



State of
New Hampshire

HOUSE RECORD

Second Year of the 164th General Court Calendar and Journal of the 2016 Session

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Vol. 38

Concord, N.H.

Thursday, March 10, 2016

No. 25

HOUSE JOURNAL No. 8 (Cont.)

Wednesday, March 9, 2016

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

HOUSE JOURNAL NO. 9

Thursday, March 10, 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 House Chaplain, Reverend Kate Atkinson, Rector of St. Paul's Church in Concord.

O God, our Creator, Redeemer and Sanctifier, out of the depths of Your love You chose to set Your people free from the bonds of archaic laws. You blessed our ancestors with free will and gave them the insight to use it wisely. As we navigate our way through life's challenging terrain, help us to remember that we too have that freedom; we too have been blessed with the ability to use it wisely. Deliver us from the temptation to be self-serving in our endeavors. When we are weary, strengthen our resolve so that we finish what we begin. Hold us back from choosing the easy way and sacrificing the quality of our work. Keep us focused on the life purpose You have inspired in each of us, never forgetting that everything we do affects the lives of countless people - many of whom rely on us as their advocates and champions. As we respond to their trust and strive to meet their needs, protect us from arrogance and false pride, and give us the joy of using our divine gift of free will and knowing that we have chosen well. Amen.

Representative Thomas Bucu, member from Conway, led the Pledge of Allegiance.

The member from Walpole, Representative Lucy Weber and the member from New London, Representative Karen Ebel, led the singing of the National Anthem.

MOTION TO SUSPEND HOUSE RULES

Rep. Hannon moved that House Rules be so far suspended as to permit late drafting and introduction of a Constitutional Amendment Concurrent Resolution relating to alcohol abuse and prevention and treatment. Providing that no less than 5 percent of the gross profits of the liquor commission be appropriated to alcohol education, and abuse prevention and treatment programs, past the deadline for reporting from committee.

Rep. Hannon spoke in favor.

Rep. Lynne Ober spoke against and yielded to questions.

On a division vote, with 81 members having voted in the affirmative and 203 in the negative, the motion failed.

LEAVES OF ABSENCE

Reps. Allen, Ronald Belanger, Bridge, Chris Brown, Comtois, Emerson, Forest, Gardner, Gargas, Gordon, Kellogg, McClarren, Moody, Oxenham, Phillips, Priestley, Sanders and Straight, the day, illness.

Reps. Bennett, Goulette, Hagan, Hirsch, Lundgren, Nordgren, William O'Brien, O'Hearne, O'Neil, Sherman, Souza, Whitehouse and Woodbury, the day, important business.

Reps. Booras and Rebecca Brown, the day, illness in the family.

INTRODUCTION OF GUESTS

Alec Drummond, student at Littleton High School, and Cailee Griffin, student at Timberlane Regional High School, Pages for the day.

The Honorable Lenette Peterson, former member from Merrimack, guest of Rep. Notter.

REGULAR CALENDAR CONT'D FROM MARCH 9, 2016

HB 1252, permitting employers to pay wages to employees weekly or biweekly. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Leonard Turcotte for the Majority of Labor, Industrial and Rehabilitative Services. This bill would allow, but not require, employers to pay their employees on a bi-weekly basis without the necessity of requesting an exemption from the Department of Labor (DOL). Current law requires the payment of wages on a weekly basis unless a waiver is requested. Employers would see a reduction in administrative costs due to less time being required to process payroll and they would no longer have to file paperwork for waivers. There would also be a reduction in administrative workload at the DOL since they would no longer need to process the thousands of waiver requests. Currently, there are only three other states that require the payment of wages on a weekly basis, and some states allow the payment of wages at intervals as long as a month. The committee amendment to allow the DOL to impose stricter, weekly payment of wages after showing good cause was introduced to ensure employers remain compliant and current on wage payments to employees. Reducing unnecessary regulations and red tape make this bill extremely attractive. Additionally, allowing the employer and employee to determine their business relationship maintains our state's free market principles. Vote 13-9.

Rep. Douglas Ley for the Minority of Labor, Industrial and Rehabilitative Services. The proposed bill makes biweekly pay the default or standard for employees and employers, rather than the existing weekly pay standard. At present, employers can seek permission to adopt a biweekly pay system, and unless there is a problem, the request is invariably approved by the Department of Labor. Therefore, this bill solves a non-existent problem, but will encourage more employers to pay biweekly, which will make budgeting more difficult for low-wage workers currently living paycheck to weekly paycheck. To protect such individuals, the minority opposes this bill.

