Marston, Dick
McLean, Mark
Nottter, Jeanine
Ohm, Bill
Peterson, Ken
Rice, Kimberly
Seidel, Carl
Smith, Gregory
Sweeney, Shawn
Vann, Ivy
Zaricki, Nick

Balcom, John
Biggie, Barbara
Christensen, Chris
Danielson, David
Estevez, Eric
Gagne, Larry
Gould, Linda
Halstead, Carolyn
Hinch, Richard
Judy, Jean
Leishman, Peter
Martel, Andre
McNamara, Richard
O'Brien, William
Palmer, Barry
Pierce, David
Rouillard, Claire
Shattuck, Gilman
Soucy, Timothy
Takesian, Charlene
Walsh, Robert

Barry, Richard
Boehm, Ralph
Christie, Rick
Eastman, Eric
Ferreira, Elizabeth
Gargas, Carolyn
Griffin, Barbara
Hansberry, Daniel
Hogan, Edith
Kurk, Neal
Long, Patrick
McCarthy, Peggy
Murotake, David
Ober, Lynne
Parison, James
Porter, Marjorie
Rowe, Robert
Shaw, Barbara
Stepanek, Stephen
Twombly, Timothy
Williams, Kermit

MERRIMACK

Bradley, Paula
Ebel, Karen
Gile, Mary
Horn, Werner
Kotowski, Frank
Marple, Richard
Moffett, Howard
Rice, Chip
Walsh, Thomas

Brewster, Michael
Frazer, June
Hill, Gregory
Karrick, David
Kuch, Bill
Martin, John
Myler, Mel
Seaworth, Brian
Wheeler, Deborah

Carson, Clyde
French, Barbara
Hirsch, Geoffrey
Kenison, Linda
Long, Douglas
McGuire, Carol
Parent, Jason
Turcotte, Alan

Deloge, Helen
French, Harold
Hoell, J.R.
Kidder, David
MacKay, James
McGuire, Dan
Patten, Dick
Wallner, Mary Jane

ROCK INGHAM

Abrami, Patrick
Barnes, Arthur

Abramson, Max
Bates, David

Allen, Mary
Belanger, Ronald

Azarian, Gary
Berrien, Skip

Borden, David
Christie, Andrew
Devine, James
Ferrante, Beverly
Green, Dennis
Heffron, Frank
Itse, Daniel
Lundgren, David
McMahon, Charles
Osborne, Jason
Potucek, John
Simpson, Alexis
Tilton, Rio
Webb, James

Cardon, G. Thomas
Cook, Allen
Doucette, Fred
Friel, William
Griffin, Mary
Hodgdon, Bruce
Kappler, Lawrence
Major, Norman
Miz, David
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sweeney, Joe
True, Chris
Welch, David

Chase, Francis
Dean-Bailey, Yvonne
Elliott, Robert
Gannon, William
Guthrie, Joseph
Hoelzel, Kathleen
Katsakiores, Phyllis
Matthews, Carolyn
Nigrello, Robert
Pantelakos, Laura
Rice, Frederick
Sytek, John
Tucker, Pamela
Weyler, Kenneth

Chirichiello, Brian
DeSimone, Debra
Emerick, J. Tracy
Gordon, Richard
Harris, Jeffrey
Introne, Robert
Kolodziej, Walter
McKinney, Betsy
O'Connor, John
Peckham, Michele
Schroadter, Adam
Thomas, Douglas
Vose, Michael
Woitkun, Steven

STRAFFORD

Bickford, David
Graham, Robert
Jones, Laura
Leeman, Don
Smith, Marjorie
Turcotte, Leonard

Cheney, Catherine
Gray, James
Kaczynski, Jr., Thomas
Mullen, John
Southworth, Thomas
Wall, Janet

Cilley, Jacalyn
Groen, Warren
Kaen, Naida
Pitre, Joseph
Spang, Judith
Ward, Kenneth

DiSesa, Len
Hannon, Joseph
Knowles, Robert
Schmidt, Peter
Sprague, Dale
Wuelper, Kurt

SULLIVAN

Converse, Larry
Irwin, Virginia
Smith, Steven

Gagnon, Raymond
Laware, Thomas

Gottling, Suzanne
Rollins, Skip

Grenier, James
Schmidt, Andrew

NAYS - 66

CARROLL

Buco, Thomas

CHESHIRE

Berch, Paul
Pearson, William

Bordenet, John
Tilton, Benjamin

Chase, Cynthia
Weber, Lucy

Johnsen, Gladys

COOS

Froburg, Alethea

Hatch, William

Moynihan, Wayne

GRAFTON

Abel, Richard
Massimilla, Linda

Bennett, Travis
Smith, Suzanne

Cooney, Mary

Ford, Susan

HILLSBOROUGH

Ammon, Keith
Cornell, Patricia
Forest, Armand
Herbert, Christopher
Rosenwald, Cindy

Baroody, Benjamin
Cote, David
Freitas, Mary
Manley, Jonathan
Smith, Timothy

Brown, Pamela
DiSilvestro, Linda
Gidge, Kenneth
Moore, Josh
Snow, Kendall

Christiansen, Lars
Donovan, Daniel
Heath, Mary
O'Neil, William

MERRIMACK

Alicea, Caroletta
Luneau, David
Schuett, Dianne

Bartlett, Christy
Ratzki, Mario
Shurtleff, Stephen

Doherty, David
Rogers, Katherine

Henle, Paul
Saunderson, George

ROCK INGHAM

Bush, Carol
DiFranco, Debbie
McBeath, Rebecca

Cahill, Michael
Francese, Paula
Ward, Gerald

Cali-Pitts, Jacqueline
Gordon, Pamela

Cushing, Robert
Lovejoy, Patricia

STRAFFORD

Baber, William
Burton, Wayne
Treleaven, Susan

Beaudoin, Steven
Horigan, Timothy

Berube, Roger
Rollo, Deanna

Bixby, Peter
Stevens, Audrey

SULLIVAN

Cloutier, John

and the committee report was adopted.

HB 1532, permitting state or county prisoners to vote by absentee ballot. **INEXPEDIENT TO LEGISLATE.** Rep. William Gannon for Election Law. The majority believes that permitting incarcerated felons to vote would be a fundamental change to our justice system. Persons who commit a serious crime have always been

thought to have questionable judgment and, partially for that reason, have forfeited their vote during their incarceration. Also, forfeiture of one's vote is a punishment for the crime committed. The majority is sympathetic to the issue of rehabilitation, but does not believe there was any empirical evidence presented to the committee to show that giving a felon the right to vote while incarcerated would have a causal linkage to his return as a positive, functioning member of society. Additionally, under NH domicile law, the felon would be able to claim his prison's location as his residence and prison populations could greatly impact the voting in the location of the prisons. Vote 15-3.

Committee report adopted.

HB 1440-FN, relative to certification for solid waste operators. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. George Saunderson for the Majority of Environment and Agriculture. The current certification requirements for solid waste operators serve to protect the transfer station employees and the environment from potential danger. Safe disposal of hazardous waste is a constantly evolving situation which requires annual review and training. This bill would have reduced the existing certification requirements, thereby exposing employees to potential risk from the mishandling of hazardous waste. The bipartisan majority of the committee felt that solid waste operators were not overly regulated and reducing this requirement at this time would not be in the best interest of the state. Vote 15-3.

Rep. Warren Groen for the Minority of Environment and Agriculture. This bill sought to relieve small towns from the burden of redundant training and the high cost relative to benefits received. Annual renewal is an excessive burden on a fairly static recycling operation, especially when other professions are more infrequent. The Department of Environmental Services collects the \$50 fee even when they don't offer the training. Police are recertified every three years, EMTs every two years, and firefighters once and done. This is one taxpayer funded branch of government forcing an unfunded mandate on another sector of taxpayer funded government, irrespective of services offered.

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

Rep. Manley spoke against.

Rep. Saunderson spoke in favor.

Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 219 - NAYS 130

YEAS - 219

BELKNAP

Fields, Dennis
Russell, David

Flanders, Donald
Tilton, Franklin

Gallagher, Brian

LeBreche, Shari

CARROLL

Buco, Thomas
McConkey, Mark
Ticehurst, Susan

Chandler, Gene
Nelson, Bill
Umberger, Karen

Crawford, Karel
Parker, Harold

McCarthy, Frank
Schmidt, Stephen

CHESHIRE

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

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

Berch, Paul
Hunt, John
Pearson, William
Shepardson, Marjorie

Bordenet, John
Johnsen, Gladys
Phillips, Larry
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
Smith, Suzanne

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

Bennett, Travis
Ford, Susan
Maes, Kevin
Townsend, Charles

Brown, Rebecca
Hennessey, Erin
Massimilla, Linda

HILLSBOROUGH

Backus, Robert
Beaulieu, Jane
Christensen, Chris
Cornell, Patricia
Flanagan, Jack
Gargas, Carolyn

Balcom, John
Belanger, James
Christiansen, Lars
Cote, David
Forest, Armand
Gidge, Kenneth

Baroody, Benjamin
Biggie, Barbara
Coffey, James
DiSilvestro, Linda
Freitas, Mary
Gorman, Mary

Barry, Richard
Brown, Pamela
Cohen, Alan
Donovan, Daniel
Gagne, Larry
Guerette, C. Lee

Haefner, Robert
Heath, Mary
Jack, Martin
Leishman, Peter
Martel, Andre
Pellegirino, Anthony
Rosenwald, Cindy
Snow, Kendall
Ulery, Jordan

Halstead, Carolyn
Herbert, Christopher
Jeudy, Jean
Long, Patrick
McCarthy, Peggy
Pierce, David
Rowe, Robert
Soucy, Timothy
Vann, Ivy

Hansberry, Daniel
Hinch, Richard
Kurk, Neal
Mangipudi, Latha
O'Neil, William
Porter, Marjorie
Seidel, Carl
Sullivan, Daniel
Walsh, Robert

Harvey, Suzanne
Hogan, Edith
LeBrun, Donald
Marston, Dick
Palmer, Barry
Roberts, Carol
Smith, Timothy
Takesian, Charlene
Wolf, Terry

MERRIMACK

Alicea, Caroletta
Deloge, Helen
French, Barbara
Hirsch, Geoffrey
Luneau, David
Ratzki, Mario
Shurtleff, Stephen
Wheeler, Deborah

Bartlett, Christy
Doherty, David
Gile, Mary
Karrick, David
MacKay, James
Rogers, Katherine
Turcotte, Alan

Bradley, Paula
Ebel, Karen
Henle, Paul
Kenison, Linda
Myler, Mel
Saunderson, George
Wallner, Mary Jane

Carson, Clyde
Frazer, June
Hess, David
Kotowski, Frank
Patten, Dick
Schuett, Dianne
Walsh, Thomas

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Abrami, Patrick
Berrien, Skip
Cardon, G. Thomas
Devine, James
Francese, Paula
Guthrie, Joseph
Katsakiores, Phyllis
McBeath, Rebecca
O'Connor, John
Potucek, John
Sytek, John
Welch, David

Azarian, Gary
Borden, David
Christie, Andrew
DiFranco, Debbie
Friel, William
Heffron, Frank
Lovejoy, Patricia
McKinney, Betsy
Packard, Sherman
Rice, Frederick
Tilton, Rio
Weyler, Kenneth

Barnes, Arthur
Bush, Carol
Cushing, Robert
Elliott, Robert
Gordon, Pamela
Hoelzel, Kathleen
Major, Norman
McMahon, Charles
Pantelakos, Laura
Simpson, Alexis
Ward, Gerald
Woitkun, Steven

Belanger, Ronald
Cali-Pitts, Jacqueline
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Matthews, Carolyn
Miz, David
Peckham, Michele
Sweeney, Joe
Webb, James

STRAFFORD

Baber, William
Cilley, Jacalyn
Kaen, Naida
Smith, Marjorie
Treleaven, Susan

Berube, Roger
DiSesa, Len
Pitre, Joseph
Southworth, Thomas
Wall, Janet

Bixby, Peter
Gray, James
Rollo, Deanna
Spang, Judith
Ward, Kenneth

Burton, Wayne
Horrigan, Timothy
Schmidt, Peter
Stevens, Audrey

SULLIVAN

Cloutier, John
Grenier, James

Converse, Larry
Rollins, Skip

Gagnon, Raymond
Schmidt, Andrew

Gottling, Suzanne

NAYS - 130

BELKNAP

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

Dumais, Russell
Hurt, George
Varney, Peter

Fisher, Robert
Spanos, Peter

Fraser, Valerie
Sylvia, Michael

CARROLL

Avellani, Lino
Wright, Ted

Butler, Edward

Comeau, Ed

Cordelli, Glenn

CHESHIRE

COOS

GRAFTON

Bailey, Brad
Ingretson, Paul
Shackett, Jeffrey

Brown, Duane
Johnson, Eric
White, Andrew

Gionet, Edmond
Ladd, Rick

Hull, Robert
Piper, Wendy

HILLSBOROUGH

Adams, Christopher
Burt, John
Eastman, Eric
Ferreira, Elizabeth

Ammon, Keith
Byron, Frank
Edelblut, Frank
Fromuth, Bart

Boehm, Ralph
Christie, Rick
Edwards, Elizabeth
Gould, Linda

Bouldin, Amanda
Danielson, David
Estevez, Eric
Griffin, Barbara

Hopper, Gary
McLean, Mark
Murphy, Keith
Ober, Russell
Rice, Kimberly
Shaw, Barbara
Sullivan, Victoria

Lachance, Joseph
McNamara, Richard
Notter, Jeanine
Ohm, Bill
Rouillard, Claire
Simmons, Tammy
Twombly, Timothy

Manley, Jonathan
Moore, Josh
O'Brien, William
Parison, James
Sanborn, Laurie
Smith, Gregory
Williams, Kermit

McClarren, Donald
Murotake, David
Ober, Lynne
Peterson, Ken
Shattuck, Gilman
Stepanek, Stephen
Zaricki, Nick

MERRIMACK

Brewster, Michael
Horn, Werner
Marple, Richard
Parent, Jason

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

Hill, Gregory
Kuch, Bill
McGuire, Carol

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

ROCK INGHAM

Abramson, Max
Chase, Francis
Emerick, J. Tracy
Harris, Jeffrey
Kolodziej, Walter
Osborne, Jason
True, Chris

Allen, Mary
Chirichiello, Brian
Gannon, William
Hodgdon, Bruce
Lundgren, David
Prudhomme-O'Brien, Katherine
Tucker, Pamela

Bates, David
Cook, Allen
Gordon, Richard
Itse, Daniel
Nigrello, Robert
Schroader, Adam
Vose, Michael

Cahill, Michael
Dean-Bailey, Yvonne
Green, Dennis
Kappler, Lawrence
Oligny, Jeffrey
Thomas, Douglas
Ward, Joanne

STRAFFORD

Beaudoin, Steven
Groen, Warren
Knowles, Robert
Wuelper, Kurt

Bickford, David
Hannon, Joseph
Leeman, Don

Cheney, Catherine
Jones, Laura
Mullen, John

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

SULLIVAN

Irwin, Virginia

Laware, Thomas

and the majority committee report was adopted.

HB 1499-FN, relative to certificates for rabies vaccination of dogs, cats, or ferrets. **INEXPEDIENT TO LEGISLATE.**

Rep. John O'Connor for Environment and Agriculture. This bill would eliminate the requirement that veterinarians send copies of certificates of rabies vaccination which they generate to town and city clerks. Eliminating this central repository puts our citizens at risk. Whenever a domestic animal bite occurs, the first responders reach out to this central location to determine whether or not the animal has been vaccinated. The bipartisan majority of the committee agreed that it is important to keep this capability in place. Vote 16-3. Committee report adopted.

HB 1528-FN, relative to standards for aerobic septic systems. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John O'Connor for the Majority of Environment and Agriculture. This bill is specific to the use of Enhanced Treatment Units in septic systems which allow the discharge of effluent to smaller leach fields. Due to the technical nature of these systems which require soil scientist and professional expertise to install, these systems are moved from local control to permitting by the Department of Environmental Services (DES). Although these systems have the most advanced technology, they still need to be reviewed by DES on a permit by permit basis to maintain a level playing field and not pit one firm against another. Our current statutes and rules accomplish this. This bill reduces the requirements below our current standards which may weaken our basic protection of human health. This bill also establishes a new position within DES without any additional funding for the position. Vote 10-6.

Rep. Warren Groen for the Minority of Environment and Agriculture. This bill seeks to level the playing field for all new technology being developed for the treatment of septic waste. In committee we heard that this bill should be accomplished through rules. That was attempted in the past and failed. This bill was intended to say that any technology that could perform to a given standard would be approved to compete in the market just the same as the original design that has been approved.

Majority committee report adopted.

CACR 21, relating to the attorney general. Providing that the attorney general be elected to a 4-year term. **WITHOUT RECOMMENDATION.**

Statement in support of Ought to Pass with Amendment: This proposed amendment to the state constitution changes the method of selection of the Attorney General. Currently, the Attorney General is nominated by the Governor and approved by the Executive Council. The constitutional amendment as filed would have changed the NH Constitution to require the Attorney General to be elected to a 4 year term by the people. The Attorney General is already directly elected in 43 other states. The current process denies

the people and their representatives input into who is tasked with being charged with ensuring the laws of the state are followed. The result is that the Attorney General is an agent of the Governor and the agencies of the state rather than the people. The CACR as filed would rectify this lack of oversight by direct election. During a committee executive session, there was bipartisan support for the bill as filed but there was more support for a proposal to require the House and Senate to elect the Attorney General in joint session. This indirect election process would ensure that money is not used to “buy” the seat. This process for electing non-partisan officers of the state is already used for the Secretary of State and the State Treasurer. It has worked very well and those Constitutional officers are very responsive to the citizens. There are numerous examples of the Attorney General not being responsive to the needs of the citizens, including but not limited to: the Legislature has authorized medical marijuana as the public policy of the state, but the Attorney General has opposed and thwarted the implementation of this policy at every opportunity; in the FRM case, the Attorney General’s office repeatedly chose not to investigate criminal complaints costing elderly citizens millions of dollars in retirement funds; and most recently, the Attorney General has intervened to oppose parents’ right to choose the most effective educational opportunities available for their children. If this proposed amendment is adopted by the people, the candidates desiring to serve in this office would submit their names to the legislature as candidates and then during a joint session of the House and Senate, the legislature would elect the Attorney General by ballot in the same manner as the Secretary of State and the Treasurer. This change would make the Attorney General more responsive to the needs of the people and the direction of their representatives than to the interests of the State Agencies and Departments and the bureaucrats that inhabit them.

Rep. J.R. Hoell

Statement in support of Inexpedient to Legislate: The Office of Attorney General has been a vital and key position in NH state government. Throughout our history there are numerous examples of where the Attorney General has “stood tall for justice” on behalf of the citizenry of NH. The present selection process is transparent and runs well. The selection process does not need tampering. Modifying the selection procedure risks not only tampering with a well-functioning system, but could further politicize the position of Attorney General. The present system where the Governor nominates a candidate who must be confirmed by a majority of the Executive Council, provides a public vetting of the individual. New Hampshire prides itself on the access and availability of its elected officials by the public. Requiring the 424 member NH General Court to select the Attorney General will further politicize the office as well as possibly impede the operation of the NH Department of Justice. It was unclear if the present position of a four year Attorney General term would continue, or if the appointment would be for the duration of the appointing legislative body (two years). As indicated by the committee’s tie vote – the decision of changing the Attorney General selection process is complex and to re-quote the old axiom “if it isn’t broke, why fix it!”

Rep. Raymond Gagnon

Rep. Hoell moved Ought to Pass and offered floor amendment (0422h).

Floor Amendment (0422h)

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

RELATING TO: the attorney general.

PROVIDING THAT: the attorney general be chosen by ballot of the general court.

Amend the resolution by replacing paragraph II with the following:

II. That article 67 of the second part of the constitution be amended to read as follows:

[Art.] 67. [Election of Secretary, ~~and~~ Treasurer, **and Attorney General.**] The Secretary, ~~and~~ Treasurer, **and Attorney General** shall be chosen by joint ballot of the Senators and Representatives assembled in one room.

Amend the resolution by replacing paragraph V with the following:

V. That the wording of the question put to the qualified voters shall be:

“Are you in favor of amending articles 46 and 67 of the second part of the constitution to read as follows:

[Art.] 46. [Nomination and Appointment of Officers.] All judicial officers, and all officers of the Navy, and general and field officers of the militia, shall be nominated and appointed by the Governor and Council; and every such nomination shall be made at least three days prior to such appointment; and no appointment shall take place, unless a majority of the Council agree thereto.

[Art.] 67. [Election of Secretary, Treasurer, and Attorney General.] The Secretary, Treasurer, and Attorney General shall be chosen by joint ballot of the Senators and Representatives assembled in one room.”

2016-0422h

AMENDED ANALYSIS

This constitutional amendment concurrent resolution calls for the attorney general to be chosen by ballot of the general court.

On a division vote, with 168 members having voted in the affirmative and 165 in the negative, floor amendment (0422h) was adopted.

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

Rep. Gagnon spoke against.

Rep. Hoell spoke in favor.

On a division vote, with 181 members having voted in the affirmative and 171 in the negative, the motion failed lacking the necessary three-fifths vote.

Rep. Shurtleff moved Inexpedient to Legislate.

Rep. Itse requested a roll call; sufficiently seconded.

YEAS 179 - NAYS 181

YEAS - 179

BELKNAP

Fields, Dennis

Flanders, Donald

Tilton, Franklin

CARROLL

Buco, Thomas
Parker, Harold

Butler, Edward
Ticehurst, Susan

Crawford, Karel

McConkey, Mark

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
Sykes, George

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

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

Brown, Rebecca
Higgins, Patricia
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Belanger, James
Cornell, Patricia
Edwards, Elizabeth
Gidge, Kenneth
Halstead, Carolyn
Herbert, Christopher
Long, Patrick
McNamara, Richard
Pierce, David
Rowe, Robert
Snow, Kendall
Vann, Ivy

Baroody, Benjamin
Brown, Pamela
Cote, David
Forest, Armand
Goley, Jeffrey
Hansberry, Daniel
Jack, Martin
Mangipudi, Latha
O'Neil, William
Porter, Marjorie
Shattuck, Gilman
Soucy, Timothy
Walsh, Robert

Barry, Richard
Christiansen, Lars
DiSilvestro, Linda
Freitas, Mary
Gorman, Mary
Harvey, Suzanne
Judy, Jean
Manley, Jonathan
Ober, Russell
Roberts, Carol
Shaw, Barbara
Sullivan, Daniel
Williams, Kermit

Beaulieu, Jane
Cohen, Alan
Donovan, Daniel
Gargas, Carolyn
Guerette, C. Lee
Heath, Mary
Leishman, Peter
Marston, Dick
Palmer, Barry
Rosenwald, Cindy
Smith, Timothy
Takesian, Charlene
Wolf, Terry

MERRIMACK

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

Bartlett, Christy
Doherty, David
Gile, Mary
Karrick, David
MacKay, James
Patten, Dick
Saunderson, George
Wallner, Mary Jane

Bradley, Paula
Ebel, Karen
Henle, Paul
Kenison, Linda
Martin, John
Ratzki, Mario
Schuett, Dianne
Wheeler, Deborah

Carson, Clyde
Frazer, June
Hess, David
Kidder, David
Moffett, Howard
Rice, Chip
Shurtleff, Stephen

ROCK INGHAM

Azarian, Gary
Cahill, Michael
DiFranco, Debbie
Guthrie, Joseph
McKinney, Betsy
Ward, Gerald

Belanger, Ronald
Cali-Pitts, Jacqueline
Ferrante, Beverly
Heffron, Frank
Pantelakos, Laura
Woitkun, Steven

Berrien, Skip
Christie, Andrew
Francese, Paula
Lovejoy, Patricia
Simpson, Alexis

Borden, David
Cushing, Robert
Gordon, Pamela
McBeath, Rebecca
Tilton, Rio

STRAFFORD

Baber, William
Burton, Wayne

Berube, Roger
Cilley, Jacalyn

Bickford, David
DiSesa, Len

Bixby, Peter
Horigan, Timothy

Kaen, Naida
Southworth, Thomas
Treleven, Susan

Rollo, Deanna
Spang, Judith
Wall, Janet

Schmidt, Peter
Sprague, Dale
Ward, Kenneth

Smith, Marjorie
Stevens, Audrey

SULLIVAN

Cloutier, John
Grenier, James

Converse, Larry
Irwin, Virginia

Gagnon, Raymond
Schmidt, Andrew

Gottling, Suzanne

NAYS - 181

BELKNAP

Aldrich, Glen
Gallagher, Brian
Russell, David
Varney, Peter

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

Fisher, Robert
Hurt, George
Sylvia, Michael

Fraser, Valerie
LeBreche, Shari
Vadney, Herbert

CARROLL

Avellani, Lino
McCarthy, Frank
Wright, Ted

Chandler, Gene
Nelson, Bill

Comeau, Ed
Schmidt, Stephen

Cordelli, Glenn
Umberger, Karen

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
Boehm, Ralph
Christie, Rick
Edelblut, Frank
Fromuth, Bart
Haefner, Robert
Hopper, Gary
Martel, Andre
Moore, Josh
O'Brien, William
Pellegrino, Anthony
Rouillard, Claire
Smith, Gregory
Ulery, Jordan

Ammon, Keith
Burt, John
Coffey, James
Estevez, Eric
Gagne, Larry
Hansen, Peter
Kurk, Neal
McCarthy, Peggy
Murotake, David
Ober, Lynne
Peterson, Ken
Sanborn, Laurie
Stepanek, Stephen
Zaricki, Nick

Balcom, John
Byron, Frank
Danielson, David
Ferreira, Elizabeth
Gould, Linda
Hinch, Richard
Lachance, Joseph
McClarren, Donald
Murphy, Keith
Ohm, Bill
Proulx, Mark
Seidel, Carl
Sullivan, Victoria

Biggie, Barbara
Christensen, Chris
Eastman, Eric
Flanagan, Jack
Griffin, Barbara
Hogan, Edith
LeBrun, Donald
McLean, Mark
Notter, Jeanine
Parison, James
Rice, Kimberly
Simmons, Tammy
Twombly, Timothy

MERRIMACK

Brewster, Michael
Horn, Werner
Marple, Richard
Seaworth, Brian

French, Harold
Kotowski, Frank
McGuire, Carol
Walsh, Thomas

Hill, Gregory
Kuch, Bill
McGuire, Dan

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

ROCKINGHAM

Abrami, Patrick
Bates, David
Chirichiello, Brian
Devine, James
Emerick, J. Tracy
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
Matthews, Carolyn
O'Connor, John
Peckham, Michele
Schroadter, Adam
Thomas, Douglas
Ward, Joanne

Abramson, Max
Bush, Carol
Cook, Allen
Doucette, Fred
Friel, William
Griffin, Mary
Introne, Robert
Kolodziej, Walter
McMahon, Charles
Oligny, Jeffrey
Potucek, John
Spillane, James
True, Chris
Webb, James

Allen, Mary
Cardon, G. Thomas
Dean-Bailey, Yvonne
Duarte, Joe
Gannon, William
Harris, Jeffrey
Itse, Daniel
Lundgren, David
Milz, David
Osborne, Jason
Prudhomme-O'Brien, Katherine
Sweeney, Joe
Tucker, Pamela
Welch, David

Barnes, Arthur
Chase, Francis
DeSimone, Debra
Elliott, Robert
Gordon, Richard
Hodgdon, Bruce
Kappler, Lawrence
Major, Norman
Nigrello, Robert
Packard, Sherman
Rice, Frederick
Sytek, John
Vose, Michael
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Groen, Warren
Knowles, Robert
Turcotte, Leonard

Cheney, Catherine
Hannon, Joseph
Leeman, Don
Wuelper, Kurt

Graham, Robert
Jones, Laura
Mullen, John

Gray, James
Kaczynski, Jr., Thomas
Pitre, Joseph

SULLIVAN

Laware, Thomas

Rollins, Skip

Smith, Steven

and the motion failed.

MOTION TO LAY ON THE TABLE

Rep. Hinch moved that **CACR 21**, relating to the attorney general. Providing that the attorney general be chosen by ballot of the general court, be laid on the table.

Motion adopted.

REGULAR CALENDAR CONT'D

HB 1122, relative to limitations on supervisory positions in state employment. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jacalyn Cilley for the Majority of Executive Departments and Administration. This bill seeks to require the Commissioner of the Department of Administrative Services to implement and maintain a personnel database as well as limit the number of supervisory positions in state employment. The committee agrees that it may well be time to review the entire personnel classification system for state employees. However, the committee felt that this particular bill was too limited in scope to accomplish that goal and that it sought an arbitrary solution to a more complex issue. Vote 14-2.

Rep. J.R. Hoell for the Minority of Executive Departments and Administration. This bill concerns the system by which classified positions are ranked and salaries determined. One criterion in the ranking is the degree to which a position supervises others. Figures provided show that only 11% of full-time state employee positions are classified as having no supervisory responsibilities, 38% are partial supervisors and 49% are direct supervisors. These figures are clearly higher than actual practice. This bill directs commissioners to ensure that no more than 15% of their workforce is classified as direct supervisors. It also gives them a mechanism for obtaining exceptions. Commissioners who testified in opposition agreed that the system needs reform, but proposed no specifics. This bill provides a simple, reasonable and flexible way to move our employee classification system closer to reality.

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

Rep. Cilley spoke in favor.

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

YEAS 200 - NAYS 150**YEAS - 200****BELK NAP**

Fields, Dennis
Russell, David

Fisher, Robert
Tilton, Franklin

Flanders, Donald

Gallagher, Brian

CARROLL

Buco, Thomas
McConkey, Mark
Ticehurst, Susan

Butler, Edward
Nelson, Bill
Umberger, Karen

Chandler, Gene
Parker, Harold

Crawford, Karel
Schmidt, Stephen

CHESHIRE

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

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

Berch, Paul
Hunt, John
Parkhurst, Henry
Robertson, Timothy
Weber, Lucy

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

COOS

Fothergill, John
Rappaport, Laurence

Froburg, Alethea
Theberge, Robert

Hatch, William
Tholl, John

Moynihan, Wayne
Thomas, Yvonne

GRAFTON

Abel, Richard
Cooney, Mary
Ladd, Rick
Smith, Suzanne

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

Bennett, Travis
Hennessey, Martha
Massimilla, Linda
Townsend, Charles

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

HILLSBOROUGH

Backus, Robert
Christiansen, Lars
DiSilvestro, Linda
Gidge, Kenneth
Haefner, Robert

Baroody, Benjamin
Cohen, Alan
Flanagan, Jack
Goley, Jeffrey
Halstead, Carolyn

Biggie, Barbara
Cornell, Patricia
Forest, Armand
Gorman, Mary
Hansberry, Daniel

Christensen, Chris
Cote, David
Freitas, Mary
Guerette, C. Lee
Hansen, Peter

Harvey, Suzanne
Jack, Martin
Mangipudi, Latha
Palmer, Barry
Proulx, Mark
Shattuck, Gilman
Soucy, Timothy
Walsh, Robert

Heath, Mary
Judy, Jean
Manley, Jonathan
Pellegrino, Anthony
Roberts, Carol
Shaw, Barbara
Sullivan, Daniel
Williams, Kermit

Herbert, Christopher
Leishman, Peter
McNamara, Richard
Pierce, David
Rosenwald, Cindy
Smith, Timothy
Takesian, Charlene
Wolf, Terry

Hinch, Richard
Long, Patrick
O'Neil, William
Porter, Marjorie
Rowe, Robert
Snow, Kendall
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Deloge, Helen
French, Barbara
Karrick, David
MacKay, James
Ratzki, Mario
Schuett, Dianne
Walsh, Thomas

Bartlett, Christy
Doherty, David
Gile, Mary
Kenison, Linda
Moffett, Howard
Rice, Chip
Shurtleff, Stephen
Wheeler, Deborah

Bradley, Paula
Ebel, Karen
Henle, Paul
Kidder, David
Myler, Mel
Rogers, Katherine
Turcotte, Alan

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

ROCK INGHAM

Abrami, Patrick
Cali-Pitts, Jacqueline
Cushing, Robert
Friel, William
Heffron, Frank
Major, Norman
Packard, Sherman
Sytek, John

Berrien, Skip
Cardon, G. Thomas
Devine, James
Gordon, Pamela
Hoelzel, Kathleen
Matthews, Carolyn
Pantelakos, Laura
Tilton, Rio

Borden, David
Chirichiello, Brian
Elliott, Robert
Griffin, Mary
Introne, Robert
McMahon, Charles
Peckham, Michele
Ward, Gerald

Cahill, Michael
Christie, Andrew
Francese, Paula
Guthrie, Joseph
Lovejoy, Patricia
Milz, David
Simpson, Alexis
Welch, David

STRAFFORD

Baber, William
Burton, Wayne
Horrigan, Timothy
Smith, Marjorie
Stevens, Audrey

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

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

Bixby, Peter
Gray, James
Schmidt, Peter
Sprague, Dale
Ward, Kenneth

SULLIVAN

Cloutier, John
Grenier, James

Converse, Larry
Irwin, Virginia

Gagnon, Raymond
Schmidt, Andrew

Gottling, Suzanne
Smith, Steven

NAYS - 150

BELKNAP

Aldrich, Glen
Hurt, George
Vadney, Herbert

Dumais, Russell
LeBreche, Shari
Varney, Peter

Fraser, Valerie
Spanos, Peter

Howard, Jr., Raymond
Sylvia, Michael

CARROLL

Avellani, Lino
Wright, Ted

Comeau, Ed

Cordelli, Glenn

McCarthy, Frank

CHESHIRE

COOS

GRAFTON

Bailey, Brad
Hennessey, Erin
Shackett, Jeffrey

Brown, Duane
Hull, Robert

Darrow, Stephen
Ingretson, Paul

Gionet, Edmond
Johnson, Eric

HILLSBOROUGH

Adams, Christopher
Beaulieu, Jane
Byron, Frank
Donovan, Daniel
Ferreira, Elizabeth
Griffin, Barbara
Lachance, Joseph
McCarthy, Peggy
Murotake, David

Ammon, Keith
Belanger, James
Christie, Rick
Eastman, Eric
Fromuth, Bart
Hogan, Edith
LeBrun, Donald
McClarren, Donald
Murphy, Keith

Balcom, John
Boehm, Ralph
Coffey, James
Edelblut, Frank
Gagne, Larry
Hopper, Gary
Marston, Dick
McLean, Mark
Notter, Jeanine

Barry, Richard
Burt, John
Danielson, David
Estevez, Eric
Gould, Linda
Kurk, Neal
Martel, Andre
Moore, Josh
O'Brien, William

Ober, Lynne
Peterson, Ken
Seidel, Carl
Sullivan, Victoria

Ober, Russell
Rice, Kimberly
Simmons, Tammy
Twombly, Timothy

Ohm, Bill
Rouillard, Claire
Smith, Gregory
Ulery, Jordan

Parison, James
Sanborn, Laurie
Stepanek, Stephen
Zaricki, Nick

MERRIMACK

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

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

Hess, David
Kotowski, Frank
Martin, John

Hill, Gregory
Kuch, Bill
McGuire, Carol

ROCK INGHAM

Abramson, Max
Bates, David
Cook, Allen
Emerick, J. Tracy
Green, Dennis
Kappler, Lawrence
McKinney, Betsy
Osborne, Jason
Spillane, James
Tucker, Pamela
Weyler, Kenneth

Allen, Mary
Belanger, Ronald
Dean-Bailey, Yvonne
Ferrante, Beverly
Harris, Jeffrey
Katsakiores, Phyllis
Nigrello, Robert
Potucek, John
Sweeney, Joe
Vose, Michael

Azarian, Gary
Bush, Carol
DeSimone, Debra
Gannon, William
Hodgdon, Bruce
Kolodziej, Walter
O'Connor, John
Rice, Frederick
Thomas, Douglas
Ward, Joanne

Barnes, Arthur
Chase, Francis
Duarte, Joe
Gordon, Richard
Itse, Daniel
Lundgren, David
Oligny, Jeffrey
Schroader, Adam
True, Chris
Webb, James

STRAFFORD

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

Cheney, Catherine
Jones, Laura
Mullen, John

Graham, Robert
Kaczynski, Jr., Thomas
Pitre, Joseph

Groen, Warren
Knowles, Robert
Turcotte, Leonard

SULLIVAN

Laware, Thomas

Rollins, Skip

and the majority committee report was adopted.

HB 1187-FN-L, repealing licensure of showmen. INEXPEDIENT TO LEGISLATE.

Rep. Peter Schmidt for Executive Departments and Administration. This bill targets, and would eliminate, a long-standing local control statute allowing local officials to have oversight and permitting of individuals who wish to come into a community to perform various types of shows for money. No evidence was provided to the committee that the showmen statute is causing, or has caused, any problems in any community; nor was there any call or support for a repeal. To the contrary, a repeal would infringe on local control without any countervailing benefit. Vote 7-5.

On a division vote, with 192 members having voted in the affirmative and 155 in the negative, the committee report was adopted.

HB 1224, establishing RV month in New Hampshire. INEXPEDIENT TO LEGISLATE.

Rep. J.R. Hoell for Executive Departments and Administration. The bill would have required the Governor to proclaim the month of June as "RV Month." While the committee felt that this was a good idea, we know that the Governor already has the authority to issue a proclamation without the legislature requiring him or her to do this. Concern was expressed by the committee members that adding a special time or date for everyone's favorite cause to our statutes could go on ad infinitum. Vote 13-2.

Committee report adopted.

HB 1282, relative to the state building code. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. J.R. Hoell for the Majority of Executive Departments and Administration. The bill proposes to adopt the 2015 International Building Code as the minimum standard for all new building construction as well as any commercial or residential renovations. The changes in the code are predominantly changes to building energy efficiency and not about life safety. The energy efficiency portion is extremely extensive and adds additional requirements that may force upgrades to other portions of the structure when completing a renovation. Further evidence that this standard is a significant change is that only 6 states have adopted this 2015 standard either at a state level or at a local level. Currently MA, CT and ME are all at the 2009 level or prior editions of the code and VT has only recently adopted the more restrictive 2012 standards. The NH Homebuilders Association raised 9 issues that needed to be amended out if this standard was adopted. Committee members noted during the executive session that we already allow the local jurisdictions to adopt this policy, if they want to, and that there are no prohibitions on homeowners or businesses adopting the newer standards when renovating or building new buildings. Given the energy costs in the state, if there was a compelling reason to adopt these standards, the prospective

owners would be adopting these changes on their own, but that is not happening as the costs for some of these energy “solutions” has a negative return on investment once common interest rates are taken into account. Vote 10-6.

Rep. Carol Roberts for the Minority of Executive Departments and Administration. The International Building Code presently in force in New Hampshire is the 2009 code. It is generally considered among professionals that codes over five years old are dramatically out of date. It is in the best interests of all citizens of New Hampshire when the trades adhere to a newer code. While the latest code has some shortcomings, amendments have been made and may in the future be added to adjust the requirements. Although this bill had the backing of all the aforementioned trades, the majority of the committee found it Inexpedient To Legislate. The minority feels this action sets a bad precedent for allowing special interests to control the outcome of legislation and that cost should not drive changes to the many improvements to the code. Updates to the energy code will not be enforced – intensifying our dependence on fossil fuels; changes to lifesaving measures such as egress, fire protection, and emergency lighting will not be required and many other updates and additions approved by the trades will not be addressed. These items and other changes are now on the back burner due to the vote of majority.

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

Rep. Rosenwald requested a roll call; sufficiently seconded.

YEAS 307 - NAYS 49

YEAS - 307

BELKNAP

Aldrich, Glen
Flanders, Donald
Hurt, George
Sylvia, Michael

Dumais, Russell
Fraser, Valerie
LeBreche, Shari
Tilton, Franklin

Fields, Dennis
Gallagher, Brian
Russell, David
Vadney, Herbert

Fisher, Robert
Howard, Jr., Raymond
Spanos, Peter
Varney, Peter

CARROLL

Avellani, Lino
Comeau, Ed
McConkey, Mark
Ticehurst, Susan

Buco, Thomas
Cordelli, Glenn
Nelson, Bill
Umberger, Karen

Butler, Edward
Crawford, Karel
Parker, Harold
Wright, Ted

Chandler, Gene
McCarthy, Frank
Schmidt, Stephen

CHESHIRE

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

Chase, Cynthia
Ley, Douglas
Phillips, Larry
Tilton, Benjamin

Eaton, Daniel
McConnell, James
Roberts, Kris

Hunt, John
Parkhurst, Henry
Robertson, Timothy

COOS

Fothergill, John
Rappaport, Laurence
Tholl, John

Froburg, Alethea
Richardson, Herbert
Thomas, Yvonne

Hatch, William
Rideout, Leon

Moynihan, Wayne
Theberge, Robert

GRAFTON

Abel, Richard
Brown, Duane
Hennessey, Erin
Johnson, Eric
Piper, Wendy

Almy, Susan
Brown, Rebecca
Hennessey, Martha
Ladd, Rick
Shackett, Jeffrey

Bailey, Brad
Darrow, Stephen
Higgins, Patricia
Maes, Kevin
Smith, Suzanne

Bennett, Travis
Gionet, Edmond
Hull, Robert
Massimilla, Linda
Sykes, George

HILLSBOROUGH

Adams, Christopher
Barry, Richard
Bouldin, Amanda
Coffey, James
Danielson, David
Edelblut, Frank
Flanagan, Jack
Gagne, Larry
Griffin, Barbara
Harvey, Suzanne
Hopper, Gary
LeBrun, Donald
Martel, Andre
Murotake, David
O'Neil, William
Palmer, Barry

Backus, Robert
Belanger, James
Burt, John
Cohen, Alan
DiSilvestro, Linda
Edwards, Elizabeth
Forest, Armand
Gidge, Kenneth
Haefner, Robert
Heath, Mary
Jack, Martin
Leishman, Peter
McCarthy, Peggy
Murphy, Keith
Ober, Lynne
Parison, James

Balcom, John
Biggie, Barbara
Christensen, Chris
Cornell, Patricia
Donovan, Daniel
Estevez, Eric
Freitas, Mary
Gorman, Mary
Halstead, Carolyn
Hinch, Richard
Kurk, Neal
Mangipudi, Latha
McClarren, Donald
Notter, Jeanine
Ober, Russell
Pellegrino, Anthony

Baroody, Benjamin
Boehm, Ralph
Christie, Rick
Cote, David
Eastman, Eric
Ferreira, Elizabeth
Fromuth, Bart
Gould, Linda
Hansen, Peter
Hogan, Edith
Lachance, Joseph
Marston, Dick
Moore, Josh
O'Brien, William
Ohm, Bill
Peterson, Ken

Porter, Marjorie
Rowe, Robert
Smith, Gregory
Stepanek, Stephen
Twombly, Timothy
Zaricki, Nick

Proulx, Mark
Sanborn, Laurie
Smith, Timothy
Sullivan, Daniel
Ulery, Jordan

Rice, Kimberly
Seidel, Carl
Snow, Kendall
Sullivan, Victoria
Walsh, Robert

Rouillard, Claire
Simmons, Tammy
Soucy, Timothy
Takesian, Charlene
Wolf, Terry

MERRIMACK

Alicea, Caroletta
Doherty, David
French, Harold
Hill, Gregory
Karrick, David
Kuch, Bill
Martin, John
Parent, Jason
Schuett, Dianne
Wheeler, Deborah

Bartlett, Christy
Ebel, Karen
Gle, Mary
Hirsch, Geoffrey
Kenison, Linda
Long, Douglas
McGuire, Carol
Patten, Dick
Seaworth, Brian

Bradley, Paula
Frazer, June
Henle, Paul
Hoell, J.R.
Kidder, David
MacKay, James
McGuire, Dan
Rice, Chip
Turcotte, Alan

Carson, Clyde
French, Barbara
Hess, David
Hom, Werner
Kotowski, Frank
Marple, Richard
Myler, Mel
Saunderson, George
Walsh, Thomas

ROCK INGHAM

Abrami, Patrick
Barnes, Arthur
Cali-Pitts, Jacqueline
Christie, Andrew
Devine, James
Elliott, Robert
Gannon, William
Guthrie, Joseph
Hoelzel, Kathleen
Katsakiores, Phyllis
Major, Norman
McMahon, Charles
Oligny, Jeffrey
Peckham, Michele
Schroadter, Adam
Sytek, John
Tucker, Pamela
Welch, David

Abramson, Max
Bates, David
Cardon, G. Thomas
Cook, Allen
DiFranco, Debbie
Emerick, J. Tracy
Gordon, Richard
Harris, Jeffrey
Introne, Robert
Kolodziej, Walter
Matthews, Carolyn
Milz, David
Osborne, Jason
Potucek, John
Simpson, Alexis
Thomas, Douglas
Vose, Michael
Weyler, Kenneth

Allen, Mary
Belanger, Ronald
Chase, Francis
Dean-Bailey, Yvonne
Doucette, Fred
Francesse, Paula
Green, Dennis
Heffron, Frank
Itse, Daniel
Lovejoy, Patricia
McBeath, Rebecca
Nigrello, Robert
Packard, Sherman
Prudhomme-O'Brien, Katherine
Spillane, James
Tilton, Rio
Ward, Joanne
Woitkun, Steven

Azarian, Gary
Borden, David
Chirichello, Brian
DeSimone, Debra
Duarte, Joe
Friel, William
Griffin, Mary
Hodgdon, Bruce
Kappler, Lawrence
Lundgren, David
McKinney, Betsy
O'Connor, John
Pantelakos, Laura
Rice, Frederick
Sweeney, Joe
True, Chris
Webb, James

STRAFFORD

Baber, William
Bixby, Peter
DiSesa, Len
Groen, Warren
Kaen, Naida
Pitre, Joseph
Spang, Judith
Turcotte, Leonard

Beaudoin, Steven
Burton, Wayne
Gardner, Janice
Hannon, Joseph
Knowles, Robert
Rollo, Deanna
Sprague, Dale
Ward, Kenneth

Berube, Roger
Cheney, Catherine
Graham, Robert
Jones, Laura
Leeman, Don
Smith, Marjorie
Stevens, Audrey
Wuelper, Kurt

Bickford, David
DeLemus, Susan
Gray, James
Kaczynski, Jr., Thomas
Mullen, John
Southworth, Thomas
Treleaven, Susan

Cloutier, John
Laware, Thomas

Converse, Larry
Rollins, Skip

Gottling, Suzanne
Schmidt, Andrew

Grenier, James
Smith, Steven

NAYS - 49

CHESHIRE

Abbott, Michael
Shepardson, Marjorie

Ames, Richard
Tatro, Bruce

Bordenet, John
Weber, Lucy

Mann, John

GRAFTON

Cooney, Mary

Ford, Susan

Townsend, Charles

White, Andrew

HILLSBOROUGH

Ammon, Keith
Goley, Jeffrey
Judy, Jean
Pierce, David
Shaw, Barbara

Beaulieu, Jane
Guerette, C. Lee
Long, Patrick
Roberts, Carol
Vann, Ivy

Byron, Frank
Hansberry, Daniel
Manley, Jonathan
Rosenwald, Cindy
Williams, Kermit

Christiansen, Lars
Herbert, Christopher
McNamara, Richard
Shattuck, Gilman

MERRIMACK

Deloge, Helen
Rogers, Katherine

Luneau, David
Shurtleff, Stephen

Moffett, Howard
Wallner, Mary Jane

Ratzki, Mario

ROCK INGHAMBerrien, Skip
Gordon, PamelaCahill, Michael
Ward, Gerald

Cushing, Robert

Ferrante, Beverly

STRAFFORD

Cilley, Jacalyn

Horrigan, Timothy

Schmidt, Peter

Wall, Janet

SULLIVAN

Gagnon, Raymond

Irwin, Virginia

and the majority committee report was adopted.

HB 1433-FN, establishing the office of ombudsman in the department of state. **REFER FOR INTERIM STUDY.**

Rep. John Sytek for Executive Departments and Administration. This bill would establish an office of ombudsman which would assist citizens who allege criminal acts by members of state and local government. This was introduced as a result of allegations that such complaints have not always been acted on in the past. The committee felt that there was merit to this concept but was concerned that important details need further study. Principally, there were concerns that a two-person office could easily be overwhelmed and, to a lesser extent, the funding of this office. Vote 8-5.

Committee report adopted.

HB 1442-FN, relative to objections to proposed agency rules under the administrative procedure act. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Peter Schmidt for the Majority of Executive Departments and Administration. This bill seeks to add a new criterion as a basis for objection by the Joint Legislative Committee on Administrative Rules (JLCAR) to a proposed agency rule. Specifically, it would permit the committee to be "deemed to have a negative impact on businesses." While such an evaluation might be desirable in a perfect world, the committee recognized that it was too nebulous a concept to be workable and would likely lead mostly to endless wrangling. Vote 12-4.

Rep. J.R. Hoell for the Minority of Executive Departments and Administration. The minority of the committee wanted to make sure the current anti-business culture of the State of NH could be eliminated. The clause in RSA 541-A "determined not to be in the public interest," is insufficient to stop some of the over-reaching rules that impact businesses in an unfavorable way. The minority supports a "belt and suspenders" approach to making sure that small businesses have a chance to have their voices and concerns raised as various rules are adopted. The clause "Determined not to be in the public interest" has been used to stop some rules from being adopted and adding the option of "Deemed to have a negative impact upon businesses" could be used in the same way to make sure we have a thriving business culture.

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

On a division vote, with 222 members having voted in the affirmative and 140 in the negative, the majority committee report was adopted.

HB 1639-FN, relative to bonds for public employees. **INEXPEDIENT TO LEGISLATE.**

Rep. John Sytek for Executive Departments and Administration. This bill would permit any citizen injured by a bonded public servant of NH to have first-party recourse under that public servant's bond. That is, a citizen could collect directly from the bond if he or she felt injured by a public servant. Without considering the merits of the policy, there are several problems with the bill that make it unworkable and which would require extensive redrafting. For example, the bill does not specify any process procedure. How would such claims be investigated and verified? What agency would be responsible for evaluating such claims and for due process considerations? Without such an agency to provide safeguards, there could be a chaos of claims. A subcommittee heard from the Division of Administrative Services and from the Attorney General's office. They stated that bonds are issued by bonding companies to protect the state and do not contemplate claims from citizens. We heard that the provisions of this bill would be unique in the United States and no bonding company would countenance such an arrangement. Consequently as a practical matter, NH could not get bonds for its public servants under the circumstances contemplated by this bill. Finally, we heard that the State Board of Claims presently exists for just this purpose. For these reasons, the committee has recommended that the bill be found Inexpedient to Legislate. Vote 14-2.

Rep. Sytek spoke in favor.

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

YEAS 318 - NAYS 41**YEAS - 318****BELKNAP**Dumais, Russell
Fraser, Valerie
Russell, David
Varney, PeterFields, Dennis
Gallagher, Brian
Spanos, PeterFisher, Robert
Hurt, George
Tilton, FranklinFlanders, Donald
LeBreche, Shari
Vadney, Herbert

CARROLL

Buco, Thomas
Crawford, Karel
Parker, Harold

Butler, Edward
McCarthy, Frank
Schmidt, Stephen

Chandler, Gene
McConkey, Mark
Ticehurst, Susan

Cordelli, Glenn
Nelson, Bill
Umberger, Karen

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

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Fothergill, John
Rappaport, Laurence
Tholl, John

Froburg, Alethea
Richardson, Herbert
Thomas, Yvonne

Hatch, William
Rideout, Leon

Moynihan, Wayne
Theberge, Robert

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Gionet, Edmond
Hull, Robert
Piper, Wendy
Townsend, Charles

Almy, Susan
Cooney, Mary
Hennessey, Erin
Ladd, Rick
Shackett, Jeffrey
White, Andrew

Bennett, Travis
Darrow, Stephen
Hennessey, Martha
Maes, Kevin
Smith, Suzanne

Brown, Duane
Ford, Susan
Higgins, Patricia
Massimilla, Linda
Sykes, George

HILLSBOROUGH

Adams, Christopher
Baroody, Benjamin
Biggie, Barbara
Christensen, Chris
Cornell, Patricia
Edelblut, Frank
Freitas, Mary
Gorman, Mary
Haefner, Robert
Harvey, Suzanne
Hogan, Edith
Lachance, Joseph
Mangipudi, Latha
McCarthy, Peggy
Notter, Jeanine
Ohm, Bill
Pierce, David
Rosenwald, Cindy
Shattuck, Gilman
Snow, Kendall
Sweeney, Shawn
Vann, Ivy
Zaricki, Nick

Ammon, Keith
Barry, Richard
Boehm, Ralph
Christie, Rick
Cote, David
Edwards, Elizabeth
Gagne, Larry
Gould, Linda
Halstead, Carolyn
Heath, Mary
Jack, Martin
LeBrun, Donald
Marley, Jonathan
McNamara, Richard
O'Neil, William
Palmer, Barry
Porter, Marjorie
Rouillard, Claire
Simmons, Tammy
Soucy, Timothy
Takesian, Charlene
Walsh, Robert

Backus, Robert
Beaulieu, Jane
Brown, Pamela
Coffey, James
Danielson, David
Flanagan, Jack
Gargas, Carolyn
Griffin, Barbara
Hansberry, Daniel
Herbert, Christopher
Judy, Jean
Leishman, Peter
Marston, Dick
Moore, Josh
Ober, Lynne
Pellegrino, Anthony
Proulx, Mark
Rowe, Robert
Smith, Gregory
Sullivan, Daniel
Twombly, Timothy
Williams, Kermit

Balcom, John
Belanger, James
Byron, Frank
Cohen, Alan
DiSilvestro, Linda
Forest, Armand
Goley, Jeffrey
Guerette, C. Lee
Hansen, Peter
Hinch, Richard
Kurk, Neal
Long, Patrick
Martel, Andre
Murotake, David
Ober, Russell
Peterson, Ken
Roberts, Carol
Seidel, Carl
Smith, Timothy
Sullivan, Victoria
Ulery, Jordan
Wolf, Terry

MERRIMACK

Alicea, Caroletta
Deloge, Helen
French, Barbara
Hill, Gregory
Kenison, Linda
Long, Douglas
McGuire, Carol
Parent, Jason
Rogers, Katherine
Shurtleff, Stephen
Wheeler, Deborah

Bartlett, Christy
Doherty, David
Gile, Mary
Hirsch, Geoffrey
Kidder, David
Luneau, David
McGuire, Dan
Patten, Dick
Saunderson, George
Turcotte, Alan

Bradley, Paula
Ebel, Karen
Henle, Paul
Horn, Werner
Kotowski, Frank
MacKay, James
Moffett, Howard
Ratzki, Mario
Schuett, Dianne
Wallner, Mary Jane

Carson, Clyde
Frazer, June
Hess, David
Karrick, David
Kuch, Bill
Martin, John
Myler, Mel
Rice, Chip
Seaworth, Brian
Walsh, Thomas

ROCK INGHAM

Abrami, Patrick
Bates, David
Bush, Carol
Chase, Francis
Dean-Bailey, Yvonne
Doucette, Fred

Allen, Mary
Belanger, Ronald
Cahill, Michael
Chirichiello, Brian
DeSimone, Debra
Duarte, Joe

Azarian, Gary
Berrien, Skip
Cali-Pitts, Jacqueline
Christie, Andrew
Devine, James
Elliott, Robert

Barnes, Arthur
Borden, David
Cardon, G. Thomas
Cushing, Robert
DiFranco, Debbie
Emerick, J. Tracy

Ferrante, Beverly
Gordon, Pamela
Guthrie, Joseph
Introne, Robert
Lovejoy, Patricia
McBeath, Rebecca
Nigrello, Robert
Pantelakos, Laura
Schroadter, Adam
Sytek, John
Vose, Michael
Welch, David

Francesse, Paula
Gordon, Richard
Heffron, Frank
Kappler, Lawrence
Lundgren, David
McKinney, Betsy
O'Connor, John
Peckham, Michele
Simpson, Alexis
Thomas, Douglas
Ward, Gerald
Weyler, Kenneth

Friel, William
Green, Dennis
Hodgdon, Bruce
Katsakiores, Phyllis
Major, Norman
McMahon, Charles
Oligny, Jeffrey
Potucek, John
Spillane, James
Tilton, Rio
Ward, Joanne
Woitkun, Steven

Gannon, William
Griffin, Mary
Hoelzel, Kathleen
Kolodziej, Walter
Matthews, Carolyn
Milz, David
Packard, Sheman
Rice, Frederick
Sweeney, Joe
True, Chris
Webb, James

STRAFFORD

Baber, William
Bixby, Peter
DiSesa, Len
Horrigan, Timothy
Leeman, Don
Smith, Marjorie
Stevens, Audrey
Ward, Kenneth

Beaudoin, Steven
Burton, Wayne
Gardner, Janice
Jones, Laura
Pitre, Joseph
Southworth, Thomas
Treleaven, Susan

Berube, Roger
Cheney, Catherine
Gray, James
Kaen, Naida
Rollo, Deanna
Spang, Judith
Turcotte, Leonard

Bickford, David
Cilley, Jacalyn
Hannon, Joseph
Knowles, Robert
Schmidt, Peter
Sprague, Dale
Wall, Janet

SULLIVAN

Cloutier, John
Grenier, James
Schmidt, Andrew

Converse, Larry
Irwin, Virginia
Smith, Steven

Gagnon, Raymond
Laware, Thomas

Gottling, Suzanne
Rollins, Skip

NAYS - 41

BELK NAP

Aldrich, Glen

Howard, Jr., Raymond

Sylvia, Michael

CARROLL

Avellani, Lino

Comeau, Ed

Wright, Ted

CHESHIRE

McConnell, James

GRAFTON

Bailey, Brad

Ingbretson, Paul

Johnson, Eric

HILLSBOROUGH

Burt, John
Estevez, Eric
McClarren, Donald
Parison, James

Christiansen, Lars
Ferreira, Elizabeth
McLean, Mark
Sanborn, Laurie

Donovan, Daniel
Fromuth, Bart
Murphy, Keith
Stepanek, Stephen

Eastman, Eric
Gidge, Kenneth
O'Brien, William

MERRIMACK

Brewster, Michael

French, Harold

Hoell, J.R.

Marple, Richard

ROCK INGHAM

Abramson, Max
Osborne, Jason

Cook, Allen
Tucker, Pamela

Harris, Jeffrey

Itse, Daniel

STRAFFORD

DeLemus, Susan
Mullen, John

Graham, Robert
Wuelper, Kurt

Groen, Warren

Kaczynski, Jr., Thomas

and the committee report was adopted.

HB 1640-FN, relative to the expiration of administrative rules. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jacalyn Cilley for the Majority of Executive Departments and Administration. This bill seeks to change the expiration of agency rules from the current 10 years to 2 years. Several members of the ED&A Committee are currently, or have been, members of the Joint Legislative Committee on Administrative Rules (JLCAR) and are very familiar with the current process of rules promulgation. This involves a time line for crafting rules, public hearings and the review of proposed rules by JLCAR. The committee determined that an abbreviated time frame would be logistically impractical and would pose an undue burden on the agency, JLCAR and the relevant policy committees. Vote 11-2.

Rep. J.R. Hoell for the Minority of Executive Departments and Administration. This bill attempted to establish a 2 year sunset clause on administrative rules unless the rule was reviewed and approved by the legislative

committee with jurisdiction over the subject matter. Concerns were expressed that this would increase the work load on the current committee members. In that rules do have the force of law and these rule changes have a huge impact on individuals and businesses, there was real concern that the current system lacks the necessary checks and balances needed with just the Joint Legislative Committee on Administrative Rules (JLCAR) serving as the gate keeper. The policy change would allow immediate reaction by those affected by the rule changes to have a means to address the untended consequences of rules with the elected members of the House. A suggestion was made during the executive session to include the "Notices of Proposed Rules" section of the NH Rulemaking Register to the House Calendar as the agenda of the JLCAR meeting. Given the force of law that the rules carry, publishing this additional agenda information in the calendar would give greater exposure to the legislators and the public what is proposed at the next JLCAR meeting. Majority committee report adopted.

HB 1658-FN, establishing one-stop business permitting. **REFER FOR INTERIM STUDY.**

Rep. J.R. Hoell for Executive Departments and Administration. The bill set out to make it much easier for businesses to move or to expand in NH. While there are business development organizations within various political subdivisions, there is a need that has not been met. The chambers of commerce are doing some of this work, and the Department of Resources and Economic Development has been working on collaborating with the prospective businesses. There is no "one-stop" place for businesses to go to. Vote 11-3. Committee report adopted.

UNANIMOUS CONSENT

Rep. Leeman requested Unanimous Consent of the House regarding an apology and addressed the House.

REGULAR CALENDAR CONT'D

HB 242, relative to the statewide improvement and assessment program. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Weyler for the Majority of Finance. It has been the policy of this legislature that basic skills must have been achieved by the third grade. Thus we have added money to differentiated aid to assure that students, who have not reached a certain level of proficiency in reading by the third grade, are given extra help in reading skills. This bill adds mathematics to that third grade testing, so that those students who are behind in the minimum acceptable level for math skills can be identified as well. There is no appropriation for this new program. We must discover the extent of the problem before we can talk about funding. The committee supports the policy. Vote 13-12.

Rep. Susan Ford for the Minority of Finance. The minority supports the policy of all third graders demonstrating grade level proficiency in reading and mathematics. This bill requires the Department of Education (DOE) to develop a test to determine if pupils are at grade level in reading and mathematics as part of a statewide assessment program. Since this test has been developed and the DOE monitors student performance, the minority believes that HB 242 is superfluous.

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

On a division vote, with 215 members having voted in the affirmative and 142 in the negative, the majority committee report was adopted and ordered to third reading.

HB 1428-FN-A-L, making appropriations to the department of environmental services for the purpose of funding eligible and completed drinking water and wastewater projects under the state aid grant program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Danielson for Finance. This bill as amended directs funding to eligible and completed wastewater projects under the State Aid Grant Program. It establishes a Clean Water State Revolving Fund (CWSRF) non-program account to fund years one and two of eligible and completed wastewater programs in Exeter, Rochester, Portsmouth, Hanover and Littleton. The account is funded in the amount of \$825,933 from surplus funds available in the CWSRF under RSA 486:14, I(b). There is no impact on the general fund. Vote 25-0.

Amendment (0632h)

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

AN ACT establishing the clean water state revolving fund non-program fund account in the department of environmental services for the purpose of funding eligible and completed wastewater projects under the state aid grant program.

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

1 Department of Environmental Services; Clean Water State Revolving Fund; Non-Program Fund Account. There is hereby established a special nonlapsing account within the department of environmental services known as the clean water state revolving (CWSRF) non-program fund account for the purpose of funding years one and 2 of the payments for the eligible and completed wastewater projects under the state aid grant program in section 2 of this act. Such fund shall be maintained separately and shall not be accounted for in the state's

accounting system as general revenue of the state. The account shall be funded in the amount of \$825,933 from the surplus funds available in the clean water state revolving loan management account under RSA 486:14, I(b). The department of environmental services shall file an updated Clean Water State Revolving Loan Fund Intended Use Plan with the U.S. Environmental Protection Agency. Following approval of the plan, the department of environmental services shall commence payments on the tier 2 delayed and deferred projects in section 2 of this act by September 16, 2016 or 45 days after plan approval, whichever is later.

2 Department of Environmental Services. Tier 2 Delayed and Deferred Projects. Funding Authorized.

		<u>FY 2017</u>
Exeter	130-10 Langdon Ave PS Improvements	\$31,687
Rochester	122-11 WWTP Headworks Upgrade	\$63,346
Portsmouth	106-13 Bartlett Area Sewer Improvements	\$168,944
Portsmouth	106-14 Lincoln Area Sewer Separation - Contract 3A	\$196,936
Hanover	197-04 Water Reclamation Facility Improvements	\$284,051
Littleton	D2004-0416 Bishop Street Sanitary Sewer Infrastructure	\$20,386
Littleton	D2004-0717 Bronson Street Sanitary Sewer Improvements	\$26,345
Littleton	02008-0807 Grove Street & S. Grove Street Sanitary Sewer Replacement	\$34,238
Total Tier 2 Delayed and Deferred Projects		\$825,933

3 Repeal. Clean Water State Revolving Fund, Non-program Fund Account. The CWSRF non-program fund account established in section 1 of this act shall be repealed on the date the commissioner of the department of environmental services certifies to the director of legislative services and the secretary of state that payments on the projects listed in section 2 of this act have been made in full.

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

2016-0632h

AMENDED ANALYSIS

This bill establishes the CWSRF non-program fund account in the department of environmental services for the purpose of funding eligible and completed wastewater projects under the state aid grant program. Committee amendment adopted.

Committee report adopted and ordered to third reading.

The House recessed at 11:58 a.m.

RECESS

The House reconvened at 1:00 p.m.

(Speaker Jasper in the Chair)

REGULAR CALENDAR CONT'D

HB 1475-FN-A, establishing a death benefit for a school employee killed in the line of duty. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Joseph Pitre for the Majority of Finance. This bill provides a benefit of \$100,000 from the state for a school employee who while at work dies a violent death caused by another. This is a benefit that could be negotiated under collective bargaining agreements which are best handled by school district boards. In addition, there is already a death benefit for any school employee covered by the New Hampshire Retirement System, making this additional death benefit redundant. Finally, other state and municipal employees run similar risks as school employees but are not included. Consequently, the committee believes the bill is both unnecessary and unfair. Vote 14-11.

Rep. Katherine Rogers for the Minority of Finance. Since 2013, there have been over 160 school shootings across the country, averaging one violent criminal situation resulting in one death a week. FBI statistics increasingly show education environments are among the top two settings for mass violence. Most New Hampshire school districts have some sort of "lockdown" or "shelter in place" procedures and will do at least two "lockdown" drills a year using emergency plans developed in conjunction with police and fire input. Our state statutes require every public and non public school to develop a site-specific emergency response plan in conformance to the incident command system and the national incident management system - these plans direct the Director of Homeland Security to assist school districts in conducting training for and providing support in the development, implementation and review of any emergency response plans to violent attacks. It is abundantly clear that our school employees now act as first responders when our schools come under attack. This legislature passed "Michael's law" after the murder of Officer Michael Briggs in 2006 which provided a death benefit of \$100,000 to the family of any police officer or firefighter killed in the line of duty. Like police and fire fighters, educators often find themselves on the front line of violent situations, often putting themselves between the assailant and their students. HB 1475 as amended establishes a death benefit for a school employee killed in the line of duty as a result of violence, and it provides for the Commissioner of Education, after consideration and in conjunction with a recommendation of the local school superintendent, to make a determination that the decedent qualifies for the death benefit.

The question being adoption of the majority committee report of Inexpedient to Legislate.
 Reps. Ford and Eaton spoke against and yielded to questions.
 Reps. Weyler and Umberger spoke in favor.
 Rep. Rogers spoke against and requested a roll call; sufficiently seconded.

YEAS 195 - NAYS 160**YEAS - 195****BELKNAP**

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

Fields, Dennis
 Gallagher, Brian
 Russell, David
 Vadney, Herbert

Fisher, Robert
 Howard, Jr., Raymond
 Spanos, Peter
 Varney, Peter

Flanders, Donald
 Hurt, George
 Sylvia, Michael

CARROLL

Avellani, Lino
 McCarthy, Frank
 Umberger, Karen

Chandler, Gene
 McConkey, Mark
 Wright, Ted

Comeau, Ed
 Schmidt, Stephen

Cordelli, Glenn
 Ticehurst, Susan

CHESHIRE

Hunt, John

Roberts, Kris

Sterling, Franklin

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

Tholl, John

GRAFTON

Brown, Duane
 Ingbretson, Paul
 Shackett, Jeffrey

Brown, Rebecca
 Johnson, Eric

Gionet, Edmond
 Ladd, Rick

Hull, Robert
 Piper, Wendy

HILLSBOROUGH

Adams, Christopher
 Belanger, James
 Byron, Frank
 Danielson, David
 Ferreira, Elizabeth
 Gagne, Larry
 Griffin, Barbara
 Hinch, Richard
 LeBrun, Donald
 Moore, Josh
 O'Brien, William
 Palmer, Barry
 Pierce, David
 Sanborn, Laurie
 Stepanek, Stephen
 Wolf, Terry

Ammon, Keith
 Biggie, Barbara
 Christensen, Chris
 Eastman, Eric
 Flanagan, Jack
 Gargas, Carolyn
 Haefner, Robert
 Hogan, Edith
 Marston, Dick
 Murotake, David
 Ober, Lynne
 Parison, James
 Rice, Kimberly
 Schleien, Eric
 Sullivan, Victoria
 Zaricki, Nick

Balcom, John
 Boehm, Ralph
 Christie, Rick
 Edelblut, Frank
 Forest, Armand
 Gonzalez, Carlos
 Halstead, Carolyn
 Hopper, Gary
 McClarren, Donald
 Murphy, Keith
 Ober, Russell
 Pellegrino, Anthony
 Rouillard, Claire
 Seidel, Carl
 Takesian, Charlene

Barry, Richard
 Burt, John
 Coffey, James
 Estevez, Eric
 Fromuth, Bart
 Gould, Linda
 Hansen, Peter
 Kurk, Neal
 McLean, Mark
 Notter, Jeanine
 Ohm, Bill
 Peterson, Ken
 Rowe, Robert
 Simmons, Tammy
 Ulery, Jordan

MERRIMACK

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

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

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

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

ROCKINGHAM

Abrami, Patrick
 Bush, Carol
 DeSimone, Debra
 Ferrante, Beverly
 Green, Dennis
 Hodgdon, Bruce
 Kappler, Lawrence
 Major, Norman
 Milz, David
 Osborne, Jason
 Prudhomme-O'Brien, Katherine
 Sweeney, Joe
 Tucker, Pamela
 Welch, David

Allen, Mary
 Chase, Francis
 Devine, James
 Friel, William
 Griffin, Mary
 Hoelzel, Kathleen
 Katsakiores, Phyllis
 Matthews, Carolyn
 Nigrello, Robert
 Packard, Sherman
 Rice, Frederick
 Sytek, John
 Vose, Michael
 Weyler, Kenneth

Baldasaro, Alfred
 Cook, Allen
 Duarte, Joe
 Gannon, William
 Guthrie, Joseph
 Introne, Robert
 Kolodziej, Walter
 McKinney, Betsy
 O'Connor, John
 Peckham, Michele
 Schroedter, Adam
 Thomas, Douglas
 Ward, Joanne

Bates, David
 Dean-Bailey, Yvonne
 Emerick, J. Tracy
 Gordon, Richard
 Harris, Jeffrey
 Itse, Daniel
 Lundgren, David
 McMahon, Charles
 Oligny, Jeffrey
 Potucek, John
 Spillane, James
 True, Chris
 Webb, James

STRAFFORD

Beaudoin, Steven
Graham, Robert
Jones, Laura
Mullen, John

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

DeLemus, Susan
Groen, Warren
Knowles, Robert
Turcotte, Leonard

Gardner, Janice
Hannon, Joseph
Leeman, Don
Wuelper, Kurt

SULLIVAN

Rollins, Skip

Schmidt, Andrew

Smith, Steven

NAYS - 160**BELKNAP**

Dumais, Russell

CARROLL

Buco, Thomas
Parker, Harold

Butler, Edward

Crawford, Karel

Nelson, Bill

CHESHIRE

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

Ames, Richard
Eaton, Daniel
McConnell, James
Sad, Tara
Weber, Lucy

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

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

COOS

Fothergill, John
Theberge, Robert

Froburg, Alethea
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

GRAFTON

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

Almy, Susan
Ford, Susan
Maes, Kevin
Townsend, Charles

Bennett, Travis
Hennessey, Erin
Massimilla, Linda
White, Andrew

Cooney, Mary
Hennessey, Martha
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Cohen, Alan
Donovan, Daniel
Gorman, Mary
Heath, Mary
Leishman, Peter
McCarthy, Peggy
Proulx, Mark
Shaw, Barbara
Soucy, Timothy
Walsh, Robert

Beaulieu, Jane
Cornell, Patricia
Freitas, Mary
Guerette, C. Lee
Herbert, Christopher
Long, Patrick
McNamara, Richard
Roberts, Carol
Smith, Gregory
Sullivan, Daniel
Williams, Kermit

Brown, Pamela
Cote, David
Gidge, Kenneth
Hansberry, Daniel
Jack, Martin
Mangipudi, Latha
O'Neil, William
Rosenwald, Cindy
Smith, Timothy
Twombly, Timothy

Christiansen, Lars
DiSilvestro, Linda
Goley, Jeffrey
Harvey, Suzanne
Lachance, Joseph
Manley, Jonathan
Porter, Marjorie
Shattuck, Gilman
Snow, Kendall
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Doherty, David
Henle, Paul
Luneau, David
Patten, Dick
Saunderson, George
Wallner, Mary Jane

Bartlett, Christy
Ebel, Karen
Hirsch, Geoffrey
MacKay, James
Ratzki, Mario
Schuett, Dianne
Wheeler, Deborah

Bradley, Paula
Frazer, June
Karrick, David
Moffett, Howard
Rice, Chip
Shurtleff, Stephen

Carson, Clyde
Gile, Mary
Kenison, Linda
Myler, Mel
Rogers, Katherine
Turcotte, Alan

ROCKINGHAM

Abramson, Max
Borden, David
Cushing, Robert
Francese, Paula
McBeath, Rebecca
Ward, Gerald

Azarian, Gary
Cahill, Michael
DiFranco, Debbie
Gordon, Pamela
Pantelakos, Laura
Woitkun, Steven

Barnes, Arthur
Cali-Pitts, Jacqueline
Doucette, Fred
Heffron, Frank
Simpson, Alexis

Berrien, Skip
Cardon, G. Thomas
Elliott, Robert
Lovejoy, Patricia
Tilton, Rio

STRAFFORD

Baber, William
Cheney, Catherine
Kaen, Naida
Southworth, Thomas
Wall, Janet

Berube, Roger
Cilley, Jacalyn
Rollo, Deanna
Spang, Judith
Ward, Kenneth

Bixby, Peter
DiSesa, Len
Schmidt, Peter
Sprague, Dale

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

SULLIVAN

Cloutier, John
Grenier, James

Converse, Larry
Irwin, Virginia

Gagnon, Raymond
Laware, Thomas

Gottling, Suzanne

and the majority committee report was adopted.

Rep. Barbara French voted Yea and intended to vote Nay.

HB 1591-FN-A, relative to the health care premium contribution for retired state employees who are over 65 years of age, relative to funding of retiree health benefits, and making an appropriation to the department of administrative services. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Lynne Ober for the Majority of Finance. This bill, as amended, provides additional tools for the Risk Management Division of the Department of Administrative Services (DAS). When the budget was presented by the Governor, the retiree health line was underfunded by \$5.5 million. Then the federal government cut the stipend sent to us for payment of prescription drug coverage for those on Medicare by \$1 million. This stipend comes to the state because state employees do not use a Medicare Part D Plan for prescriptions. Between the time the budget was developed and the fall, prescription usage by retirees had grown so much that an additional \$4 million had been used. This left a \$10.6 million budget hole that DAS and the Fiscal Committee worked to close by amending the plan, changing co-pays and using surplus funds in the account. This bill allows the department to look at other options. One provision will continue the partial premium currently in law for retirees and spouses who turn 65 on or after July 1, 2016. This partial premium will only be paid on the portion of insurance coverage for prescriptions and supplemental coverage to Medicare, so the overall retiree cost will go down once a retiree or spouse becomes 65. Starting January 1, 2017, the agency may propose to change these rates subject to approval as allowed by state law using the approval process already established in law. Another provision allows the department to review the program and suggest needed changes in order to keep the program solvent throughout the biennium and to ensure that the state is not asked to pay the Affordable Care Act Cadillac tax, should that take effect. Finally, provision is made for a consultant to prepare a new long-term plan to fund state retiree health benefits. The \$300,000 cost will come from the risk management fund surplus. Vote 17-8.

Rep. Robert Walsh for the Minority of Finance. This bill seeks to require partial payments of health care costs from some state retirees. Our committee was informed that the health care costs will exceed funds available for such payments in the final month of the current fiscal period. The minority members on this bill are concerned about this shortfall but feel that there are many more sources from which to cover this shortfall than state retirees who are living on reduced and fixed income.

Majority Amendment (0889h)

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

AN ACT relative to the health care premium contribution for retired state employees who are eligible for Medicare Parts A and B due to age or disability, relative to funding of retiree health benefits, and making an appropriation to the department of administrative services.

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

1 Department of Administrative Services; State Employees Group Insurance; Retiree Medical Benefits. Amend RSA 21-I:30, II to read as follows:

II.(a) The state shall pay a *partial* premium for each Medicare-eligible retired employee, as defined in paragraphs VI and VII of this section, and his or her spouse for their lifetimes, toward group hospitalization, hospital medical care, surgical care and other medical benefits plan or a self-funded alternative within the limits of the funds appropriated at each legislative session and providing any change in plan is approved by the fiscal committee of the general court prior to its adoption.

(b) A retired employee and/or spouse receiving medical and surgical benefits provided under this section who becomes eligible for Medicare Parts A and B due to age or disability on or after July 1, 2016, shall continue payment of the percentage of premium contribution determined under paragraph XIII.

(c) Retired employees who are eligible for Medicare may voluntarily cease participation in plan benefits at any time and may reenroll without restriction.

2 Department of Administrative Services; State Employees Group Insurance; Retiree Medical Benefits; Premium Contribution. Amend RSA 21-I:30, XIII to read as follows:

XIII.(a) The commissioner of administrative services shall invoice and collect from retired state employees and/or each applicable spouse ~~[who are not Medicare-eligible and]~~ receiving medical and surgical benefits provided under this section, who do not receive a retirement allowance as defined in RSA 100-A:1, XXII, [a] **the premium contribution amount for either Medicare-eligible or non-Medicare-eligible retiree health benefit plans** based on a percentage of the total monthly premium attributable to the applicable retiree and/or spouse, as determined by the commissioner of administrative services, with prior approval by the fiscal

committee of the general court [~~provided the percentage is not lower than 12.5 percent~~]. ***Beginning January 1 2017, the commissioner of administrative services shall determine, with prior approval by the fiscal committee of the general court, a premium contribution amount for Medicare-eligible retiree health benefit plans and a premium contribution amount for non-Medicare-eligible retiree health benefit plans.***

(b) Retired state employees and/or spouses under subparagraph (a) who become eligible for Medicare Parts A and B due to age or disability on or after July 1, 2016, shall continue payment of the premium contribution amount based on a percentage of the total monthly premium attributable to the applicable retiree and/or spouse, as approved by the fiscal committee of the general court under subparagraph (a). The commissioner of administrative service is authorized to invoice and collect such contribution amounts.

(c) The commissioner of administrative services is also authorized to invoice and collect from such other participants contribution amounts as specified by law.

(d) Collected amounts shall be deposited in the employee and retiree benefit risk management fund. Failure to remit payment of the contribution amount in full within 30 days of billing shall be grounds for terminating benefits, effective from the beginning of the billing period. Reenrollment shall be dependent upon payment of any outstanding contribution or other amounts within 6 months of the termination date. If a participant fails to remit payment in full for participation within 30 days of billing, on the 30th day the participant shall be notified by certified mail, return receipt requested, that he or she shall remit payment to the department within 10 business days of receiving the letter or his or her benefits shall be terminated effective upon the 10th business day after receipt of the letter and that reenrollment shall be dependent upon payment of any outstanding contribution or other amount within 6 months of the termination date.

3 New Hampshire Retirement System; Deductions; Retiree Medical Benefits. Amend RSA 100-A:54, III to read as follows:

III.(a) The retirement system shall deduct from the monthly retirement allowance of retired state employees and/or each applicable spouse [~~who are not Medicare-eligible and~~] receiving medical and surgical benefits provided pursuant to RSA 21-I:30, [a] ***the premium contribution amount for either Medicare-eligible or non-Medicare-eligible retiree health benefit plans*** based on a percentage of the total monthly premium attributable to the applicable retiree and/or spouse, as determined by the commissioner of administrative services with prior approval by the fiscal committee of the general court [~~provided the percentage is not lower than 12.5 percent~~] ***under RSA 21-I:30, XIII.***

(b) The retirement system shall continue to deduct from the monthly retirement allowance of a retired state employee and/or spouse receiving medical and surgical benefits provided pursuant to RSA 21-I:30, who become eligible for Medicare Parts A and B due to age or disability on or after July 1, 2016 the premium contribution amount based on a percentage of the total monthly premium attributable to the applicable retiree and/or spouse as approved by the fiscal committee of the general court under RSA 21-I:30, XIII.

(c) The department of administrative services shall provide information as to the total monthly premium cost for each participant to the retirement system for purposes of calculating this deduction. Deducted amounts, which shall be in addition to and notwithstanding any amounts payable by the retirement system pursuant to RSA 100-A:52, RSA 100-A:52-a, and RSA 100-A:52-b, shall be deposited in the employee and retiree benefit risk management fund. In the event the retiree's monthly allowance is insufficient to cover the certified contribution amount, the retirement system shall so notify the department of administrative services, which shall invoice and collect from the retiree and/or each applicable spouse the remaining contribution amount. Failure to remit payment of the contribution amount in full within 30 days of billing shall be grounds for terminating benefits, effective from the beginning of the billing period. Reenrollment shall be dependent upon payment of any outstanding contribution or other amounts within 6 months of the termination date. The department of administrative services shall provide notice of the termination of benefits as provided in RSA 21-I:30, XIII.

4 Judicial Retirement Plan; Deductions; Retiree Health Insurance. Amend RSA 100-C:11-a to read as follows: 100-C:11-a Retiree and Spouse Health Insurance Premium Contribution.

I. Retired judges and their applicable spouses [~~who are not Medicare-eligible and~~] receiving medical and surgical benefits shall be responsible for payment of [a] ***the premium contribution amount for either Medicare-eligible or non-Medicare-eligible retiree health benefit plans*** based on a percentage of the total monthly premium attributable to the applicable retiree and/or spouse, as determined by the commissioner of administrative services, with prior approval by the fiscal committee of the general court [~~provided the percentage is not lower than 12.5 percent~~] ***under RSA 21-I:30, XIII.***

II. Retired judges and/or spouses receiving medical and surgical benefits under RSA 21-I:30 who become eligible for Medicare Parts A and B due to age or disability on or after July 1, 2016 shall continue to be responsible for payment of the premium contribution amount based on a percentage of the total monthly premium attributable to the applicable retiree and/or spouse as approved by the fiscal committee of the general court under RSA 21-I:30, XIII.

III. The department of administrative services shall provide information as to the total monthly premium cost for each participant to the judicial retirement plan for purposes of calculating this deduction. The judicial retirement plan shall deduct the payment required under this section from the retiree's monthly retirement allowance. Deducted amounts shall be remitted to the administrative office of the courts within 14 days along with a statement identifying from whom the deduction was made, and shall be used to pay for plan retiree and spouse health care expenses and any administrative costs related thereto.

5 Appropriation; Department of Administrative Services; Risk Management; Overtime. In addition to any other sums appropriated, the sum of \$20,000 for the biennium ending June 30, 2017 is hereby appropriated to the department of administrative service for the purpose of overtime charged to the risk management accounting unit, class 18. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

6 Health Care Consultant Contract; Benefit Plan; Appropriation.

I. The commissioner of administrative services is hereby authorized to contract with a health care consultant for the purpose of a long-term design for funding state retiree health benefits and to provide training for state retirees on the benefit plan and its funding. The total amount expended by the department of administrative services for the health care consultant contract, benefit plan design, and training shall not exceed \$300,000.

II. The sum of up to \$300,000 for the biennium ending June 30, 2017 is hereby appropriated to the commissioner of the department of administrative services for the purpose of payment for the cost of the contract with the health care consultant under paragraph I. The source of funds for the appropriation shall be the employee and retiree benefit risk management fund under RSA 21-I:30-e.

7 New Paragraph; Legislative Budget Assistant; Fiscal Committee; Retiree Health Advisory Council. Amend RSA 14:30-a by inserting after paragraph VI the following new paragraph:

VII. The committee shall establish a retiree health advisory council as a subcommittee to the committee. The advisory council shall convene public meetings as needed to review options under consideration for changes to the retiree health plan if additional changes are needed after the new retiree health benefits plan is established. The advisory council shall also receive testimony from retirees and other interested members of the public.

8 Repeals; January 1, 2017. The following are repealed:

I. RSA 21-I:30, II(b), relative to continuation of premium contribution amounts for certain retired state employees and spouses who become Medicare eligible.

II. RSA 21-I:30, XIII(b), relative to continuation of premium contribution amounts for certain retired state employees and spouses not receiving a retirement allowance who become Medicare eligible.

III. RSA 100-A:54, III(b), relative to continuation of premium contribution amounts for certain retired state employees and spouses receiving a retirement allowance who become Medicare eligible.

IV. RSA 100-C:11-a, II, relative to continuation of premium contribution amounts for certain retired judges and spouses who become Medicare eligible.

9 Effective Date.

I. Section 8 of this act shall take effect January 1, 2017.

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

2016-0889h

AMENDED ANALYSIS

This bill requires premium contribution amounts for retiree health benefits for retired state employees who are Medicare eligible. The bill continues the premium contributions for retired persons receiving medical and surgical benefits who become Medicare eligible on or after July 1, 2016 until separate rates are approved effective January 1, 2017. The bill also makes an appropriation to the department of administrative services for a health care consultant to design a long-term retiree health care funding plan.

On a division vote, with 189 members having voted in the affirmative, and 160 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. Robert Walsh spoke against.

Rep. Lynne Ober spoke in favor and yielded to questions.

Rep. Wallner requested a roll call; sufficiently seconded.

YEAS 194 - NAYS 162

YEAS - 194

BELk NAP

Aldrich, Glen
Flanders, Donald
Hurt, George
Sylvia, Michael

Dumais, Russell
Fraser, Valerie
LeBreche, Shari
Tilton, Franklin

Fields, Dennis
Gallagher, Brian
Russell, David
Vadney, Herbert

Fisher, Robert
Howard, Jr., Raymond
Spanos, Peter
Varney, 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

Hunt, John

McConnell, James

Roberts, Kris

Sterling, Franklin

COOS

Fothergill, John

Rappaport, Laurence

Rideout, Leon

GRAFTON

Brown, Duane
Ingbretson, Paul

Gionet, Edmond
Johnson, Eric

Hennessey, Erin
Piper, Wendy

Hull, Robert

HILLSBOROUGH

Adams, Christopher
Belanger, James
Byron, Frank
Danielson, David
Ferreira, Elizabeth
Gargas, Carolyn
Halstead, Carolyn
Kurk, Neal
Marston, Dick
Murotake, David
Ober, Lynne
Parison, James
Rice, Kimberly
Seidel, Carl
Stepanek, Stephen
Ulery, Jordan

Ammon, Keith
Biggie, Barbara
Christensen, Chris
Eastman, Eric
Flanagan, Jack
Gould, Linda
Hansen, Peter
Lachance, Joseph
McClarren, Donald
Murphy, Keith
Ober, Russell
Pellegrino, Anthony
Rouillard, Claire
Silva, Peter
Sullivan, Victoria
Wolf, Terry

Balcom, John
Boehm, Ralph
Christie, Rick
Edelblut, Frank
Fromuth, Bart
Griffin, Barbara
Hinch, Richard
LeBrun, Donald
McLean, Mark
Notter, Jeanine
Ohm, Bill
Peterson, Ken
Rowe, Robert
Simmons, Tammy
Takesian, Charlene
Zaricki, Nick

Barry, Richard
Burt, John
Coffey, James
Estevez, Eric
Gagne, Larry
Haefner, Robert
Hogan, Edith
Leishman, Peter
Moore, Josh
O'Brien, William
Palmer, Barry
Pierce, David
Schleien, Eric
Smith, Gregory
Twombly, Timothy

MERRIMACK

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

Hess, David
Kidder, David
Marple, Richard
Parent, Jason

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

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

ROCK INGHAM

Abrami, Patrick
Baldasaro, Alfred
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Griffin, Mary
Hoelzel, Kathleen
Katsakiores, Phyllis
Matthews, Carolyn
Nigrello, Robert
Packard, Sherman
Rice, Frederick
Thomas, Douglas
Vose, Michael

Abramson, Max
Bates, David
Cook, Allen
Duarte, Joe
Friel, William
Guthrie, Joseph
Introne, Robert
Kolodziej, Walter
McKinney, Betsy
O'Connor, John
Peckham, Michele
Spillane, James
Tilton, Rio
Webb, James

Allen, Mary
Cardon, G. Thomas
Dean-Bailey, Yvonne
Elliott, Robert
Gannon, William
Harris, Jeffrey
Itse, Daniel
Lundgren, David
McMahon, Charles
Oligny, Jeffrey
Potucek, John
Sweeney, Joe
True, Chris
Welch, David

Azarian, Gary
Chase, Francis
DeSimone, Debra
Emerick, J. Tracy
Gordon, Richard
Hodgdon, Bruce
Kappler, Lawrence
Major, Norman
Milz, David
Osborne, Jason
Prudhomme-O'Brien, Katherine
Sytek, John
Tucker, Pamela
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Graham, Robert
Jones, Laura
Mullen, John

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

Cheney, Catherine
Groen, Warren
Knowles, Robert
Turcotte, Leonard

DeLemus, Susan
Hannon, Joseph
Leeman, Don
Wuelper, Kurt

SULLIVAN

Schmidt, Andrew

Smith, Steven

NAYS - 162**CARROLL**

Butler, Edward

Crawford, Karel

Nelson, Bill

Ticehurst, Susan

CHESHIRE

Abbott, Michael
Chase, Cynthia

Ames, Richard
Eaton, Daniel

Berch, Paul
Johnsen, Gladys

Bordenet, John
Ley, Douglas

Mann, John
Sad, Tara
Weber, Lucy

Pearson, William
Shepardson, Marjorie

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GRAFTON

Abel, Richard
Cooney, Mary
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Smith, Suzanne

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Ford, Susan
Maes, Kevin
Sykes, George

Brown, Rebecca
Hennessey, Martha
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Backus, Robert
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DiSilvestro, Linda
Freitas, Mary
Gorman, Mary
Heath, Mary
Long, Patrick
McNamara, Richard
Roberts, Carol
Shaw, Barbara
Sullivan, Daniel

Baroody, Benjamin
Cohen, Alan
Donovan, Daniel
Gidge, Kenneth
Guerette, C. Lee
Herbert, Christopher
Mangipudi, Latha
O'Neil, William
Rosenwald, Cindy
Smith, Timothy
Vann, Ivy

Beaulieu, Jane
Cornell, Patricia
Edwards, Elizabeth
Goley, Jeffrey
Hansberry, Daniel
Hopper, Gary
Manley, Jonathan
Porter, Marjorie
Sanborn, Laurie
Snow, Kendall
Walsh, Robert

Brown, Pamela
Cote, David
Forest, Armand
Gonzalez, Carlos
Harvey, Suzanne
Jack, Martin
McCarthy, Peggy
Proulx, Mark
Shattuck, Gilman
Soucy, Timothy
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Mackay, James
Ratzki, Mario
Schuett, Dianne
Wheeler, Deborah

Bartlett, Christy
Deloge, Helen
French, Barbara
Karrick, David
Moffett, Howard
Rice, Chip
Shurtleff, Stephen

Bradley, Paula
Doherty, David
Gile, Mary
Kenison, Linda
Myler, Mel
Rogers, Katherine
Turcotte, Alan

Brewster, Michael
Ebel, Karen
Henle, Paul
Luneau, David
Patten, Dick
Saunderson, George
Wallner, Mary Jane

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Barnes, Arthur
Cahill, Michael
Doucette, Fred
Heffron, Frank
Schroader, Adam
Woitkun, Steven

Berrien, Skip
Cali-Pitts, Jacqueline
Francese, Paula
Lovejoy, Patricia
Simpson, Alexis

Borden, David
Cushing, Robert
Gordon, Pamela
McBeath, Rebecca
Ward, Gerald

Bush, Carol
DiFranco, Debbie
Green, Dennis
Pantelakos, Laura
Ward, Joanne

STRAFFORD

Baber, William
Ciley, Jacalyn
Kaen, Naida
Southworth, Thomas
Wall, Janet

Berube, Roger
DiSesa, Len
Rollo, Deanna
Spang, Judith
Ward, Kenneth

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

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

SULLIVAN

Cloutier, John
Genier, James

Converse, Larry
Laware, Thomas

Gagnon, Raymond
Rollins, Skip

Gottling, Suzanne

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

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

HB 1670-FN, relative to public employee suggestions for cost-savings measures. **INEXPEDIENT TO LEGISLATE.**

Rep. Lynne Ober for Finance. This bill represents a laudable effort to reach into the psyche of the state employees to bring forth money saving ideas. The intent is to reward state employees with a 10% cash reward of twelve months' (one year) savings. The challenge of the bill is that it is intermingled with the current extraordinary service award RSA which creates confusion within the RSA. There are also issues of timing of award accounting period relative to the passage of the bill. Concern was expressed of employee dissatisfaction with peers or superiors, should an idea be lifted from the employee to the benefit of the peer or supervisor. Perhaps the concept might be reintroduced as a separate section at some time in the future. Vote 21-4. Committee report adopted.