Majority Amendment (0763h)

Amend the bill by replacing all after section 3 with the following:

4 New Paragraph; Payment of Wages; Weekly. Amend RSA 275:43 by inserting after paragraph IV-a the following new paragraph:

IV-b. The commissioner may, on a temporary basis and after showing good and sufficient reason, require payment of wages weekly. The commissioner shall prescribe to the employer the terms, conditions, and duration of such temporary payments. Such restrictions shall only be in effect until the employer rectifies any deficiencies prescribed by the commissioner.

5 Effective Date. This act shall take effect 60 days after its passage.
Majority committee amendment adopted.

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

On a division vote, with 176 members having voted in the affirmative, and 112 in the negative, the majority committee report was adopted and ordered to third reading.

HB 1301, relative to the issuance of youth employment certificates. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory Hill for the Majority of Labor, Industrial and Rehabilitative Services. Parents of children who attend private schools or home school find it counter intuitive for the public school principal of their local school district to determine a satisfactory level of academic performance by the student in order to issue a work certificate for youths under age 16. The majority of the committee agreed that with roughly 10% of our student population attending school other than their local school district, allowing parents the option of being the authorizer of the work certificate is the right option. The amendment requires the parent or guardian to provide 48 hour notice to the Department of Labor and employer when a certificate is revoked; all certificates shall be notarized; and employers in violation of this provision shall be subject to a \$100 civil penalty. Vote 11-8.

Rep. Andrew White for the Minority of Labor, Industrial and Rehabilitative Services. The bill as amended permits parents or legal guardians to authorize any student between 14 and 16 years old to enter the workforce. Current law requires this certification to be issued by school principals, all testimony concluded the current system is working extremely well for the vast majority of our students, with some complications being encountered by home schooled students. The minority does not object to a parent or guardian approving a work certificate for home schooled students; in fact that makes perfect sense. However, passage of this bill as presented could allow students in public schools with poor academic performance to work, potentially further complicating their academic difficulties with no ability of the school to revoke the work certificate until the student's academic performance improves. There is also the potential for an unscrupulous parent or guardian to essentially compel a student to work. The minority amendment would allow a parent or guardian to authorize a home schooled student to work and would place the academic head of a private school in the same standing as the principal of a public school for these purposes.

Majority Amendment (0587h)

Amend the bill by replacing section 1 with the following:

1 Youth Employment Law; Certificates. Amend RSA 276-A:5 to read as follows:

276-A:5 Certificate.

I. Certificates shall be issued by principals of schools or persons authorized by them, **or by a parent or legal guardian**, only after the determination of a satisfactory level of academic performance by the student, except that responsibility for supervision and coordination with the department in matters pertaining to this chapter shall rest upon superintendents of schools. If a student does not continue to meet a satisfactory level of academic performance after the issuance of the certificate, the principals of schools or persons authorized by them, **or a parent or legal guardian**, may revoke the certificate. In the event principals of schools or their designees revoke a certificate, notification of the revocation shall be made to the parent or legal guardian, the employer of the student, and the department of labor within 48 hours. **In the event a parent or guardian revokes a certificate, notification of the revocation shall be made to the employer of the student and the department of labor within 48 hours.** Upon receiving the notice of revocation, the department of labor shall investigate the compliance of the revocation within 90 days.

II. Certificates shall in all cases include a **notarized** signature line for the parent or legal guardian of the youth and shall show proof of (1) age and (2) adequate health.

III. Certificates shall not be issued unless age and adequacy of health have first been verified except as in paragraph I of this section.

IV. ~~Certificates shall not be issued except during vacations or as a result of written parental protest, if employment is deemed to interfere seriously with school work.~~

~~V.]~~ Certificates shall be obtained by an employer within 3 business days of the first day of employment. Copies of certificates shall be kept on file by all employers of youths.

V. Any employer not in compliance with the requirements of RSA 276-A:4 or this section shall be assessed a minimum civil penalty of \$100.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. White offered minority committee amendment (0672h).