HB 1686-FN, repealing the community heritage investment program. **INEXPEDIENT TO LEGISLATE.** Rep. David Danielson for Finance. This bill seeks to defund the Land and Community Heritage and Investment Program (LCHIP). Testimony received indicated that over the 15 years of LCHIP (not funded each year) the program has provided 376 grants leveraging \$37 million for local projects. While over 238,000 acres have been acquired by municipalities through the program, an additional benefit to municipal non-profit organizations has been the ability to leverage grants to help in funding other projects - for example, preserving over 218 structures considered worth protecting by the community. In FY15, there were 35 municipalities who received benefits from LCHIP. Currently, there are 89 LCHIP projects committed to and extending through 2018. These benefits are valuable enough to the state and our communities that the committee recommends the bill be Inexpedient to Legislate so that LCHIP can continue to provide its important services. Vote 23-1. Committee report adopted.

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

Rep. Karen Umberger for the Majority of Finance. The bill as it passed the House extends the existing New Hampshire Health Protection Plan (also known as Medicaid expansion) for another two years. The extension will not cost the general fund any dollars. The funding for the program will come from voluntary contributions from various charitable foundations. If the voluntary contributions are not received the program will end. The Finance Committee identified that the general fund was incurring administrative costs of approximately \$5.4 million including costs for personnel to screen applicants for the program. The bill as amended will result in these costs being paid for by the voluntary contributions. The committee amendment also makes some technical corrections; including placing the program on a calendar year basis rather than a state fiscal year basis and clarifying the procedure and timing for notifying participants should the program be terminated for lack of sufficient voluntary contributions to cover its costs. Vote 18-8.

Rep. Dan McGuire for the Minority of Finance. While HB 1696, as amended, is designed to have almost no impact on our state budget, that condition rests on the good will of hospitals and insurers. As long as the program is a moneymaker for these large businesses, they will continue to participate, but any time the expenses become higher than expected, for example if the expanded Medicaid population turns out to be less healthy or much larger than expected, they can abandon the program, leaving the state holding the bag. And what happens if the program doesn't work for just a few of the 26 hospitals and they drop out? Will the others take up the slack? But more importantly, expanded Medicaid is very poor public policy. It is a welfare program for able-bodied adults in their working years. The medical insurance provided has features such as no premiums, no co-pays, no deductibles and includes non-emergency transportation that are simply not available to workers with full-time jobs. These benefits create a strong disincentive to full-time employment and career advancement. Social cohesion, productivity and our standard of living will be lost if we make underemployment more attractive than full employment. For these reasons the minority cannot support HB 1696.

Majority Amendment (0910h)

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.

(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) 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) 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.

(e) 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.

(f) 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 November 1, 2016. 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. If the waiver or state plan is not approved, the commissioner shall immediately, no later than November 1, 2016, notify all program participants that the program has not been reauthorized beyond December 31, 2016.

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 ***non-general fund sources, including*** 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]~~ ***coverage*** for the newly eligible Medicaid population as provided for under RSA 126-A:5, [XXIII] **XXIV-XXVI** and RSA 126-A:67 ***in qualified health plans on the federal marketplace and pay for the administrative costs for the program. 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; Voluntary Provider Contributions. 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 plus administrative costs attributable to the program, less all federal reimbursement for the program and federal reimbursement for the related administrative costs; and the cost of the program for coverage effective between July 1, 2017 and December 31, 2018, plus administrative costs attributable to the program, less all federal reimbursement for the program and federal reimbursement for administrative costs attributable to 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).

(c) Other non-general fund revenues.

III. If the commissioner determines that 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, then RSA 126-A:5, XXIV and XXV shall be repealed 180 days after such determination 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. Upon such determination, the commissioner shall immediately issue notice to program participants of the program's pending repeal.

IV. On or before August 15th of each year, the department of health and human services, in consultation with the insurance department, shall calculate the remainder amount pursuant to this section for the next calendar year. 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 calendar year. The commissioner of health and human services shall report the remainder amounts to the insurance department, any contributing charitable foundation, the New Hampshire Health Plan, the governor, the speaker of the house of representatives, and the senate president.

V. After the close of each calendar 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 calendar 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, any contributing charitable foundation, 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 calendar year shall be added to the remainder amount due and payable during the current calendar 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.

VI. The commissioner of the department of health and human services shall be responsible for determining, on a quarterly basis commencing no later than December 31, 2016, whether there is sufficient funding in the New Hampshire health protection trust fund, established in RSA 126-A:5-b, to cover projected program costs for the non-federal share for the next quarter. If at any time the commissioner determines that a projected shortfall exists, he or she shall terminate the program in accordance with paragraph III.

126-A:5-d Voluntary Provider Contributions. For the period of January 1, 2017 through December 31, 2018, voluntary provider donations received from the Foundation for Healthy Communities or any other charitable foundation may be deposited into the New Hampshire health protection trust fund, established pursuant to RSA 126-A:5-b.

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, XXV.**

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, XXV,** 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 404-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 404-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, ~~[XXH]~~ **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~~[-XXH,]~~ **XXIV[,]** and XXV shall ~~[immediately]~~ be repealed ***180 days after the event under this subparagraph occurs*** upon notification by the commissioner of the department of health and human services to the secretary of state and the director of legislative services. ***The commissioner shall immediately issue notice to program participants of the program's pending repeal.***

14 New Hampshire Health Protection Plan Extended. Amend 2014, 3:13, I-a as amended by 2015, 276:260 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.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Umberger offered floor amendment (0902h).

Floor Amendment (0902h)

Amend RSA 126-A:5, XXX(a) as inserted by section 1 of the bill by inserting after subparagraph (5) the following new subparagraph:

(6) If any provision of subparagraph (a), (c), or (d), or the application thereof to any person or circumstance, is held invalid, including, but not limited to, being contrary to federal law or not approved 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 act which can be given effect without the invalid provision or application, and to that end the provisions of these subparagraphs are severable.

Reps. Umberger and Leishman spoke in favor.

Reps. Hoell, Lynne Ober and Simmons spoke against.

Rep. Stephen Schmidt spoke in favor and yielded to questions.

Rep. Hannon requested a roll call; sufficiently seconded.

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BELK NAP**

Flanders, Donald

CARROLL

Buco, Thomas
Schmidt, Stephen

Butler, Edward
Ticehurst, Susan

Crawford, Karel
Umberger, Karen

Nelson, Bill

CHESHIRE

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

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

Berch, Paul
Johnsen, Gladys
Phillips, Larry
Shepardson, Marjorie

Bordenet, John
Ley, Douglas
Roberts, Kris
Tatro, Bruce

COOS

Fothergill, John
Rappaport, Laurence

Froburg, Alethea
Richardson, Herbert

Hatch, William
Theberge, Robert

Moynihan, Wayne
Thomas, Yvonne

GRAFTON

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

Almy, Susan
Darrow, Stephen
Maes, Kevin
Sykes, George

Bennett, Travis
Ford, Susan
Massimilla, Linda
Townsend, Charles

Brown, Rebecca
Hennessey, Martha
Piper, Wendy
White, Andrew

HILLSBOROUGH

Backus, Robert
Booras, Efsthia
Cote, David
Freitas, Mary
Gorman, Mary
Heath, Mary
Jasper, Shawn
Long, Patrick
McNamara, Richard
Rosenwald, Cindy
Snow, Kendall
Vann, Ivy

Balcom, John
Brown, Pamela
DiSilvestro, Linda
Gargas, Carolyn
Guerette, C. Lee
Herbert, Christopher
Lachance, Joseph
Mangipudi, Latha
O'Neil, William
Shattuck, Gilman
Soucy, Timothy
Walsh, Robert

Baroody, Benjamin
Cohen, Alan
Edwards, Elizabeth
Gidge, Kenneth
Hansberry, Daniel
Hinch, Richard
LeBrun, Donald
Manley, Jonathan
Porter, Marjorie
Shaw, Barbara
Sullivan, Daniel
Williams, Kermit

Beaulieu, Jane
Cornell, Patricia
Forest, Armand
Goley, Jeffrey
Harvey, Suzanne
Jack, Martin
Leishman, Peter
McCarthy, Peggy
Roberts, Carol
Smith, Timothy
Takesian, Charlene

MERRIMACK

Alicea, Caroletta
Deloge, Helen
French, Barbara
Karrick, David
MacKay, James
Ratzki, Mario
Schuett, Dianne
Wheeler, Deborah

Bartlett, Christy
Doherty, David
Gile, Mary
Kenison, Linda
Moffett, Howard
Rice, Chip
Shurtleff, Stephen

Bradley, Paula
Ebel, Karen
Henle, Paul
Kotowski, Frank
Myler, Mel
Rogers, Katherine
Turcotte, Alan

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

ROCK INGHAM

Barnes, Arthur
Cali-Pitts, Jacqueline
DeSimone, Debra

Berrien, Skip
Cardon, G. Thomas
Devine, James

Borden, David
Chase, Francis
DiFranco, Debbie

Cahill, Michael
Cushing, Robert
Francese, Paula

Friel, William
Heffron, Frank
Matthews, Carolyn
Pantelakos, Laura

Gordon, Pamela
Hoelzel, Kathleen
McBeath, Rebecca
Simpson, Alexis

Griffin, Mary
Lovejoy, Patricia
McMahon, Charles
Tilton, Rio

Guthrie, Joseph
Major, Norman
Milz, David
Ward, Gerald

STRAFFORD

Baber, William
Burton, Wayne
Horrigan, Timothy
Smith, Marjorie
Stevens, Audrey

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

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

Bixby, Peter
Gardner, Janice
Schmidt, Peter
Sprague, Dale
Ward, Kenneth

SULLIVAN

Cloutier, John
Grenier, James

Converse, Larry
Irwin, Virginia

Gagnon, Raymond
Laware, Thomas

Gottling, Suzanne
Schmidt, Andrew

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

Dumais, Russell
Gallagher, Brian
Russell, David
Vadney, Herbert

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

Fisher, Robert
Hurt, George
Sylvia, Michael

CARROLL

Avellani, Lino
McCarthy, Frank

Chandler, Gene
McConkey, Mark

Comeau, Ed
Parker, Harold

Cordelli, Glenn
Wright, Ted

CHESHIRE

Hunt, John

McConnell, James

Sterling, Franklin

COOS

Rideout, Leon

Tholl, John

GRAFTON

Brown, Duane
Ingbreton, Paul

Gionet, Edmond
Johnson, Eric

Hennessey, Erin
Ladd, Rick

Hull, Robert
Shackett, Jeffrey

HILLSBOROUGH

Adams, Christopher
Biggie, Barbara
Byron, Frank
Coffey, James
Edelblut, Frank
Fromuth, Bart
Griffin, Barbara
Hogan, Edith
McClarren, Donald
Murphy, Keith
Ober, Russell
Pellegrino, Anthony
Rice, Kimberly
Schleien, Eric
Smith, Gregory
Twombly, Timothy

Ammon, Keith
Boehm, Ralph
Christensen, Chris
Danielson, David
Estevez, Eric
Gagne, Larry
Haefner, Robert
Hopper, Gary
McLean, Mark
Nottter, Jeanine
Ohm, Bill
Peterson, Ken
Rouillard, Claire
Seidel, Carl
Stepanek, Stephen
Ulery, Jordan

Barry, Richard
Bouldin, Amanda
Christiansen, Lars
Donovan, Daniel
Ferreira, Elizabeth
Gonzalez, Carlos
Halstead, Carolyn
Kurk, Neal
Moore, Josh
O'Brien, William
Palmer, Barry
Pierce, David
Rove, Robert
Silva, Peter
Sullivan, Victoria
Wolf, Terry

Belanger, James
Burt, John
Christie, Rick
Eastman, Eric
Flanagan, Jack
Gould, Linda
Hansen, Peter
Marston, Dick
Murotake, David
Ober, Lynne
Parison, James
Proulx, Mark
Sanborn, Laurie
Simmons, Tammy
Sweeney, Shawn
Zaricki, Nick

MERRIMACK

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

French, Harold
Horn, Werner
Marple, Richard
Parent, Jason

Hess, David
Kidder, David
Martin, John
Seaworth, Brian

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

ROCK INGHAM

Abrami, Patrick
Baldasaro, Alfred
Christie, Andrew
Duarte, Joe
Gordon, Richard
Introne, Robert
Kolodziej, Walter
O'Connor, John
Peckham, Michele

Abramson, Max
Bates, David
Cook, Allen
Elliott, Robert
Green, Dennis
Itse, Daniel
Lundgren, David
Oligny, Jeffrey
Potucek, John

Allen, Mary
Bush, Carol
Dean-Bailey, Yvonne
Emerick, J. Tracy
Harris, Jeffrey
Kappler, Lawrence
McKinney, Betsy
Osborne, Jason
Prudhomme-O'Brien, Katherine

Azarian, Gary
Chirichiello, Brian
Doucette, Fred
Ferrante, Beverly
Hodgdon, Bruce
Katsakiores, Phyllis
Nigrello, Robert
Packard, Sherman
Rice, Frederick

Schroader, Adam
Thomas, Douglas
Ward, Joanne
Woitkun, Steven

Spillane, James
True, Chris
Webb, James

Sweeney, Joe
Tucker, Pamela
Welch, David

Sytek, John
Vose, Michael
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Groen, Warren
Knowles, Robert
Turcotte, Leonard

DeLemus, Susan
Hannon, Joseph
Leeman, Don
Wuelper, Kurt

Graham, Robert
Jones, Laura
Mullen, John

Gray, James
Kaczynski, Jr., Thomas
Pitre, Joseph

SULLIVAN

Rollins, Skip
and floor amendment (0902h) was adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Hoell offered floor amendment (0921h).

Floor Amendment (0921h)

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

XXX.(a)(1) Newly eligible adults who are eligible to receive benefits under RSA 126-A:5, XXIV-XXV 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.

(2) 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 eligible to receive benefits under RSA 126-A:5, XXIV-XXV.

(3) 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.

(4) No person, organization, department, or agency shall submit the name of any person eligible to receive benefits under RSA 126-A:5, XXIV-XXV 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.

(b) 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 November 1, 2016. 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. If the waiver or state plan is not approved, the commissioner shall immediately, no later than November 1, 2016, notify all program participants that the program has not been reauthorized beyond December 31, 2016.

Rep. Hoell spoke in favor.

Rep. Kotowski spoke against.

MOTION TO LAY ON THE TABLE

Rep. Simmons moved that **HB 1696-FN**, requesting a modification of the New Hampshire health protection program, be laid on the table.

Rep. William O'Brien requested a roll call; sufficiently seconded.

YEAS 137 - NAYS 221

YEAS - 137

BELKNAP

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

Dumais, Russell
Hurt, George
Sylvia, Michael

Fraser, Valerie
LeBreche, Shari
Vadney, Herbert

Gallagher, Brian
Russell, David
Varney, Peter

CARROLL

Avellani, Lino

Comeau, Ed

Cordelli, Glenn

McCarthy, Frank

CHESHIRE

Hunt, John

McConnell, James

COOS

Rideout, Leon

GRAFTON

Brown, Duane
Ladd, Rick

Hull, Robert
Shackett, Jeffrey

Ingbretson, Paul

Johnson, Eric

HILLSBOROUGH

Adams, Christopher
Boehm, Ralph
Coffey, James
Estevez, Eric
Gagne, Larry
Hogan, Edith
McLean, Mark
Notter, Jeanine
Ohm, Bill
Pierce, David
Seidel, Carl
Stepanek, Stephen
Ulery, Jordan

Ammon, Keith
Burt, John
Donovan, Daniel
Ferreira, Elizabeth
Gould, Linda
Hopper, Gary
Moore, Josh
O'Brien, William
Parison, James
Rice, Kimberly
Silva, Peter
Sullivan, Victoria

Barry, Richard
Byron, Frank
Eastman, Eric
Flanagan, Jack
Halstead, Carolyn
Kurk, Neal
Murotake, David
Ober, Lynne
Pellegrino, Anthony
Rouillard, Claire
Simmons, Tammy
Sweeney, Shawn

Biggie, Barbara
Christie, Rick
Edelblut, Frank
Fromuth, Bart
Hansen, Peter
McClarren, Donald
Murphy, Keith
Ober, Russell
Peterson, Ken
Sanborn, Laurie
Smith, Gregory
Twombly, Timothy

MERRIMACK

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

French, Harold
Horn, Werner
Martin, John
Seaworth, Brian

Hess, David
Kuch, Bill
McGuire, Carol
Walsh, Thomas

Hill, Gregory
Long, Douglas
McGuire, Dan

ROCK INGHAM

Abrami, Patrick
Bush, Carol
Emerick, J. Tracy
Green, Dennis
Kappler, Lawrence
Osborne, Jason
Schroader, Adam
True, Chris
Welch, David

Abramson, Max
Cook, Allen
Ferrante, Beverly
Harris, Jeffrey
Kolodziej, Walter
Potucek, John
Spillane, James
Tucker, Pamela
Weyler, Kenneth

Baldasaro, Alfred
Dean-Bailey, Yvonne
Gannon, William
Hodgdon, Bruce
Lundgren, David
Prudhomme-O'Brien, Katherine
Sweeney, Joe
Vose, Michael

Bates, David
Duarte, Joe
Gordon, Richard
Itse, Daniel
Oligny, Jeffrey
Rice, Frederick
Thomas, Douglas
Ward, Joanne

STRAFFORD

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

DeLemus, Susan
Jones, Laura
Mullen, John

Graham, Robert
Kaczynski, Jr., Thomas
Pitre, Joseph

Groen, Warren
Knowles, Robert
Turcotte, Leonard

SULLIVAN

Rollins, Skip

NAYS - 221**BELKNAP**

Tilton, Franklin

CARROLL

Chandler, Gene
Parker, Harold
Wright, Ted

Crawford, Karel
Schmidt, Stephen

CHESHIRE

Berch, Paul
Johnsen, Gladys
Phillips, Larry
Shepardson, Marjorie
Weber, Lucy

Bordenet, John
Ley, Douglas
Roberts, Kris
Sterling, Franklin

COOS

Hatch, William
Theberge, Robert

Moynihan, Wayne
Tholl, John

GRAFTON

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

Almy, Susan
Darrow, Stephen
Hennessey, Martha
Piper, Wendy
White, Andrew

Bennett, Travis
Ford, Susan
Higgins, Patricia
Smith, Suzanne

Brown, Rebecca
Gionet, Edmond
Maes, Kevin
Sykes, George

HILLSBOROUGH

Backus, Robert
 Belanger, James
 Christensen, Chris
 Cote, David
 Gargas, Carolyn
 Gorman, Mary
 Hansberry, Daniel
 Hinch, Richard
 LeBrun, Donald
 Manley, Jonathan
 O'Neil, William
 Roberts, Carol
 Shaw, Barbara
 Sullivan, Daniel
 Williams, Kermit

Balcom, John
 Booras, Efsthathia
 Christiansen, Lars
 Danielson, David
 Gidge, Kenneth
 Griffin, Barbara
 Harvey, Suzanne
 Jack, Martin
 Leishman, Peter
 Marston, Dick
 Palmer, Barry
 Rosenwald, Cindy
 Smith, Timothy
 Takesian, Charlene
 Wolf, Terry

Baroody, Benjamin
 Bouldin, Amanda
 Cohen, Alan
 Forest, Armand
 Goley, Jeffrey
 Guerette, C. Lee
 Heath, Mary
 Jeudy, Jean
 Long, Patrick
 McCarthy, Peggy
 Porter, Marjorie
 Rowe, Robert
 Snow, Kendall
 Vann, Ivy

Beaulieu, Jane
 Brown, Pamela
 Cornell, Patricia
 Freitas, Mary
 Gonzalez, Carlos
 Haefner, Robert
 Herbert, Christopher
 Lachance, Joseph
 Mangipudi, Latha
 McNamara, Richard
 Proulx, Mark
 Shattuck, Gilman
 Soucy, Timothy
 Walsh, Robert

MERRIMACK

Alicea, Caroletta
 Deloge, Helen
 French, Barbara
 Karrick, David
 Luneau, David
 Patten, Dick
 Saunderson, George
 Wallner, Mary Jane

Bartlett, Christy
 Doherty, David
 Gile, Mary
 Kenison, Linda
 Mackay, James
 Ratzki, Mario
 Schuett, Dianne
 Wheeler, Deborah

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

ROCK INGHAM

Allen, Mary
 Borden, David
 Chase, Francis
 Devine, James
 Francese, Paula
 Guthrie, Joseph
 Katsakiores, Phyllis
 McBeath, Rebecca
 Nigrello, Robert
 Peckham, Michele
 Ward, Gerald

Azarian, Gary
 Cahill, Michael
 Christie, Andrew
 DiFranco, Debbie
 Friel, William
 Heffron, Frank
 Lovejoy, Patricia
 McKinney, Betsy
 O'Connor, John
 Simpson, Alexis
 Webb, James

Barnes, Arthur
 Cali-Pitts, Jacqueline
 Cushing, Robert
 Doucette, Fred
 Gordon, Pamela
 Hoelzel, Kathleen
 Major, Norman
 McMahon, Charles
 Packard, Sherman
 Sytek, John
 Woitkun, Steven

Berrien, Skip
 Cardon, G. Thomas
 DeSimone, Debra
 Elliott, Robert
 Griffin, Mary
 Introne, Robert
 Matthews, Carolyn
 Milz, David
 Pantelakos, Laura
 Tilton, Rio

STRAFFORD

Baber, William
 Burton, Wayne
 Gray, James
 Schmidt, Peter
 Sprague, Dale
 Ward, Kenneth

Berube, Roger
 Cilley, Jacalyn
 Horrigan, Timothy
 Smith, Marjorie
 Stevens, Audrey

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

Bixby, Peter
 Gardner, Janice
 Rollo, Deanna
 Spang, Judith
 Wall, Janet

SULLIVAN

Cloutier, John
 Grenier, James
 Smith, Steven

Converse, Larry
 Irwin, Virginia

Gagnon, Raymond
 Laware, Thomas

Gottling, Suzanne
 Schmidt, Andrew

and the motion failed.

The question now being adoption of floor amendment (0921h).

Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 14 - NAYS 344

YEAS - 14

BELKNAP

Hurt, George

Varney, Peter

GRAFTON

Ingbretson, Paul

HILLSBOROUGH

Danielson, David
 Murotake, David

Ferreira, Elizabeth

Flanagan, Jack

McLean, Mark

MERRIMACK

Hess, David

ROCK INGHAM

Elliott, Robert

McBeath, Rebecca

Vose, Michael

STRAFFORD

Pitre, Joseph

Wuelper, Kurt

NAYS - 344**BELKNAP**Aldrich, Glen
Fraser, Valerie
Russell, David
Vadney, HerbertDumais, Russell
Gallagher, Brian
Spanos, PeterFields, Dennis
Howard, Jr., Raymond
Sylvia, MichaelFlanders, Donald
LeBreche, Shari
Tilton, Franklin**CARROLL**Avellani, Lino
Comeau, Ed
McConkey, Mark
Ticehurst, SusanBucco, Thomas
Cordelli, Glenn
Nelson, Bill
Umberger, KarenButler, Edward
Crawford, Karel
Parker, Harold
Wright, TedChandler, Gene
McCarthy, Frank
Schmidt, Stephen**CHESHIRE**Abbott, Michael
Chase, Cynthia
Ley, Douglas
Phillips, Larry
Shepardson, Marjorie
Weber, LucyAmes, Richard
Eaton, Daniel
Mann, John
Roberts, Kris
Sterling, FranklinBerch, Paul
Hunt, John
McConnell, James
Robertson, Timothy
Tatro, BruceBordenet, John
Johnsen, Gladys
Pearson, William
Sad, Tara
Tilton, Benjamin**COOS**Fothergill, John
Rappaport, Laurence
Tholl, JohnFroburg, Alethea
Richardson, Herbert
Thomas, YvonneHatch, William
Rideout, LeonMoynihan, Wayne
Theberge, Robert**GRAFTON**Abel, Richard
Brown, Rebecca
Gionet, Edmond
Hull, Robert
Massimilla, Linda
Sykes, GeorgeAlmy, Susan
Cooney, Mary
Hennessey, Erin
Johnson, Eric
Piper, Wendy
Townsend, CharlesBennett, Travis
Darrow, Stephen
Hennessey, Martha
Ladd, Rick
Shackett, Jeffrey
White, AndrewBrown, Duane
Ford, Susan
Higgins, Patricia
Maes, Kevin
Smith, Suzanne**HILLSBOROUGH**Adams, Christopher
Baroody, Benjamin
Biggie, Barbara
Brown, Pamela
Christiansen, Lars
Cornell, Patricia
Edelblut, Frank
Fromuth, Bart
Goley, Jeffrey
Griffin, Barbara
Hansberry, Daniel
Herbert, Christopher
Jack, Martin
LeBrun, Donald
Manley, Jonathan
McNamara, Richard
O'Brien, William
Ohm, Bill
Peterson, Ken
Rice, Kimberly
Rove, Robert
Shaw, Barbara
Smith, Timothy
Sullivan, Daniel
Twombly, Timothy
Williams, KermitAmmon, Keith
Barry, Richard
Boehm, Ralph
Burt, John
Christie, Rick
Cote, David
Estevez, Eric
Gagne, Larry
Gonzalez, Carlos
Guerette, C. Lee
Hansen, Peter
Hinch, Richard
Judy, Jean
Leishman, Peter
Marston, Dick
Moore, Josh
O'Neil, William
Palmer, Barry
Pierce, David
Roberts, Carol
Sanborn, Laurie
Silva, Peter
Snow, Kendall
Sullivan, Victoria
Ulery, Jordan
Wolf, TerryBackus, Robert
Beaulieu, Jane
Booras, Efsthathia
Byron, Frank
Coffey, James
Donovan, Daniel
Forest, Armand
Gargas, Carolyn
Gorman, Mary
Haefner, Robert
Harvey, Suzanne
Hogan, Edith
Kurk, Neal
Long, Patrick
McCarthy, Peggy
Murphy, Keith
Ober, Lynne
Parison, James
Porter, Marjorie
Rosenwald, Cindy
Seidel, Carl
Simmons, Tammy
Soucy, Timothy
Sweeney, Shawn
Vann, IvyBalcom, John
Belanger, James
Bouldin, Amanda
Christensen, Chris
Cohen, Alan
Eastman, Eric
Freitas, Mary
Gidge, Kenneth
Gould, Linda
Halstead, Carolyn
Heath, Mary
Hopper, Gary
Lachance, Joseph
Mangipudi, Latha
McClarren, Donald
Notter, Jeanine
Ober, Russell
Pellegrino, Anthony
Proulx, Mark
Rouillard, Claire
Shattuck, Gilman
Smith, Gregory
Stepanek, Stephen
Takesian, Charlene
Walsh, Robert

MERRIMACK

Alicea, Caroletta
 Carson, Clyde
 Frazer, June
 Henle, Paul
 Horn, Werner
 Kotowski, Frank
 MacKay, James
 McGuire, Dan
 Patten, Dick
 Sauderson, George
 Turcotte, Alan

Bartlett, Christy
 Deloge, Helen
 French, Barbara
 Hill, Gregory
 Karrick, David
 Kuch, Bill
 Marple, Richard
 Moffett, Howard
 Ratzki, Mario
 Schuett, Dianne
 Wallner, Mary Jane

Bradley, Paula
 Doherty, David
 French, Harold
 Hirsch, Geoffrey
 Kenison, Linda
 Long, Douglas
 Martin, John
 Myler, Mel
 Rice, Chip
 Seaworth, Brian
 Walsh, Thomas

Brewster, Michael
 Ebel, Karen
 Gile, Mary
 Hoell, J.R.
 Kidder, David
 Luneau, David
 McGuire, Carol
 Parent, Jason
 Rogers, Katherine
 Shurtleff, Stephen
 Wheeler, Deborah

ROCK INGHAM

Abrami, Patrick
 Baldasaro, Alfred
 Borden, David
 Cardon, G. Thomas
 Cushing, Robert
 DiFranco, Debbie
 Ferrante, Beverly
 Gordon, Pamela
 Guthrie, Joseph
 Hoelzel, Kathleen
 Katsakiores, Phyllis
 Major, Norman
 Milz, David
 Osborne, Jason
 Potucek, John
 Simpson, Alexis
 Thomas, Douglas
 Ward, Gerald
 Weyler, Kenneth

Abramson, Max
 Barnes, Arthur
 Bush, Carol
 Chase, Francis
 Dean-Bailey, Yvonne
 Doucette, Fred
 Francese, Paula
 Gordon, Richard
 Harris, Jeffrey
 Introne, Robert
 Kolodziej, Walter
 Matthews, Carolyn
 Nigrello, Robert
 Packard, Sherman
 Prudhomme-O'Brien, Katherine
 Spillane, James
 Tilton, Rio
 Ward, Joanne
 Woitkun, Steven

Allen, Mary
 Bates, David
 Cahill, Michael
 Christie, Andrew
 DeSimone, Debra
 Duarte, Joe
 Friel, William
 Green, Dennis
 Heffron, Frank
 Itse, Daniel
 Lovejoy, Patricia
 McKinney, Betsy
 O'Connor, John
 Pantelakos, Laura
 Rice, Frederick
 Sweeney, Joe
 True, Chris
 Webb, James

Azarian, Gary
 Berrien, Skip
 Cali-Pitts, Jacqueline
 Cook, Allen
 Devine, James
 Emerick, J. Tracy
 Gannon, William
 Griffin, Mary
 Hodgdon, Bruce
 Kappler, Lawrence
 Lundgren, David
 McMahon, Charles
 Oligny, Jeffrey
 Peckham, Michele
 Schroadter, Adam
 Sytek, John
 Tucker, Pamela
 Welch, David

STRAFFORD

Baber, William
 Bixby, Peter
 DiSesa, Len
 Groen, Warren
 Kaczynski, Jr., Thomas
 Mullen, John
 Southworth, Thomas
 Treleaven, Susan

Beaudoin, Steven
 Burton, Wayne
 Gardner, Janice
 Hannon, Joseph
 Kaen, Naida
 Rollo, Deanna
 Spang, Judith
 Turcotte, Leonard

Berube, Roger
 Cilley, Jacalyn
 Graham, Robert
 Horrigan, Timothy
 Knowles, Robert
 Schmidt, Peter
 Sprague, Dale
 Wall, Janet

Bickford, David
 DeLemus, Susan
 Gray, James
 Jones, Laura
 Leeman, Don
 Smith, Marjorie
 Stevens, Audrey
 Ward, Kenneth

SULLIVAN

Cloutier, John
 Grenier, James
 Schmidt, Andrew

Converse, Larry
 Irwin, Virginia
 Smith, Steven

Gagnon, Raymond
 Laware, Thomas

Gottling, Suzanne
 Rollins, Skip

and floor amendment (0921h) failed.

Reps. Elliott, Vose and Ferreira voted Yea and intended to vote Nay.

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

Rep. Hoell offered floor amendment (0920h).

Floor Amendment (0920h)

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 Keno.

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

16 New Subdivision; Keno. Amend RSA 284 by inserting after section 40 the following new subdivision:
 Keno

284:41 Definition. In this subdivision, "keno" means any game where a player purchases a ticket from a field of 80 numbers and selects a specific amount of numbers. A random number generator employed by the lottery commission chooses 20 numbers at random and the player is paid out against his or her original wager.

284:42 Administration and Enforcement. The lottery commission shall administer and enforce this subdivision relative to keno games operating in a town or city that has voted to allow such gaming.

284:43 Rulemaking. The lottery commission shall adopt rules, pursuant to RSA 541-A, relative to:

I. The application procedure for keno licenses.

II. Information to be required on license applications.

III. Procedures for a hearing following the revocation of a license.

IV. The operation of keno games, including types and amounts of wagers.

V. Information required and forms for submission of financial reports.

284:44 License Fees.

I. The license fee for a commercial premises keno license issued under RSA 284:46 shall be \$500 per year. Such fee shall be submitted to the lottery commission at the time the application is made and shall be refunded if the application is denied.

II. All net proceeds collected by the lottery commission under this section and RSA 284:47 shall be deposited in the education trust fund established under RSA 198:39.

284:45 License Applications.

I. Applications shall be submitted to the lottery commission by the licensee. Proof of authority to submit the application on behalf of the licensee may be required.

II. Applications shall be made only on the forms supplied to the licensee by the lottery commission.

III. The application form shall be fully completed by the licensee.

IV. Applicants for commercial premises keno licenses shall be submitted at least 30 days before the first game date.

V. The applicant shall certify under oath that:

(a) The information provided on the application is accurate.

(b) Neither the applicant nor any employee will operate keno games if such person has been convicted of a felony within the previous 10 years which has not been annulled by a court, or a misdemeanor involving falsehood or dishonesty within the previous 5 years which has not been annulled by a court, or has violated the statutes or rules governing charitable gaming in this or any state.

(c) The applicant and any employee who will be participating in the operation of the keno games is aware of all statutes and rules applicable to the operation of keno games.

VI. To be eligible for licensure under this subdivision an applicant shall:

(a) Document that it is one of the following:

(1) A restaurant or hotel holding a valid liquor license under RSA 178:20, II, RSA 178:21, II(a) or (b), or RSA 178:22, V(q).

(2) A brew pub holding a valid liquor license under RSA 178:13.

(3) A ballroom holding a valid liquor license under RSA 178:22, V(c).

(4) A veterans' club, private club, or social club holding a valid liquor license under RSA 178:22, V(h).

(5) A convention center holding a valid liquor license under RSA 178:22, V(i).

(6) A hotel holding a valid liquor license under RSA 178:22, V(k).

(7) A racetrack holding a valid liquor license under RSA 178:22, V(n).

(8) A sports recreation facility holding a valid liquor license under RSA 178:22, V(v).

(b) Document that the keno games will only be operated in towns and cities that have voted to allow the operation of keno games pursuant to RSA 284:51.

(c) Maintain a current list of employees.

VII. Any suspension or revocation of a liquor license shall result in the immediate suspension of the keno license issued under this chapter.

284:46 License; Issuance.

I. Upon receipt of an application under RSA 284:45 the lottery commission shall review the application and shall, in writing, grant or deny the application within 45 days of receipt.

II. The lottery commission shall deny a license application for any one of the following reasons:

(a) The license of the applicant has been previously revoked by the commission.

(b) The applicant has been convicted of a crime provided for in this chapter or in any other chapter for any gaming offense.

(c) The applicant loses his or her liquor license after submitting the application.

III. No person who has been convicted of a felony or class A misdemeanor within the previous 10 years which has not been annulled by a court, or a class B misdemeanor within the past 5 years which has not been annulled by a court, or who has violated any of the statutes or rules governing charitable gambling in the past in this or in any other state shall be licensed under this subdivision, or rent, lease, sublease, or otherwise provide any hall or keno paraphernalia for the conduct of keno licensed under this subdivision.

284:47 Operation of Keno Games.

I. A licensee may operate keno games at its business between the hours of 11 a.m. and 11 p.m.

II. A licensee may retain 8 percent of the proceeds from keno games. Of the remaining 92 percent:

(a) One percent shall be paid to the department of health and human services to support research, prevention, intervention, and treatment services for problem gamblers.

(b) The remainder, less the administrative costs of the lottery commission and prize payouts, shall be deposited in the education trust fund established under RSA 198:39.

III. No person who has been convicted of a felony or class A misdemeanor within the previous 10 years which has not been annulled by a court, or a class B misdemeanor within the past 5 years which has not been annulled by a court, or who has violated any of the statutes or rules governing charitable gambling in the past in this or any other state shall operate a keno game licensed under this subdivision, or rent, lease, sublease, or otherwise provide any hall or keno paraphernalia for the conduct of keno licensed under this subdivision.

284:48 Financial Reports and Inspection Required.

I. Any person which has been licensed to conduct keno games shall submit a complete financial report to the lottery commission for each license issued under RSA 284:46 within 15 days after the expiration of each license, provided, however, a complete monthly financial report shall be submitted in a timely fashion to the commission for each month covered by a license issued under RSA 284:46 on a form to be approved by the lottery commission.

II. All licensees shall maintain a separate checking account for the deposit and disbursement of all income relating to keno, except cash prizes awarded at the games. All expenses shall be paid by check, and all prizes of \$500 or more shall be paid by check. No keno funds shall be commingled with other funds of the licensee. The licensee shall retain all cancelled checks for the payment of expenses and prizes for at least 2 years from the date of the check. The licensee shall not cash checks which it issues.

III. All financial reports filed by the licensee shall be maintained by the lottery commission for a period of one year from the date of filing and shall be open to public inspection.

IV. All financial records pertaining to the operation of keno games shall be maintained by the licensee and shall be made available to representatives of the lottery commission or of the commissioner of the department of safety upon request.

V. A licensee which has been licensed to conduct keno games shall maintain complete and accurate documentation of all revenues and expenses contained in the financial reports for at least 2 years from the date the financial report is filed.

284:49 Suspension; Revocation. The commission may suspend or revoke the license of any licensee who violates any provision of this subdivision. Any licensee whose license is revoked shall not be eligible for licensure for a period of up to one year from the date of revocation.

284:50 Rehearing and Appeal. Any person aggrieved by a decision of the commission to deny or revoke a keno license may apply to the commission for a rehearing within 15 business days of the decision. Rehearings and appeals shall be governed by RSA 541.

284:51 Local Option.

I. Any town or city may allow the operation of keno games according to the provisions of this subdivision, in the following manner:

(a) In a town, the question shall be placed on the warrant of an annual town meeting under the procedures set out in RSA 39:3, and shall be voted on a ballot. In a city, the legislative body may vote to place the question on the official ballot for any regular municipal election, or, in the alternative, shall place the question on the official ballot for any regular municipal election upon submission to the legislative body of a petition signed by 5 percent of the registered voters.

(b) The selectmen, aldermen, or city council shall hold a public hearing on the question at least 15 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall be posted in at least 2 public places in the municipality and published in a newspaper of general circulation at least 7 days before the hearing.

(c) The wording of the question shall be substantially as follows: "Shall we allow the operation of keno games within the town or city?"

II. If a majority of those voting on the question vote "Yes," keno games may be operated within the town or city.

III. If the question is not approved, the question may later be voted upon according to the provisions of paragraph I at the next annual town meeting or regular municipal election.

IV. A municipality that has voted to allow the operation of keno games may consider rescinding its action in the manner described in paragraph I of this section.

V. The lottery commission shall maintain a list of municipalities where keno is available.

17 Application of Receipts; Education Trust Fund. Amend RSA 6:12, I(b)(65) to read as follows:

(65) Money received under RSA 77-A, RSA 77-E, RSA 78, RSA 78-A, RSA 78-B, RSA 83-F, **RSA 284:44, RSA 284:47**, and from the sweepstakes fund, which shall be credited to the education trust fund under RSA 198:39.

18 Education Trust Fund Creation and Investments; Keno Profits Added. Amend RSA 198:39, I(k) to read as follows:

(k) Funds collected and paid over to the state treasurer by the lottery commission pursuant to RSA 284:47, relative to keno profits.

(I) Any other moneys appropriated from the general fund.
19 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. Sections 16-19 of this act shall take effect January 1, 2017.

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

2016-0920h

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.

This bill also:

I. Allows the operation and playing of keno games.

II. Provides for licensing of keno game operators by the lottery commission.

III. Directs revenues from keno to the department of health and human services to address problem gamblers and to the education trust fund.

Reps. Hoell and Lynne Ober spoke in favor.

Rep. Umberger spoke against.

Rep. Spillane requested a roll call; sufficiently seconded.

YEAS 126 - NAYS 233

YEAS - 126

BELKNAP

Aldrich, Glen
Sylvia, Michael

Dumais, Russell
Vadney, Herbert

Fraser, Valerie

Howard, Jr., Raymond

CARROLL

Avellani, Lino

Cordelli, Glenn

CHESHIRE

Hunt, John

McConnell, James

Sterling, Franklin

Tilton, Benjamin

COOS

Rideout, Leon

Tholl, John

GRAFTON

Brown, Duane
Ingbreton, Paul

Gionet, Edmond
Shackett, Jeffrey

Hennessey, Erin

Hull, Robert

HILLSBOROUGH

Adams, Christopher
Biggie, Barbara
Christensen, Chris
Estevez, Eric
Gould, Linda
Marston, Dick
Murotake, David
Ober, Lynne
Pellegrino, Anthony
Seidel, Carl
Stepanek, Stephen
Ulery, Jordan

Ammon, Keith
Boehm, Ralph
Christie, Rick
Ferreira, Elizabeth
Hansen, Peter
McClarren, Donald
Murphy, Keith
Ober, Russell
Peterson, Ken
Silva, Peter
Sullivan, Victoria

Balcom, John
Burt, John
Donovan, Daniel
Flanagan, Jack
Hogan, Edith
McLean, Mark
Notter, Jeanine
Ohm, Bill
Rice, Kimberly
Simmons, Tammy
Sweeney, Shawn

Barry, Richard
Byron, Frank
Edelblut, Frank
Gagne, Larry
Kurk, Neal
Moore, Josh
O'Brien, William
Palmer, Barry
Rouillard, Claire
Smith, Gregory
Twombly, Timothy

MERRIMACK

Brewster, Michael
Horn, Werner
McGuire, Dan

French, Harold
Kuch, Bill
Parent, Jason

Hill, Gregory
Martin, John
Seaworth, Brian

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

ROCKINGHAM

Abrami, Patrick
Bush, Carol
DeSimone, Debra
Gannon, William

Abramson, Max
Chirichiello, Brian
Doucette, Fred
Gordon, Richard

Baldasaro, Alfred
Christie, Andrew
Duarte, Joe
Green, Dennis

Bates, David
Dean-Bailey, Yvonne
Emerick, J. Tracy
Hodgdon, Bruce

Itse, Daniel
Lundgren, David
Potucek, John
Spillane, James
Tucker, Pamela
Welch, David

Kappler, Lawrence
Major, Norman
Prudhomme-O'Brien, Katherine
Sweeney, Joe
Vose, Michael
Weyler, Kenneth

Katsakiores, Phyllis
O'Connor, John
Rice, Frederick
Thomas, Douglas
Ward, Joanne

Kolodziej, Walter
Osborne, Jason
Schroadter, Adam
True, Chris
Webb, James

STRAFFORD

Beaudoin, Steven
Hannon, Joseph
Pitre, Joseph

DeLemus, Susan
Jones, Laura
Turcotte, Leonard

Graham, Robert
Kaczynski, Jr., Thomas

Groen, Warren
Knowles, Robert

SULLIVAN

Rollins, Skip

NAYS - 233

BELKNAP

Fields, Dennis
LeBreche, Shari
Varney, Peter

Flanders, Donald
Russell, David

Gallagher, Brian
Spanos, Peter

Hurt, George
Tilton, Franklin

CARROLL

Buco, Thomas
Crawford, Karel
Parker, Harold
Wright, Ted

Butler, Edward
McCarthy, Frank
Schmidt, Stephen

Chandler, Gene
McConkey, Mark
Ticehurst, Susan

Comeau, Ed
Nelson, Bill
Umberger, Karen

CHESHIRE

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

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

Berch, Paul
Johnsen, Gladys
Phillips, Larry
Shepardson, Marjorie

Bordenet, John
Ley, Douglas
Roberts, Kris
Tatro, Bruce

COOS

Fothergill, John
Rappaport, Laurence

Froburg, Alethea
Richardson, Herbert

Hatch, William
Theberge, Robert

Moynihan, Wayne
Thomas, Yvonne

GRAFTON

Abel, Richard
Cooney, Mary
Higgins, Patricia
Massimilla, Linda
Townsend, Charles

Almy, Susan
Darrow, Stephen
Johnson, Eric
Piper, Wendy
White, Andrew

Bennett, Travis
Ford, Susan
Ladd, Rick
Smith, Suzanne

Brown, Rebecca
Hennessey, Martha
Maes, Kevin
Sykes, George

HILLSBOROUGH

Backus, Robert
Booras, Efsthia
Coffey, James
Danielson, David
Fromuth, Bart
Gonzalez, Carlos
Haefner, Robert
Heath, Mary
Jack, Martin
Leishman, Peter
McCarthy, Peggy
Pierce, David
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Daniel
Williams, Kermit

Baroody, Benjamin
Bouldin, Amanda
Cohen, Alan
Eastman, Eric
Gargas, Carolyn
Gorman, Mary
Halstead, Carolyn
Herbert, Christopher
Jeudy, Jean
Long, Patrick
McNamara, Richard
Porter, Marjorie
Rowe, Robert
Smith, Timothy
Takesian, Charlene
Wolf, Terry

Beaulieu, Jane
Brown, Pamela
Cornell, Patricia
Forest, Armand
Gidge, Kenneth
Griffin, Barbara
Hansberry, Daniel
Hinch, Richard
Lachance, Joseph
Mangipudi, Latha
O'Neil, William
Proulx, Mark
Sanborn, Laurie
Snow, Kendall
Vann, Ivy

Belanger, James
Christiansen, Lars
Cote, David
Freitas, Mary
Goley, Jeffrey
Guerette, C. Lee
Harvey, Suzanne
Hopper, Gary
LeBrun, Donald
Manley, Jonathan
Parison, James
Roberts, Carol
Shattuck, Gilman
Soucy, Timothy
Walsh, Robert

MERRIMACK

Alicea, Caroletta
Deloge, Helen
French, Barbara
Hirsch, Geoffrey
Kotowski, Frank
Marple, Richard
Ratzki, Mario
Schuett, Dianne
Wheeler, Deborah

Bartlett, Christy
Doherty, David
Gile, Mary
Karrick, David
Long, Douglas
Moffett, Howard
Rice, Chip
Shurtleff, Stephen

Bradley, Paula
Ebel, Karen
Henle, Paul
Kenison, Linda
Luneau, David
Myler, Mel
Rogers, Katherine
Turcotte, Alan

Carson, Clyde
Frazer, June
Hess, David
Kidder, David
Mackay, James
Patten, Dick
Saunderson, George
Wallner, Mary Jane

ROCK INGHAM

Allen, Mary
Borden, David
Chase, Francis
DiFranco, Debbie
Friel, William
Harris, Jeffrey
Lovejoy, Patricia
McMahon, Charles
Packard, Sherman
Sytek, John

Azarian, Gary
Cahill, Michael
Cook, Allen
Elliott, Robert
Gordon, Pamela
Heffron, Frank
Matthews, Carolyn
Milz, David
Pantelakos, Laura
Tilton, Rio

Barnes, Arthur
Cali-Pitts, Jacqueline
Cushing, Robert
Ferrante, Beverly
Griffin, Mary
Hoelzel, Kathleen
McBeath, Rebecca
Nigrello, Robert
Peckham, Michele
Ward, Gerald

Berrien, Skip
Cardon, G. Thomas
Devine, James
Francese, Paula
Guthrie, Joseph
Introne, Robert
McKinney, Betsy
Oligny, Jeffrey
Simpson, Alexis
Woitkun, Steven

STRAFFORD

Baber, William
Burton, Wayne
Gray, James
Mullen, John
Southworth, Thomas
Treleven, Susan

Berube, Roger
Cilley, Jacalyn
Horigan, Timothy
Rollo, Deanna
Spang, Judith
Wall, Janet

Bickford, David
DiSesa, Len
Kaen, Naida
Schmidt, Peter
Sprague, Dale
Ward, Kenneth

Bixby, Peter
Gardner, Janice
Leeman, Don
Smith, Marjorie
Stevens, Audrey
Wuelper, Kurt

SULLIVAN

Cloutier, John
Grenier, James
Smith, Steven

Converse, Larry
Irwin, Virginia

Gagnon, Raymond
Laware, Thomas

Gottling, Suzanne
Schmidt, Andrew

and floor amendment (0920h) failed.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Rideout spoke against and yielded to questions.

Reps. Hoell, Hannon, Sanborn, Dan McGuire and Burt spoke against.

Reps. Rosenwald and Stephen Schmidt spoke in favor and yielded to questions.

Rep. William O'Brien requested a roll call; sufficiently seconded.

YEAS 216 - NAYS 145**YEAS - 216****BELKNAP**

Fields, Dennis

Flanders, Donald

LeBreche, Shari

Tilton, Franklin

CARROLL

Buco, Thomas
McConkey, Mark
Ticehurst, Susan

Butler, Edward
Nelson, Bill
Umberger, Karen

Chandler, Gene
Parker, Harold
Wright, Ted

Crawford, Karel
Schmidt, Stephen

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, Martha
Piper, Wendy
White, Andrew

Almy, Susan
Darrow, Stephen
Higgins, Patricia
Smith, Suzanne

Bennett, Travis
Ford, Susan
Maes, Kevin
Sykes, George

Brown, Rebecca
Hennessey, Erin
Massimilla, Linda
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Belanger, James
Christensen, Chris
Cote, David
Forest, Armand
Goley, Jeffrey
Hansberry, Daniel
Hinch, Richard

Balcom, John
Booras, Efsthia
Christiansen, Lars
Danielson, David
Freitas, Mary
Gonzalez, Carlos
Harvey, Suzanne
Jack, Martin

Baroody, Benjamin
Bouldin, Amanda
Cohen, Alan
Edwards, Elizabeth
Gargas, Carolyn
Gorman, Mary
Heath, Mary
Judy, Jean

Beaulieu, Jane
Brown, Pamela
Cornell, Patricia
Flanagan, Jack
Gidge, Kenneth
Guerette, C. Lee
Herbert, Christopher
Lachance, Joseph

LeBrun, Donald
Manley, Jonathan
O'Neil, William
Proulx, Mark
Shattuck, Gilman
Soucy, Timothy
Walsh, Robert

Leishman, Peter
McCarthy, Peggy
Palmer, Barry
Roberts, Carol
Shaw, Barbara
Sullivan, Daniel
Williams, Kermit

Long, Patrick
McNamara, Richard
Pierce, David
Rosenwald, Cindy
Smith, Timothy
Takesian, Charlene
Wolf, Terry

Mangipudi, Latha
O'Brien, William
Porter, Marjorie
Rowe, Robert
Snow, Kendall
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Deloge, Helen
French, Barbara
Karrick, David
Luneau, David
Patten, Dick
Saunderson, George
Wallner, Mary Jane

Bartlett, Christy
Doherty, David
Gile, Mary
Kenison, Linda
MacKay, James
Ratzki, Mario
Schuett, Dianne
Wheeler, Deborah

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

ROCK INGHAM

Azarian, Gary
Cahill, Michael
Christie, Andrew
DiFranco, Debbie
Friel, William
Heffron, Frank
Major, Norman
Milz, David
Simpson, Alexis
Welch, David

Barnes, Arthur
Cali-Pitts, Jacqueline
Cushing, Robert
Doucette, Fred
Gordon, Pamela
Hoelzel, Kathleen
Matthews, Carolyn
Nigrello, Robert
Sytek, John
Woitkun, Steven

Berrien, Skip
Cardon, G. Thomas
DeSimone, Debra
Elliott, Robert
Griffin, Mary
Katsakiores, Phyllis
McBeath, Rebecca
O'Connor, John
Tilton, Rio

Borden, David
Chase, Francis
Devine, James
Francese, Paula
Guthrie, Joseph
Lovejoy, Patricia
McMahon, Charles
Pantelakos, Laura
Ward, Gerald

STRAFFORD

Baber, William
Burton, Wayne
Gray, James
Schmidt, Peter
Sprague, Dale
Ward, Kenneth

Berube, Roger
Cilley, Jacalyn
Horrigan, Timothy
Smith, Marjorie
Stevens, Audrey

Bickford, David
DiSesa, Len
Kaen, Naida
Southworth, Thomas
Treleven, Susan

Bixby, Peter
Gardner, Janice
Rollo, Deanna
Spang, Judith
Wall, Janet

SULLIVAN

Cloutier, John
Grenier, James
Smith, Steven

Converse, Larry
Irwin, Virginia

Gagnon, Raymond
Laware, Thomas

Gottling, Suzanne
Schmidt, Andrew

NAYS - 145

BELk NAP

Aldrich, Glen
Gallagher, Brian
Sylvia, Michael

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

Fisher, Robert
Hurt, George
Varney, Peter

Fraser, Valerie
Spanos, Peter

CARROLL

Avellani, Lino

Comeau, Ed

Cordelli, Glenn

McCarthy, Frank

CHESHIRE

Hunt, John

McConnell, James

COOS

Rappaport, Laurence

Rideout, Leon

GRAFTON

Brown, Duane
Johnson, Eric

Gionet, Edmond
Ladd, Rick

Hull, Robert

Ingbertson, Paul

HILLSBOROUGH

Adams, Christopher
Boehm, Ralph
Coffey, James
Estevez, Eric
Gould, Linda
Hansen, Peter
Kurk, Neal
Moore, Josh

Ammon, Keith
Burt, John
Donovan, Daniel
Ferreira, Elizabeth
Griffin, Barbara
Hogan, Edith
Marston, Dick
Murotake, David

Barry, Richard
Byron, Frank
Eastman, Eric
Fromuth, Bart
Haefner, Robert
Hopper, Gary
McClarren, Donald
Murphy, Keith

Biggie, Barbara
Christie, Rick
Edelblut, Frank
Gagne, Larry
Halstead, Carolyn
Infantine, William
McLean, Mark
Notter, Jeanine

Ober, Lynne
Pellegrino, Anthony
Sanborn, Laurie
Simmons, Tammy
Sweeney, Shawn

Ober, Russell
Peterson, Ken
Schleien, Eric
Smith, Gregory
Twombly, Timothy

Ohm, Bill
Rice, Kimberly
Seidel, Carl
Stepanek, Stephen
Ulery, Jordan

Parison, James
Rouillard, Claire
Silva, Peter
Sullivan, Victoria
Zaricki, Nick

MERRIMACK

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

French, Harold
Horn, Werner
Martin, John
Seaworth, Brian

Hess, David
Kuch, Bill
McGuire, Carol
Walsh, Thomas

Hill, Gregory
Long, Douglas
McGuire, Dan

ROCK INGHAM

Abrami, Patrick
Bates, David
Dean-Bailey, Yvonne
Gannon, William
Hodgdon, Bruce
Kolodziej, Walter
Packard, Sherman
Rice, Frederick
Thomas, Douglas
Ward, Joanne

Abramson, Max
Bush, Carol
Duarte, Joe
Gordon, Richard
Introne, Robert
McKinney, Betsy
Peckham, Michele
Schroadter, Adam
True, Chris
Webb, James

Allen, Mary
Chirichiello, Brian
Emerick, J. Tracy
Green, Dennis
Itse, Daniel
Oligny, Jeffrey
Potucek, John
Spillane, James
Tucker, Pamela
Weyler, Kenneth

Baldasaro, Alfred
Cook, Allen
Ferrante, Beverly
Harris, Jeffrey
Kappler, Lawrence
Osborne, Jason
Prudhomme-O'Brien, Katherine
Sweeney, Joe
Vose, Michael

STRAFFORD

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

DeLemus, Susan
Jones, Laura
Mullen, John

Graham, Robert
Kaczynski, Jr., Thomas
Pitre, Joseph

Groen, Warren
Knowles, Robert
Turcotte, Leonard

SULLIVAN

Rollins, Skip

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

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. William O'Brien moved that the House reconsider its action whereby, on a roll call vote of 216-145, 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. Hinch spoke against.

Rep. William O'Brien spoke in favor, yielded to questions and requested a roll call; sufficiently seconded.

YEAS 146 - NAYS 214

YEAS - 146

BELKNAP

Aldrich, Glen
Gallagher, Brian
Spanos, Peter

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

Fisher, Robert
Hurt, George
Vadney, Herbert

Fraser, Valerie
Russell, David
Varney, Peter

CARROLL

Avellani, Lino
McCarthy, Frank

Chandler, Gene
Parker, Harold

Comeau, Ed
Wright, Ted

Cordelli, Glenn

CHESHIRE

Hunt, John

McConnell, James

COOS

Rappaport, Laurence

Rideout, Leon

GRAFTON

Brown, Duane
Ingbretson, Paul

Gionet, Edmond
Johnson, Eric

Hennessey, Erin
Ladd, Rick

Hull, Robert

HILLSBOROUGH

Adams, Christopher
Biggie, Barbara
Byron, Frank
Eastman, Eric
Flanagan, Jack
Griffin, Barbara
Hopper, Gary

Ammon, Keith
Boehm, Ralph
Christie, Rick
Edelblut, Frank
Fromuth, Bart
Halstead, Carolyn
Infantine, William

Balcom, John
Bouldin, Amanda
Coffey, James
Edwards, Elizabeth
Gagne, Larry
Hansen, Peter
Kurk, Neal

Barry, Richard
Burt, John
Donovan, Daniel
Ferreira, Elizabeth
Gould, Linda
Hogan, Edith
Marston, Dick

McClarren, Donald
Murphy, Keith
Ober, Russell
Peterson, Ken
Sanborn, Laurie
Smith, Gregory
Twombly, Timothy

McLean, Mark
Notter, Jeanine
Ohm, Bill
Pierce, David
Schleien, Eric
Stepanek, Stephen
Ulery, Jordan

Moore, Josh
O'Brien, William
Parison, James
Rice, Kimberly
Seidel, Carl
Sullivan, Victoria
Zaricki, Nick

Murotake, David
Ober, Lynne
Pellegrino, Anthony
Rouillard, Claire
Simmons, Tammy
Sweeney, Shawn

MERRIMACK

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

French, Harold
Horn, Werner
Martin, John
Seaworth, Brian

Hess, David
Kuch, Bill
McGuire, Carol
Walsh, Thomas

Hill, Gregory
Long, Douglas
McGuire, Dan

ROCK INGHAM

Abrami, Patrick
Cook, Allen
Ferrante, Beverly
Green, Dennis
Kappler, Lawrence
Potucek, John
Spillane, James
Tucker, Pamela

Abramson, Max
Dean-Bailey, Yvonne
Friel, William
Harris, Jeffrey
Kolodziej, Walter
Prudhomme-O'Brien, Katherine
Sweeney, Joe
Vose, Michael

Baldasaro, Alfred
Duarte, Joe
Gannon, William
Hodgdon, Bruce
Oligny, Jeffrey
Rice, Frederick
Thomas, Douglas
Ward, Joanne

Bates, David
Emerick, J. Tracy
Gordon, Richard
Itse, Daniel
Osborne, Jason
Schroader, Adam
True, Chris
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Hannon, Joseph
Leeman, Don

DeLemus, Susan
Jones, Laura
Pitre, Joseph

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

Groen, Warren
Knowles, Robert
Wuelper, Kurt

SULLIVAN

Rollins, Skip

Smith, Steven

NAYS - 214

BELKNAP

Fields, Dennis

Flanders, Donald

LeBreche, Shari

Tilton, Franklin

CARROLL

Buco, Thomas
Nelson, Bill

Butler, Edward
Schmidt, Stephen

Crawford, Karel
Ticehurst, Susan

McConkey, Mark
Umberger, Karen

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
Higgins, Patricia
Smith, Suzanne

Almy, Susan
Darrow, Stephen
Maes, Kevin
Sykes, George

Bennett, Travis
Ford, Susan
Massimilla, Linda
Townsend, Charles

Brown, Rebecca
Hennessey, Martha
Piper, Wendy
White, Andrew

HILLSBOROUGH

Backus, Robert
Booras, Efstathia
Cohen, Alan
Estevez, Eric
Gidge, Kenneth
Guerette, C. Lee
Heath, Mary
Judy, Jean
Long, Patrick
McNamara, Richard
Proulx, Mark
Shattuck, Gilman
Soucy, Timothy
Walsh, Robert

Baroody, Benjamin
Brown, Pamela
Cornell, Patricia
Forest, Armand
Goley, Jeffrey
Haefner, Robert
Herbert, Christopher
Lachance, Joseph
Mangipudi, Latha
O'Neil, William
Roberts, Carol
Shaw, Barbara
Sullivan, Daniel
Williams, Kermit

Beaulieu, Jane
Christensen, Chris
Cote, David
Freitas, Mary
Gonzalez, Carlos
Hansberry, Daniel
Hinch, Richard
LeBrun, Donald
Manley, Jonathan
Palmer, Barry
Rosenwald, Cindy
Smith, Timothy
Takesian, Charlene
Wolf, Terry

Belanger, James
Christiansen, Lars
Danielson, David
Gargas, Carolyn
Gorman, Mary
Harvey, Suzanne
Jack, Martin
Leishman, Peter
McCarthy, Peggy
Porter, Marjorie
Rowe, Robert
Snow, Kendall
Vann, Ivy

MERRIMACK

Alicea, Caroletta
 Deloge, Helen
 French, Barbara
 Karrick, David
 Luneau, David
 Patten, Dick
 Saunderson, George
 Wallner, Mary Jane

Bartlett, Christy
 Doherty, David
 Gile, Mary
 Kenison, Linda
 Mackay, James
 Ratzki, Mario
 Schuett, Dianne
 Wheeler, Deborah

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

ROCK INGHAM

Allen, Mary
 Borden, David
 Cardon, G. Thomas
 Cushing, Robert
 Elliott, Robert
 Guthrie, Joseph
 Katsakiores, Phyllis
 McBeath, Rebecca
 Nigrello, Robert
 Peckham, Michele
 Ward, Gerald

Azarian, Gary
 Bush, Carol
 Chase, Francis
 Devine, James
 Francese, Paula
 Heffron, Frank
 Lovejoy, Patricia
 McKinney, Betsy
 O'Connor, John
 Simpson, Alexis
 Webb, James

Barnes, Arthur
 Cahill, Michael
 Chirichiello, Brian
 DiFranco, Debbie
 Gordon, Pamela
 Hoelzel, Kathleen
 Major, Norman
 McMahon, Charles
 Packard, Sherman
 Sytek, John
 Welch, David

Berrien, Skip
 Cali-Pitts, Jacqueline
 Christie, Andrew
 Doucette, Fred
 Griffin, Mary
 Introne, Robert
 Matthews, Carolyn
 Milz, David
 Pantelakos, Laura
 Tilton, Rio
 Woitkun, Steven

STRAFFORD

Baber, William
 Burton, Wayne
 Gray, James
 Rollo, Deanna
 Spang, Judith
 Wall, Janet

Berube, Roger
 Cilley, Jacalyn
 Horrigan, Timothy
 Schmidt, Peter
 Sprague, Dale
 Ward, Kenneth

Bickford, David
 DiSesa, Len
 Kaen, Naida
 Smith, Marjorie
 Stevens, Audrey

Bixby, Peter
 Gardner, Janice
 Mullen, John
 Southworth, Thomas
 Treleven, Susan

SULLIVAN

Cloutier, John
 Grenier, James

Converse, Larry
 Irwin, Virginia

Gagnon, Raymond
 Laware, Thomas

Gottling, Suzanne
 Schmidt, Andrew

and the motion failed.

(Rep. Packard in the Chair)

REGULAR CALENDAR CONT'D

HB 1178, relative to the taking of black bear assisted by a licensed guide. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Douglas Long for the Majority of Fish and Game and Marine Resources. By administrative rule, the Department of Fish and Game currently issues up to 50 bear guide permits each year, with each allowed up to six bear baiting sites. This site limit has been in effect for 15 years. Each guide may also assist in the taking of up to six bears. Currently the success rate is 30%. No further bait sites or an increase in the take limit are needed. These limits should all remain in rules. When the quota is filled for bear kill, the department can shut down the season. The committee heard argument that this is a business issue. The majority felt that guides know the economics of their business when they open shop. The bill could also put the balance of the sportsmen at a disadvantage when it comes to bear harvest. The NH Guides Association, the NH Wildlife Federation, and the Department of Fish and Game all opposed this bill. Vote 11-2.

Rep. James Spillane for the Minority of Fish and Game and Marine Resources. This is a business bill. It will allow guide businesses to book more hunters in a season, thereby bringing more revenue to the state not only in hunting licenses, but also in Meals and Rooms Tax, and it will generate business for these industries.

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

Rep. Webb spoke in favor.

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

YEAS 217 - NAYS 122

YEAS - 217**BELKNAP**

Fields, Dennis
 LeBreche, Shari

Flanders, Donald
 Russell, David

Gallagher, Brian

Hurt, George

CARROLL

Buco, Thomas
 Crawford, Karel

Butler, Edward
 Nelson, Bill

Chandler, Gene
 Ticehurst, Susan

Cordelli, Glenn

CHESHIRE

Abbott, Michael
Chase, Cynthia
Ley, Douglas
Sad, Tara
Weber, Lucy

Ames, Richard
Eaton, Daniel
Mann, John
Shepardson, Marjorie

Berch, Paul
Hunt, John
Phillips, Larry
Tatro, Bruce

Bordenet, John
Johnsen, Gladys
Robertson, Timothy
Tilton, Benjamin

COOS

Fothergill, John
Rappaport, Laurence

Froburg, Alethea
Richardson, Herbert

Hatch, William
Theberge, Robert

Moynihan, Wayne
Thomas, Yvonne

GRAFTON

Abel, Richard
Cooney, Mary
Hennessey, Martha
Massimilla, Linda
Townsend, Charles

Almy, Susan
Ford, Susan
Higgins, Patricia
Piper, Wendy
White, Andrew

Bennett, Travis
Gionet, Edmond
Ladd, Rick
Smith, Suzanne

Brown, Rebecca
Hennessey, Erin
Maes, Kevin
Sykes, George

HILLSBOROUGH

Backus, Robert
Biggie, Barbara
Christensen, Chris
Cote, David
Freitas, Mary
Gonzalez, Carlos
Haefner, Robert
Herbert, Christopher
Judy, Jean
Long, Patrick
McCarthy, Peggy
Palmer, Barry
Roberts, Carol
Shaw, Barbara
Sullivan, Daniel
Walsh, Robert

Balcom, John
Booras, Efsthia
Coffey, James
Donovan, Daniel
Gagne, Larry
Gorman, Mary
Hansberry, Daniel
Hinch, Richard
Kurk, Neal
Mangipudi, Latha
McNamara, Richard
Pellegrino, Anthony
Rosenwald, Cindy
Smith, Timothy
Sweeney, Shawn
Williams, Kermit

Barry, Richard
Brown, Pamela
Cohen, Alan
Edwards, Elizabeth
Gidge, Kenneth
Griffin, Barbara
Harvey, Suzanne
Infantine, William
Lachance, Joseph
Manley, Jonathan
Ober, Lynne
Peterson, Ken
Rowe, Robert
Snow, Kendall
Takesian, Charlene
Wolf, Terry

Beaulieu, Jane
Byron, Frank
Cornell, Patricia
Flanagan, Jack
Goley, Jeffrey
Guerette, C. Lee
Heath, Mary
Jack, Martin
Leishman, Peter
Marston, Dick
Ober, Russell
Porter, Marjorie
Shattuck, Gilman
Soucy, Timothy
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Deloge, Helen
Karrick, David
Long, Douglas
Moffett, Howard
Rice, Chip
Shurtleff, Stephen

Bartlett, Christy
Ebel, Karen
Kenison, Linda
Luneau, David
Myler, Mel
Rogers, Katherine
Turcotte, Alan

Bradley, Paula
Frazer, June
Kidder, David
MacKay, James
Patten, Dick
Saunderson, George
Wallner, Mary Jane

Carson, Clyde
Henle, Paul
Kotowski, Frank
Marple, Richard
Ratzki, Mario
Schuett, Dianne
Wheeler, Deborah

ROCK INGHAM

Abrami, Patrick
Borden, David
Cardon, G. Thomas
Cushing, Robert
Francese, Paula
Guthrie, Joseph
Kolodziej, Walter
McBeath, Rebecca
O'Connor, John
Simpson, Alexis
Webb, James

Azarian, Gary
Bush, Carol
Chase, Francis
Devine, James
Friel, William
Heffron, Frank
Lovejoy, Patricia
McKinney, Betsy
Pantelakos, Laura
Sytek, John
Welch, David

Barnes, Arthur
Cahill, Michael
Chirichiello, Brian
Elliott, Robert
Gordon, Pamela
Hoelzel, Kathleen
Major, Norman
McMahon, Charles
Peckham, Michele
Tilton, Rio
Woitkun, Steven

Berrien, Skip
Cali-Pitts, Jacqueline
Christie, Andrew
Ferrante, Beverly
Griffin, Mary
Katsakiores, Phyllis
Matthews, Carolyn
Miz, David
Rice, Frederick
Ward, Gerald

STRAFFORD

Baber, William
Cilley, Jacalyn
Horrigan, Timothy
Schmidt, Peter
Stevens, Audrey

Bickford, David
DiSesa, Len
Kaen, Naida
Smith, Marjorie
Treleaven, Susan

Bixby, Peter
Gardner, Janice
Mullen, John
Southworth, Thomas
Wall, Janet

Burton, Wayne
Gray, James
Rollo, Deanna
Spang, Judith
Ward, Kenneth

SULLIVAN

Cloutier, John
Irwin, Virginia

Gagnon, Raymond
Laware, Thomas

Gottling, Suzanne
Schmidt, Andrew

Grenier, James

NAYS - 122**BELKNAP**

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

Dumais, Russell
Spanos, Peter
Varney, Peter

Fisher, Robert
Sylvia, Michael

Fraser, Valerie
Tilton, Franklin

CARROLL

Avellani, Lino
Wright, Ted

Comeau, Ed

McCarthy, Frank

McConkey, Mark

CHESHIRE

McConnell, James

Roberts, Kris

COOS

Rideout, Leon

GRAFTON

Brown, Duane
Johnson, Eric

Darrow, Stephen

Hull, Robert

Ingbretson, Paul

HILLSBOROUGH

Adams, Christopher
Burt, John
Eastman, Eric
Forest, Armand
Hansen, Peter
McClarren, Donald
Murphy, Keith
Ohm, Bill
Rouillard, Claire
Simmons, Tammy
Twombly, Timothy

Baroddy, Benjamin
Christiansen, Lars
Edelblut, Frank
Fromuth, Bart
Hogan, Edith
McLean, Mark
Notter, Jeanine
Parison, James
Sanborn, Laurie
Smith, Gregory
Ulery, Jordan

Belanger, James
Christie, Rick
Estevez, Eric
Gould, Linda
Hopper, Gary
Moore, Josh
O'Brien, William
Pierce, David
Schleien, Eric
Stepanek, Stephen
Zaricki, Nick

Boehm, Ralph
Danielson, David
Ferreira, Elizabeth
Halstead, Carolyn
LeBrun, Donald
Murotake, David
O'Neil, William
Rice, Kimberly
Seidel, Carl
Sullivan, Victoria

MERRIMACK

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

Doherty, David
Horn, Werner
McGuire, Dan

French, Harold
Kuch, Bill
Parent, Jason

Hill, Gregory
Martin, John
Seaworth, Brian

ROCKINGHAM

Abramson, Max
Cook, Allen
Emerick, J. Tracy
Harris, Jeffrey
Kappler, Lawrence
Potucek, John
Sweeney, Joe
Vose, Michael

Allen, Mary
Dean-Bailey, Yvonne
Gannon, William
Hodgdon, Bruce
Nigrello, Robert
Prudhomme-O'Brien, Katherine
Thomas, Douglas
Ward, Joanne

Baldasaro, Alfred
DiFranco, Debbie
Gordon, Richard
Introne, Robert
Oligny, Jeffrey
Schroadter, Adam
True, Chris
Weyler, Kenneth

Bates, David
Duarte, Joe
Green, Dennis
Itse, Daniel
Osborne, Jason
Spillane, James
Tucker, Pamela

STRAFFORD

Cheney, Catherine
Jones, Laura
Pitre, Joseph

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

Groen, Warren
Knowles, Robert
Wuelper, Kurt

Hannon, Joseph
Leeman, Don

SULLIVAN

Converse, Larry

Rollins, Skip

and the majority committee report was adopted.

HB 1548-FN, prohibiting the trade of shark fins. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Ivy Vann for the Majority of Fish and Game and Marine Resources. The majority of the committee agrees with the Fish and Game Department that current law adequately prohibits the practice of shark finning in New Hampshire waters. Vote 10-2.

Rep. Jonathan Manley for the Minority of Fish and Game and Marine Resources. Shark fins should be illegal. Being able to take them from the animal once on shore is a loophole that needs attention.

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

Rep. Rogers spoke against.

Rep. Webb spoke in favor, yielded to questions and requested a roll call; not sufficiently seconded.

On a division vote, with 238 members having voted in the affirmative, and 101 in the negative, the majority committee report was adopted.

HB 1310, establishing a commission to study health care for all residents of New Hampshire. **REFER FOR INTERIM STUDY.**

Rep. Thomas Sherman for Health, Human Services and Elderly Affairs. The committee recognized the potential benefits of an in-depth study of alternative health coverage and delivery option for New Hampshire. However, the bill itself was incomplete. The committee expressed a commitment to further work on a bill that would promote a study of this timely issue. Vote 10-4.

Committee report adopted.

HB 1420, relative to controlled drug prescription health and safety information. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joanne Ward for Health, Human Services and Elderly Affairs. This bill strengthens the prescription drug monitoring program (PDMP) and it allows authorized law enforcement officials quicker access when they have reason to investigate fraud. This bill does not allow anyone to have direct access to the PDMP. Prior authorization for law enforcement must be on a case by case basis and must comply with the law. Access may be denied. Vote 11-6.

Amendment (0833h)

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

1 New Paragraph; Controlled Drug Prescription Health and Safety; Definitions. Amend RSA 318-B:31 by inserting after paragraph IX the following new paragraph:

X. "Law enforcement official" shall have the same meaning as in RSA 318-B:1, XIV-a.

2 Controlled Drug Prescription Health and Safety Program. Amend RSA 318-B:35, I(b)(3) to read as follows:

(3) Authorized law enforcement officials on a case-by-case basis for the purpose of investigation and prosecution of a criminal offense ~~[when presented with a court order based on probable cause. No law enforcement agency or official shall have direct access to the program]~~ ***pursuant to the following sections: RSA 318-B:2, V-VI; RSA 318-B:2, VIII; RSA 318-B:2, X; RSA 318-B:2, XII-a; RSA 318-B:21; or RSA 318-B:25. For the purpose of investigation and prosecution of a criminal offense under any other provision of RSA 318-B, law enforcement officials may receive information contained in the prescription health and safety program upon presentment of a court order based on probable cause. No law enforcement agency or official shall have direct access to the program or its database.***

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

Committee amendment adopted.

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

Rep. Weber spoke against and yielded to questions.

Rep. Joanne Ward spoke in favor and yielded to questions.

Rep. Itse requested a roll call; sufficiently seconded.

YEAS 155 - NAYS 195**YEAS - 155****BELK NAP**

Dumais, Russell
Tilton, Franklin

Fields, Dennis
Vadney, Herbert

Gallagher, Brian

Russell, David

CARROLL

Butler, Edward
McConkey, Mark
Umberger, Karen

Chandler, Gene
Nelson, Bill

Cordelli, Glenn
Parker, Harold

Crawford, Karel
Schmidt, Stephen

CHESHIRE

Abbott, Michael
Pearson, William
Sterling, Franklin

Chase, Cynthia
Phillips, Larry
Tilton, Benjamin

Eaton, Daniel
Robertson, Timothy

Mann, John
Shepardson, Marjorie

COOS

Fothergill, John
Tholl, John

Hatch, William
Thomas, Yvonne

Richardson, Herbert

Theberge, Robert

GRAFTON

Cooney, Mary
Higgins, Patricia
Piper, Wendy

Gionet, Edmond
Ladd, Rick

Hennessey, Erin
Maes, Kevin

Hennessey, Martha
Massimilla, Linda

HILLSBOROUGH

Backus, Robert
Beaulieu, Jane

Balcom, John
Belanger, James

Baroody, Benjamin
Booras, Efstathia

Barry, Richard
Brown, Pamela

Cohen, Alan
Forest, Armand
Gorman, Mary
Heath, Mary
Infantine, William
Marston, Dick
O'Neil, William
Pierce, David
Sanborn, Laurie
Walsh, Robert

Cornell, Patricia
Freitas, Mary
Griffin, Barbara
Herbert, Christopher
LeBrun, Donald
McCarthy, Peggy
Ohm, Bill
Porter, Marjorie
Shattuck, Gilman
Williams, Kermit

Donovan, Daniel
Goley, Jeffrey
Haefner, Robert
Hinch, Richard
Leishman, Peter
McNamara, Richard
Palmer, Barry
Proulx, Mark
Snow, Kendall
Wolf, Terry

Flanagan, Jack
Gonzalez, Carlos
Hansberry, Daniel
Hogan, Edith
Long, Patrick
Notter, Jeanine
Pellegrino, Anthony
Roberts, Carol
Takesian, Charlene

Alicea, Caroletta
Gile, Mary
Karrick, David
Parent, Jason

Bradley, Paula
Henle, Paul
Kenison, Linda
Wallner, Mary Jane

Ebel, Karen
Hess, David
Kotowski, Frank

Frazer, June
Horn, Werner
Luneau, David

MERRIMACK

Abrami, Patrick
Cardon, G. Thomas
Doucette, Fred
Friel, William
Hoelzel, Kathleen
Matthews, Carolyn
O'Connor, John
Schroader, Adam
Ward, Joanne

Azarian, Gary
Chirichiello, Brian
Elliott, Robert
Griffin, Mary
Introne, Robert
McMahon, Charles
Pantelakos, Laura
Simpson, Alexis
Weyler, Kenneth

Borden, David
Devine, James
Emerick, J. Tracy
Guthrie, Joseph
Katsakiores, Phyllis
Miz, David
Potucek, John
Sytek, John

Cahill, Michael
DiFranco, Debbie
Francese, Paula
Heffron, Frank
Major, Norman
Nigrello, Robert
Rice, Frederick
Tilton, Rio

ROCK INGHAM

Bickford, David
Gray, James
Schmidt, Peter
Wuelper, Kurt

Bixby, Peter
Kaen, Naida
Smith, Marjorie

DiSesa, Len
Mullen, John
Spang, Judith

Gardner, Janice
Rollo, Deanna
Stevens, Audrey

STRAFFORD

Cloutier, John
Irwin, Virginia

Converse, Larry
Schmidt, Andrew

Gottling, Suzanne
Smith, Steven

Grenier, James

SULLIVAN

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

Fisher, Robert
Hurt, George
Varney, Peter

Flanders, Donald
LeBreche, Shari

Fraser, Valerie
Spanos, Peter

NAYS - 195

BELK NAP

CARROLL

Avellani, Lino
Ticehurst, Susan

Buco, Thomas
Wright, Ted

Comeau, Ed

McCarthy, Frank

CHESHIRE

Ames, Richard
Johnsen, Gladys
Sad, Tara

Berch, Paul
Ley, Douglas
Weber, Lucy

Bordenet, John
McConnell, James

Hunt, John
Roberts, Kris

COOS

Froburg, Alethea

Moynihan, Wayne

Rappaport, Laurence

Rideout, Leon

GRAFTON

Abel, Richard
Brown, Rebecca
Ingretson, Paul
Townsend, Charles

Almy, Susan
Darrow, Stephen
Johnson, Eric
White, Andrew

Bennett, Travis
Ford, Susan
Smith, Suzanne

Brown, Duane
Hull, Robert
Sykes, George

HILLSBOROUGH

Adams, Christopher
Bouldin, Amanda
Christiansen, Lars
Danielson, David
Estevez, Eric
Gidge, Kenneth
Hansen, Peter
Judy, Jean

Ammon, Keith
Burt, John
Christie, Rick
Eastman, Eric
Ferreira, Elizabeth
Gould, Linda
Harvey, Suzanne
Kurk, Neal

Biggie, Barbara
Byron, Frank
Coffey, James
Edelblut, Frank
Fromuth, Bart
Guerette, C. Lee
Hopper, Gary
Lachance, Joseph

Boehm, Ralph
Christensen, Chris
Cote, David
Edwards, Elizabeth
Gagne, Larry
Halstead, Carolyn
Jack, Martin
Mangipudi, Latha

Manley, Jonathan
Murotake, David
Ober, Russell
Rosenwald, Cindy
Seidel, Carl
Smith, Timothy
Sweeney, Shawn
Zaricki, Nick

McClarren, Donald
Murphy, Keith
Parison, James
Rouillard, Claire
Shaw, Barbara
Soucy, Timothy
Twombly, Timothy

McLean, Mark
O'Brien, William
Peterson, Ken
Rowe, Robert
Simmons, Tammy
Sullivan, Daniel
Ulery, Jordan

Moore, Josh
Ober, Lynne
Rice, Kimberly
Schleien, Eric
Smith, Gregory
Sullivan, Victoria
Vann, Ivy

MERRIMACK

Bartlett, Christy
Doherty, David
Kidder, David
Marple, Richard
Moffett, Howard
Rice, Chip
Shurtleff, Stephen

Brewster, Michael
French, Harold
Kuch, Bill
Martin, John
Myler, Mel
Saunderson, George
Turcotte, Alan

Carson, Clyde
Hill, Gregory
Long, Douglas
McGuire, Carol
Patten, Dick
Schuett, Dianne
Wheeler, Deborah

Deloge, Helen
Hoell, J.R.
MacKay, James
McGuire, Dan
Ratzki, Mario
Seaworth, Brian

ROCK INGHAM

Abramson, Max
Bates, David
Chase, Francis
Dean-Bailey, Yvonne
Gordon, Pamela
Hodgdon, Bruce
Lovejoy, Patricia
Osborne, Jason
Sweeney, Joe
Vose, Michael
Woitkun, Steven

Allen, Mary
Berrien, Skip
Christie, Andrew
Duarte, Joe
Gordon, Richard
Itse, Daniel
McBeath, Rebecca
Peckham, Michele
Thomas, Douglas
Ward, Gerald

Baldasaro, Alfred
Bush, Carol
Cook, Allen
Ferrante, Beverly
Green, Dennis
Kappler, Lawrence
McKinney, Betsy
Prudhomme-O'Brien, Katherine
True, Chris
Webb, James

Barnes, Arthur
Cali-Pitts, Jacqueline
Cushing, Robert
Gannon, William
Harris, Jeffrey
Kolodziej, Walter
Oligny, Jeffrey
Spillane, James
Tucker, Pamela
Welch, David

STRAFFORD

Baber, William
DeLemus, Susan
Horrigan, Timothy
Leeman, Don
Treleaven, Susan

Burton, Wayne
Graham, Robert
Jones, Laura
Pitre, Joseph
Turcotte, Leonard

Cheney, Catherine
Groen, Warren
Kaczynski, Jr., Thomas
Southworth, Thomas
Wall, Janet

Cilley, Jacalyn
Hannon, Joseph
Knowles, Robert
Sprague, Dale

SULLIVAN

Gagnon, Raymond

Laware, Thomas

Rollins, Skip

and the committee report failed.

Rep. Rosenwald moved Inexpedient to Legislate.

On a division vote, with 286 members having voted in the affirmative, and 64 in the negative, the motion was adopted.

HB 1453, relative to qualifying medical conditions for purposes of therapeutic cannabis. **MAJORITY: IN-EXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. James MacKay for the Majority of Health, Human Services and Elderly Affairs. The majority of the committee felt that the orderly process followed by the NH Department of Health and Human Services in implementing the medical cannabis legislation has been done in a careful and thoughtful way. It is felt that the opening of the dispensaries is eminent. The Cannabis Advisory Council will assume the responsibility of evaluating the effectiveness of this program. Needed modification will be considered for future legislation including these in this legislation. Vote 9-6.

Rep. Lucy Weber for the Minority of Health, Human Services and Elderly Affairs. Members of the minority were persuaded that the symptoms of ulcerative colitis are very similar to the symptoms of Crohn's disease, which is already included in the list of qualifying medical conditions. Thus, we believe it would be unfair to afford relief to one group of patients and not to the other.

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

Rep. Luneau spoke against.

Rep. MacKay spoke in favor and yielded to questions.

Rep. Jones requested a roll call; sufficiently seconded.

YEAS 89 - NAYS 257

YEAS - 89

BELk NAP

Dumais, Russell
Spanos, Peter

Fields, Dennis
Tilton, Franklin

Flanders, Donald

Russell, David

CARROLLChandler, Gene
Nelson, BillCordelli, Glenn
Schmidt, StephenCrawford, Karel
Umberger, Karen

McConkey, Mark

CHESHIRE

Eaton, Daniel

Hunt, John

Johnsen, Gladys

COOS

Richardson, Herbert

Tholl, John

GRAFTON

Brown, Duane

Ladd, Rick

Piper, Wendy

HILLSBOROUGHBarry, Richard
Flanagan, Jack
Gorman, Mary
Hinch, Richard
Mangipudi, Latha
Seidel, CarlBiggie, Barbara
Forest, Armand
Griffin, Barbara
Kurk, Neal
Marston, DickByron, Frank
Goley, Jeffrey
Haeffner, Robert
LeBrun, Donald
McClarren, DonaldCote, David
Gonzalez, Carlos
Hansberry, Daniel
Leishman, Peter
Palmer, Barry**MERRIMACK**Deloge, Helen
Kenison, Linda
MacKay, JamesFrazer, June
Kidder, David
Marple, RichardHenle, Paul
Kotowski, Frank
Rice, ChipHess, David
Long, Douglas
Walsh, Thomas**ROCK INGHAM**Abrami, Patrick
Elliott, Robert
Gannon, William
Harris, Jeffrey
Major, Norman
Pantelakos, Laura
Weyler, KennethAllen, Mary
Ferrante, Beverly
Gordon, Richard
Heffron, Frank
Matthews, Carolyn
Tilton, RioChase, Francis
Francese, Paula
Griffin, Mary
Hoelzel, Kathleen
McMahon, Charles
Ward, JoanneDevine, James
Friel, William
Guthrie, Joseph
Introne, Robert
Milz, David
Welch, David**STRAFFORD**Bickford, David
Mullen, JohnGardner, Janice
Smith, MarjorieGraham, Robert
Turcotte, LeonardLeeman, Don
Wuelper, Kurt**SULLIVAN**

Cloutier, John

Smith, Steven

NAYS - 257**BELKNAP**Aldrich, Glen
Hurt, George
Varney, PeterFisher, Robert
LeBreche, ShariFraser, Valerie
Sylvia, MichaelGallagher, Brian
Vadney, Herbert**CARROLL**Avellani, Lino
McCarthy, FrankBucco, Thomas
Parker, HaroldButler, Edward
Ticehurst, SusanComeau, Ed
Wright, Ted**CHESHIRE**Abbott, Michael
Chase, Cynthia
Pearson, William
Sad, Tara
Tilton, BenjaminAmes, Richard
Ley, Douglas
Phillips, Larry
Shepardson, Marjorie
Weber, LucyBerch, Paul
Mann, John
Roberts, Kris
Sterling, FranklinBordenet, John
McConnell, James
Robertson, Timothy
Tatro, Bruce**COOS**Fothergill, John
Rappaport, LaurenceFroburg, Alethea
Rideout, LeonHatch, William
Theberge, RobertMoynihan, Wayne
Thomas, Yvonne**GRAFTON**Abel, Richard
Cooney, Mary
Hennessey, Erin
Ingbretonson, Paul
Smith, SuzanneAlmy, Susan
Darrow, Stephen
Hennessey, Martha
Johnson, Eric
Sykes, GeorgeBennett, Travis
Ford, Susan
Higgins, Patricia
Maes, Kevin
Townsend, CharlesBrown, Rebecca
Gionet, Edmond
Hull, Robert
Massimilla, Linda
White, Andrew

HILLSBOROUGH

Adams, Christopher
Baroody, Benjamin
Booras, Efstathia
Christensen, Chris
Cohen, Alan
Eastman, Eric
Ferreira, Elizabeth
Gidge, Kenneth
Harvey, Suzanne
Hopper, Gary
Lachance, Joseph
McLean, Mark
Murphy, Keith
Ober, Lynne
Peterson, Ken
Rice, Kimberly
Rowe, Robert
Shaw, Barbara
Snow, Kendall
Sweeney, Shawn
Vann, Ivy
Zaricki, Nick

Ammon, Keith
Beaulieu, Jane
Bouldin, Amanda
Christiansen, Lars
Cornell, Patricia
Edelblut, Frank
Freitas, Mary
Gould, Linda
Heath, Mary
Infantine, William
Long, Patrick
McNamara, Richard
Notter, Jeanine
Ober, Russell
Pierce, David
Roberts, Carol
Sanborn, Laurie
Simmons, Tammy
Soucy, Timothy
Takesian, Charlene
Walsh, Robert

Backus, Robert
Belanger, James
Brown, Pamela
Christie, Rick
Danielson, David
Edwards, Elizabeth
Fromuth, Bart
Guerette, C. Lee
Herbert, Christopher
Jack, Martin
Manley, Jonathan
Moore, Josh
O'Brien, William
Ohm, Bill
Porter, Marjorie
Rosenwald, Cindy
Schleien, Eric
Smith, Gregory
Sullivan, Daniel
Twombly, Timothy
Williams, Kermit

Balcom, John
Boehm, Ralph
Burt, John
Coffey, James
Donovan, Daniel
Estevez, Eric
Gagne, Larry
Halstead, Carolyn
Hogan, Edith
Judy, Jean
McCarthy, Peggy
Murotake, David
O'Neil, William
Parison, James
Proulx, Mark
Rouillard, Claire
Shattuck, Gilman
Smith, Timothy
Sullivan, Victoria
Ulery, Jordan
Wolf, Terry

MERRIMACK

Alicea, Caroletta
Carson, Clyde
Gle, Mary
Karrick, David
McGuire, Carol
Parent, Jason
Saunderson, George
Turcotte, Alan

Bartlett, Christy
Doherty, David
Hill, Gregory
Kuch, Bill
McGuire, Dan
Patten, Dick
Schuett, Dianne
Wallner, Mary Jane

Bradley, Paula
Ebel, Karen
Hoell, J.R.
Luneau, David
Moffett, Howard
Ratzki, Mario
Seaworth, Brian
Wheeler, Deborah

Brewster, Michael
French, Harold
Horn, Werner
Martin, John
Myler, Mel
Rogers, Katherine
Shurtliff, Stephen

ROCK INGHAM

Abramson, Max
Bates, David
Cahill, Michael
Christie, Andrew
DiFranco, Debbie
Gordon, Pamela
Kappeler, Lawrence
McBeath, Rebecca
Osborne, Jason
Rice, Frederick
Sweeney, Joe
Tucker, Pamela

Azarian, Gary
Berrien, Skip
Cali-Pitts, Jacqueline
Cook, Allen
Doucette, Fred
Green, Dennis
Katsakiores, Phyllis
Nigrello, Robert
Peckham, Michele
Schroader, Adam
Sytek, John
Vose, Michael

Baldasaro, Alfred
Borden, David
Cardon, G. Thomas
Cushing, Robert
Duarte, Joe
Hodgdon, Bruce
Kolodziej, Walter
O'Connor, John
Potucek, John
Simpson, Alexis
Thomas, Douglas
Ward, Gerald

Barnes, Arthur
Bush, Carol
Chirichiello, Brian
Dean-Bailey, Yvonne
Emerick, J. Tracy
Itse, Daniel
Lovejoy, Patricia
Oigny, Jeffrey
Prudhomme-O'Brien, Katherine
Spillane, James
True, Chris
Webb, James

STRAFFORD

Baber, William
Cilley, Jacalyn
Groen, Warren
Kaczynski, Jr., Thomas
Rollo, Deanna
Sprague, Dale

Bixby, Peter
DeLemus, Susan
Hannon, Joseph
Kaen, Naida
Schmidt, Peter
Stevens, Audrey

Burton, Wayne
DiSesa, Len
Horrigan, Timothy
Knowles, Robert
Southworth, Thomas
Treleven, Susan

Cheney, Catherine
Gray, James
Jones, Laura
Pitre, Joseph
Spang, Judith
Wall, Janet

SULLIVAN

Converse, Larry
Laware, Thomas

Gagnon, Raymond
Rollins, Skip

Gottling, Suzanne

Irwin, Virginia

and the majority committee report failed.

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

Minority committee report adopted and ordered to third reading.

HB 1605-FN, prohibiting the use of latex gloves and utensils in the food service industry. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James MacKay for the Majority of Health, Human Services and Elderly Affairs. This bill as amended prohibits the use of natural latex gloves and utensils in food preparation at licensed food service establishments or licensed retail stores. The American Latex Allergy Association reported that more than 3 million people have been diagnosed with an allergy to latex. That allergy can range from mild itching, redness and swelling to life threatening anaphylactic shock. Alternatives to latex gloves are readily available for restaurant suppli-

ers and are less expensive. Legislation extends the effective date to allow food service establishments to make the change. Food establishments that continue to use latex gloves give no choice to their clients. Vote 16-2. Rep. Joanne Ward for the Minority of Health, Human Services and Elderly Affairs. This bill would prevent the food service industry from using any latex gloves or utensils because of the risk to people with latex allergies. Allergies can be very serious but does this require a mandate. Vinyl gloves are less expensive than latex and many establishments have switched over voluntarily. Should this be mandated or handled through education and licensing?

Majority Amendment (0258h)

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

1 New Section; Latex Prohibited. Amend RSA 143-A by inserting after section 9-b the following new section:

143-A:9-c Latex Prohibited. No person licensed under this chapter shall use or allow the use of disposable, non-sterile, or sterile natural rubber latex gloves or utensils in food preparation at a licensed food service establishment or licensed food retail store. Any person who violates this section shall be guilty of a violation and shall pay a fine of not less than \$250 and not more than \$500.

2 Effective Date. This act shall take effect June 30, 2017.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Burt requested a roll call; sufficiently seconded.

YEAS 180 - NAYS 162

YEAS - 180

BELK NAP

Fields, Dennis
Varney, Peter

LeBreche, Shari

Russell, David

Tilton, Franklin

CARROLL

Chandler, Gene
Nelson, Bill
Wright, Ted

Crawford, Karel
Schmidt, Stephen

McCarthy, Frank
Ticehurst, Susan

McConkey, Mark
Umberger, Karen

CHESHIRE

Abbott, Michael
Eaton, Daniel
Pearson, William
Shepardson, Marjorie
Weber, Lucy

Ames, Richard
Johnsen, Gladys
Phillips, Larry
Sterling, Franklin

Berch, Paul
Ley, Douglas
Robertson, Timothy
Tatro, Bruce

Chase, Cynthia
Mann, John
Sad, Tara
Tilton, Benjamin

COOS

Fothergill, John
Richardson, Herbert

Froburg, Alethea
Tholl, John

Hatch, William

Rappaport, Laurence

GRAFTON

Abel, Richard
Ford, Susan
Ladd, Rick
Sykes, George

Almy, Susan
Gionet, Edmond
Maes, Kevin
Townsend, Charles

Bennett, Travis
Hennessey, Martha
Massimilla, Linda
White, Andrew

Cooney, Mary
Higgins, Patricia
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Booras, Efsthia
Christiansen, Lars
Donovan, Daniel
Goley, Jeffrey
Harvey, Suzanne
Jack, Martin
Long, Patrick
O'Neil, William
Proulx, Mark
Smith, Timothy
Takesian, Charlene

Balcom, John
Brown, Pamela
Cohen, Alan
Forest, Armand
Guerette, C. Lee
Hinch, Richard
Kurk, Neal
Mangipudi, Latha
Palmer, Barry
Roberts, Carol
Snow, Kendall
Vann, Ivy

Barody, Benjamin
Byron, Frank
Cornell, Patricia
Freitas, Mary
Haefner, Robert
Hopper, Gary
LeBrun, Donald
Manley, Jonathan
Peterson, Ken
Rosenwald, Cindy
Soucy, Timothy
Walsh, Robert

Belanger, James
Christensen, Chris
Cote, David
Gidge, Kenneth
Hansberry, Daniel
Infantine, William
Leishman, Peter
McNamara, Richard
Porter, Marjorie
Shattuck, Gilman
Sullivan, Daniel
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Deloge, Helen
Gile, Mary

Bartlett, Christy
Doherty, David
Henle, Paul

Bradley, Paula
Ebel, Karen
Karrick, David

Carson, Clyde
Frazer, June
Kenison, Linda

Kidder, David
Moffett, Howard
Rice, Chip
Shurtleff, Stephen
Wheeler, Deborah

Kotowski, Frank
Myler, Mel
Rogers, Katherine
Turcotte, Alan

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

MacKay, James
Ratzki, Mario
Schuett, Dianne
Walsh, Thomas

ROCK INGHAM

Allen, Mary
Cahill, Michael
Cushing, Robert
Elliott, Robert
Guthrie, Joseph
Major, Norman
Nigrello, Robert
Ward, Gerald

Berrien, Skip
Cardon, G. Thomas
Devine, James
Ferrante, Beverly
Heffron, Frank
Matthews, Carolyn
Pantelakos, Laura

Borden, David
Christie, Andrew
DiFranco, Debbie
Friel, William
Hoelzel, Kathleen
McBeath, Rebecca
Simpson, Alexis

Bush, Carol
Cook, Allen
Doucette, Fred
Gordon, Pamela
Lovejoy, Patricia
McMahon, Charles
Tilton, Rio

STRAFFORD

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

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

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

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

SULLIVAN

Cloutier, John

Converse, Larry

Gottling, Suzanne

Smith, Steven

NAYS - 162

BELKNAP

Aldrich, Glen
Fraser, Valerie
Sylvia, Michael

Dumais, Russell
Gallagher, Brian
Vadney, Herbert

Fisher, Robert
Hurt, George

Flanders, Donald
Spanos, Peter

CARROLL

Avellani, Lino
Cordelli, Glenn

Buco, Thomas
Parker, Harold

Butler, Edward

Comeau, Ed

CHESHIRE

Bordenet, John

Hunt, John

McConnell, James

Roberts, Kris

COOS

Moynihan, Wayne

Rideout, Leon

Theberge, Robert

Thomas, Yvonne

GRAFTON

Brown, Duane
Hull, Robert

Brown, Rebecca
Ingretson, Paul

Darrow, Stephen
Johnson, Eric

Hennessey, Erin
Piper, Wendy

HILLSBOROUGH

Adams, Christopher
Biggie, Barbara
Christie, Rick
Edelblut, Frank
Fromuth, Bart
Gould, Linda
Heath, Mary
Marston, Dick
Moore, Josh
O'Brien, William
Pellegrino, Anthony
Rowe, Robert
Shaw, Barbara
Ulery, Jordan

Ammon, Keith
Boehm, Ralph
Coffey, James
Edwards, Elizabeth
Gagne, Larry
Griffin, Barbara
Hogan, Edith
McCarthy, Peggy
Murotake, David
Ober, Russell
Pierce, David
Sanborn, Laurie
Smith, Gregory
Wolf, Terry

Barry, Richard
Bouldin, Amanda
Danielson, David
Estevez, Eric
Gonzalez, Carlos
Halstead, Carolyn
Judy, Jean
McClarren, Donald
Murphy, Keith
Ohm, Bill
Rice, Kimberly
Schleien, Eric
Sullivan, Victoria
Zaricki, Nick

Beaulieu, Jane
Burt, John
Eastman, Eric
Ferreira, Elizabeth
Gorman, Mary
Hansen, Peter
Lachance, Joseph
McLean, Mark
Notter, Jeanine
Parison, James
Rouillard, Claire
Seidel, Carl
Sweeney, Shawn

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

ROCK INGHAM

Abrami, Patrick
Barnes, Arthur

Abramson, Max
Bates, David

Azarian, Gary
Cali-Pitts, Jacqueline

Baldasaro, Alfred
Chase, Francis

Chirichiello, Brian
 Francese, Paula
 Griffin, Mary
 Itse, Daniel
 Milz, David
 Peckham, Michele
 Schroedter, Adam
 Thomas, Douglas
 Webb, James

Dean-Bailey, Yvonne
 Gannon, William
 Harris, Jeffrey
 Kappler, Lawrence
 O'Connor, John
 Potucek, John
 Spillane, James
 True, Chris
 Welch, David

Duarte, Joe
 Gordon, Richard
 Hodgdon, Bruce
 Katsakiores, Phyllis
 Oligny, Jeffrey
 Prudhomme-O'Brien, Katherine
 Sweeney, Joe
 Tucker, Pamela
 Weyler, Kenneth

Emerick, J. Tracy
 Green, Dennis
 Introne, Robert
 Kolodziej, Walter
 Osborne, Jason
 Rice, Frederick
 Sytek, John
 Ward, Joanne
 Waitkun, Steven

STRAFFORD

Cheney, Catherine
 Groen, Warren
 Knowles, Robert
 Turcotte, Leonard

DeLemus, Susan
 Hannon, Joseph
 Leeman, Don
 Wuelper, Kurt

Graham, Robert
 Jones, Laura
 Mullen, John

Gray, James
 Kaczynski, Jr., Thomas
 Pitre, Joseph

SULLIVAN

Gagnon, Raymond

Irwin, Virginia

Laware, Thomas

Rollins, Skip

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

HB 1629-FN, relative to disqualifying members of certain groups from receiving public assistance. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Pamela Gordon for the Majority of Health, Human Services and Elderly Affairs. This bill would prohibit any individual who has membership in, or who supports any organization from receiving public assistance. As well intentioned as this proposed legislation is to protect NH citizens against the use of public funds to inadvertently fund terrorist activities, this bill fails to accomplish the intended goal. The bill is unconstitutional as it prohibits benefits based on membership in a group, which is protected by the First Amendment, even if the group engages in abhorrent activities. Vote 12-5.

Rep. Donald LeBrun for the Minority of Health, Human Services and Elderly Affairs. When an individual is designated to the terrorist list they should not be allowed to benefit from public programs such as welfare, medical aid or food stamps. We should not be rewarding those individuals that are identified as not wishing to be a productive part of our culture.

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

Rep. Timothy Smith requested a roll call; not sufficiently seconded.

On a division vote, with 279 members having voted in the affirmative, and 62 in the negative, the majority committee report was adopted.

HB 1690-FN, extending the New Hampshire health protection program. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Stephen Schmidt for the Majority of Health, Human Services and Elderly Affairs. The majority position was that a similar bill, HB 1696, requesting a modification of the New Hampshire health protection program provided a sunsetted extension of the New Hampshire Health Protection Plan as well as a funding mechanism for those dollars not reimbursed by the federal government at no cost to the New Hampshire taxpayer. HB 1696 also contained language protecting the New Hampshire taxpayer should the federal government renege on their financial support. The majority, for the aforementioned reasons, found this bill Inexpedient to Legislate in favor of HB 1696. Vote 9-8.

Rep. Thomas Sherman for the Minority of Health, Human Services and Elderly Affairs. This bill repeals the sunset and reauthorization requirement for the New Hampshire Health Protection Program. By all measures, the program has been a success bringing health coverage to more than 47,000 New Hampshire residents. It has saved more than \$150 million in uncompensated care costs. With its influx of more than \$400 million in federal funds, it represents one of the very few sources of significant new revenue with which to address the addiction and opioid crisis in our state. With these successes and taxpayer circuit breakers in place, the NHPPP should be allowed to continue without sunset.

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

Rep. Weber requested a roll call; sufficiently seconded.

YEAS 211 - NAYS 128

YEAS - 211

BELKNAP

Aldrich, Glen
 Flanders, Donald
 Hurt, George
 Sylvia, Michael

Dumais, Russell
 Fraser, Valerie
 LeBreche, Shari
 Tilton, Franklin

Fields, Dennis
 Gallagher, Brian
 Russell, David
 Vadney, Herbert

Fisher, Robert
 Howard, Jr., Raymond
 Spanos, Peter
 Varney, Peter

CARROLL

Avellani, Lino
Crawford, Karel
Parker, Harold

Buco, Thomas
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

Brown, Duane
Hull, Robert
Piper, Wendy

Darrow, Stephen
Ingbretson, Paul

Gionet, Edmond
Johnson, Eric

Hennessey, Erin
Ladd, Rick

HILLSBOROUGH

Adams, Christopher
Belanger, James
Byron, Frank
Coffey, James
Edwards, Elizabeth
Forest, Armand
Griffin, Barbara
Hinch, Richard
Lachance, Joseph
McCarthy, Peggy
Murotake, David
Ober, Russell
Pellegrino, Anthony
Rice, Kimberly
Schleien, Eric
Smith, Gregory
Ulery, Jordan

Ammon, Keith
Biggie, Barbara
Christensen, Chris
Danielson, David
Estevez, Eric
Fromuth, Bart
Haefner, Robert
Hogan, Edith
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Ohm, Bill
Peterson, Ken
Rouillard, Claire
Seidel, Carl
Sullivan, Victoria
Walsh, Robert

Balcom, John
Boehm, Ralph
Christiansen, Lars
Eastman, Eric
Ferreira, Elizabeth
Gagne, Larry
Halstead, Carolyn
Hopper, Gary
Leishman, Peter
McLean, Mark
Notter, Jeanine
Palmer, Barry
Pierce, David
Rowe, Robert
Shaw, Barbara
Sweeney, Shawn
Wolf, Terry

Barry, Richard
Burt, John
Christie, Rick
Edelblut, Frank
Flanagan, Jack
Gould, Linda
Hansen, Peter
Kurk, Neal
Marston, Dick
Moore, Josh
O'Brien, William
Parison, James
Proulx, Mark
Sanborn, Laurie
Simmons, Tammy
Takesian, Charlene
Zaricki, Nick

MERRIMACK

Brewster, Michael
Hoell, J.R.
Long, Douglas
McGuire, Carol
Seaworth, Brian

Deloge, Helen
Horn, Werner
MacKay, James
McGuire, Dan
Walsh, Thomas

French, Harold
Kotowski, Frank
Marple, Richard
Parent, Jason

Hill, Gregory
Kuch, Bill
Martin, John
Rice, Chip

ROCK INGHAM

Abrami, Patrick
Baldasaro, Alfred
Cardon, G. Thomas
Cook, Allen
Duarte, Joe
Friel, William
Griffin, Mary
Hoelzel, Kathleen
Katsakiores, Phyllis
McMahon, Charles
Oigny, Jeffrey
Prudhomme-O'Brien, Katherine
Sweeney, Joe
True, Chris
Webb, James

Abramson, Max
Barnes, Arthur
Chase, Francis
Dean-Bailey, Yvonne
Elliott, Robert
Gannon, William
Guthrie, Joseph
Introne, Robert
Kolodziej, Walter
Miz, David
Osborne, Jason
Rice, Frederick
Sytek, John
Tucker, Pamela
Welch, David

Allen, Mary
Bates, David
Chirichiello, Brian
Devine, James
Emerick, J. Tracy
Gordon, Richard
Harris, Jeffrey
Itse, Daniel
Major, Norman
Nigrello, Robert
Osborne, Michele
Schroedter, Adam
Thomas, Douglas
Vose, Michael
Weyler, Kenneth

Azarian, Gary
Bush, Carol
Christie, Andrew
Doucette, Fred
Ferrante, Beverly
Green, Dennis
Hodgdon, Bruce
Kappler, Lawrence
Matthews, Carolyn
O'Connor, John
Potucek, John
Spillane, James
Tilton, Rio
Ward, Joanne
Woitkun, Steven

STRAFFORD

Bickford, David
Graham, Robert
Jones, Laura
Mullen, John
Turcotte, Leonard

Cheney, Catherine
Gray, James
Kaczynski, Jr., Thomas
Pitre, Joseph
Wuelper, Kurt

DeLemus, Susan
Groen, Warren
Knowles, Robert
Schmidt, Peter

Gardner, Janice
Hannon, Joseph
Leeman, Don
Smith, Marjorie

SULLIVAN

Rollins, Skip

Smith, Steven

NAYS - 128**CARROLL**

Butler, Edward

Ticehurst, Susan

CHESHIRE

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

Ames, Richard
Johnsen, Gladys
Phillips, Larry
Shepardson, Marjorie

Berch, Paul
Ley, Douglas
Roberts, Kris
Tatro, Bruce

Bordenet, John
Mann, John
Robertson, Timothy
Tilton, Benjamin

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

Baroody, Benjamin
Cohen, Alan
Freitas, Mary
Gorman, Mary
Heath, Mary
Mangipudi, Latha
Porter, Marjorie
Snow, Kendall
Williams, Kermit

Beaulieu, Jane
Cornell, Patricia
Gidge, Kenneth
Guerette, C. Lee
Jack, Martin
Manley, Jonathan
Roberts, Carol
Soucy, Timothy

Bouldin, Amanda
Cote, David
Goley, Jeffrey
Hansberry, Daniel
Judy, Jean
McNamara, Richard
Rosenwald, Cindy
Sullivan, Daniel

Brown, Pamela
Donovan, Daniel
Gonzalez, Carlos
Harvey, Suzanne
Long, Patrick
O'Neil, William
Smith, Timothy
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Doherty, David
Henle, Paul
Moffett, Howard
Rogers, Katherine
Turcotte, Alan

Bartlett, Christy
Ebel, Karen
Karrick, David
Myler, Mel
Saunderson, George
Wallner, Mary Jane

Bradley, Paula
Frazer, June
Kenison, Linda
Patten, Dick
Schuett, Dianne
Wheeler, Deborah

Carson, Clyde
Gile, Mary
Luneau, David
Ratzki, Mario
Shurtleff, Stephen

ROCK INGHAM

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

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

Cahill, Michael
Francese, Paula
McBeath, Rebecca

Cali-Pitts, Jacqueline
Gordon, Pamela
Pantelakos, Laura

STRAFFORD

Baber, William
DiSesa, Len
Southworth, Thomas
Treleaven, Susan

Bixby, Peter
Horrigan, Timothy
Spang, Judith
Wall, Janet

Burton, Wayne
Kaen, Naida
Sprague, Dale

Cilley, Jacalyn
Rollo, Deanna
Stevens, Audrey

SULLIVAN

Cloutier, John
Irvin, Virginia

Converse, Larry
Laware, Thomas

Gagnon, Raymond

Gottling, Suzanne

and the majority committee report was adopted.

CACR 13, relating to the administrative head of the courts. Providing that the chief justice of the supreme court shall make rules governing employees of the courts and the practice and procedure to be followed in the courts. **WITHOUT RECOMMENDATION.**

Statement in Support of Ought to Pass with Amendment: This resolution as amended will amend Part Second Article 73-a of the New Hampshire Constitution. Under the current wording of Article 73-a if the Supreme Court created a court rule which would conflict with statute, it is unclear which would have superior authority. This resolution would establish that in the event of conflict between court-created rule and statute, statute shall prevail. The Supreme Court has found in the case of *State of New Hampshire v. Shawn Carter*, that: "statutory enactments prevail over conflicting court rules." This resolution seeks to enshrine this ruling in the New Hampshire Constitution, thus preventing any potential conflict in the future.

Rep. Robert Hull.

Statement in Support of Inexpedient to Legislate: This resolution attempts to clarify and/or establish the primacy of the legislature in court rulemaking. The resolution makes it clear that in case of conflict between a court rule and a statute, the statute will prevail. However, after an exhaustive review of the meaning of our separation of powers clause, the Supreme Court agrees, but with an important exception. The legislature

may not impinge on the court's "core adjudicatory function" that is "to resolve cases fairly and impartially and to protect the constitutional rights of all persons who come before the courts." This resolution does not make this distinction and thus goes too far.

Rep. David Woodbury.

Rep. Hull moved Ought to Pass and offered floor amendment (0121h).

Floor Amendment (0121h)

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

RELATING TO: the administrative head of the courts.

PROVIDING THAT: the chief justice of the supreme court shall make rules governing all courts in the state but if such rules conflict with statute, statute shall prevail.

Amend the resolution by replacing paragraph I with the following:

I. That article 73-a of the second part of the constitution be amended to read as follows:

[Art.] 73-a. [Supreme Court, Administration.] The chief justice of the supreme court shall be the administrative head of all the courts. [He] ***The chief justice*** shall, with the concurrence of a majority of the supreme court justices, make rules governing the administration of all courts in the state and the practice and procedure to be followed in all such courts. The rules so promulgated shall have the force and effect of law, ***provided that if such rules conflict with statute, statute shall prevail.***

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

"Are you in favor of amending article 73-a of the second part of the constitution to read as follows:

[Art.] 73-a. [Supreme Court, Administration.] The chief justice of the supreme court shall be the administrative head of all the courts. [He] The chief justice shall, with the concurrence of a majority of the supreme court justices, make rules governing the administration of all courts in the state and the practice and procedure to be followed in all such courts. The rules so promulgated shall have the force and effect of law, provided that if such rules conflict with statute, statute shall prevail."

2016-0121h

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that if rules promulgated by the chief justice of the supreme court conflict with state statutes, state statutes shall prevail.

Rep. Hull spoke in favor.

Floor amendment (0121h) failed.

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

Rep. Horrigan spoke against.

MOTION TO LAY ON THE TABLE

Rep. Rowe moved that **CACR 13**, relating to the administrative head of the courts. Providing that the chief justice of the supreme court shall make rules governing employees of the courts and the practice and procedure to be followed in the courts, be laid on the table.

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

On a division vote, with 244 members having voted in the affirmative, and 47 in the negative, the motion was adopted.

REGULAR CALENDAR CONT'D

CACR 22, relating to the right to privacy. Providing that an individual's right to live free from governmental interference is fundamental and shall not be restricted unless the government demonstrates a compelling state interest. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kurt Wuelper for Judiciary. This resolution as amended proposes to formalize the right to privacy as a fundamental constitutional right. The majority agreed that having this right explicit in the New Hampshire Constitution would be an important safeguard to this right. Vote 12-8.

Amendment (0817h)

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

RELATING TO: the right to privacy.

PROVIDING THAT: an individual's right to live free from governmental interference is fundamental.

Amend the resolution by replacing paragraph I with the following:

I. That the first part of the constitution be amended by inserting after article 2-a the following new article:

[Art.] 2-b. [Right to Privacy.] An individual's right to live free from governmental interference in private or personal matters is fundamental.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

“Are you in favor of amending the first part of the constitution by inserting after article 2-a new article to read as follows:

[Art.] 2-b. [Right to Privacy.] An individual’s right to live free from governmental interference in private or personal matters is fundamental.”

2016-0817h

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that there is a fundamental right to live free of governmental interference.

Committee amendment adopted.

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

Rep. Itse spoke in favor and yielded to questions.

(Speaker Jasper in the Chair)

Rep. Wuelper spoke in favor.

Rep. Kurk spoke in favor and yielded to questions.

Rep. Abramson requested a roll call; sufficiently seconded.

YEAS 220 - NAYS 116

YEAS - 220

BELKNAP

Aldrich, Glen
Hurt, George
Vadney, Herbert

Fields, Dennis
Russell, David
Varney, Peter

Fisher, Robert
Sylvia, Michael

Fraser, Valerie
Tilton, Franklin

CARROLL

Avellani, Lino
Umberger, Karen

Crawford, Karel
Wright, Ted

McConkey, Mark

Schmidt, Stephen

CHESHIRE

Ames, Richard
Hunt, John
Roberts, Kris

Berch, Paul
Johnsen, Gladys
Robertson, Timothy

Chase, Cynthia
Mann, John
Tilton, Benjamin

Eaton, Daniel
McConnell, James

COOS

Fothergill, John
Rideout, Leon

Froburg, Alethea
Theberge, Robert

Moynihan, Wayne
Tholl, John

Rappaport, Laurence

GRAFTON

Almy, Susan
Gonet, Edmond
Ladd, Rick
Sykes, George

Bennett, Travis
Hennessey, Martha
Maes, Kevin
White, Andrew

Brown, Rebecca
Higgins, Patricia
Massimilla, Linda

Darrow, Stephen
Hull, Robert
Smith, Suzanne

HILLSBOROUGH

Adams, Christopher
Baroody, Benjamin
Burt, John
Donovan, Daniel
Ferreira, Elizabeth
Gagne, Larry
Halstead, Carolyn
Kurk, Neal
Mangipudi, Latha
McLean, Mark
Ober, Lynne
Pellegrino, Anthony
Roberts, Carol
Schleien, Eric
Snow, Kendall
Walsh, Robert

Ammon, Keith
Belanger, James
Christiansen, Lars
Edelblut, Frank
Flanagan, Jack
Gidge, Kenneth
Harvey, Suzanne
Lachance, Joseph
Marley, Jonathan
Moore, Josh
Ober, Russell
Peterson, Ken
Rouillard, Claire
Shaw, Barbara
Soucy, Timothy
Wolf, Terry

Backus, Robert
Biggie, Barbara
Cornell, Patricia
Edwards, Elizabeth
Forest, Armand
Gonzalez, Carlos
Heath, Mary
LeBrun, Donald
McCarthy, Peggy
Murphy, Keith
Palmer, Barry
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Sullivan, Daniel
Zaricki, Nick

Balcom, John
Boehm, Ralph
Cote, David
Estevez, Eric
Freitas, Mary
Haefner, Robert
Hinch, Richard
Leishman, Peter
McClarren, Donald
O’Neil, William
Parison, James
Rice, Kimberly
Sanborn, Laurie
Smith, Gregory
Takesian, Charlene

MERRIMACK

Alicea, Caroletta
Ebel, Karen

Bartlett, Christy
Frazer, June

Brewster, Michael
French, Harold

Doherty, David
Gile, Mary

Hill, Gregory
Long, Douglas
Martin, John
Myler, Mel
Saunderson, George
Walsh, Thomas

Horn, Werner
Luneau, David
McGuire, Carol
Patten, Dick
Schuett, Dianne
Wheeler, Deborah

Kotowski, Frank
MacKay, James
McGuire, Dan
Ratzki, Mario
Seaworth, Brian

Kuch, Bill
Marple, Richard
Moffett, Howard
Rice, Chip
Turcotte, Alan

ROCK INGHAM

Abrami, Patrick
Barnes, Arthur
Cardon, G. Thomas
Cook, Allen
Doucette, Fred
Ferrante, Beverly
Gordon, Richard
Introne, Robert
Major, Norman
Oligny, Jeffrey
Potucek, John
Thomas, Douglas
Ward, Joanne
Woitkun, Steven

Abramson, Max
Berrien, Skip
Chase, Francis
Cushing, Robert
Duarte, Joe
Francese, Paula
Griffin, Mary
Katsakiores, Phyllis
McBeath, Rebecca
Osborne, Jason
Rice, Frederick
Tilton, Rio
Webb, James

Allen, Mary
Bush, Carol
Chirichiello, Brian
Devine, James
Elliott, Robert
Friel, William
Guthrie, Joseph
Kolodziej, Walter
Nigrello, Robert
Packard, Sherman
Schroadter, Adam
Tucker, Pamela
Welch, David

Azarian, Gary
Cahill, Michael
Christie, Andrew
DiFranco, Debbie
Emerick, J. Tracy
Gordon, Pamela
Hoelzel, Kathleen
Lovejoy, Patricia
O'Connor, John
Pantelakos, Laura
Simpson, Alexis
Ward, Gerald
Weyler, Kenneth

STRAFFORD

Bickford, David
DiSesa, Len
Jones, Laura
Pitre, Joseph
Spang, Judith

Bixby, Peter
Gardner, Janice
Kaen, Naida
Rollo, Deanna
Sprague, Dale

Burton, Wayne
Graham, Robert
Leeman, Don
Smith, Marjorie
Trelaven, Susan

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

SULLIVAN

Converse, Larry
Rollins, Skip

Gottling, Suzanne
Smith, Steven

Irwin, Virginia

Laware, Thomas

NAYS - 116

BELKNAP

Dumais, Russell
LeBreche, Shari

Flanders, Donald
Spanos, Peter

Gallagher, Brian

Howard, Jr., Raymond

CARROLL

Buco, Thomas
McCarthy, Frank

Butler, Edward
Nelson, Bill

Comeau, Ed
Parker, Harold

Cordelli, Glenn
Ticehurst, Susan

CHESHIRE

Abbott, Michael
Phillips, Larry
Tatro, Bruce

Bordenet, John
Sad, Tara
Weber, Lucy

Ley, Douglas
Shepardson, Marjorie

Pearson, William
Sterling, Franklin

COOS

Hatch, William

Thomas, Yvonne

GRAFTON

Abel, Richard
Ingretson, Paul

Brown, Duane
Johnson, Eric

Cooney, Mary
Piper, Wendy

Ford, Susan
Townsend, Charles

HILLSBOROUGH

Beaulieu, Jane
Coffey, James
Goley, Jeffrey
Guerette, C. Lee
Hopper, Gary
Long, Patrick
O'Brien, William
Rosenwald, Cindy
Sullivan, Victoria
Vann, Ivy

Brown, Pamela
Cohen, Alan
Gorman, Mary
Hansberry, Daniel
Infantine, William
Marston, Dick
Ohm, Bill
Seidel, Carl
Sweeney, Shawn
Williams, Kermit

Byron, Frank
Danielson, David
Gould, Linda
Hansen, Peter
Jack, Martin
Murotake, David
Pierce, David
Shattuck, Gilman
Twombly, Timothy

Christie, Rick
Eastman, Eric
Griffin, Barbara
Hogan, Edith
Judy, Jean
Notter, Jeanine
Porter, Marjorie
Smith, Timothy
Ulery, Jordan

MERRIMACK

Bradley, Paula
Hoell, J.R.
Shurtleff, Stephen

Carson, Clyde
Karrick, David
Wallner, Mary Jane

Deloge, Helen
Kenison, Linda

Henle, Paul
Rogers, Katherine

ROCK INGHAM

Baldasaro, Alfred
Dean-Bailey, Yvonne
Heffron, Frank
Matthews, Carolyn
Spillane, James

Bates, David
Gannon, William
Hodgdon, Bruce
Miz, David
Sytek, John

Borden, David
Green, Dennis
Itse, Daniel
Peckham, Michele
True, Chris

Cali-Pitts, Jacqueline
Harris, Jeffrey
Kappler, Lawrence
Prudhomme-O'Brien, Katherine
Vose, Michael

STRAFFORD

Baber, William
Groen, Warren
Schmidt, Peter

Cilley, Jacalyn
Horrigan, Timothy
Stevens, Audrey

DeLemus, Susan
Kaczynski, Jr., Thomas
Turcotte, Leonard

Gray, James
Knowles, Robert
Wall, Janet

SULLIVAN

Cloutier, John

Gagnon, Raymond

and the committee report failed lacking the necessary three-fifths vote.

Rep. William O'Brien moved Inexpedient to Legislate.

Motion adopted.

HB 1125, requiring law enforcement officers to return stolen property. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Linda Kenison for the Majority of Judiciary. This bill requires the police to return certain stolen property within 48 hours of its recovery. This bill has a number of flaws. There is no procedure that would enable a person to obtain a copy of the data. Police must maintain a chain of custody over each piece of property taken into custody, for any item used as evidence in a criminal trial has to continually be in the hands of law enforcement and not altered. The proposed bill would require law enforcement to make the device available to the owner within two days so the owner could obtain a copy of the data. Many law enforcement agencies do not have the technology to retrieve the data within two days. Retrieval often takes a significant amount of time. If property is released there would have to be a police officer to oversee the entire process, which could take several hours. Vote 11-9.

Rep. Kurt Wuelper for the Minority of Judiciary. The minority believes crime victims should be allowed to retrieve the information from devices like phones or computers in a timely manner, after those objects are recovered by police, without compromising the need for them as evidence. With our enormous and increasing dependence on these devices for both personal and professional purposes, the inability to access our own information from our own property can be devastating. This bill as amended would provide a process for the people to get their own data within two business days and it requires the return of the item itself within two weeks unless, in either case, the police show a court why not.

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

Rep. Wuelper spoke against.

Rep. Kenison spoke in favor.

Rep. Jones requested a roll call; sufficiently seconded.

YEAS 180 - NAYS 152**YEAS - 180****BELKNAP**

Fields, Dennis

Gallagher, Brian

LeBreche, Shari

Russell, David

CARROLL

Buco, Thomas
McCarthy, Frank
Ticehurst, Susan

Butler, Edward
McConkey, Mark
Umberger, Karen

Chandler, Gene
Nelson, Bill

Crawford, Karel
Parker, Harold

CHESHIRE

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

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

Berch, Paul
Johnsen, Gladys
Phillips, Larry
Shepardson, Marjorie

Bordenet, John
Ley, Douglas
Roberts, Kris
Tatro, Bruce

COOS

Froburg, Alethea
Tholl, John

Hatch, William
Thomas, Yvonne

Moynihan, Wayne

Richardson, Herbert

GRAFTON

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

Almy, Susan
Hennessey, Martha
Piper, Wendy
White, Andrew

Cooney, Mary
Higgins, Patricia
Smith, Suzanne

Ford, Susan
Maes, Kevin
Sykes, George

HILLSBOROUGH

Backus, Robert
Christensen, Chris
Cote, David
Gidge, Kenneth
Guerette, C. Lee
Heath, Mary
Jeudy, Jean
Mangipudi, Latha
Palmer, Barry
Roberts, Carol
Shaw, Barbara
Sullivan, Daniel
Williams, Kermit

Baroody, Benjamin
Christiansen, Lars
Flanagan, Jack
Goley, Jeffrey
Haefner, Robert
Hinch, Richard
Kurk, Neal
Manley, Jonathan
Pellegrino, Anthony
Rosenwald, Cindy
Smith, Timothy
Takesian, Charlene

Beaulieu, Jane
Cohen, Alan
Forest, Armand
Gorman, Mary
Hansberry, Daniel
Infantine, William
Leishman, Peter
O'Brien, William
Peterson, Ken
Rowe, Robert
Snow, Kendall
Vann, Ivy

Brown, Pamela
Cornell, Patricia
Freitas, Mary
Griffin, Barbara
Harvey, Suzanne
Jack, Martin
Long, Patrick
O'Neil, William
Pierce, David
Shattuck, Gilman
Soucy, Timothy
Walsh, Robert

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MacKay, James
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Shurtleff, Stephen

Bradley, Paula
Ebel, Karen
Karrick, David
Myler, Mel
Rogers, Katherine
Turcotte, Alan

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Frazer, June
Kenison, Linda
Patten, Dick
Saunderson, George
Wallner, Mary Jane

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Abrami, Patrick
Bush, Carol
Christie, Andrew
Francese, Paula
Harris, Jeffrey
Lovejoy, Patricia
Peckham, Michele
Ward, Gerald

Azarian, Gary
Cahill, Michael
Cushing, Robert
Friel, William
Heffron, Frank
Major, Norman
Simpson, Alexis
Ward, Joanne

Berrien, Skip
Cali-Pitts, Jacqueline
DiFranco, Debbie
Gordon, Pamela
Hoelzel, Kathleen
Milz, David
Sytek, John
Webb, James

Borden, David
Chase, Francis
Elliott, Robert
Griffin, Mary
Kolodziej, Walter
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Mullen, John
Southworth, Thomas
Treleaven, Susan

Bixby, Peter
Gray, James
Rollo, Deanna
Spang, Judith
Wall, Janet

Burton, Wayne
Horrigan, Timothy
Schmidt, Peter
Sprague, Dale

DiSesa, Len
Kaen, Naida
Smith, Marjorie
Stevens, Audrey

SULLIVAN

Cloutier, John
Smith, Steven

Gagnon, Raymond

Gottling, Suzanne

Irwin, Virginia

NAYS - 152**BELKNAP**

Aldrich, Glen
Fraser, Valerie
Sylvia, Michael

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

Fisher, Robert
Hurt, George
Vadney, Herbert

Flanders, Donald
Spanos, Peter
Varney, Peter

CARROLL

Avellani, Lino
Wright, Ted

Comeau, Ed

Cordelli, Glenn

Schmidt, Stephen

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Sterling, Franklin

Tilton, Benjamin

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Rappaport, Laurence

Rideout, Leon

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Hull, Robert

Brown, Rebecca
Ingretson, Paul

Darrow, Stephen
Johnson, Eric

Gionet, Edmond

HILLSBOROUGH

Adams, Christopher
Biggie, Barbara
Byron, Frank
Donovan, Daniel

Ammon, Keith
Boehm, Ralph
Christie, Rick
Eastman, Eric

Balcom, John
Bouldin, Amanda
Coffey, James
Edelblut, Frank

Belanger, James
Burt, John
Danielson, David
Edwards, Elizabeth

Estevez, Eric
Gonzalez, Carlos
Hopper, Gary
McCarthy, Peggy
Murotake, David
Ohm, Bill
Rouillard, Claire
Simmons, Tammy
Twombly, Timothy

Ferreira, Elizabeth
Gould, Linda
Lachance, Joseph
McClarren, Donald
Murphy, Keith
Parison, James
Sanborn, Laurie
Smith, Gregory
Ulery, Jordan

Fromuth, Bart
Hansen, Peter
LeBrun, Donald
McLean, Mark
Notter, Jeanine
Proulx, Mark
Schleien, Eric
Sullivan, Victoria
Wolf, Terry

Gagne, Larry
Hogan, Edith
Marston, Dick
Moore, Josh
Ober, Lynne
Rice, Kimberly
Seidel, Carl
Sweeney, Shawn
Zaricki, Nick

MERRIMACK

Brewster, Michael
Horn, Werner
Marple, Richard
Seaworth, Brian

French, Harold
Kotowski, Frank
Martin, John
Walsh, Thomas

Hill, Gregory
Kuch, Bill
McGuire, Carol

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

ROCK INGHAM

Abramson, Max
Bates, David
Dean-Bailey, Yvonne
Emerick, J. Tracy
Green, Dennis
Itse, Daniel
McBeath, Rebecca
Osborne, Jason
Rice, Frederick
True, Chris
Woitkun, Steven

Allen, Mary
Cardon, G. Thomas
Devine, James
Ferrante, Beverly
Guthrie, Joseph
Kappler, Lawrence
Nigrello, Robert
Packard, Sherman
Schroader, Adam
Tucker, Pamela

Baldasaro, Alfred
Chirichiello, Brian
Doucette, Fred
Gannon, William
Hodgdon, Bruce
Katsakiores, Phyllis
O'Connor, John
Potucek, John
Spillane, James
Vose, Michael

Barnes, Arthur
Cook, Allen
Duarte, Joe
Gordon, Richard
Introne, Robert
Matthews, Carolyn
Oligny, Jeffrey
Prudhomme-O'Brien, Katherine
Tilton, Rio
Weyler, Kenneth

STRAFFORD

Bickford, David
Hannon, Joseph
Leeman, Don

Cheney, Catherine
Jones, Laura
Turcotte, Leonard

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

Groen, Warren
Knowles, Robert

SULLIVAN

Converse, Larry

Laware, Thomas

Rollins, Skip

and the majority committee report was adopted.

HB 1175-FN, relative to post-judgment real estate liens. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Claire Rouillard for Judiciary. This bill as amended provides that judgment issued by a court may be secured against real estate by recording and re-recording a certified copy of the judgment with the registry of deeds, without losing its priority status. Current law requires re-recording every six years with the priority status of the judgment eliminated. The bill provides for notice to the defendant upon each recording, requiring the recording of an affidavit of notice with the registry of deeds. The bill also provides a mechanism for discharge of the lien, with remedies available to the defendant of costs and legal fees if the plaintiff fails to comply. Vote 14-2.

Amendment (0371h)

Amend the bill by replacing section 2 with the following:

2 New Section; Judgments: Post-Judgment Real Estate Liens. Amend 524 by inserting after section 12 the following new section:

524:13 Post-Judgment Real Estate Liens.

I. A judgment entered by any court in this state may be secured against real estate by recording or re-recording, at any time during the duration of the judgment, a certified copy of the judgment, along with an affidavit in accordance with paragraph II, with the registry of deeds of the county in which the real estate is located.

II. At the time of recording, the plaintiff shall mail a copy of all documents mailed to the registry of deeds to the defendant's address of record with the court, by first class mail, or if the defendant is represented by counsel, a copy shall be mailed to counsel in the same manner.

III. The recording of the certified copy of the judgment, along with the affidavit attesting to compliance with paragraph II shall create a judgment lien on all real estate of the defendant in the county of recording. The judgment lien shall be subject to all applicable exemptions from attachment and execution and shall be subordinate to any other liens of record entitled to priority on the date of recording.

IV. Unless the judgment is satisfied or discharged or the lien is otherwise removed or altered, the judgment lien created under paragraphs I through III shall remain in force and effect for as long as a suit may be maintained upon the judgment under RSA 508:5.

V. When a judgment secured by a judgment lien under this section is satisfied, the plaintiff or his or her attorney shall deliver to the defendant or owner of the encumbered real estate a

discharge thereof. The defendant or owner shall cause the discharge to be recorded and shall pay the register of deeds the recording fee established pursuant to RSA 478:17-g. If the plaintiff fails to comply with this paragraph, the defendant shall be entitled to recover the amount of reasonable costs and legal fees incurred as a result.

VI.(a) If the plaintiff fails to deliver the discharge of a satisfied judgment within 30 days from receipt of a request to deliver such discharge, or if other exigent circumstances require an immediate discharge, such discharge may be issued by the court in which the judgment was rendered upon presentation of proof that the judgment has been paid in full, in the form of either a bank check, a certified check, an attorney's client funds account check which bears no indication of a stop payment order or return for insufficient funds, or by other equivalent documentary evidence of such receipt of payment.

(b) The discharge shall include the names of the plaintiff and the defendant, the date and amount of the judgment, the name of the underlying case and case number, if any, and the book and page of recording of the judgment lien.

(c) The discharge, when recorded, shall constitute a complete release of the lien created by the recording of the judgment.

(d) Any person who induces a court to execute a discharge in accordance with this paragraph on the basis of information and statements known to the person to be false shall be responsible for all costs and fees incurred by the opposing party as a result and such additional sanctions as the court in its discretion deems appropriate.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 1249, providing that persons who provide false or misleading information in an abuse or neglect proceeding shall be guilty of the crime of false swearing. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Paul Berch for the Majority of Judiciary. This bill proposes certain criminal penalties for providing false or misleading information in a child abuse or neglect investigation or proceeding. It would also criminalize withholding of exculpatory and true information by any employee of the Department of Health and Human Services. A bipartisan majority of the committee has recommended Inexpedient to Legislate for a number of reasons. There are already criminal provisions in the law to punish false swearing and perjury that would apply to judicial proceedings. The majority of the committee felt that poor drafting, vagueness and unclear directives in this bill would lead to unintended consequences and might well dissuade individuals from bringing forth good faith claims of child abuse. The bill makes it a crime to withhold information, but does not define from whom. It states that the information must be known to be true and exculpatory, but not by whom. It does not seek to define exculpatory, which can vary from circumstance to circumstance. The bar on withholding information extends to unintentional as well as intentional. The bill would cover secretaries as well as investigators. It even fails to specify what kind of hearing would be necessary for certain criminal penalties to attach. In a larger sense, the committee heard testimony that this bill would potentially chill people from coming forward with information that may turn out to be exculpatory, yet false. Law and public policy in New Hampshire is to encourage –with immunity – people coming forward with good faith reporting of possible child abuse and neglect. This bill, as written, goes in the opposite direction. Vote 10-7.

Rep. Mark McLean for the Minority of Judiciary. RSA 169-C:31 grants civil and criminal immunity to anyone who makes a report in good faith under the child protection act. This provision is essential to reassure persons reporting abuse that they will be protected from retaliation, and its absence would have a chilling effect on the reporting of real abuse. However, as vital as these protections are, they are only valid if the reports are being made in good faith. Persons who bring forth false or misleading information lose this immunity and are subject to the penalties under RSA 641 relating to falsification in official matters. This bill as amended does not create new penalties for providing false information, but it does explicitly link RSA 169 to RSA 641, and it clarifies which sections of the statute apply. False or misleading statements relating to abuse have the potential to cause enormous damage to children as well as the falsely accused. The minority of the committee felt that there should be no ambiguity as to the consequences of such actions.

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

Rep. Eastman requested a roll call; sufficiently seconded.

YEAS 204 - NAYS 128

YEAS - 204

BELk NAP

Dumais, Russell
Tilton, Franklin

Fields, Dennis

Gallagher, Brian

Russell, David

CARROLL

Buco, Thomas
McConkey, Mark
Ticehurst, Susan

Butler, Edward
Nelson, Bill
Umberger, Karen

Chandler, Gene
Parker, Harold

Crawford, Karel
Schmidt, Stephen

CHESHIRE

Abbott, Michael
Chase, Cynthia
Ley, Douglas
Roberts, Kris
Tatro, Bruce

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

Berch, Paul
Hunt, John
Pearson, William
Sad, Tara

Bordenet, John
Johnsen, Gladys
Phillips, Larry
Shepardson, Marjorie

COOS

Fothergill, John
Rappaport, Laurence

Froburg, Alethea
Richardson, Herbert

Hatch, William
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

Abel, Richard
Ford, Susan
Ladd, Rick
Smith, Suzanne

Almy, Susan
Hennessey, Erin
Maes, Kevin
Sykes, George

Brown, Rebecca
Hennessey, Martha
Massimilla, Linda
Townsend, Charles

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

HILLSBOROUGH

Backus, Robert
Belanger, James
Christiansen, Lars
Danielson, David
Gidge, Kenneth
Guerette, C. Lee
Heath, Mary
Judy, Jean
Mangipudi, Latha
Ober, Lynne
Pierce, David
Rowe, Robert
Snow, Kendall
Vann, Ivy

Balcom, John
Biggie, Barbara
Cohen, Alan
Flanagan, Jack
Goley, Jeffrey
Haefner, Robert
Hinch, Richard
Kurk, Neal
Manley, Jonathan
Palmer, Barry
Proulx, Mark
Shattuck, Gilman
Soucy, Timothy
Walsh, Robert

Baroody, Benjamin
Brown, Pamela
Cornell, Patricia
Forest, Armand
Gorman, Mary
Hansberry, Daniel
Infantine, William
Leishman, Peter
Marston, Dick
Pellegrino, Anthony
Roberts, Carol
Shaw, Barbara
Sullivan, Daniel
Williams, Kermit

Beaulieu, Jane
Christensen, Chris
Cote, David
Freitas, Mary
Griffin, Barbara
Harvey, Suzanne
Jack, Martin
Long, Patrick
O'Neil, William
Peterson, Ken
Rosenwald, Cindy
Smith, Timothy
Takesian, Charlene
Wolf, Terry

MERRIMACK

Alicea, Caroletta
Deloge, Helen
Gile, Mary
Kotowski, Frank
Patten, Dick
Saunderson, George
Wallner, Mary Jane

Bartlett, Christy
Doherty, David
Henle, Paul
Luneau, David
Ratzki, Mario
Schuett, Dianne
Walsh, Thomas

Bradley, Paula
Ebel, Karen
Karrick, David
MacKay, James
Rice, Chip
Shurtleff, Stephen
Wheeler, Deborah

Carson, Clyde
Frazer, June
Kenison, Linda
Myler, Mel
Rogers, Katherine
Turcotte, Alan

ROCK INGHAM

Abrami, Patrick
Borden, David
Chase, Francis
DiFranco, Debbie
Friel, William
Heffron, Frank
Lovejoy, Patricia
Nigrello, Robert
Peckham, Michele
Tilton, Rio
Woitkun, Steven

Azarian, Gary
Cahill, Michael
Christie, Andrew
Doucette, Fred
Gordon, Pamela
Hoelzel, Kathleen
Major, Norman
O'Connor, John
Simpson, Alexis
Ward, Gerald

Barnes, Arthur
Cali-Pitts, Jacqueline
Cushing, Robert
Elliott, Robert
Griffin, Mary
Katsakiores, Phyllis
McBeath, Rebecca
Packard, Sherman
Sweeney, Joe
Ward, Joanne

Berrien, Skip
Cardon, G. Thomas
Devine, James
Francese, Paula
Guthrie, Joseph
Kolodziej, Walter
Miz, David
Pantelakos, Laura
Sytek, John
Webb, James

STRAFFORD

Baber, William
DiSesa, Len
Kaen, Naida
Southworth, Thomas
Treleaven, Susan

Bickford, David
Gardner, Janice
Rollo, Deanna
Spang, Judith
Wall, Janet

Bixby, Peter
Gray, James
Schmidt, Peter
Sprague, Dale

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

SULLIVAN

Cloutier, John
Irwin, Virginia

Converse, Larry
Smith, Steven

Gagnon, Raymond

Gottling, Suzanne

NAYS - 128**BELK NAP**

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

Fisher, Robert
Hurt, George
Vadney, Herbert

Flanders, Donald
LeBreche, Shari
Varney, Peter

Fraser, Valerie
Spanos, Peter

CARROLL

Avellani, Lino
Wright, Ted

Comeau, Ed

Cordelli, Glenn

McCarthy, Frank

CHESHIRE

McConnell, James

Sterling, Franklin

Tilton, Benjamin

COOS

Rideout, Leon

GRAFTON

Brown, Duane
Ingbretson, Paul

Darrow, Stephen
Johnson, Eric

Gionet, Edmond

Hull, Robert

HILLSBOROUGH

Adams, Christopher
Burt, John
Donovan, Daniel
Estevez, Eric
Gonzalez, Carlos
Hopper, Gary
McClarren, Donald
Murphy, Keith
Parison, James
Seidel, Carl
Sweeney, Shawn

Ammon, Keith
Byron, Frank
Eastman, Eric
Ferreira, Elizabeth
Gould, Linda
Lachance, Joseph
McLean, Mark
Notter, Jeanine
Rice, Kimberly
Simmons, Tammy
Twombly, Timothy

Boehm, Ralph
Christie, Rick
Edelblut, Frank
Fromuth, Bart
Hansen, Peter
LeBrun, Donald
Moore, Josh
O'Brien, William
Rouillard, Claire
Smith, Gregory
Ulery, Jordan

Bouldin, Amanda
Coffey, James
Edwards, Elizabeth
Gagne, Larry
Hogan, Edith
McCarthy, Peggy
Murotake, David
Ohm, Bill
Schleien, Eric
Sullivan, Victoria
Zaricki, Nick

MERRIMACK

Brewster, Michael
Horn, Werner
Martin, John

French, Harold
Kuch, Bill
McGuire, Carol

Hill, Gregory
Long, Douglas
McGuire, Dan

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

ROCK INGHAM

Abramson, Max
Bush, Carol
Duarte, Joe
Gordon, Richard
Introne, Robert
Oigny, Jeffrey
Rice, Frederick
True, Chris
Weyler, Kenneth

Allen, Mary
Chirichiello, Brian
Emerick, J. Tracy
Green, Dennis
Itse, Daniel
Osborne, Jason
Schroadter, Adam
Tucker, Pamela

Baldasaro, Alfred
Cook, Allen
Ferrante, Beverly
Harris, Jeffrey
Kappler, Lawrence
Potucek, John
Spillane, James
Vose, Michael

Bates, David
Dean-Bailey, Yvonne
Gannon, William
Hodgdon, Bruce
Matthews, Carolyn
Prudhomme-O'Brien, Katherine
Thomas, Douglas
Welch, David

STRAFFORD

Cheney, Catherine
Jones, Laura
Mullen, John

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

Groen, Warren
Knowles, Robert
Wuelper, Kurt

Hannon, Joseph
Leeman, Don

SULLIVAN

Laware, Thomas

Rollins, Skip

and the majority committee report was adopted.

HB 1270, relative to a jury's determination as to the applicability of a law. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gary Hopper for the Majority of Judiciary. This bill is not jury nullification. This bill does not turn the practice of law in New Hampshire on its head. Rather, this bill clarifies the current burden of proof in the jury instruction given by the judge to juries in criminal cases and requires this instruction to be given only at the request of the defendant or the defendant's attorney. The current jury instruction given is, "If you have a reasonable doubt as to whether the state has proved any one or more of the elements of the crime charged, you must find the defendant not guilty. However if you find that the state has proved all the elements of the offense charged beyond a reasonable doubt, you should find the defendant guilty." The word "should" as we know in this legislative body means "may or can if you decide to." To a juror who has never served in the legislative body, this "may or can" can be confusing when given with all of the other multiple pages of jury

instructions provided at one time. The last line in this bill clarifies that “should” to mean, “Even if you find that the state has proved all of the elements of the offense charged beyond a reasonable doubt, you may still find that based upon the facts of the case a guilty verdict will yield an unjust result, and you may find the defendant not guilty.” This does not tell to the jury they can disregard the “law.” The language merely reinforces law as we have always known it in New Hampshire, which is that the jury is the finder of fact and the jury has the ability based upon the “facts” to find the defendant not guilty. The majority of the committee felt this law was necessary and would assist the jury in promoting justice in our state. Vote 9-8.

Rep. Paul Berch for the Minority of Judiciary. New Hampshire already has laws and court decisions governing what the jury may be told regarding its right to judge facts and the application of the law in relation to the facts in a criminal case. This bill would radically change the landscape by allowing a jury instruction supporting jury nullification that would grant the jury the right to ignore the law and reach a verdict based upon subjective concepts of just and unjust results, regardless of law. Not only is this bill likely unconstitutional, it would potentially change how every criminal trial is conducted. We are a country governed by the rule of law and this bill would substitute an arbitrary and unknowable standard in its place. Additionally, the bill would allow the jury to improperly invade the province of the judge in the realm of sentencing. There are significant separation of powers issues, as this legislation would interfere with the court’s core adjudicative function. Testimony provided to the committee showed that this idea would not work in practice – the rules of evidence would have to be radically revised to allow prosecutors to show why a guilty verdict would be just; mini-trials would need to be held to show why the criminal statute involved was a just statute in the eyes of the legislature that passed it.

Majority Amendment (0253h)

Amend the bill by replacing section 2 with the following:

2 Jury Instruction. RSA 519:23-a is repealed and reenacted to read as follows:

519:23-a Jury Instruction. In all criminal proceedings the court shall inform the jury of its right to judge the facts and the application of the law in relation to the facts in controversy. At the request of the defendant or the defendant’s attorney, the court shall instruct the jury as follows: If you have a reasonable doubt as to whether the state has proved any one or more of the elements of the crime charged, you must find the defendant not guilty. However if you find that the state has proved all the elements of the offense charged beyond a reasonable doubt, you should find the defendant guilty. Even if you find that the state has proved all of the elements of the offense charged beyond a reasonable doubt, you may still find that based upon the facts of this case a guilty verdict will yield an unjust result, and you may find the defendant not guilty.

Majority committee amendment adopted.

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

Rep. Berch spoke against.

Rep. Hopper spoke in favor.

Rep. Sylvia requested a roll call; sufficiently seconded.

YEAS 184 - NAYS 145

YEAS - 184

BELK NAP

Aldrich, Glen
Fraser, Valerie
Russell, David
Varney, Peter

Dumais, Russell
Gallagher, Brian
Spanos, Peter

Fisher, Robert
Howard, Jr., Raymond
Sylvia, Michael

Flanders, Donald
Hurt, George
Vadney, Herbert

CARROLL

Avellani, Lino
Crawford, Karel
Schmidt, Stephen

Chandler, Gene
McCarthy, Frank
Umberger, Karen

Comeau, Ed
McConkey, Mark
Wright, Ted

Cordelli, Glenn
Nelson, Bill

CHESHIRE

Hunt, John

McConnell, James

Tilton, Benjamin

COOS

Fothergill, John
Thomas, Yvonne

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Brown, Duane
Hull, Robert

Darrow, Stephen
Ingbertson, Paul

Gionet, Edmond
Johnson, Eric

Hennessey, Erin
Ladd, Rick

HILLSBOROUGH

Adams, Christopher
 Biggie, Barbara
 Byron, Frank
 Donovan, Daniel
 Estevez, Eric
 Gagne, Larry
 Hinch, Richard
 Lachance, Joseph
 McClarren, Donald
 Murphy, Keith
 Ober, Russell
 Proulx, Mark
 Sanborn, Laurie
 Smith, Gregory
 Ulery, Jordan

Ammon, Keith
 Boehm, Ralph
 Christie, Rick
 Eastman, Eric
 Ferreira, Elizabeth
 Gonzalez, Carlos
 Hogan, Edith
 LeBrun, Donald
 McLean, Mark
 Notter, Jeanine
 Ohm, Bill
 Rice, Kimberly
 Schleien, Eric
 Sullivan, Victoria
 Wolf, Terry

Balcom, John
 Bouldin, Amanda
 Coffey, James
 Edelblut, Frank
 Flanagan, Jack
 Gould, Linda
 Hopper, Gary
 Marston, Dick
 Moore, Josh
 O'Brien, William
 Parison, James
 Rouillard, Claire
 Seidel, Carl
 Sweeney, Shawn
 Zaricki, Nick

Belanger, James
 Burt, John
 Danielson, David
 Edwards, Elizabeth
 Fromuth, Bart
 Hansen, Peter
 Kurk, Neal
 McCarthy, Peggy
 Murotake, David
 Ober, Lynne
 Pellegrino, Anthony
 Rowe, Robert
 Simmons, Tammy
 Twombly, Timothy

MERRIMACK

Brewster, Michael
 Horn, Werner
 Marple, Richard
 Seaworth, Brian

French, Harold
 Kotowski, Frank
 Martin, John
 Walsh, Thomas

Hill, Gregory
 Kuch, Bill
 McGuire, Carol

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

ROCK INGHAM

Abrami, Patrick
 Barnes, Arthur
 Chirichiello, Brian
 Duarte, Joe
 Friel, William
 Griffin, Mary
 Hoelzel, Kathleen
 Katsakiores, Phyllis
 Milz, David
 Osborne, Jason
 Prudhomme-O'Brien, Katherine
 Sytek, John
 Tucker, Pamela
 Weyler, Kenneth

Abramson, Max
 Bates, David
 Cook, Allen
 Elliott, Robert
 Gannon, William
 Guthrie, Joseph
 Introne, Robert
 Kolodziej, Walter
 Nigrello, Robert
 Packard, Sherman
 Rice, Frederick
 Thomas, Douglas
 Ward, Joanne
 Woitkun, Steven

Allen, Mary
 Bush, Carol
 Dean-Bailey, Yvonne
 Emerick, J. Tracy
 Gordon, Richard
 Harris, Jeffrey
 Itse, Daniel
 Major, Norman
 O'Connor, John
 Peckham, Michele
 Spillane, James
 Tilton, Rio
 Webb, James

Baldasaro, Alfred
 Chase, Francis
 Devine, James
 Ferrante, Beverly
 Green, Dennis
 Hodgdon, Bruce
 Kappler, Lawrence
 Matthews, Carolyn
 Oligny, Jeffrey
 Potucek, John
 Sweeney, Joe
 True, Chris
 Welch, David

STRAFFORD

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

Cheney, Catherine
 Groen, Warren
 Knowles, Robert
 Wuelper, Kurt

Gardner, Janice
 Hannon, Joseph
 Leeman, Don

Graham, Robert
 Jones, Laura
 Mullen, John

SULLIVAN

Smith, Steven

NAYS - 145**BELKNAP**

Tilton, Franklin

CARROLL

Parker, Harold

Ticehurst, Susan

CHESHIRE

Berch, Paul
 Johnsen, Gladys
 Phillips, Larry
 Shepardson, Marjorie

Bordenet, John
 Ley, Douglas
 Roberts, Kris
 Sterling, Franklin

COOS

Moynihan, Wayne

Tholl, John

GRAFTON

Brown, Rebecca
 Higgins, Patricia
 Smith, Suzanne

Cooney, Mary
 Maes, Kevin
 Sykes, George

Froburg, Alethea

Hatch, William

Abel, Richard
 Ford, Susan
 Massimilla, Linda
 Townsend, Charles

Almy, Susan
 Hennessey, Martha
 Piper, Wendy
 White, Andrew

HILLSBOROUGH

Backus, Robert
Christensen, Chris
Cote, David
Goley, Jeffrey
Haefner, Robert
Jeddy, Jean
Manley, Jonathan
Pierce, David
Shattuck, Gilman
Soucy, Timothy
Walsh, Robert

Baroody, Benjamin
Christiansen, Lars
Forest, Armand
Gorman, Mary
Harvey, Suzanne
Leishman, Peter
O'Neil, William
Porter, Marjorie
Shaw, Barbara
Sullivan, Daniel
Williams, Kermit

Beaulieu, Jane
Cohen, Alan
Freitas, Mary
Griffin, Barbara
Heath, Mary
Long, Patrick
Palmer, Barry
Roberts, Carol
Smith, Timothy
Takesian, Charlene

Brown, Pamela
Cornell, Patricia
Gidge, Kenneth
Guerette, C. Lee
Jack, Martin
Mangipudi, Latha
Peterson, Ken
Rosenwald, Cindy
Snow, Kendall
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Doherty, David
Karrick, David
Myler, Mel
Saunderson, George
Wallner, Mary Jane

Bartlett, Christy
Ebel, Karen
Kenison, Linda
Ratzki, Mario
Schuett, Dianne
Wheeler, Deborah

Bradley, Paula
Frazer, June
Luneau, David
Rice, Chip
Shurtleff, Stephen

Deloge, Helen
Henle, Paul
MacKay, James
Rogers, Katherine
Turcotte, Alan

ROCK INGHAM

Berrien, Skip
Cardon, G. Thomas
Francese, Paula
McBeath, Rebecca
Ward, Gerald

Borden, David
Christie, Andrew
Gordon, Pamela
Pantelakos, Laura

Cahill, Michael
Cushing, Robert
Heffron, Frank
Simpson, Alexis

Cali-Pitts, Jacqueline
DiFranco, Debbie
Lovejoy, Patricia
Vose, Michael

STRAFFORD

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

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

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

Cilley, Jacalyn
Rollo, Deanna
Spang, Judith
Wall, Janet

SULLIVAN

Cloutier, John
Irwin, Virginia

Converse, Larry

Gagnon, Raymond

Gottling, Suzanne

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

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bills numbered 144, 227 and 265.

Rep. Hinch, Sen. Prescott for the Committee

REGULAR CALENDAR CONT'D

HB 1328, limiting pregnancy terminations to pregnancies of 20 weeks or less. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Timothy Horrigan for the Majority of Judiciary. This bill as introduced would have banned all abortions after 20 weeks of pregnancy. It would have eliminated the option for New Hampshire women to legally terminate a pregnancy after the middle of the second trimester. This represents unwarranted government interference with women's reproductive decisions and with the practice of medicine. There are also numerous legal and medical flaws with this bill. It threatens women's health by banning abortion even when serious medical conditions jeopardize a woman's health. While the bill does have very narrow exceptions, they are inadequate to protect women's health and safety. For example, women with cancer, diabetes, high blood pressure, and epilepsy or other seizure disorders may face dangerous complications at or past week 20 that can put their health in serious jeopardy. Abortion after 20 weeks in pregnancy is extremely rare: only one percent of women have abortions after 20 weeks. When it does happen, it is typically because of a heartbreaking and tragic situation where a woman and her doctor need every medical option available. These very often involve rare, severe fetal anomalies which are not detectable before 20 weeks. Vote 11-9.

Rep. Joseph Hagan for the Minority of Judiciary. *Roe v. Wade* stated that subsequent to viability, the state, in promoting its interest in human life, may, if it chooses, regulate and even proscribe (ban) abortion. This bill would ban abortions after viability except when life and health of the mother is at risk or condition of the fetus demands removal for the uterus. Over the last decade, according to the Gallup Poll, greater than 80% of the American people agree that abortion should be banned after viability. This bill is constitutional, compassionate and supported by the majority of the American people.

The question being adoption of the majority committee report of Inexpedient to Legislate.
Rep. William O'Brien requested a roll call; sufficiently seconded.

YEAS 182 - NAYS 144**YEAS - 182****BELKNAP**Aldrich, Glen
Russell, DavidFields, Dennis
Vadney, Herbert

Fisher, Robert

Flanders, Donald

CARROLLButler, Edward
Wright, Ted

Crawford, Karel

Ticehurst, Susan

Umberger, Karen

CHESHIREAbbott, Michael
Chase, Cynthia
Ley, Douglas
Phillips, Larry
Shepardson, Marjorie
Weber, LucyAmes, Richard
Eaton, Daniel
Mann, John
Roberts, Kris
Sterling, FranklinBerch, Paul
Hunt, John
McConnell, James
Robertson, Timothy
Tatro, BruceBordenet, John
Johnsen, Gladys
Pearson, William
Sad, Tara
Tilton, Benjamin**COOS**Froburg, Alethea
Tholl, JohnHatch, William
Thomas, Yvonne

Moynihan, Wayne

Rappaport, Laurence

GRAFTONAbel, Richard
Darrow, Stephen
Higgins, Patricia
Smith, SuzanneAlmy, Susan
Ford, Susan
Ladd, Rick
Sykes, GeorgeBrown, Rebecca
Hennessey, Erin
Maes, Kevin
Townsend, CharlesCooney, Mary
Hennessey, Martha
Piper, Wendy
White, Andrew**HILLSBOROUGH**Backus, Robert
Belanger, James
Cohen, Alan
Estevez, Eric
Gidge, Kenneth
Hansen, Peter
Kurk, Neal
Manley, Jonathan
Porter, Marjorie
Schleien, Eric
Snow, Kendall
Vann, IvyBalcom, John
Brown, Pamela
Cornell, Patricia
Flanagan, Jack
Goley, Jeffrey
Harvey, Suzanne
Leishman, Peter
Marston, Dick
Proulx, Mark
Shattuck, Gilman
Soucy, Timothy
Walsh, RobertBaroody, Benjamin
Byron, Frank
Cote, David
Forest, Armand
Gorman, Mary
Heath, Mary
Long, Patrick
O'Neil, William
Roberts, Carol
Shaw, Barbara
Sullivan, Daniel
Williams, KermitBeaulieu, Jane
Christensen, Chris
Edwards, Elizabeth
Freitas, Mary
Guerette, C. Lee
Jack, Martin
Mangipudi, Latha
Ober, Lynne
Rosenwald, Cindy
Smith, Timothy
Takesian, Charlene**MERRIMACK**Alicea, Caroletta
Doherty, David
Karrick, David
Luneau, David
Myler, Mel
Saunderson, George
Turcotte, AlanBartlett, Christy
Ebel, Karen
Kenison, Linda
Mackay, James
Ratzki, Mario
Schuett, Dianne
Wallner, Mary JaneBradley, Paula
Frazer, June
Kuch, Bill
Marple, Richard
Rice, Chip
Seaworth, Brian
Wheeler, DeborahDeloge, Helen
Henle, Paul
Long, Douglas
Martin, John
Rogers, Katherine
Shurtleff, Stephen**ROCKINGHAM**Barnes, Arthur
Cali-Pitts, Jacqueline
Cushing, Robert
Francese, Paula
Guthrie, Joseph
Milz, David
Peckham, Michele
Vose, MichaelBerrien, Skip
Cardon, G. Thomas
DiFranco, Debbie
Friel, William
Heffron, Frank
Nigrello, Robert
Simpson, Alexis
Ward, GeraldBorden, David
Chase, Francis
Elliott, Robert
Gordon, Pamela
Lovejoy, Patricia
Osborne, Jason
Sweeney, Joe
Webb, JamesCahill, Michael
Christie, Andrew
Ferrante, Beverly
Griffin, Mary
McBeath, Rebecca
Pantelakos, Laura
Tilton, Rio
Woitkun, Steven**STRAFFORD**Baber, William
Cilley, Jacalyn
Horrigan, Timothy
Smith, Marjorie
Treleaven, SusanBickford, David
DiSesa, Len
Kaen, Naida
Southworth, Thomas
Wall, JanetBixby, Peter
Gardner, Janice
Rollo, Deanna
Spang, JudithBurton, Wayne
Hannon, Joseph
Schmidt, Peter
Sprague, Dale**SULLIVAN**

Cloutier, John

Converse, Larry

Gottling, Suzanne

Irwin, Virginia

NAYS - 144**BELKNAP**

Dumais, Russell
Hurt, George
Varney, Peter

Fraser, Valerie
LeBreche, Shari

Gallagher, Brian
Spanos, Peter

Howard, Jr., Raymond
Tilton, Franklin

CARROLL

Avellani, Lino
Cordelli, Glenn
Parker, Harold

Buco, Thomas
McCarthy, Frank
Schmidt, Stephen

Chandler, Gene
McConkey, Mark

Comeau, Ed
Nelson, Bill

COOS

Fothergill, John

Richardson, Herbert

Rideout, Leon

GRAFTON

Brown, Duane
Johnson, Eric

Gionet, Edmond
Massimilla, Linda

Hull, Robert

Ingbretson, Paul

HILLSBOROUGH

Adams, Christopher
Burt, John
Danielson, David
Ferreira, Elizabeth
Gould, Linda
Hogan, Edith
Lachance, Joseph
McLean, Mark
Notter, Jeanine
Parison, James
Rice, Kimberly
Seidel, Carl
Sweeney, Shawn
Zaricki, Nick

Ammon, Keith
Christiansen, Lars
Donovan, Daniel
Fromuth, Bart
Griffin, Barbara
Hopper, Gary
LeBrun, Donald
Moore, Josh
O'Brien, William
Pellegrino, Anthony
Rouillard, Claire
Simmons, Tammy
Twombly, Timothy

Biggie, Barbara
Christie, Rick
Eastman, Eric
Gagne, Larry
Haefner, Robert
Infantine, William
McCarthy, Peggy
Murotake, David
Ohm, Bill
Peterson, Ken
Rowe, Robert
Smith, Gregory
Ulery, Jordan

Boehm, Ralph
Coffey, James
Edelblut, Frank
Gonzalez, Carlos
Hinch, Richard
Jeudy, Jean
McClarren, Donald
Murphy, Keith
Palmer, Barry
Pierce, David
Sanborn, Laurie
Sullivan, Victoria
Wolf, Terry

MERRIMACK

Brewster, Michael
Horn, Werner
Walsh, Thomas

French, Harold
Kotowski, Frank

Hill, Gregory
McGuire, Carol

Hoell, J.R.
McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Bates, David
Dean-Bailey, Yvonne
Gannon, William
Hodgdon, Bruce
Kappler, Lawrence
O'Connor, John
Prudhomme-O'Brien, Katherine
Thomas, Douglas
Welch, David

Abramson, Max
Bush, Carol
Devine, James
Gordon, Richard
Hoelzel, Kathleen
Katsakiores, Phyllis
Oligny, Jeffrey
Rice, Frederick
True, Chris
Weyler, Kenneth

Allen, Mary
Chirichiello, Brian
Duarte, Joe
Green, Dennis
Introne, Robert
Kolodziej, Walter
Packard, Sherman
Spillane, James
Tucker, Pamela

Baldasaro, Alfred
Cook, Allen
Emerick, J. Tracy
Harris, Jeffrey
Itse, Daniel
Matthews, Carolyn
Potucek, John
Sytek, John
Ward, Joanne

STRAFFORD

Cheney, Catherine
Jones, Laura
Mullen, John

Graham, Robert
Kaczynski, Jr., Thomas
Stevens, Audrey

Gray, James
Knowles, Robert
Turcotte, Leonard

Groen, Warren
Leeman, Don
Wuelper, Kurt

SULLIVAN

Gagnon, Raymond

Laware, Thomas

Rollins, Skip

Smith, Steven

and the majority committee report was adopted.

HB 1361, relative to service of process by attorneys and justices of the peace. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Claire Rouillard for the Majority of Judiciary. This bill allows police officers to provide "civil" service of process. Civil process is currently completed by sheriffs and deputy sheriffs. Civil service of process includes landlord-tenant issues, evictions, custody and divorce proceedings, etc. Police officers currently serve "criminal" processes, which can involve restraining orders, criminal complaints, etc. Testimony by police and sheriff departments was that neither wanted to expand their duties. Police do not want to take away time from protecting their citizens. Also, additional training on civil process would be necessary for police departments. Vote 16-4.

Rep. Robert Hull for the Minority of Judiciary. This bill with amendment amends RSA 105 to allow police officers to serve process in the same manner as sheriffs and sheriffs' deputies. The current procedure is cumbersome and costly. This bill will create a voluntary option for municipalities to allow the local police officer to serve process in lieu of the sheriffs, thereby saving the person seeking the service from additional travel expense and generating revenue for the municipality.

Majority committee report adopted.

HB 1399-FN, requiring licensure of outpatient abortion clinics. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Larry Phillips for the Majority of Judiciary. The bipartisan majority of the committee believes this bill is neither appropriate nor necessary. Licensing of medical facilities is determined based on needs for safety. There are procedures done in unlicensed physician's offices that are not as safe as abortions. Although facilities may not be licensed, medical professionals who work in them, including abortion clinics, are. Vote 14-5.

Rep. Kurt Wuelper for the Minority of Judiciary. The minority believes that abortion clinics should be licensed because women across our country have died because of inadequate facilities at abortion clinics. Women have died because of blocked exit doors, hallways not wide enough for emergency equipment and other difficulties with the physical facilities. This bill left the Department of Health and Human Services to decide what requirements would be. We think New Hampshire women deserve the protection that clinic licensing would provide.

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

Rep. White requested a roll call; sufficiently seconded.

YEAS 203 - NAYS 121

YEAS - 203

BELKNAP

Dumais, Russell
Hurt, George

Fields, Dennis
Russell, David

Fisher, Robert
Vadney, Herbert

Flanders, Donald

CARROLL

Buco, Thomas
Schmidt, Stephen

Butler, Edward
Ticehurst, Susan

Chandler, Gene
Umberger, Karen

Crawford, Karel
Wright, Ted

CHESHIRE

Abbott, Michael
Chase, Cynthia
Ley, Douglas
Phillips, Larry
Sterling, Franklin

Ames, Richard
Eaton, Daniel
Mann, John
Robertson, Timothy
Tatro, Bruce

Berch, Paul
Hunt, John
McConnell, James
Sad, Tara
Tilton, Benjamin

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

COOS

Froburg, Alethea
Richardson, Herbert

Hatch, William
Tholl, John

Moynihan, Wayne
Thomas, Yvonne

Rappaport, Laurence

GRAFTON

Abel, Richard
Darrow, Stephen
Higgins, Patricia
Massimilla, Linda
Townsend, Charles

Almy, Susan
Ford, Susan
Hull, Robert
Piper, Wendy
White, Andrew

Brown, Rebecca
Hennessey, Erin
Ladd, Rick
Smith, Suzanne

Cooney, Mary
Hennessey, Martha
Maes, Kevin
Sykes, George

HILLSBOROUGH

Ammon, Keith
Belanger, James
Christiansen, Lars
Edwards, Elizabeth
Forest, Armand
Gorman, Mary
Harvey, Suzanne
Judy, Jean
Mangipudi, Latha
O'Neil, William
Roberts, Carol
Shattuck, Gilman
Snow, Kendall
Takesian, Charlene
Wolf, Terry

Backus, Robert
Brown, Pamela
Cohen, Alan
Estevez, Eric
Freitas, Mary
Griffin, Barbara
Heath, Mary
Kurk, Neal
Manley, Jonathan
Peterson, Ken
Rosenwald, Cindy
Shaw, Barbara
Soucy, Timothy
Vann, Ivy
Zaricki, Nick

Balcom, John
Byron, Frank
Cornell, Patricia
Ferreira, Elizabeth
Gidge, Kenneth
Guerette, C. Lee
Infantine, William
Leishman, Peter
Marston, Dick
Porter, Marjorie
Rouillard, Claire
Smith, Gregory
Sullivan, Daniel
Walsh, Robert

Beaulieu, Jane
Christensen, Chris
Cote, David
Flanagan, Jack
Goley, Jeffrey
Haefner, Robert
Jack, Martin
Long, Patrick
McLean, Mark
Proulx, Mark
Schleien, Eric
Smith, Timothy
Sweeney, Shawn
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Doherty, David

Bartlett, Christy
Ebel, Karen

Bradley, Paula
Frazer, June

Deloge, Helen
Henle, Paul

Kenison, Linda
Mackay, James
Rice, Chip
Seaworth, Brian
Walsh, Thomas

Kotowski, Frank
Marple, Richard
Rogers, Katherine
Shurtleff, Stephen
Wheeler, Deborah

Long, Douglas
Myler, Mel
Saunderson, George
Turcotte, Alan

Luneau, David
Ratzki, Mario
Schuett, Dianne
Wallner, Mary Jane

ROCK INGHAM

Abrami, Patrick
Borden, David
Chase, Francis
DiFranco, Debbie
Friel, William
Kolodziej, Walter
Packard, Sherman
Thomas, Douglas
Webb, James

Allen, Mary
Cahill, Michael
Christie, Andrew
Elliott, Robert
Gordon, Pamela
Lovejoy, Patricia
Pantelakos, Laura
Tilton, Rio
Woitkun, Steven

Barnes, Arthur
Cali-Pitts, Jacqueline
Cushing, Robert
Ferrante, Beverly
Heffron, Frank
McBeath, Rebecca
Simpson, Alexis
Ward, Gerald

Berrien, Skip
Cardon, G. Thomas
Devine, James
Francese, Paula
Introne, Robert
Miz, David
Sweeney, Joe
Ward, Joanne

STRAFFORD

Baber, William
Cheney, Catherine
Horrigan, Timothy
Smith, Marjorie
Stevens, Audrey

Bickford, David
Cilley, Jacalyn
Kaen, Naida
Southworth, Thomas
Treleaven, Susan

Bixby, Peter
DiSesa, Len
Rollo, Deanna
Spang, Judith
Wall, Janet

Burton, Wayne
Gardner, Janice
Schmidt, Peter
Sprague, Dale

SULLIVAN

Cloutier, John
Irwin, Virginia

Converse, Larry
Smith, Steven

Gagnon, Raymond

Gottling, Suzanne

NAYS - 121

BELKNAP

Aldrich, Glen
LeBreche, Shari

Fraser, Valerie
Spanos, Peter

Gallagher, Brian
Tilton, Franklin

Howard, Jr., Raymond
Varney, Peter

CARROLL

Avellani, Lino
McConkey, Mark

Comeau, Ed
Nelson, Bill

Cordelli, Glenn
Parker, Harold

McCarthy, Frank

CHESHIRE

COOS

Roberts, Kris

Fothergill, John

Rideout, Leon

GRAFTON

Brown, Duane

Gionet, Edmond

Ingbretson, Paul

Johnson, Eric

HILLSBOROUGH

Adams, Christopher
Burt, John
Donovan, Daniel
Gagne, Larry
Hinch, Richard
LeBrun, Donald
Murotake, David
Ohm, Bill
Pierce, David
Seidel, Carl
Ulery, Jordan

Baroody, Benjamin
Christie, Rick
Eastman, Eric
Gonzalez, Carlos
Hogan, Edith
McCarthy, Peggy
Murphy, Keith
Palmer, Barry
Rice, Kimberly
Simmons, Tammy

Biggie, Barbara
Coffey, James
Edelblut, Frank
Gould, Linda
Hopper, Gary
McClarren, Donald
Notter, Jeanine
Parison, James
Rove, Robert
Sullivan, Victoria

Boehm, Ralph
Danielson, David
Fromuth, Bart
Hansen, Peter
Lachance, Joseph
Moore, Josh
O'Brien, William
Pellegrino, Anthony
Sanborn, Laurie
Twombly, Timothy

MERRIMACK

Brewster, Michael
Horn, Werner
McGuire, Dan

French, Harold
Kuch, Bill

Hill, Gregory
Martin, John

Hoell, J.R.
McGuire, Carol

ROCK INGHAM

Abramson, Max
Chirichiello, Brian
Emerick, J. Tracy
Griffin, Mary
Hoelzel, Kathleen
Matthews, Carolyn

Baldasaro, Alfred
Cook, Allen
Gannon, William
Guthrie, Joseph
Itse, Daniel
Nigrello, Robert

Bates, David
Dean-Bailey, Yvonne
Gordon, Richard
Harris, Jeffrey
Kappler, Lawrence
O'Connor, John

Bush, Carol
Duarte, Joe
Green, Dennis
Hodgdon, Bruce
Katsakiores, Phyllis
Oigny, Jeffrey

Osborne, Jason
Rice, Frederick
Tucker, Pamela

Peckham, Michele
Spillane, James
Vose, Michael

Potucek, John
Sytek, John
Welch, David

Prudhomme-O'Brien, Katherine
True, Chris
Weyler, Kenneth

STRAFFORD

Graham, Robert
Jones, Laura
Mullen, John

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

Groen, Warren
Knowles, Robert
Wuelper, Kurt

Hannon, Joseph
Leeman, Don

SULLIVAN

Laware, Thomas

Rollins, Skip

and the majority committee report was adopted.

HB 1417, relative to records of convenings of public bodies. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Timothy Horrigan for the Majority of Judiciary. RSA 91-A, the Right to Know statute, allows for what are colloquially termed "non-meetings," where a quorum or majority of the members of a public body convenes for certain narrowly-defined purposes. The majority of the committee recognizes that these non-meetings can be controversial, but also recognizes that they are necessary when negotiating collective bargaining contracts and when consulting with legal counsel. This bill would have complicated public bodies' attempts to deal with these issues without adding any transparency to their work. Vote 11-7.

Rep. Michael Sylvia for the Minority of Judiciary. Under our Right to Know statute, RSA 91-A:2 defines "meetings" and provides for exceptions to meetings which are commonly referred to as "non-meetings." This bill seeks to address two such types of "non-meetings:" strategy or negotiations with respect to collective bargaining and consultation with legal counsel. This bill as amended would require that records be kept of such "non-meetings" which would include: the specific exemption which is relied upon as the foundation for the "non-meeting," names of members, meeting places, and beginning and ending time. This information would then be subject to disclosure after 72 hours which is the case with nonpublic sessions. The minority of the committee believes that this will benefit the people of New Hampshire and aid in transparency as required under our Constitution's Part I, Article 8.

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

Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 189 - NAYS 135

YEAS - 189

BELKNAP

Fields, Dennis
Tilton, Franklin

Flanders, Donald

LeBreche, Shari

Russell, David

CARROLL

Buco, Thomas
McConkey, Mark
Ticehurst, Susan

Butler, Edward
Nelson, Bill
Umberger, Karen

Chandler, Gene
Parker, Harold

Crawford, Karel
Schmidt, Stephen

CHESHIRE

Abbott, Michael
Chase, Cynthia
Ley, Douglas
Roberts, Kris
Tatro, Bruce

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

Berch, Paul
Hunt, John
Pearson, William
Sad, Tara
Weber, Lucy

Bordenet, John
Johnsen, Gladys
Phillips, Larry
Shepardson, Marjorie

COOS

Froburg, Alethea
Tholl, John

Hatch, William
Thomas, Yvonne

Moynihan, Wayne

Richardson, Herbert

GRAFTON

Abel, Richard
Darrow, Stephen
Higgins, Patricia
Piper, Wendy
White, Andrew

Almy, Susan
Ford, Susan
Ladd, Rick
Smith, Suzanne

Brown, Rebecca
Hennessey, Erin
Maes, Kevin
Sykes, George

Cooney, Mary
Hennessey, Martha
Massimilla, Linda
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Coffey, James

Balcom, John
Byron, Frank
Cohen, Alan

Baroody, Benjamin
Christensen, Chris
Cornell, Patricia

Beaulieu, Jane
Christiansen, Lars
Cote, David

Danielson, David
Gagne, Larry
Griffin, Barbara
Heath, Mary
Jeudy, Jean
Marley, Jonathan
Pierce, David
Rosenwald, Cindy
Smith, Timothy
Takesian, Charlene

Flanagan, Jack
Gidge, Kenneth
Guerette, C. Lee
Hinch, Richard
Kurk, Neal
O'Neil, William
Porter, Marjorie
Rowe, Robert
Snow, Kendall
Vann, Ivy

Forest, Armand
Goley, Jeffrey
Haefner, Robert
Infantine, William
Long, Patrick
Pellegrino, Anthony
Proulx, Mark
Shattuck, Gilman
Soucy, Timothy
Walsh, Robert

Freitas, Mary
Gorman, Mary
Harvey, Suzanne
Jack, Martin
Mangipudi, Latha
Peterson, Ken
Roberts, Carol
Shaw, Barbara
Sullivan, Daniel
Williams, Kermit

Alicea, Caroletta
Doherty, David
Kenison, Linda
Myler, Mel
Saunderson, George
Wallner, Mary Jane

Bartlett, Christy
Ebel, Karen
Kotowski, Frank
Ratzki, Mario
Schuett, Dianne
Walsh, Thomas

Bradley, Paula
Frazer, June
Luneau, David
Rice, Chip
Shurtleff, Stephen
Wheeler, Deborah

Deloge, Helen
Henle, Paul
Mackay, James
Rogers, Katherine
Turcotte, Alan

MERRIMACK

Abrami, Patrick
Cahill, Michael
Cushing, Robert
Gordon, Pamela
Introne, Robert
Miz, David
Peckham, Michele
Tilton, Rio
Woitkun, Steven

Barnes, Arthur
Cardon, G. Thomas
DiFranco, Debbie
Griffin, Mary
Lovejoy, Patricia
Nigrello, Robert
Simpson, Alexis
Ward, Gerald

Berrien, Skip
Chase, Francis
Elliott, Robert
Heffron, Frank
Matthews, Carolyn
Packard, Sherman
Sweeney, Joe
Ward, Joanne

Borden, David
Christie, Andrew
Francese, Paula
Hoelzel, Kathleen
McBeath, Rebecca
Pantelakos, Laura
Sytek, John
Webb, James

ROCK INGHAM

Baber, William
Cilley, Jacalyn
Horigan, Timothy
Southworth, Thomas
Treleven, Susan

Bickford, David
DiSesa, Len
Kaen, Naida
Spang, Judith
Wall, Janet

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

Burton, Wayne
Gray, James
Schmidt, Peter
Stevens, Audrey

STRAFFORD

Cloutier, John
Irwin, Virginia

Converse, Larry
Smith, Steven

Gagnon, Raymond

Gottling, Suzanne

NAYS - 135

BELKNAP

Aldrich, Glen
Gallagher, Brian
Sylvia, Michael

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

Fisher, Robert
Hurt, George
Varney, Peter

Fraser, Valerie
Spanos, Peter

CARROLL

Avellani, Lino
Wright, Ted

Comeau, Ed

Cordelli, Glenn

McCarthy, Frank

CHESHIRE

COOS

Fothergill, John

Rappaport, Laurence

Rideout, Leon

GRAFTON

Brown, Duane
Johnson, Eric

Gionet, Edmond

Hull, Robert

Ingbretson, Paul

HILLSBOROUGH

Adams, Christopher
Boehm, Ralph
Eastman, Eric
Ferreira, Elizabeth
Hansen, Peter
Leishman, Peter
McLean, Mark
Notter, Jeanine
Parison, James

Ammon, Keith
Burt, John
Edelblut, Frank
Fromuth, Bart
Hogan, Edith
Marston, Dick
Moore, Josh
O'Brien, William
Rice, Kimberly

Belanger, James
Christie, Rick
Edwards, Elizabeth
Gonzalez, Carlos
Lachance, Joseph
McCarthy, Peggy
Murotake, David
Ohm, Bill
Rouillard, Claire

Biggie, Barbara
Donovan, Daniel
Estevez, Eric
Gould, Linda
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Palmer, Barry
Sanborn, Laurie

Schleien, Eric
Sullivan, Victoria
Wolf, Terry

Seidel, Carl
Sweeney, Shawn
Zaricki, Nick

Simmons, Tammy
Twombly, Timothy

Smith, Gregory
Ulery, Jordan

MERRIMACK

Brewster, Michael
Horn, Werner
Martin, John

French, Harold
Kuch, Bill
McGuire, Carol

Hill, Gregory
Long, Douglas
McGuire, Dan

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

ROCK INGHAM

Abramson, Max
Bush, Carol
Dean-Bailey, Yvonne
Ferrante, Beverly
Green, Dennis
Itse, Daniel
O'Connor, John
Prudhomme-O'Brien, Katherine
True, Chris
Weyler, Kenneth

Allen, Mary
Cali-Pitts, Jacqueline
Devine, James
Friel, William
Guthrie, Joseph
Kappler, Lawrence
Oligny, Jeffrey
Rice, Frederick
Tucker, Pamela

Baldasaro, Alfred
Chirichiello, Brian
Duarte, Joe
Gannon, William
Harris, Jeffrey
Katsakiores, Phyllis
Osborne, Jason
Spillane, James
Vose, Michael

Bates, David
Cook, Allen
Emerick, J. Tracy
Gordon, Richard
Hodgdon, Bruce
Kolodziej, Walter
Potucek, John
Thomas, Douglas
Welch, David

STRAFFORD

Cheney, Catherine
Jones, Laura
Mullen, John

Graham, Robert
Kaczynski, Jr., Thomas
Smith, Marjorie

Groen, Warren
Knowles, Robert
Turcotte, Leonard

Hannon, Joseph
Leeman, Don
Wuelper, Kurt

SULLIVAN

Laware, Thomas

Rollins, Skip

and the majority committee report was adopted.

HB 1481, relative to the qualifications of jurors. **INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for Judiciary. This bill would require jurors to be citizens of New Hampshire, vice citizens of the United States and to have read the New Hampshire Constitution. The majority believes that the change in citizenship wording is redundant as a citizen of New Hampshire is already defined as a citizen of the United States residing in New Hampshire, and that the requirement to have read the New Hampshire Constitution would be ineffective in giving jurors any significant understanding of it. Vote 15-2. Committee report adopted.

HB 1493, relative to ownership of DNA. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gary Hopper for the Majority of Judiciary. This bill as amended codifies in law the idea that your genetic information, the code that exposes all your predispositions both good and bad, is yours to control. The first human genome sequencing took 13 years, it now takes one day. The majority of the committee believes that this information is so personal it should be your choice whether or not to share it. The only exception to that would be for a criminal investigation. Vote 11-9.

Rep. Charlene Takesian for the Minority of Judiciary. This bill is a good idea and the minority agreed with the concept but were concerned about retaining DNA acquired at a crime scene and the usage of DNA during criminal trials. It also cuts out medical and genetic research that could result in medical advancements by requiring consent for the research.

Majority Amendment (0712h)

Amend the bill by replacing section 3 with the following:

3 New Section; Genetic Testing; Individual Right to Genetic Information. Amend RSA 141-H by inserting after section 2 the following new section:

141-H:2-a Individual Right to Genetic Information. An individual's genetic information and DNA sample are the property of the individual, and, except as expressly otherwise provided in statute, shall not be acquired, retained, or disclosed without the written consent of the individual or his or her legal representative or, after the individual's death, his or her executor or other legal representative. This section shall not apply to the identification of individuals in criminal investigations.

2016-0712h

AMENDED ANALYSIS

This bill provides that an individual's genetic information and DNA sample are the property of the individual and, with limited exception, shall not be acquired, retained, or disclosed without consent.

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

HB 1496, relative to the expectation of privacy in personal materials. **INEXPEDIENT TO LEGISLATE.** Rep. Paul Berch for Judiciary. This bill seeks to extend privacy protections to physical items owned or possessed by an individual, whether or not abandoned. It would require warrants or court orders in most circumstances to allow governments and governmental contractors to collect such material. The committee was sympathetic to the goal of this proposed legislation, but felt the bill had significant problems. It would include seizures by the federal government, thus creating federal-state problems. It includes all those who contract with the government, which makes the scope of this bill extremely large. It would allow individuals to make privacy claims even to materials that the individual had abandoned or discarded at times in the recent or distant past. The exception for law enforcement activity was too narrowly drawn, applying only to materials collected at the actual crime scene, and not found in other relevant locations. The bill would also potentially affect the operations of the Judicial Branch and state regulatory agencies in the performance of their statutory functions. Given the protections already established by law, the committee felt this was a solution in search of a problem. Vote 14-6.

The question being adoption of the committee report of Inexpedient to Legislate.
Rep. Osborne requested a roll call; sufficiently seconded.

YEAS 215 - NAYS 108

YEAS - 215

BELKNAP

Dumais, Russell
Russell, David

Fields, Dennis

Flanders, Donald

LeBreche, Shari

CARROLL

Buco, Thomas
Crawford, Karel
Ticehurst, Susan

Butler, Edward
McConkey, Mark
Umberger, Karen

Chandler, Gene
Parker, Harold

Cordelli, Glenn
Schmidt, Stephen

CHESHIRE

Abbott, Michael
Chase, Cynthia
Ley, Douglas
Roberts, Kris
Sterling, Franklin

Ames, Richard
Eaton, Daniel
Mann, John
Robertson, Timothy
Tatro, Bruce

Berch, Paul
Hunt, John
Pearson, William
Sad, Tara
Weber, Lucy

Bordenet, John
Johnsen, Gladys
Phillips, Larry
Shepardson, Marjorie

COOS

Fothergill, John
Rappaport, Laurence

Froburg, Alethea
Richardson, Herbert

Hatch, William
Tholl, John

Moynihan, Wayne
Thomas, Yvonne

GRAFTON

Abel, Richard
Ford, Susan
Hull, Robert
Piper, Wendy
White, Andrew

Almy, Susan
Hennessey, Erin
Ladd, Rick
Smith, Suzanne

Brown, Rebecca
Hennessey, Martha
Maes, Kevin
Sykes, George

Cooney, Mary
Higgins, Patricia
Massimilla, Linda
Townsend, Charles

HILLSBOROUGH

Adams, Christopher
Belanger, James
Coffey, James
Donovan, Daniel
Freitas, Mary
Gonzalez, Carlos
Haefner, Robert
Infantine, William
Leishman, Peter
O'Neil, William
Porter, Marjorie
Rouillard, Claire
Shaw, Barbara
Soucy, Timothy
Walsh, Robert

Backus, Robert
Biggie, Barbara
Cohen, Alan
Edwards, Elizabeth
Gagne, Larry
Gorman, Mary
Harvey, Suzanne
Jack, Martin
Long, Patrick
Palmer, Barry
Proulx, Mark
Rowe, Robert
Smith, Gregory
Sullivan, Daniel
Williams, Kermit

Baroody, Benjamin
Brown, Pamela
Cornell, Patricia
Flanagan, Jack
Gidge, Kenneth
Griffin, Barbara
Heath, Mary
Judy, Jean
Mangipudi, Latha
Peterson, Ken
Roberts, Carol
Seidel, Carl
Smith, Timothy
Takesian, Charlene
Wolf, Terry

Beaulieu, Jane
Christensen, Chris
Cote, David
Forest, Armand
Goley, Jeffrey
Guerette, C. Lee
Hinch, Richard
Kurk, Neal
Manley, Jonathan
Pierce, David
Rosenwald, Cindy
Shattuck, Gilman
Snow, Kendall
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Doherty, David
Kenison, Linda

Bartlett, Christy
Ebel, Karen
Kotowski, Frank

Bradley, Paula
Frazer, June
Long, Douglas

Deloge, Helen
Henle, Paul
Luneau, David

Mackay, James
Rogers, Katherine
Turcotte, Alan

Myler, Mel
Saunderson, George
Wallner, Mary Jane

Ratzki, Mario
Schuett, Dianne
Walsh, Thomas

Rice, Chip
Shurtleff, Stephen
Wheeler, Deborah

ROCK INGHAM

Abrami, Patrick
Cahill, Michael
Chirichiello, Brian
DiFranco, Debbie
Griffin, Mary
Introne, Robert
Matthews, Carolyn
O'Connor, John
Prudhomme-O'Brien, Katherine
Thomas, Douglas
Welch, David

Berrien, Skip
Cali-Pitts, Jacqueline
Christie, Andrew
Elliott, Robert
Guthrie, Joseph
Katsakiores, Phyllis
McBeath, Rebecca
Packard, Sherman
Simpson, Alexis
Ward, Gerald
Weyler, Kenneth

Borden, David
Cardon, G. Thomas
Cushing, Robert
Francese, Paula
Heffron, Frank
Kolodziej, Walter
Milz, David
Pantelakos, Laura
Sweeney, Joe
Ward, Joanne
Woitkun, Steven

Bush, Carol
Chase, Francis
Devine, James
Gordon, Pamela
Hoelzel, Kathleen
Lovejoy, Patricia
Nigrello, Robert
Peckham, Michele
Sytek, John
Webb, James

STRAFFORD

Baber, William
Cheney, Catherine
Graham, Robert
Leeman, Don
Smith, Marjorie
Stevens, Audrey

Bickford, David
Cilley, Jacalyn
Gray, James
Mullen, John
Southworth, Thomas
Treleaven, Susan

Bixby, Peter
DiSesa, Len
Horrigan, Timothy
Rollo, Deanna
Spang, Judith
Wall, Janet

Burton, Wayne
Gardner, Janice
Kaen, Naida
Schmidt, Peter
Sprague, Dale
Wuelper, Kurt

SULLIVAN

Cloutier, John
Irwin, Virginia

Converse, Larry
Smith, Steven

Gagnon, Raymond

Gottling, Suzanne

NAYS - 108

BELKNAP

Aldrich, Glen
Howard, Jr., Raymond
Tilton, Franklin

Fisher, Robert
Hurt, George
Vadney, Herbert

Fraser, Valerie
Spanos, Peter
Varney, Peter

Gallagher, Brian
Sylvia, Michael

CARROLL

Avellani, Lino
Wright, Ted

Comeau, Ed

McCarthy, Frank

Nelson, Bill

CHESHIRE

COOS

GRAFTON

Brown, Duane
Johnson, Eric

Darrow, Stephen

Gonet, Edmond

Ingbretson, Paul

HILLSBOROUGH

Ammon, Keith
Byron, Frank
Eastman, Eric
Fromuth, Bart
LeBrun, Donald
McLean, Mark
Notter, Jeanine
Pellegrino, Anthony
Simmons, Tammy
Zaricki, Nick

Balcom, John
Christiansen, Lars
Edelblut, Frank
Hansen, Peter
Marston, Dick
Moore, Josh
O'Brien, William
Rice, Kimberly
Sullivan, Victoria

Boehm, Ralph
Christie, Rick
Estevez, Eric
Hogan, Edith
McCarthy, Peggy
Murotake, David
Ohm, Bill
Sanborn, Laurie
Sweeney, Shawn

Burt, John
Danielson, David
Ferreira, Elizabeth
Hopper, Gary
McClarren, Donald
Murphy, Keith
Parison, James
Schleien, Eric
Ulery, Jordan

MERRIMACK

Brewster, Michael
Horn, Werner
McGuire, Carol

French, Harold
Kuch, Bill
McGuire, Dan

Hill, Gregory
Marple, Richard
Seaworth, Brian

Hoell, J.R.
Martin, John

ROCK INGHAM

Abramson, Max
Bates, David
Emerick, J. Tracy
Gordon, Richard

Allen, Mary
Cook, Allen
Ferrante, Beverly
Green, Dennis

Baldasaro, Alfred
Dean-Bailey, Yvonne
Friel, William
Harris, Jeffrey

Barnes, Arthur
Duarte, Joe
Gannon, William
Hodgdon, Bruce

Itse, Daniel
Potucek, John
Tilton, Rio

Kappler, Lawrence
Rice, Frederick
True, Chris

Oigny, Jeffrey
Schroedter, Adam
Tucker, Pamela

Osborne, Jason
Spillane, James
Vose, Michael

STRAFFORD

Groen, Warren
Knowles, Robert

Hannon, Joseph
Turcotte, Leonard

Jones, Laura

Kaczynski, Jr., Thomas

SULLIVAN

Laware, Thomas

Rollins, Skip

and the committee report was adopted.

HB 1522, adopting the Federal Rules of Civil Procedure as law. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul Berch for Judiciary. This bill would seek to supplant the rules of practice and procedure in all state courts of New Hampshire with the Federal Rules of Civil Procedure. At the present time, state court rules, whether governing civil trials, family law matters, probate or other aspects of civil law are promulgated by the New Hampshire Supreme Court, based upon recommendations and input from interested parties including the Advisory Committee on Rules, the New Hampshire General Court, practitioners and the public. In part, these rules may be based on federal experience as well as the experience of courts in other states. All are examined through the lens of what works in the Granite State. This bill would eliminate these finely crafted rules and substitute hundreds of federal rules. An almost unanimous Judiciary Committee, on a bipartisan basis, recommends against this idea. The committee felt that the Federal Rules were designed to mostly operate in one court, while our rules cover multiple courts. Even more importantly, the federal rules were seen to govern mostly complex litigation, such as class action lawsuits, while New Hampshire civil rules govern mostly smaller, day-to-day litigation. The committee found there was no evidence that federal rules are any better in operation than the New Hampshire rules and had further concern that requiring our state to follow federal rules in our courts raised a state sovereignty issue. The bill made no provision for what would happen if the federal rules were amended, which happens frequently. Vote 16-1.

Committee report adopted.

HB 1555-FN, relative to the manner in which New Hampshire takes possession of land. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph Hagan for Judiciary. This bill purports to be a reform of the eminent domain process. However, this bill would allow the condemnee (property owner) to refuse that compensation after a "value of the property" is made and force the condemnor (government entity) to wait 180 days to make a new offer. Furthermore, this bill makes no limitations on subsequent referrals. This bill, if enacted, could halt needed takings for roads and other necessary public purposes. Vote 15-3.

Committee report adopted.

HB 1570-FN, repealing the law governing access to reproductive health care facilities. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for the Majority of Judiciary. This bill seeks to repeal the law governing citizens' access to public property in front of reproductive health care facilities. The majority believes the current law is an unconstitutional restriction on the people's right to freedom of speech and access to public property. Keeping the law commits the state to years of legal expense defending a law that purports to resolve a problem never substantiated by any documented offense. Vote 11-9.

Rep. David Woodbury for the Minority of Judiciary. This bill seeks, for a second time, to repeal RSA 132:37 through 132:40, passed in 2014. The statute is dissimilar to a Massachusetts statute found unconstitutional in 2014 because the buffer zone is smaller and subject to modification as conditions require. The statute strikes a fair balance between the interests of these lawfully using the sidewalks and access ways and those wishing to express their opposition to the abortion procedure. The statute is on hold until the federal court rules and should not be repealed, if at all, until the court rules.

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

Reps. Heffron and Wall spoke against.

Rep. Wuelper spoke in favor.

Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 160 - NAYS 152

YEAS - 160

BELKNAP

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

Dumais, Russell
Gallagher, Brian
Spanos, Peter

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

Fisher, Robert
Hurt, George
Tilton, Franklin

CARROLL

Avellani, Lino
McCarthy, Frank
Schmidt, Stephen

Chandler, Gene
McConkey, Mark
Umberger, Karen

Comeau, Ed
Nelson, Bill

Cordelli, Glenn
Parker, Harold

CHESHIRE

Hunt, John

COOS

Fothergill, John
Tholl, John

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Brown, Duane
Johnson, Eric

Hennessey, Erin

Hull, Robert

Ingbretson, Paul

HILLSBOROUGH

Adams, Christopher
Biggie, Barbara
Christensen, Chris
Eastman, Eric
Ferreira, Elizabeth
Gidge, Kenneth
Haefner, Robert
Hopper, Gary
McCarthy, Peggy
Murotake, David
Ohm, Bill
Rouillard, Claire
Seidel, Carl
Twombly, Timothy

Anmon, Keith
Boehm, Ralph
Christie, Rick
Edelblut, Frank
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Lachance, Joseph
McClarren, Donald
Murphy, Keith
Palmer, Barry
Rowe, Robert
Simmons, Tammy
Ulery, Jordan

Balcom, John
Burt, John
Coffey, James
Edwards, Elizabeth
Fromuth, Bart
Gould, Linda
Hinch, Richard
LeBrun, Donald
McLean, Mark
Notter, Jeanine
Pellegrino, Anthony
Sanborn, Laurie
Sullivan, Victoria
Zaricki, Nick

Belanger, James
Byron, Frank
Danielson, David
Estevez, Eric
Gagne, Larry
Griffin, Barbara
Hogan, Edith
Marston, Dick
Moore, Josh
O'Brien, William
Rice, Kimberly
Schleien, Eric
Sweeney, Shawn

MERRIMACK

French, Harold
Kotowski, Frank
McGuire, Dan

Hill, Gregory
Kuch, Bill
Seaworth, Brian

Hoell, J.R.
Martin, John
Walsh, Thomas

Horn, Werner
McGuire, Carol
Wheeler, Deborah

ROCK INGHAM

Abrami, Patrick
Bush, Carol
Emerick, J. Tracy
Gordon, Richard
Harris, Jeffrey
Itse, Daniel
Matthews, Carolyn
Osborne, Jason
Rice, Frederick
Thomas, Douglas
Vose, Michael
Weyler, Kenneth

Abramson, Max
Chase, Francis
Ferrante, Beverly
Green, Dennis
Hodgdon, Bruce
Kappler, Lawrence
Milz, David
Packard, Sherman
Spillane, James
Tilton, Rio
Ward, Joanne

Baldasaro, Alfred
Dean-Bailey, Yvonne
Friel, William
Griffin, Mary
Hoelzel, Kathleen
Katsakiores, Phyllis
Nigrello, Robert
Potucek, John
Sweeney, Joe
True, Chris
Webb, James

Bates, David
Duarte, Joe
Gannon, William
Guthrie, Joseph
Introne, Robert
Kolodziej, Walter
O'Connor, John
Prudhomme-O'Brien, Katherine
Sytek, John
Tucker, Pamela
Welch, David

STRAFFORD

Cheney, Catherine
Hannon, Joseph
Leeman, Don

Graham, Robert
Jones, Laura
Mullen, John

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

Groen, Warren
Knowles, Robert
Wuelper, Kurt

SULLIVAN

Laware, Thomas

Smith, Steven

NAYS - 152**BELK NAP**

Flanders, Donald

Russell, David

CARROLL

Buco, Thomas
Wright, Ted

Butler, Edward

Crawford, Karel

Ticehurst, Susan

CHESHIRE

Abbott, Michael
Chase, Cynthia

Ames, Richard
Eaton, Daniel

Berch, Paul
Johnsen, Gladys

Bordenet, John
Ley, Douglas

Mann, John
Roberts, Kris
Sterling, Franklin

McConnell, James
Robertson, Timothy
Tatro, Bruce

Pearson, William
Sad, Tara
Tilton, Benjamin

Phillips, Larry
Shepardson, Marjorie
Weber, Lucy

COOS

Froburg, Alethea

Hatch, William

Moynihan, Wayne

Thomas, Yvonne

GRAFTON

Abel, Richard
Darrow, Stephen
Higgins, Patricia
Smith, Suzanne

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

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

Cooney, Mary
Hennessey, Martha
Piper, Wendy
White, Andrew

HILLSBOROUGH

Backus, Robert
Cornell, Patricia
Freitas, Mary
Harvey, Suzanne
Judy, Jean
Manley, Jonathan
Porter, Marjorie
Shaw, Barbara
Soucy, Timothy
Walsh, Robert

Beaulieu, Jane
Cote, David
Goley, Jeffrey
Heath, Mary
Leishman, Peter
O'Neil, William
Proulx, Mark
Smith, Gregory
Sullivan, Daniel
Williams, Kermit

Christiansen, Lars
Donovan, Daniel
Gorman, Mary
Infantine, William
Long, Patrick
Peterson, Ken
Roberts, Carol
Smith, Timothy
Takesian, Charlene
Wolf, Terry

Cohen, Alan
Frost, Armand
Guerette, C. Lee
Jack, Martin
Mangipudi, Latha
Pierce, David
Rosenwald, Cindy
Snow, Kendall
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Deloge, Helen
Henle, Paul
Mackay, James
Rice, Chip
Shurtleff, Stephen

Bartlett, Christy
Doherty, David
Kenison, Linda
Marple, Richard
Rogers, Katherine
Turcotte, Alan

Bradley, Paula
Ebel, Karen
Long, Douglas
Myler, Mel
Saunderson, George
Wallner, Mary Jane

Brewster, Michael
Frazer, June
Luneau, David
Ratzki, Mario
Schuett, Dianne

ROCK INGHAM

Allen, Mary
Cali-Pitts, Jacqueline
Devine, James
Gordon, Pamela
Pantelakos, Laura

Berrien, Skip
Cardon, G. Thomas
DiFranco, Debbie
Heffron, Frank
Peckham, Michele

Borden, David
Cook, Allen
Elliott, Robert
Lovejoy, Patricia
Simpson, Alexis

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

STRAFFORD

Baber, William
DiSesa, Len
Rollo, Deanna
Spang, Judith
Wall, Janet

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

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

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

SULLIVAN

Cloutier, John
Irwin, Virginia

Converse, Larry
Rollins, Skip

Gagnon, Raymond

Gottling, Suzanne

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

HB 1575-FN, prohibiting certain court filing fees. INEXPEDIENT TO LEGISLATE.

Rep. Claire Rouillard for Judiciary. This bill seeks to prohibit filing fees in all courts for all civil cases, including appeals, in actions against government entities, official or employees. Current law provides a waiver to individuals who do not have the ability to pay these fees. Additionally, current law provides that the prevailing party in a lawsuit is entitled to recover filing fees paid. Also, as worded, this bill would allow all entities, including corporations that bring actions against our government or its employees to avoid filing fees, even if they have the ability to pay. Vote 14-3.

Committee report adopted.

HB 1623-FN, prohibiting an abortion based on genetic abnormalities. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Paul Berch for the Majority of Judiciary. This bill seeks to ban abortions based upon prenatal genetic testing. The committee understood the difficult decisions when women and their partners are confronted with a prenatal diagnosis of serious genetic defects. Understanding that women make different decisions based upon their own values, abilities and wisdom, the bipartisan majority of the committee felt it was the right of New Hampshire women to make these difficult decisions themselves, in consultation with medical professionals, rather than by politicians. By making doctors into criminals in certain circumstances, there was a

concern that women would be reluctant to have full and candid conversations, jeopardizing doctor-patient relationships. The committee felt that some of the provisions of this bill were of doubtful constitutionality, and other provisions would not work in real life circumstances. Vote 14-5.

Rep. Kurt Wuelper for the Minority of Judiciary. The minority believes that a baby should not be aborted just because she has a genetic marker for an inherited abnormality. Children who carry markers for Down syndrome should be allowed to grow and become the person they can, not killed by abortion as roughly 90% of those so diagnosed are today. We believe every child has the inalienable right to life and aborting them because of a genetic screening is the ultimate discrimination and should be illegal.

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

Rep. Cordelli spoke against.

Rep. Berch spoke in favor.

Rep. White requested a roll call; sufficiently seconded.

YEAS 224 - NAYS 88

YEAS - 224

BELKNAP

Aldrich, Glen
Flanders, Donald
Vadney, Herbert

Dumais, Russell
Fraser, Valerie

Fields, Dennis
Russell, David

Fisher, Robert
Spanos, Peter

CARROLL

Buco, Thomas
McConkey, Mark
Umberger, Karen

Butler, Edward
Parker, Harold
Wright, Ted

Comeau, Ed
Schmidt, Stephen

Crawford, Karel
Ticehurst, Susan

CHESHIRE

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

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

Berch, Paul
Hunt, John
McConnell, James
Robertson, Timothy
Tilton, Benjamin

Bordenet, John
Johnsen, Gladys
Pearson, William
Sad, Tara
Weber, Lucy

COOS

Fothergill, John
Rappaport, Laurence

Froburg, Alethea
Tholl, John

Hatch, William
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

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

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

Brown, Rebecca
Gionet, Edmond
Hull, Robert
Smith, Suzanne

Cooney, Mary
Hennessey, Erin
Ladd, Rick
Sykes, George

HILLSBOROUGH

Adams, Christopher
Beaulieu, Jane
Byron, Frank
Cornell, Patricia
Estevez, Eric
Freitas, Mary
Gorman, Mary
Hansen, Peter
Infantine, William
Leishman, Peter
McClarren, Donald
Porter, Marjorie
Rouillard, Claire
Smith, Gregory
Sullivan, Daniel
Williams, Kermit

Ammon, Keith
Belanger, James
Christensen, Chris
Cote, David
Ferreira, Elizabeth
Fromuth, Bart
Griffin, Barbara
Harvey, Suzanne
Jack, Martin
Long, Patrick
O'Neil, William
Proulx, Mark
Rowe, Robert
Smith, Timothy
Takesian, Charlene
Wolf, Terry

Backus, Robert
Biggie, Barbara
Christiansen, Lars
Donovan, Daniel
Flanagan, Jack
Gidge, Kenneth
Guerette, C. Lee
Heath, Mary
Judy, Jean
Mangipudi, Latha
Ohm, Bill
Roberts, Carol
Schleien, Eric
Snow, Kendall
Vann, Ivy
Zaricki, Nick

Balcom, John
Brown, Pamela
Cohen, Alan
Edwards, Elizabeth
Forest, Armand
Goley, Jeffrey
Haefner, Robert
Hinch, Richard
Kurk, Neal
Manley, Jonathan
Peterson, Ken
Rosenwald, Cindy
Shaw, Barbara
Soucy, Timothy
Walsh, Robert

MERRIMACK

Alicea, Caroletta
Doherty, David
Henle, Paul
Luneau, David
Ratzki, Mario
Schuett, Dianne
Wallner, Mary Jane

Bartlett, Christy
Ebel, Karen
Kenison, Linda
MacKay, James
Rice, Chip
Seaworth, Brian
Walsh, Thomas

Bradley, Paula
Frazer, June
Kuch, Bill
Marple, Richard
Rogers, Katherine
Shurtleff, Stephen
Wheeler, Deborah

Deloge, Helen
French, Harold
Long, Douglas
Myler, Mel
Saunderson, George
Turcotte, Alan

ROCK INGHAM

Abrami, Patrick
 Bush, Carol
 Chase, Francis
 Elliott, Robert
 Friel, William
 Heffron, Frank
 Lovejoy, Patricia
 Nigrello, Robert
 Potucek, John
 Vose, Michael
 Welch, David

Abramson, Max
 Cahill, Michael
 Christie, Andrew
 Emerick, J. Tracy
 Gordon, Pamela
 Hoelzel, Kathleen
 Matthews, Carolyn
 Packard, Sherman
 Simpson, Alexis
 Ward, Gerald
 Weyler, Kenneth

Berrien, Skip
 Cali-Pitts, Jacqueline
 Cushing, Robert
 Ferrante, Beverly
 Griffin, Mary
 Introne, Robert
 McBeath, Rebecca
 Pantelakos, Laura
 Sweeney, Joe
 Ward, Joanne
 Woitkun, Steven

Borden, David
 Cardon, G. Thomas
 DiFranco, Debbie
 Francese, Paula
 Guthrie, Joseph
 Kolodziej, Walter
 Milz, David
 Peckham, Michele
 Thomas, Douglas
 Webb, James

STRAFFORD

Baber, William
 Cheney, Catherine
 Hannon, Joseph
 Schmidt, Peter
 Sprague, Dale

Bickford, David
 Cilley, Jacalyn
 Horrigan, Timothy
 Smith, Marjorie
 Stevens, Audrey

Bixby, Peter
 DiSesa, Len
 Kaen, Naida
 Southworth, Thomas
 Treleaven, Susan

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

SULLIVAN

Cloutier, John
 Irwin, Virginia

Converse, Larry
 Rollins, Skip

Gagnon, Raymond
 Smith, Steven

Gottling, Suzanne

NAYS - 88**BELKNAP**

Gallagher, Brian

Howard, Jr., Raymond

LeBreche, Shari

Tilton, Franklin

CARROLL

Avellani, Lino

Cordelli, Glenn

McCarthy, Frank

Nelson, Bill

COOS

Richardson, Herbert

Rideout, Leon

GRAFTON

Brown, Duane

Ingbretson, Paul

Johnson, Eric

HILLSBOROUGH

Boehm, Ralph
 Danielson, David
 Gould, Linda
 LeBrun, Donald
 Moore, Josh
 O'Brien, William
 Rice, Kimberly
 Sullivan, Victoria

Burt, John
 Eastman, Eric
 Hogan, Edith
 Marston, Dick
 Murotake, David
 Palmer, Barry
 Sanborn, Laurie
 Sweeney, Shawn

Christie, Rick
 Edelblut, Frank
 Hopper, Gary
 McCarthy, Peggy
 Murphy, Keith
 Pellegrino, Anthony
 Seidel, Carl
 Twombly, Timothy

Coffey, James
 Gagne, Larry
 Lachance, Joseph
 McLean, Mark
 Notter, Jeanine
 Pierce, David
 Simmons, Tammy
 Utery, Jordan

MERRIMACK

Brewster, Michael
 Kotowski, Frank

Hill, Gregory
 Martin, John

Hoell, J.R.
 McGuire, Carol

Horn, Werner
 McGuire, Dan

ROCK INGHAM

Allen, Mary
 Dean-Bailey, Yvonne
 Gordon, Richard
 Itse, Daniel
 Oligny, Jeffrey
 Sytek, John

Baldasaro, Alfred
 Devine, James
 Green, Dennis
 Kappler, Lawrence
 Prudhomme-O'Brien, Katherine
 Tilton, Rio

Bates, David
 Duarte, Joe
 Harris, Jeffrey
 Katsakiores, Phyllis
 Rice, Frederick
 True, Chris

Cook, Allen
 Gannon, William
 Hodgdon, Bruce
 O'Connor, John
 Spillane, James
 Tucker, Pamela

STRAFFORD

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

Gray, James
 Knowles, Robert
 Wuelper, Kurt

Groen, Warren
 Leeman, Don

Jones, Laura
 Mullen, John

SULLIVAN

Laware, Thomas

and the majority committee report was adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Hopper moved that the House reconsider its action whereby, on a roll call vote of 160-152, the House adopted the majority committee report of Ought to Pass on **HB 1570-FN**, repealing the law governing access to reproductive health care facilities.

Rep. Hopper spoke against.

On a division vote, with 120 members having voted in the affirmative, and 195 in the negative, the motion failed.

REGULAR CALENDAR CONT'D

HB 1625-FN, relative to banning abortion after viability. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for the Majority of Judiciary. This bill as amended prohibits abortions on babies after viability, except when necessary to save the life of the mother or to protect her from "serious risk of substantial and irreversible physical impairment of major bodily function." This language has been vetted through the US Supreme Court and has been in effect in other states for many years. Ever since Roe v. Wade was decided, states have been allowed to prohibit these late term abortions, and at least 17 other states already do. The majority believes that babies who can live outside the mother's womb should be given every opportunity to do so. This bill takes great care to protect the mother's well-being and, in case of criminal proceedings, her anonymity, while doing all we can to give babies the chance to live the lives of which they are capable. Vote 9-8. Rep. David Woodbury for the Minority of Judiciary. This bill, as amended, seeks to limit and criminalize post-viability abortion, notwithstanding that such abortions are not performed in this state, at least presently. The main defects in this bill are that a second physician's opinion must be obtained if such an abortion is to be performed to protect the life or health of the mother. Such second physician may not be available or willing, with tragic results to mother or child. Secondly, there are onerous and intrusive records to be kept for no discernible reason. Rather than legislate the practice of medicine, it is better to leave the practice of medicine to those best able to do it.

Majority Amendment (0869h)

Amend RSA 132-B:1, X as inserted by section 2 of the bill by replacing it with the following:

X. "Unborn child" means the offspring of human beings in the womb.

Amend RSA 132-B:2, II(b) and (c) as inserted by section 2 of the bill by replacing it with the following:

(b) If the physician determines that the gestational age of the unborn child is 21 weeks or more, prior to performing or inducing an abortion upon the woman, the physician shall determine if the unborn child is viable by using and exercising that degree of care, skill, and proficiency commonly exercised by a skillful, careful, and prudent physician. In making this determination of viability, the physician shall perform or cause to be performed such medical examinations and tests as are necessary to make a finding of the gestational age, weight, and lung maturity of the unborn child and shall enter such findings and determination of viability in the medical record of the woman.

(c) If the physician determines that the gestational age of the unborn child is 21 weeks or more, and further determines that the unborn child is not viable and performs or induces an abortion upon the woman, the physician shall report such findings and determinations and the reasons for such determinations to the health care facility in which the abortion is performed and to the board of medicine, and shall enter such findings and determinations in the medical records of the woman and in the individual abortion report submitted to the department under paragraph III.

Amend RSA 132-B:2, II(f) and (g) as inserted by section 2 of the bill by replacing it with the following:

(f) Before a physician proceeds with performing or inducing an abortion upon a woman when it has been determined that the unborn child is viable, the physician who is to perform the abortion shall obtain the agreement of a second physician with knowledge of accepted obstetrical and neonatal practices and standards who shall concur that the abortion is necessary per RSA 132-B:2, II(e). This second physician shall also report such reasons and determinations to the health care facility in which the abortion is to be performed and to the board of medicine, and shall enter such findings and determinations in the medical record of the woman and the individual abortion report submitted to the department. The second physician shall not have any legal or financial affiliation or relationship with the physician performing or inducing the abortion, except that such prohibition shall not apply to physicians whose legal or financial affiliation or relationship is a result of being employed by or having staff privileges at the same hospital, physician network, or hospital network.

(g) Any physician who performs or induces a termination of pregnancy upon a woman when it has been determined that the unborn child is viable shall utilize the available method or technique of the termination of the pregnancy most likely to preserve the life or health of the unborn child. In cases where the method or technique of the termination of the pregnancy most likely to preserve the life or health of the unborn child would present a greater risk to the life or health of the woman than another legally permitted and available method or technique, the physician may utilize such other method or technique. In all cases where the physician performs an abortion upon a viable unborn child, the physician shall document the method or technique employed.

Amend RSA 132-B:2, III by deleting subparagraph (d) and renumbering the original subparagraph (e) to read as (d).

Amend RSA 132-B:4 as inserted by section 2 of the bill by replacing it with the following:

132-B:4 Penalty. Any person who intentionally or recklessly performs or attempts to perform an abortion in violation of RSA 132-B:2 of this chapter shall be guilty of a class A misdemeanor. No penalty shall be assessed against the woman upon whom the abortion is performed or attempted to be performed. The anonymity of any woman upon whom an abortion has been performed shall be preserved from public disclosure unless she consents.

Amend section 2 of the bill by deleting RSA 132-B:5 and RSA 132-B:6.

On a division vote, with 156 members having voted in the affirmative, and 155 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. Marjorie Smith spoke against.

Rep. Wuelper spoke in favor and yielded to questions.

Rep. White requested a roll call; sufficiently seconded.

YEAS 148 - NAYS 151

YEAS - 148

BELKNAP

Aldrich, Glen
Gallagher, Brian
Spanos, Peter

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

Flanders, Donald
LeBreche, Shari

Fraser, Valerie
Russell, David

CARROLL

Avellani, Lino
McConkey, Mark

Comeau, Ed
Nelson, Bill

Cordelli, Glenn
Parker, Harold

McCarthy, Frank
Schmidt, Stephen

COOS

Fothergill, John

Richardson, Herbert

Rideout, Leon

Tholl, John

GRAFTON

Brown, Duane
Ingbretson, Paul

Gionet, Edmond
Johnson, Eric

Hennessey, Erin

Hull, Robert

HILLSBOROUGH

Adams, Christopher
Biggie, Barbara
Christie, Rick
Edelblut, Frank
Gould, Linda
Hogan, Edith
Lachance, Joseph
Moore, Josh
O'Brien, William
Pierce, David
Sanborn, Laurie
Twombly, Timothy

Ammon, Keith
Boehm, Ralph
Coffey, James
Ferreira, Elizabeth
Griffin, Barbara
Hopper, Gary
LeBrun, Donald
Murotake, David
Ohm, Bill
Rice, Kimberly
Seidel, Carl
Ulery, Jordan

Balcom, John
Burt, John
Danielson, David
Fromuth, Bart
Haefner, Robert
Infantine, William
Marston, Dick
Murphy, Keith
Palmer, Barry
Rouillard, Claire
Simmons, Tammy
Zaricki, Nick

Belanger, James
Byron, Frank
Eastman, Eric
Gagne, Larry
Hinch, Richard
Judy, Jean
McLean, Mark
Notter, Jeanine
Pellegrino, Anthony
Rowe, Robert
Sullivan, Victoria

MERRIMACK

Brewster, Michael
Horn, Werner
McGuire, Dan

French, Harold
Kotowski, Frank
Seaworth, Brian

Hill, Gregory
Kuch, Bill
Walsh, Thomas

Hoell, J.R.
McGuire, Carol

ROCKINGHAM

Abrami, Patrick
Barnes, Arthur
Cook, Allen
Elliott, Robert
Gannon, William
Harris, Jeffrey
Itse, Daniel
Matthews, Carolyn
Osborne, Jason
Prudhomme-O'Brien, Katherine
Sytek, John
Tucker, Pamela

Abramson, Max
Bates, David
Dean-Bailey, Yvonne
Emerick, J. Tracy
Gordon, Richard
Hodgdon, Bruce
Kappler, Lawrence
Nigrello, Robert
Packard, Sherman
Rice, Frederick
Thomas, Douglas
Ward, Joanne

Allen, Mary
Bush, Carol
Devine, James
Ferrante, Beverly
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
O'Connor, John
Peckham, Michele
Spillane, James
Tilton, Rio
Welch, David

Baldasaro, Alfred
Chase, Francis
Duarte, Joe
Friel, William
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Oigny, Jeffrey
Potucek, John
Sweeney, Joe
True, Chris
Weyler, Kenneth

STRAFFORD

Bickford, David
Groen, Warren
Leeman, Don

Cheney, Catherine
Jones, Laura
Mullen, John

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

Gray, James
Knowles, Robert
Wuelper, Kurt

SULLIVAN

Laware, Thomas

Smith, Steven

NAYS - 151**BELKNAP**

Fisher, Robert

Vadney, Herbert

CARROLL

Buco, Thomas

Ticehurst, Susan

Umberger, Karen

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
McConnell, James
Robertson, Timothy
Tatro, Bruce

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

COOS

Froburg, Alethea
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

Rappaport, Laurence

GRAFTON

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

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

Brown, Rebecca
Hennessey, Martha
Smith, Suzanne

Cooney, Mary
Higgins, Patricia
Sykes, George

HILLSBOROUGH

Backus, Robert
Cohen, Alan
Edwards, Elizabeth
Goley, Jeffrey
Heath, Mary
Long, Patrick
Peterson, Ken
Rosenwald, Cindy
Smith, Timothy
Takesian, Charlene
Wolf, Terry

Beaulieu, Jane
Cornell, Patricia
Forest, Armand
Gorman, Mary
Jack, Martin
Mangipudi, Latha
Porter, Marjorie
Schleien, Eric
Snow, Kendall
Vann, Ivy

Brown, Pamela
Cote, David
Freitas, Mary
Guerette, C. Lee
Kurk, Neal
Manley, Jonathan
Proulx, Mark
Shaw, Barbara
Soucy, Timothy
Walsh, Robert

Christensen, Chris
Donovan, Daniel
Gidge, Kenneth
Harvey, Suzanne
Leishman, Peter
O'Neil, William
Roberts, Carol
Smith, Gregory
Sullivan, Daniel
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Doherty, David
Kenison, Linda
Martin, John
Rogers, Katherine
Turcotte, Alan

Bartlett, Christy
Ebel, Karen
Long, Douglas
Myler, Mel
Saunderson, George
Wallner, Mary Jane

Bradley, Paula
Frazer, June
Luneau, David
Ratzki, Mario
Schuett, Dianne
Wheeler, Deborah

Deloge, Helen
Henle, Paul
MacKay, James
Rice, Chip
Shurtleff, Stephen

ROCKINGHAM

Berrien, Skip
Cardon, G. Thomas
Francese, Paula
McBeath, Rebecca
Vose, Michael

Borden, David
Christie, Andrew
Gordon, Pamela
Milz, David
Ward, Gerald

Cahill, Michael
Cushing, Robert
Heffron, Frank
Pantelakos, Laura
Woitkun, Steven

Cali-Pitts, Jacqueline
DiFranco, Debbie
Lovejoy, Patricia
Simpson, Alexis

STRAFFORD

Baber, William
Gardner, Janice
Rollo, Deanna
Spang, Judith
Wall, Janet

Bixby, Peter
Hannon, Joseph
Schmidt, Peter
Sprague, Dale

Cilley, Jacalyn
Horriggan, Timothy
Smith, Marjorie
Stevens, Audrey

DiSesa, Len
Kaen, Naida
Southworth, Thomas
Treleven, Susan

SULLIVAN

Cloutier, John
Rollins, Skip

Converse, Larry

Gottling, Suzanne

Irwin, Virginia

and the majority committee report failed.

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

On a division vote, with 165 members having voted in the affirmative, and 135 in the negative, the minority committee report was adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Eaton moved that the House reconsider its action whereby, on a division vote of 165-135, the House adopted the minority committee report of Inexpedient to Legislate on **HB 1625-FN**, relative to banning abortion after viability.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 134 - NAYS 167

YEAS - 134

BELKNAP

Aldrich, Glen
Howard, Jr., Raymond
Tilton, Franklin

Flanders, Donald
LeBreche, Shari

Fraser, Valerie
Russell, David

Gallagher, Brian
Spanos, Peter

CARROLL

Avellani, Lino
McConkey, Mark

Comeau, Ed
Nelson, Bill

Cordelli, Glenn
Schmidt, Stephen

McCarthy, Frank

COOS

Richardson, Herbert

Rideout, Leon

Tholl, John

GRAFTON

Brown, Duane
Johnson, Eric

Gionet, Edmond

Hull, Robert

Ingbreton, Paul

HILLSBOROUGH

Adams, Christopher
Biggie, Barbara
Christie, Rick
Edelblut, Frank
Fromuth, Bart
Hinch, Richard
Judy, Jean
Moore, Josh
O'Brien, William
Pierce, David
Sanborn, Laurie
Twombly, Timothy

Ammon, Keith
Boehm, Ralph
Coffey, James
Edwards, Elizabeth
Gagne, Larry
Hogan, Edith
Lachance, Joseph
Murotake, David
Ohm, Bill
Rice, Kimberly
Seidel, Carl
Ulery, Jordan

Balcom, John
Burt, John
Danielson, David
Ferreira, Elizabeth
Gould, Linda
Hopper, Gary
LeBrun, Donald
Murphy, Keith
Palmer, Barry
Rouillard, Claire
Simmons, Tammy

Belanger, James
Byron, Frank
Eastman, Eric
Flanagan, Jack
Griffin, Barbara
Infantine, William
McLean, Mark
Notter, Jeanine
Pellegrino, Anthony
Rowe, Robert
Sullivan, Victoria

MERRIMACK

Brewster, Michael
Horn, Werner
McGuire, Dan

French, Harold
Kuch, Bill
Seaworth, Brian

Hill, Gregory
Martin, John
Walsh, Thomas

Hoell, J.R.
McGuire, Carol

ROCKINGHAM

Abrami, Patrick
Bush, Carol
Devine, James
Gannon, William
Harris, Jeffrey
Itse, Daniel
Nigrello, Robert
Packard, Sherman
Spillane, James
Tucker, Pamela

Abramson, Max
Chase, Francis
Duarte, Joe
Gordon, Richard
Hodgdon, Bruce
Kappler, Lawrence
O'Connor, John
Potucek, John
Sytek, John
Ward, Joanne

Baldasaro, Alfred
Cook, Allen
Elliott, Robert
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
Oligny, Jeffrey
Prudhomme-O'Brien, Katherine
Tilton, Rio
Welch, David

Bates, David
Dean-Bailey, Yvonne
Emerick, J. Tracy
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Osborne, Jason
Rice, Frederick
True, Chris
Weyler, Kenneth

STRAFFORD

Cheney, Catherine
Jones, Laura
Mullen, John

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

Gray, James
Knowles, Robert
Wuelper, Kurt

Groen, Warren
Leeman, Don

SULLIVAN

Laware, Thomas

Smith, Steven

NAYS - 167**BELKNAP**

Fields, Dennis

Fisher, Robert

Vadney, Herbert

CARROLLBucco, Thomas
Wright, Ted

Parker, Harold

Ticehurst, Susan

Umberger, Karen

CHESHIREAbbott, Michael
Chase, Cynthia
Ley, Douglas
Phillips, Larry
Shepardson, Marjorie
Weber, LucyAmes, Richard
Eaton, Daniel
Mann, John
Roberts, Kris
Sterling, FranklinBerch, Paul
Hunt, John
McConnell, James
Robertson, Timothy
Tatro, BruceBordenet, John
Johnsen, Gladys
Pearson, William
Sad, Tara
Tilton, Benjamin**COOS**Fothergill, John
Rappaport, LaurenceFroburg, Alethea
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

GRAFTONAbel, Richard
Darrow, Stephen
Higgins, Patricia
Sykes, GeorgeAlmy, Susan
Ford, Susan
Maes, Kevin
Townsend, CharlesBrown, Rebecca
Hennessey, Erin
Massimilla, Linda
White, AndrewCooney, Mary
Hennessey, Martha
Smith, Suzanne**HILLSBOROUGH**Backus, Robert
Cohen, Alan
Forest, Armand
Gorman, Mary
Heath, Mary
Long, Patrick
O'Neil, William
Roberts, Carol
Smith, Gregory
Sullivan, Daniel
Williams, KermitBeaulieu, Jane
Cornell, Patricia
Freitas, Mary
Guerette, C. Lee
Jack, Martin
Mangipudi, Latha
Peterson, Ken
Rosenwald, Cindy
Smith, Timothy
Takesian, Charlene
Wolf, TerryBrown, Pamela
Cote, David
Gidge, Kenneth
Haefner, Robert
Kurk, Neal
Manley, Jonathan
Porter, Marjorie
Schleien, Eric
Snow, Kendall
Vann, Ivy
Zaricki, NickChristensen, Chris
Donovan, Daniel
Goley, Jeffrey
Harvey, Suzanne
Leishman, Peter
Marston, Dick
Proulx, Mark
Shaw, Barbara
Soucy, Timothy
Walsh, Robert**MERRIMACK**Alicea, Caroletta
Doherty, David
Kenison, Linda
MacKay, James
Rogers, Katherine
Turcotte, AlanBartlett, Christy
Ebel, Karen
Kotowski, Frank
Myler, Mel
Saunderson, George
Wallner, Mary JaneBradley, Paula
Frazer, June
Long, Douglas
Ratzki, Mario
Schuett, Dianne
Wheeler, DeborahDeloge, Helen
Henle, Paul
Luneau, David
Rice, Chip
Shurtleff, Stephen**ROCKINGHAM**Allen, Mary
Cahill, Michael
Cushing, Robert
Friel, William
Matthews, Carolyn
Peckham, Michele
Vose, MichaelBarnes, Arthur
Cali-Pitts, Jacqueline
DiFranco, Debbie
Gordon, Pamela
McBeath, Rebecca
Simpson, Alexis
Ward, GeraldBerrien, Skip
Cardon, G. Thomas
Ferrante, Beverly
Heffron, Frank
Milz, David
Sweeney, Joe
Woitkun, StevenBorden, David
Christie, Andrew
Francese, Paula
Lovejoy, Patricia
Pantelakos, Laura
Thomas, Douglas**STRAFFORD**Baber, William
Cilley, Jacalyn
Horrigan, Timothy
Smith, Marjorie
Stevens, AudreyBickford, David
DiSesa, Len
Kaen, Naida
Southworth, Thomas
Treleaven, SusanBixby, Peter
Gardner, Janice
Rollo, Deanna
Spang, Judith
Wall, JanetBurton, Wayne
Hannon, Joseph
Schmidt, Peter
Sprague, Dale**SULLIVAN**Cloutier, John
Rollins, Skip

Converse, Larry

Gottling, Suzanne

Irwin, Virginia

and the motion failed.

REGULAR CALENDAR CONT'D**HB 1636-FN**, prohibiting abortions once an unborn child can feel pain. **WITHOUT RECOMMENDATION.**

Statement in support of Ought to Pass: This bill prohibits abortions after the child can feel pain. Per the US Supreme Court, states may regulate procedures when the medical community is in doubt as they are regarding when the pre-born can feel pain. Given the possibility that babies could suffer severe pain at this stage of life we believe the state should err on the side of protecting them from it. Knowing that anesthesia is common in surgery performed on babies in the womb, we believe that those babies who might experience pain even more than born people should be protected from abortion. Since medical research has indicated that babies may feel pain as early as 20 weeks of age, this bill prohibits abortions after that age. Despite the fact similar laws in the Ninth Circuit have been ruled unconstitutional, we believe that the US Supreme Court might accept a new standard, such as this one, for when states can prohibit abortion if a federal appeals court should do so.

Rep. Kurt Wuelper

Statement in support of Inexpedient to Legislate: This bill seeks to ban abortions at or after 20 weeks except in the case of a medical emergency. It seeks to justify this restriction based upon a claim that a fetus can feel pain at that point in time, a belief disputed by many in the medical profession. The committee heard testimony that this bill is identical in all important respects to similar laws that have been held to be unconstitutional, including a decision by the United States Supreme Court on January 13, 2014 not to lift a block imposed by the Ninth Circuit of a similar law. Not only did the Supreme Court refuse to allow this kind of statute to be enforced, it also refused to reconsider *Roe v. Wade* and similar decisions post-*Wade* requiring “viability” and not gestational age to be the only critical factor in determining constitutionality of this kind of legislation. Other federal and state courts have similarly struck down 20 week bans. Testimony was also received that this bill’s reporting requirements impermissibly invade the privacy rights of women; that the health exception as drafted has constitutional issues; and that women faced with the serious and often dangerous complications of late term problems need the best health care possible from their medical providers.

Rep. Paul Berch

Rep. Wuelper moved Ought to Pass.

Rep. Berch spoke against.

Rep. Groen spoke in favor.

Rep. White requested a roll call; sufficiently seconded.

YEAS 122 - NAYS 160

YEAS - 122

BELK NAP

Aldrich, Glen
Gallagher, Brian

Fields, Dennis
LeBreche, Shari

Flanders, Donald
Spanos, Peter

Fraser, Valerie
Tilton, Franklin

CARROLL

Avellani, Lino
McCarthy, Frank

Chandler, Gene
Nelson, Bill

Comeau, Ed
Schmidt, Stephen

Cordelli, Glenn

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Brown, Duane
Johnson, Eric

Gionet, Edmond

Hull, Robert

Ingbretson, Paul

HILLSBOROUGH

Adams, Christopher
Boehm, Ralph
Eastman, Eric
Gagne, Larry
Hogan, Edith
LeBrun, Donald
Murotake, David
Ohm, Bill
Simmons, Tammy

Ammon, Keith
Burt, John
Edelblut, Frank
Gould, Linda
Hopper, Gary
Marston, Dick
Murphy, Keith
Pellegrino, Anthony
Sullivan, Victoria

Belanger, James
Christie, Rick
Ferreira, Elizabeth
Griffin, Barbara
Infantine, William
McLean, Mark
Notter, Jeanine
Pierce, David
Twombly, Timothy

Biggie, Barbara
Donovan, Daniel
Fromuth, Bart
Hinch, Richard
Lachance, Joseph
Moore, Josh
O'Brien, William
Seidel, Carl
Ulery, Jordan

MERRIMACK

Brewster, Michael
Horn, Werner
Seaworth, Brian

French, Harold
Kotowski, Frank
Walsh, Thomas

Hill, Gregory
McGuire, Carol

Hoell, J.R.
McGuire, Dan

ROCK INGHAM

Abrami, Patrick
Bates, David

Abramson, Max
Bush, Carol

Allen, Mary
Chase, Francis

Baldasaro, Alfred
Dean-Bailey, Yvonne

Devine, James
 Ferrante, Beverly
 Harris, Jeffrey
 Itse, Daniel
 O'Connor, John
 Peckham, Michele
 Spillane, James
 Tucker, Pamela

Duarte, Joe
 Gannon, William
 Hodgdon, Bruce
 Kappler, Lawrence
 Oligny, Jeffrey
 Potucek, John
 Sytek, John
 Ward, Joanne

Elliott, Robert
 Green, Dennis
 Hoelzel, Kathleen
 Kolodziej, Walter
 Osborne, Jason
 Prudhomme-O'Brien, Katherine
 Thomas, Douglas
 Welch, David

Emerick, J. Tracy
 Griffin, Mary
 Introne, Robert
 Matthews, Carolyn
 Packard, Sherman
 Rice, Frederick
 True, Chris
 Weyler, Kenneth

STRAFFORD

Cheney, Catherine
 Jones, Laura
 Mullen, John

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

Gray, James
 Knowles, Robert
 Wuelper, Kurt

Groen, Warren
 Leeman, Don

SULLIVAN

Laware, Thomas

Smith, Steven

NAYS - 160

BELKNAP

Russell, David

Vadney, Herbert

CARROLL

Buco, Thomas
 Wright, Ted

McConkey, Mark

Ticehurst, Susan

Umberger, Karen

CHESHIRE

Abbott, Michael
 Chase, Cynthia
 Ley, Douglas
 Phillips, Larry
 Sterling, Franklin

Ames, Richard
 Eaton, Daniel
 Mann, John
 Robertson, Timothy
 Tatro, Bruce

Berch, Paul
 Hunt, John
 McConnell, James
 Sad, Tara
 Tilton, Benjamin

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

COOS

Fothergill, John
 Tholl, John

Froburg, Alethea
 Thomas, Yvonne

Hatch, William

Moynihan, Wayne

GRAFTON

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

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

Brown, Rebecca
 Hennessey, Martha
 Smith, Suzanne

Cooney, Mary
 Higgins, Patricia
 Sykes, George

HILLSBOROUGH

Backus, Robert
 Byron, Frank
 Cote, David
 Goley, Jeffrey
 Harvey, Suzanne
 Kurk, Neal
 Manley, Jonathan
 Roberts, Carl
 Shaw, Barbara
 Soucy, Timothy
 Walsh, Robert

Balcom, John
 Christensen, Chris
 Edwards, Elizabeth
 Gorman, Mary
 Heath, Mary
 Leishman, Peter
 Peterson, Ken
 Rosenwald, Cindy
 Smith, Gregory
 Sullivan, Daniel
 Williams, Kermit

Beaulieu, Jane
 Cohen, Alan
 Forest, Armand
 Guerette, C. Lee
 Jack, Martin
 Long, Patrick
 Porter, Marjorie
 Rouillard, Claire
 Smith, Timothy
 Takesian, Charlene
 Wolf, Terry

Brown, Pamela
 Cornell, Patricia
 Freitas, Mary
 Haefner, Robert
 Jeudy, Jean
 Mangipudi, Latha
 Proulx, Mark
 Rowe, Robert
 Snow, Kendall
 Vann, Ivy

MERRIMACK

Alicea, Caroletta
 Doherty, David
 Kenison, Linda
 MacKay, James
 Rice, Chip
 Shurtleff, Stephen

Bartlett, Christy
 Ebel, Karen
 Kuch, Bill
 Martin, John
 Rogers, Katherine
 Turcotte, Alan

Bradley, Paula
 Frazer, June
 Long, Douglas
 Myler, Mel
 Saunderson, George
 Wallner, Mary Jane

Deloge, Helen
 Henle, Paul
 Luneau, David
 Ratzki, Mario
 Schuett, Dianne
 Wheeler, Deborah

ROCKINGHAM

Barnes, Arthur
 Cali-Pitts, Jacqueline
 DiFranco, Debbie
 Heffron, Frank
 Nigrello, Robert
 Tilton, Rio

Berrien, Skip
 Cardon, G. Thomas
 Francese, Paula
 Lovejoy, Patricia
 Pantelakos, Laura
 Vose, Michael

Borden, David
 Christie, Andrew
 Friel, William
 McBeath, Rebecca
 Simpson, Alexis
 Ward, Gerald

Cahill, Michael
 Cushing, Robert
 Gordon, Pamela
 Milz, David
 Sweeney, Joe
 Woitkun, Steven

STRAFFORD

Baber, William
Cilley, Jacalyn
Kaen, Naida
Spang, Judith
Wall, Janet

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

Bixby, Peter
Gardner, Janice
Smith, Marjorie
Stevens, Audrey

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

SULLIVAN

Cloutier, John
Rollins, Skip

Converse, Larry

Gottling, Suzanne

Irwin, Virginia

and the motion failed.

Rep. Eaton moved Inexpedient to Legislate.

Motion adopted.

HB 1660-FN-L, relative to eminent domain for gas pipelines and relative to assessment of the land use change tax for eminent domain takings for energy infrastructure. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert Rowe for Judiciary. This bill will bring land being taken by eminent domain for a pipeline in line with land taken by eminent domain for transmission lines by a public utility (RSA 371:5-a) by allowing an owner of land to require a pipeline company to take an entire parcel of land under eminent domain. It also requires the consent of a legislative body in the affirmative vote at a special meeting to take land belonging to a municipality, the state or any political subdivision. Additionally this bill requires that entities taking land under eminent domain will pay the Land Use Change Tax (LUCT). Under current law, land taken under eminent domain is exempt from paying the LUCT (RSA 79-A:7, VI). Vote 16-4.

Amendment (0677h)

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Eminent Domain; Residential Owner Option. Amend RSA 371:15 by inserting after paragraph VI the following new paragraph:

VII. When private real property which is used for residential purposes is proposed to be acquired in part, temporarily or permanently, for the construction of a high pressure gas pipeline or appurtenance thereto, the owners of the residential property shall have the option to require the pipeline company to condemn and take in fee the entire tract of land impacted by the proposed partial taking including all buildings and improvements thereon if all owners, excluding lienholders and mortgagees, of the private real property make such an election and provide the commission and the pipeline company with written notice of their election within 30 days after receipt of the notice under paragraph II.

Committee amendment adopted.

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

Rep. Backus spoke against and yielded to questions.

Rep. Flanagan spoke in favor and yielded to questions.

Rep. Abramson requested a roll call; sufficiently seconded.

YEAS 235 - NAYS 47**YEAS - 235****BELKNAP**

Aldrich, Glen
Gallagher, Brian
Sylvia, Michael

Fields, Dennis
LeBreche, Shari
Tilton, Franklin

Flanders, Donald
Russell, David
Vadney, Herbert

Fraser, Valerie
Spanos, Peter

CARROLL

Avellani, Lino
Cordelli, Glenn
Schmidt, Stephen

Buco, Thomas
McCarthy, Frank
Ticehurst, Susan

Chandler, Gene
McConkey, Mark
Umberger, Karen

Comeau, Ed
Nelson, Bill
Wright, Ted

CHESHIRE

Abbott, Michael
Hunt, John
Phillips, Larry
Sterling, Franklin

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

Bordenet, John
McConnell, James
Robertson, Timothy

Eaton, Daniel
Pearson, William
Shepardson, Marjorie

COOS

Fothergill, John
Rappaport, Laurence

Froburg, Alethea
Richardson, Herbert

Hatch, William
Rideout, Leon

Moynihan, Wayne
Tholl, John

GRAFTON

Abel, Richard
Cooney, Mary
Hennessey, Erin
Ingretson, Paul

Almy, Susan
Darrow, Stephen
Hennessey, Martha
Johnson, Eric

Brown, Duane
Ford, Susan
Higgins, Patricia
Ladd, Rick

Brown, Rebecca
Gionet, Edmond
Hull, Robert
White, Andrew

HILLSBOROUGH

Adams, Christopher
Belanger, James
Burt, John
Coffey, James
Donovan, Daniel
Ferreira, Elizabeth
Griffin, Barbara
Hopper, Gary
Lachance, Joseph
Marston, Dick
Murphy, Keith
Pellegrino, Anthony
Proulx, Mark
Rowe, Robert
Smith, Gregory
Twombly, Timothy
Wolf, Terry

Ammon, Keith
Biggie, Barbara
Byron, Frank
Cohen, Alan
Eastman, Eric
Flanagan, Jack
Haefner, Robert
Jack, Martin
LeBrun, Donald
McLean, Mark
Notter, Jeanine
Peterson, Ken
Rice, Kimberly
Seidel, Carl
Snow, Kendall
Ulery, Jordan

Balcom, John
Boehm, Ralph
Christensen, Chris
Cornell, Patricia
Edelblut, Frank
Gagne, Larry
Hinch, Richard
Judy, Jean
Leishman, Peter
Moore, Josh
O'Brien, William
Pierce, David
Roberts, Carol
Shaw, Barbara
Sullivan, Victoria
Vann, Ivy

Beaulieu, Jane
Brown, Pamela
Christie, Rick
Danielson, David
Edwards, Elizabeth
Gould, Linda
Hogan, Edith
Kurk, Neal
Manley, Jonathan
Murotake, David
Ohm, Bill
Porter, Marjorie
Rouillard, Claire
Simmons, Tammy
Takesian, Charlene
Williams, Kermit

MERRIMACK

Brewster, Michael
Hill, Gregory
Kuch, Bill
McGuire, Dan
Seaworth, Brian
Walsh, Thomas

Ebel, Karen
Hoell, J.R.
Long, Douglas
Myler, Mel
Shurtleff, Stephen
Wheeler, Deborah

French, Harold
Horn, Werner
Martin, John
Ratzki, Mario
Turcotte, Alan

Henle, Paul
Kotowski, Frank
McGuire, Carol
Saunderson, George
Wallner, Mary Jane

ROCK INGHAM

Abrami, Patrick
Barnes, Arthur
Cali-Pitts, Jacqueline
Cushing, Robert
Duarte, Joe
Gannon, William
Harris, Jeffrey
Introne, Robert
Matthews, Carolyn
Oligny, Jeffrey
Peckham, Michele
Simpson, Alexis
Thomas, Douglas
Vose, Michael
Weyler, Kenneth

Abramson, Max
Bates, David
Cardon, G. Thomas
Dean-Bailey, Yvonne
Emerick, J. Tracy
Gordon, Pamela
Heffron, Frank
Itse, Daniel
Miz, David
Osborne, Jason
Potucek, John
Spillane, James
Tilton, Rio
Ward, Gerald
Woitkun, Steven

Allen, Mary
Berrien, Skip
Chase, Francis
Devine, James
Ferrante, Beverly
Gordon, Richard
Hodgdon, Bruce
Kappler, Lawrence
Nigrello, Robert
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sweeney, Joe
True, Chris
Ward, Joanne

Baldasaro, Alfred
Bush, Carol
Christie, Andrew
DiFranco, Debbie
Francese, Paula
Griffin, Mary
Hoelzel, Kathleen
Kolodziej, Walter
O'Connor, John
Pantelakos, Laura
Rice, Frederick
Sytek, John
Tucker, Pamela
Welch, David

STRAFFORD

Baber, William
Cheney, Catherine
Gray, James
Kaczynski, Jr., Thomas
Smith, Marjorie
Treleaven, Susan

Bickford, David
Cilley, Jacalyn
Groen, Warren
Knowles, Robert
Southworth, Thomas
Turcotte, Leonard

Bixby, Peter
DiSesa, Len
Horigan, Timothy
Leeman, Don
Spang, Judith
Wall, Janet

Burton, Wayne
Graham, Robert
Jones, Laura
Mullen, John
Stevens, Audrey
Wuelper, Kurt

SULLIVAN

Cloutier, John
Smith, Steven

Irwin, Virginia

Laware, Thomas

Rollins, Skip

NAYS - 47**BELK NAB**

Howard, Jr., Raymond

CHESHIRE

Berch, Paul

Johnsen, Gladys

Mann, John

Tatro, Bruce

COOS

Thomas, Yvonne

GRAFTON

Maes, Kevin
Townsend, Charles

Massimilla, Linda

Smith, Suzanne

Sykes, George

HILLSBOROUGH

Backus, Robert
Goley, Jeffrey
Heath, Mary
Soucy, Timothy

Cote, David
Gorman, Mary
Long, Patrick
Sullivan, Daniel

Forest, Armand
Guerette, C. Lee
Mangipudi, Latha
Walsh, Robert

Freitas, Mary
Harvey, Suzanne
Smith, Timothy

MERRIMACK

Alicea, Caroletta
Frazer, June
Rice, Chip

Bartlett, Christy
Kenison, Linda
Rogers, Katherine

Deloge, Helen
Luneau, David

Doherty, David
MacKay, James

ROCK INGHAM

Borden, David
Lovejoy, Patricia

Cahill, Michael
McBeath, Rebecca

Elliott, Robert

Green, Dennis

STRAFFORD

Kaen, Naida

Schmidt, Peter

Sprague, Dale

SULLIVAN

Converse, Larry

Gottling, Suzanne

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

HB 1663-FN, prohibiting buying, selling, and experimenting on unborn infants or bodily remains resulting from abortion. **INEXPEDIENT TO LEGISLATE.**

Rep. Linda Kenison for Judiciary. The title of this bill is misleading as the true impact of this bill would be to ban the voluntary donation of fetal tissues by abortion patients and to ban any fetal tissue research taking place in this state. The committee heard no evidence that the sale of fetal tissue was occurring in New Hampshire. In fact, we heard testimony to the contrary. Fetal tissue research has the great potential to continue to advance clinical knowledge and treatment options for life-threatening and chronic diseases. The majority of the committee feels that voluntary fetal tissue donation should remain an option for women. Vote 10-8.

Rep. Groen spoke against.

Rep. Kenison spoke in favor.

Rep. William O'Brien requested a roll call; sufficiently seconded.

YEAS 155 - NAYS 122

YEAS - 155**BELKNAP**

Fields, Dennis

Russell, David

Vadney, Herbert

CARROLL

Buco, Thomas

Ticehurst, Susan

Umberger, Karen

Wright, Ted

CHESHIRE

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

Ames, Richard
Hunt, John
Pearson, William
Shepardson, Marjorie
Weber, Lucy

Berch, Paul
Johnsen, Gladys
Phillips, Larry
Sterling, Franklin

Bordenet, John
Ley, Douglas
Roberts, Kris
Tatro, Bruce

COOS

Fothergill, John
Tholl, John

Froburg, Alethea
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

GRAFTON

Abel, Richard
Ford, Susan
Higgins, Patricia
Sykes, George

Almy, Susan
Gionet, Edmond
Maes, Kevin
Townsend, Charles

Brown, Rebecca
Hennessey, Erin
Massimilla, Linda
White, Andrew

Cooney, Mary
Hennessey, Martha
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Byron, Frank
Cote, David
Gidge, Kenneth

Beaulieu, Jane
Christensen, Chris
Edwards, Elizabeth
Goley, Jeffrey

Belanger, James
Cohen, Alan
Forest, Armand
Gorman, Mary

Brown, Pamela
Cornell, Patricia
Freitas, Mary
Guerette, C. Lee

Harvey, Suzanne
Kurk, Neal
Manley, Jonathan
Rosenwald, Cindy
Smith, Timothy
Takesian, Charlene
Wolf, Terry

Heath, Mary
Leishman, Peter
Peterson, Ken
Rouillard, Claire
Snow, Kendall
Vann, Ivy

Jack, Martin
Long, Patrick
Porter, Marjorie
Shaw, Barbara
Soucy, Timothy
Walsh, Robert

Jeudy, Jean
Mangipudi, Latha
Roberts, Carol
Smith, Gregory
Sullivan, Daniel
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Ebel, Karen
Kuch, Bill
Myler, Mel
Saunderson, George
Wallner, Mary Jane

Bartlett, Christy
Frazer, June
Long, Douglas
Ratzki, Mario
Schuett, Dianne
Wheeler, Deborah

Deloge, Helen
Henle, Paul
Luneau, David
Rice, Chip
Seaworth, Brian

Doherty, David
Kenison, Linda
Mackay, James
Rogers, Katherine
Shurtleff, Stephen

ROCK INGHAM

Berrien, Skip
Cardon, G. Thomas
DiFranco, Debbie
Gordon, Pamela
McBeath, Rebecca
Prudhomme-O'Brien, Katherine
Vose, Michael

Borden, David
Chase, Francis
Elliott, Robert
Heffron, Frank
Nigrello, Robert
Simpson, Alexis
Ward, Gerald

Cahill, Michael
Christie, Andrew
Ferrante, Beverly
Introne, Robert
Oigny, Jeffrey
Sweeney, Joe

Cali-Pitts, Jacqueline
Cushing, Robert
Francese, Paula
Lovejoy, Patricia
Pantelakos, Laura
Tilton, Rio

STRAFFORD

Baber, William
Cilley, Jacalyn
Schmidt, Peter
Sprague, Dale

Bickford, David
DiSesa, Len
Smith, Marjorie
Stevens, Audrey

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

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

SULLIVAN

Cloutier, John

Converse, Larry

Gottling, Suzanne

Irwin, Virginia

NAYS - 122

BELKNAP

Aldrich, Glen
Howard, Jr., Raymond

Flanders, Donald
LeBreche, Shari

Fraser, Valerie
Spanos, Peter

Gallagher, Brian
Tilton, Franklin

CARROLL

Avellani, Lino
McCarthy, Frank

Chandler, Gene
McConkey, Mark

Comeau, Ed
Nelson, Bill

Cordelli, Glenn
Schmidt, Stephen

CHESHIRE

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Brown, Duane
Johnson, Eric

Darrow, Stephen
Ladd, Rick

Hull, Robert

Ingbretson, Paul

HILLSBOROUGH

Adams, Christopher
Christie, Rick
Eastman, Eric
Gould, Linda
Hogan, Edith
Marston, Dick
Murphy, Keith
Pellegrino, Anthony
Seidel, Carl
Ulery, Jordan

Biggie, Barbara
Coffey, James
Edelblut, Frank
Griffin, Barbara
Hopper, Gary
McLean, Mark
Notter, Jeanine
Pierce, David
Simmons, Tammy

Boehm, Ralph
Danielson, David
Ferreira, Elizabeth
Haefner, Robert
Lachance, Joseph
Moore, Josh
O'Brien, William
Rice, Kimberly
Sullivan, Victoria

Burt, John
Donovan, Daniel
Gagne, Larry
Hinch, Richard
LeBrun, Donald
Murotake, David
Ohm, Bill
Rowe, Robert
Twombly, Timothy

MERRIMACK

Brewster, Michael
Horn, Werner
McGuire, Dan

French, Harold
Kotowski, Frank
Walsh, Thomas

Hill, Gregory
Martin, John

Hoell, J.R.
McGuire, Carol

ROCK INGHAM

Abrami, Patrick
Barnes, Arthur
Duarte, Joe

Abramson, Max
Bates, David
Emerick, J. Tracy

Allen, Mary
Bush, Carol
Gannon, William

Baldasaro, Alfred
Dean-Bailey, Yvonne
Gordon, Richard

Green, Dennis
Hoelzel, Kathleen
Matthews, Carolyn
Peckham, Michele
Sytek, John
Ward, Joanne

Griffin, Mary
Itse, Daniel
Milz, David
Potucek, John
Thomas, Douglas
Welch, David

Harris, Jeffrey
Kappler, Lawrence
O'Connor, John
Rice, Frederick
True, Chris
Weyler, Kenneth

Hodgdon, Bruce
Kolodziej, Walter
Packard, Sherman
Spillane, James
Tucker, Pamela

STRAFFORD

Cheney, Catherine
Jones, Laura
Mullen, John

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

Gray, James
Knowles, Robert
Wuelper, Kurt

Groen, Warren
Leeman, Don

SULLIVAN

Laware, Thomas

Rollins, Skip

Smith, Steven

and the committee report was adopted.

HB 1684-FN, prohibiting the use of public funds, employees, and facilities in assisting or performing abortions. **WITHOUT RECOMMENDATION.**

Statement in support of Ought to Pass with Amendment: This bill prohibits the use of public funds, employees, and facilities in the assisting or performing of abortions. While the right to an abortion is guaranteed following the 1973 Roe v Wade case, the current public disagreement on the matter has led to the barring of federal and, in many cases, state funds to pay for abortion. These restrictions on funding have been held up as constitutional for almost 40 years. New Hampshire, like 32 other states, follows the federal standard established by the current version of the Hyde Amendment and bans the use of Medicaid funds to pay for abortions except in limited cases. This bill expands the funding ban from Medicaid to all public funds and it eliminates the involvement of state employees and facilities in abortion except in the case of preserving the life of the mother. Abortions are currently performed in over a dozen facilities throughout the state, all of which are private hospitals or clinics. As a result of this fact, a large portion of the committee felt that this bill would not limit a woman's access to abortion, but that it would insulate taxpayers who object to having to fund a procedure they do not condone.

Rep. Mark McLean

Statement in support of Inexpedient to Legislate: This bill would restrict the use of public funds for abortion when in fact the use of public funds for abortion is already limited to very rare and narrow circumstances. It also would disqualify New Hampshire from receiving nearly \$750,000 per year in federal family planning funds and funds for preventive care like cancer screenings, access to birth control and annual well-woman exams. This bill would result in the defunding of family planning providers such as community health centers who provide critical and important care that actually reduces unintended pregnancy and the need for abortion. It also would prevent public employees from fulfilling their responsibilities when working with teens in foster care or female inmates, all who may need information about pregnancy options and providing such information or support would be outlawed under this bill.

Rep. Charlene Takesian

Rep. McLean moved Ought to Pass and offered floor amendment (0874h).

Floor Amendment (0874h)

Amend RSA 132:43 as inserted by section 1 of the bill by replacing it with the following:

132:43 Public Employees; Certain Activities Prohibited. It shall be unlawful for any public employee within the scope of his or her employment to perform an abortion not necessary to save the life of the mother. It shall be unlawful for a doctor, nurse, or other health care personnel, a social worker, a counselor, or a person of similar occupation who is a public employee within the scope of his or her public employment to encourage or counsel a woman to have an abortion not necessary to save her life.

2016-0874h

AMENDED ANALYSIS

This bill prohibits the use of public funds and public facilities for the purpose of performing or assisting in an abortion which is not necessary to save the life of the mother. The bill also prohibits the use of public employees for the purpose of performing an abortion which is not necessary to save the life of the mother.

The bill also prohibits such funds, employees, and facilities to be used to encourage or counsel a woman to have an abortion not necessary to save her life.

The bill further requires a second opinion from a licensed physician before any abortion is performed when a mother's life is deemed to be in danger.

The bill includes penalty provisions for violations of this law.

Rep. McLean spoke in favor.

On a division vote, with 134 members having voted in the affirmative, and 139 in the negative, floor amendment (0874h) failed.

The question now being adoption of the motion of Ought to Pass.
 Rep. Takesian spoke against.
 Rep. McLean spoke in favor.
 Rep. White requested a roll call; sufficiently seconded.

YEAS 131 - NAYS 146**YEAS - 131****BELKNAP**

Aldrich, Glen
 Howard, Jr., Raymond
 Tilton, Franklin

Fields, Dennis
 LeBreche, Shari

Fraser, Valerie
 Spanos, Peter

Gallagher, Brian
 Sylvia, Michael

CARROLL

Avellani, Lino
 McConkey, Mark

Comeau, Ed
 Nelson, Bill

Cordelli, Glenn
 Schmidt, Stephen

McCarthy, Frank

COOS

Fothergill, John
 Tholl, John

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Brown, Duane
 Ingbretson, Paul

Darrow, Stephen
 Johnson, Eric

Gionet, Edmond

Hull, Robert

HILLSBOROUGH

Adams, Christopher
 Burt, John
 Danielson, David
 Ferreira, Elizabeth
 Haefner, Robert
 Jeudy, Jean
 Moore, Josh
 Ohm, Bill
 Rouillard, Claire
 Twombly, Timothy

Balcom, John
 Byron, Frank
 Donovan, Daniel
 Gagne, Larry
 Hinch, Richard
 Lachance, Joseph
 Murotake, David
 Pellegrino, Anthony
 Seidel, Carl
 Ulery, Jordan

Biggie, Barbara
 Christie, Rick
 Eastman, Eric
 Gould, Linda
 Hogan, Edith
 Marston, Dick
 Murphy, Keith
 Pierce, David
 Simmons, Tammy
 Wolf, Terry

Boehm, Ralph
 Coffey, James
 Edelblut, Frank
 Griffin, Barbara
 Hopper, Gary
 McLean, Mark
 Notter, Jeanine
 Rice, Kimberly
 Sullivan, Victoria

MERRIMACK

Brewster, Michael
 Horn, Werner
 McGuire, Dan

French, Harold
 Kuch, Bill
 Seaworth, Brian

Hill, Gregory
 Martin, John
 Walsh, Thomas

Hoell, J.R.
 McGuire, Carol

ROCKINGHAM

Abrami, Patrick
 Barnes, Arthur
 Dean-Bailey, Yvonne
 Gannon, William
 Harris, Jeffrey
 Kappler, Lawrence
 Oligny, Jeffrey
 Prudhomme-O'Brien, Katherine
 Thomas, Douglas
 Vose, Michael

Abramson, Max
 Bates, David
 Devine, James
 Gordon, Richard
 Hodgdon, Bruce
 Kolodziej, Walter
 Packard, Sherman
 Rice, Frederick
 Tilton, Rio
 Ward, Joanne

Allen, Mary
 Bush, Carol
 Duarte, Joe
 Green, Dennis
 Hoelzel, Kathleen
 Matthews, Carolyn
 Peckham, Michele
 Spillane, James
 True, Chris
 Welch, David

Baldasaro, Alfred
 Chase, Francis
 Emerick, J. Tracy
 Griffin, Mary
 Itse, Daniel
 O'Connor, John
 Potucek, John
 Sytek, John
 Tucker, Pamela
 Weyler, Kenneth

STRAFFORD

Cheney, Catherine
 Jones, Laura
 Mullen, John

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

Gray, James
 Knowles, Robert
 Wuelper, Kurt

Groen, Warren
 Leeman, Don

SULLIVAN

Laware, Thomas

Rollins, Skip

Smith, Steven

NAYS - 146**BELKNAP**

Flanders, Donald

Russell, David

Vadney, Herbert

CARROLL

Buco, Thomas
 Wright, Ted

Chandler, Gene

Ticehurst, Susan

Umberger, Karen

CHESHIRE

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

Ames, Richard
Hunt, John
McConnell, James
Robertson, Timothy
Weber, Lucy

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

Bordenet, John
Ley, Douglas
Phillips, Larry
Sterling, Franklin

COOS

Froburg, Alethea

Hatch, William

Moynihan, Wayne

Thomas, Yvonne

GRAFTON

Abel, Richard
Ford, Susan
Ladd, Rick
Sykes, George

Almy, Susan
Hennessey, Erin
Maes, Kevin
Townsend, Charles

Brown, Rebecca
Hennessey, Martha
Massimilla, Linda
White, Andrew

Cooney, Mary
Higgins, Patricia
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Christensen, Chris
Forest, Armand
Gorman, Mary
Kurk, Neal
Mangipudi, Latha
Proulx, Mark
Shaw, Barbara
Soucy, Timothy
Walsh, Robert

Beaulieu, Jane
Cohen, Alan
Freitas, Mary
Harvey, Suzanne
LeBrun, Donald
Manley, Jonathan
Roberts, Carol
Smith, Gregory
Sullivan, Daniel
Williams, Kermit

Belanger, James
Cornell, Patricia
Gidge, Kenneth
Heath, Mary
Leishman, Peter
Peterson, Ken
Rosenwald, Cindy
Smith, Timothy
Takesian, Charlene

Brown, Pamela
Cote, David
Goley, Jeffrey
Jack, Martin
Long, Patrick
Porter, Marjorie
Rowe, Robert
Snow, Kendall
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Ebel, Karen
Kotowski, Frank
Myler, Mel
Saunderson, George
Wheeler, Deborah

Bartlett, Christy
Frazer, June
Long, Douglas
Ratzki, Mario
Schuett, Dianne

Deloge, Helen
Henle, Paul
Luneau, David
Rice, Chip
Shurtleff, Stephen

Doherty, David
Kenison, Linda
MacKay, James
Rogers, Katherine
Wallner, Mary Jane

ROCK INGHAM

Berrien, Skip
Cardon, G. Thomas
Elliott, Robert
Heffron, Frank
Milz, David
Sweeney, Joe

Borden, David
Christie, Andrew
Ferrante, Beverly
Introne, Robert
Nigrello, Robert
Ward, Gerald

Cahill, Michael
Cushing, Robert
Francese, Paula
Lovejoy, Patricia
Pantelakos, Laura

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

STRAFFORD

Baber, William
Cilley, Jacalyn
Schmidt, Peter
Sprague, Dale

Bickford, David
DiSesa, Len
Smith, Marjorie
Stevens, Audrey

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

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

SULLIVAN

Cloutier, John

Converse, Larry

Gottling, Suzanne

Irwin, Virginia

and the motion failed.

Rep. Rosenwald moved Inexpedient to Legislate.

Motion adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. White moved that the House reconsider its action whereby, on a voice vote, the House adopted the motion of Inexpedient to Legislate on **HB 1663-FN**, prohibiting buying, selling, and experimenting on unborn infants or bodily remains resulting from abortion.

Rep. White spoke against.

Motion failed.

REGULAR CALENDAR CONT'D

HB 1687-L, relative to governmental liability for personal injury on playground structures. **INEXPEDIENT TO LEGISLATE.**

Rep. Linda Kenison for Judiciary. This bill would hold that a municipality or a school district, which without charge permits any person to use playground structures operated by the municipality or school district, may be held liable for damages in an action to recover for bodily injury, person injury or property damage.

This bill greatly expands municipal liability for personal injury claims. There was overwhelming opposition to this bill, including representatives of school boards, school administrators, municipalities, and recreation programs. This bill would eliminate longstanding municipal and school district immunities. It would undoubtedly increase lawsuits for just about any injury that could occur at a playground. This would then result in higher insurance costs and legal expenses and would likely cause some municipalities and schools districts to consider eliminating some programs and services. Vote 19-1.

Committee report adopted.

HB 1688-FN-L, relative to governmental liability for negligence claims. **INEXPEDIENT TO LEGISLATE.** Rep. Claire Rouillard for Judiciary. This bill was a request of a study committee that studied governmental immunity. The amendment to current law would allow suits against town or municipal employees or officials. It would expand current law which limits suits for injuries when the injury arises out of the operation of a motor vehicle or an injury occurring on a premises. This bill may hinder volunteers' willingness to sit on town boards for fear of being sued. It may also increase suits against schools for anything that may go wrong. Vote 18-2. Committee report adopted.

RESOLUTION

Rep. Hinch offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet, Thursday, March 10, 2016 at 9:00 a.m.

LATE SESSION

Third Reading and Final Passage

HB 1430-FN, relative to registration of compact utility tractors.

HB 1118, relative to the determination of parental rights and responsibilities and establishing a presumption in favor of shared residential responsibility.

HB 1165, changing "incapacitated" to "vulnerable" in the adult protective services laws.

HB 1237, establishing a committee to study the establishment of a default conflict management and resolution system for parents and children.

HB 1279, relative to grounds for termination of parental rights.

HB 1105, establishing a committee to study third party mortgage processors.

HB 1152, relative to the definition of specialty beer.

HB 1195, relative to prepayment contracts for petroleum products.

HB 1211, relative to requirements for certain alcoholic beverage licenses.

HB 1264, relative to carnival or amusement ride inspections.

HB 1307, relative to the procedure for amendment of condominium instruments.

HB 1316, relative to hospital rates for self-pay patients.

HB 1403, relative to reinsurance.

HB 1409, relative to life, accident, and health insurance.

HB 1410, relative to motor vehicle coverage.

HB 1450, relative to risk-based capital for insurers.

HB 1459, relative to commercial coverage.

HB 1579, relative to regulation of the practice of out-of-state brokers by the real estate commission.

HB 1601, relative to certain continuing care communities.

HB 1618, relative to debt adjustment services.

HB 1113, requiring a performance audit of the sex offender treatment program in the department of corrections.

HB 1266, legalizing firecrackers.

HB 1287, repealing a provision of the harassment statute.

HB 1305, relative to the use of an ignition interlock device.

HB 1353, relative to the notice required of a law enforcement officer prior to making an audio recording of a routine stop.

HB 1381-FN, relative to the sale of smoke bombs.

HB 1415, relative to escape from official custody.

HB 1426-FN, relative to earned time credits for prisoners participating in educational programming.

HB 1586-FN, prohibiting the impersonation of an emergency medical technician or firefighter.

HB 1628-FN, relative to human trafficking involving persons under 18 years of age.

HB 1654-FN, relative to flying a drone above a correctional facility.

HB 1121, relative to the academic areas that comprise the statewide assessment.

HB 1145, establishing a committee to study suspensions and expulsions in licensed preschools and in kindergarten through grade 3.

HB 1239, relative to certain terminology in the education statutes.
HB 1283, relative to school notification of a change in placement.
HB 1303, establishing a commission to study issues relating to pre-existing districts withdrawing from a cooperative school district.
HB 1372, permitting a child with a disability to use audio or video recording devices in the classroom.
HB 1408-FN, relative to a school building inventory.
HB 1114, relative to the number of inspectors of election.
HB 1220, relative to disqualification of election officers.
HB 1223, relative to changes of address on election day.
HB 1377, relative to receipt of absentee ballots.
HB 1378, relative to disabled voters requiring assistance.
HB 1467, relative to notice of village district elections.
HB 1503, relative to distributing campaign materials at the polling place.
HB 1515, requiring persons sending absentee ballot applications to comply with identification requirements for political advertising.
HB 1534, relative to reports of death of voters.
HB 1624-FN, relative to electioneering by public employees.
HB 1141, defining "agritourism."
HB 1171, relative to appeals heard by the waste management council.
HB 1354, establishing a committee to study livestock and meat inspection.
HB 1355, relative to poultry producers exempted from meat inspection requirements.
HB 1226, relative to administration of pharmaceutical agents by optometrists.
HB 1245-FN, relative to petitions for adoption of rules under the administrative procedures act and incorporation of documents by reference.
HB 1246-FN, relative to speech-language assistants.
HB 1294, relative to exemptions from licensure as a massage therapist.
HB 1357, relative to the duties of the department of cultural resources.
HB 1588, repealing certain prohibitions on employment of state employees.
HB 231, relative to the criteria for evaluating school building aid applications.
SB 155-FN-A, establishing the Financial Resources Mortgage (FRM) victims' contribution recovery fund for victims of the FRM fraud and continually appropriating a special fund.
HB 1267, relative to the family hike safe card for fish and game search and recovery expenses.
HB 1268, relative to liability for payment of expenses of search and rescue recovery by the fish and game department.
HB 1286, relative to days when fishing without a license is permitted.
HB 1388-FN, expanding crossbow use into muzzleloader season.
HB 1124, relative to the membership of the occupational therapy governing board.
HB 1138, relative to access to investigational drugs, biological products, and devices.
HB 1210, relative to prescriptions for controlled drugs by telemedicine.
HB 1269, extending the New Hampshire health care quality assurance commission and relative to the membership of the commission.
HB 1285, relative to the donation of food that has passed its expiration date.
HB 1394, relative to the appropriation for developmental services.
HB 1423-FN, relative to rulemaking for prescribing controlled drugs.
HB 1490, relative to collaborative practice between pharmacists and health care practitioners.
HB 1664-FN, relative to contracts between carriers or pharmacy benefit managers and certain pharmacies.
HB 1665-FN, adopting the interstate medical licensure compact.
HB 1680-FN, extending the suspension of prior authorization requirements for a community mental health program on drugs used to treat mental illness.
HB 1681-FN, relative to hypodermic syringes and needles containing residual amounts of controlled drugs.
HB 1204, relative to payment of rent pending the stay of an eviction proceeding.
HB 1418-L, relative to the minutes of nonpublic sessions of public bodies.
HB 1419, relative to voting records in nonpublic sessions of public bodies.
HB 1569-FN, relative to volunteers under the department of resources and economic development.
HB 1331, relative to the membership of the compensation appeals board.
HB 1633-FN, relative to the use of the Family and Medical Leave Act time as it applies to workers' compensation.
HB 1486, relative to membership of the state house bicentennial commission.
HCR 12, urging support of the 65/25 initiative in New Hampshire.
HB 1164, relative to contributions by a city to the county or state.
HB 1181, relative to designating an alternate cemetery trustee.
HB 1202, relative to applications submitted to a planning board.

HB 1203, relative to voting on variances.
HB 1244-L, relative to municipal cemeteries.
HB 1293, relative to the procedure for charter amendments.
HB 1315, adding mixed-use development to the definition of business and industrial facility.
HB 1395, relative to municipal electronic records.
HB 1587, relative to limitations on capital reserve funds of counties.
HB 1397, establishing a committee to study improvements to the Hannah Duston Memorial.
HB 1147, requiring a report on federal landholdings within the state.
HB 1170, relative to special permits for OHRV operation in Jericho Mountain State Park.
HB 1172, relative to corrective action implementation of audit findings concerning Cannon Mountain.
HB 1332, adding a member to the aquatic resources compensatory mitigation site selection committee.
HB 1461, relative to the definition of and criteria for protection instream flow.
HB 1589-FN, prohibiting the transport of aquatic plants and aquatic weeds.
HB 1595-FN, relative to the rivers management and protection program.
HB 1156, relative to interference with traffic devices.
HB 1161, relative to the traffic safety commission.
HB 1186, repealing the law prohibiting coasting of vehicles.
HB 1271, making certain length and width exemptions concerning commercial vehicles.
HB 1302, relative to driver's license requirements for operation of a mixed use school bus.
HB 1396, relative to OHRV operation on certain highways in Grafton County.
HB 1452, relative to motor vehicle laws applicable to diplomats and certain officials.
HB 1197, relative to conservation number plate funds.
HB 1199, allowing adults to play children's bingo at private campgrounds or hotels.
HB 1208-FN, relative to administration of the tobacco tax.
HB 1289, making technical corrections to certain tax laws.
HB 1290, relative to filing dates for business taxes.
HB 1385-FN-A, relative to the sale or exchange of an interest in a business organization under the business profits tax.
HB 1391, relative to the price of bingo cards at senior bingo and bingo at private campgrounds and hotels.
HB 1656-FN, relative to exceptions to the real estate transfer tax.
HB 1689, relative to operator requirements under the meals and rooms tax.
HB 1313-FN, relative to eligibility to vote and relative to availability of voter information.
HB 1356, relative to construction of the terms "resident," "inhabitant," "residence," and "residency."
HB 1468, relative to sessions for correction of the checklist.
HB 1482, relative to the Interstate Voter Registration Crosscheck Program.
HB 1529-FN, relative to reporting of felony convictions for voter checklist updates.
HB 242, relative to the statewide improvement and assessment program.
HB 1428-FN-A-L, establishing the clean water state revolving fund non-program fund account in the department of environmental services for the purpose of funding eligible and completed wastewater projects under the state aid grant program.
HB 1591-FN-A, relative to the health care premium contribution for retired state employees who are eligible for Medicare Parts A and B due to age or disability, relative to funding of retiree health benefits, and making an appropriation to the department of administrative services.
HB 1696-FN, requesting a modification of the New Hampshire health protection program.
HB 1453, relative to qualifying medical conditions for purposes of therapeutic cannabis.
HB 1605-FN, prohibiting the use of latex gloves and utensils in the food service industry.
HB 1175-FN, relative to post-judgment real estate liens.
HB 1270, relative to a jury's determination as to the applicability of a law.
HB 1493, relative to ownership of DNA.
HB 1570-FN, repealing the law governing access to reproductive health care facilities.
HB 1660-FN-L, relative to eminent domain for gas pipelines and relative to assessment of the land use change tax for eminent domain takings for energy infrastructure.

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 8:10 p.m.

RECESS