Minority Amendment (0672h)

Amend the bill by replacing section 1 with the following:

1 Youth Employment Law; Certificates. Amend RSA 276-A:5 to read as follows:

276-A:5 Certificate.

I. Certificates shall be issued by principals of schools **or their equivalent in private or religious schools**, or persons authorized by them, **or by a parent or legal guardian in the case of a home schooled student**, only after the determination of a satisfactory level of academic performance by the student, except that responsibility for supervision and coordination with the department in matters pertaining to this chapter shall rest upon superintendents of schools. If a student does not continue to meet a satisfactory level of academic performance after the issuance of the certificate, the principals of schools **or their equivalent in private or religious schools**, or persons authorized by them, **or a parent or legal guardian in the case of home schooled student**, may revoke the certificate. In the event principals of schools **or their equivalent in private or religious schools**, or their designees revoke a certificate, notification of the revocation shall be made to the parent or legal guardian, the employer of the student, and the department of labor within 48 hours. **In the event a parent or guardian revokes a certificate, notification of the revocation shall be made to the employer of the student and the department of labor within 48 hours.** Upon receiving the notice of revocation, the department of labor shall investigate the compliance of the revocation within 90 days.

II. Certificates shall in all cases include a **notarized** signature line for the parent or legal guardian of the youth and shall show proof of (1) age and (2) adequate health.

III. Certificates shall not be issued unless age and adequacy of health have first been verified except as in paragraph I of this section.

IV. ~~Certificates shall not be issued except during vacations or as a result of written parental protest, if employment is deemed to interfere seriously with school work.~~

~~V.]~~ Certificates shall be obtained by an employer within 3 business days of the first day of employment. Copies of certificates shall be kept on file by all employers of youths.

V. Any employer not in compliance with the requirements of RSA 276-A:4 or this section shall be assessed a minimum civil penalty of \$100.

2016-0672h
AMENDED ANALYSIS

This bill permits parents or legal guardians to issue youth employment certificates for home schooled children.
Rep. White spoke in favor.

Rep. Infantine spoke against.

On a division vote, with 145 members having voted in the affirmative, and 150 in the negative, the minority committee amendment failed.

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

Rep. Sylvia requested a roll call; sufficiently seconded.

YEAS 188 - NAYS 121

**YEAS - 188
BELKNAP**

Aldrich, Glen
Fraser, Valerie
Russell, David
Vadney, Herbert

Dumais, Russell
Gallagher, Brian
Spanos, Peter

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

Flanders, Donald
Hurt, George
Tilton, Franklin

CARROLL

Avellani, Lino
Nelson, Bill
Umberger, Karen

Chandler, Gene
Parker, Harold
Wright, Ted

Cordelli, Glenn
Schmidt, Stephen

McCarthy, Frank
Ticehurst, Susan

CHESHIRE

Hunt, John

McConnell, James

Roberts, Kris

Sterling, Franklin

COOS

Fothergill, John
Tholl, John

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Hennessey, Erin
Shackett, Jeffrey

Brown, Duane
Ingbreton, Paul

Darrow, Stephen
Johnson, Eric

Gionet, Edmond
Ladd, Rick

HILLSBOROUGH

Adams, Christopher
Belanger, James
Byron, Frank
Danielson, David
Estevez, Eric
Gagne, Larry
Halstead, Carolyn
Hopper, Gary
LeBrun, Donald
Moore, Josh
Ober, Lynne
Parison, James
Proulx, Mark
Simmons, Tammy
Twombly, Timothy

Ammon, Keith
Biggie, Barbara
Christensen, Chris
Eastman, Eric
Ferreira, Elizabeth
Gould, Linda
Hansen, Peter
Infantine, William
Marston, Dick
Murotake, David
Ober, Russell
Pellegrino, Anthony
Rice, Kimberly
Smith, Gregory
Ulery, Jordan

Balcom, John
Boehm, Ralph
Christie, Rick
Edelblut, Frank
Flanagan, Jack
Griffin, Barbara
Hinch, Richard
Kurk, Neal
McCarthy, Peggy
Murphy, Keith
Ohm, Bill
Peterson, Ken
Rouillard, Claire
Sullivan, Victoria
Vann, Ivy

Barry, Richard
Burt, John
Coffey, James
Edwards, Elizabeth
Fromuth, Bart
Haefner, Robert
Hogan, Edith
Lachance, Joseph
McLean, Mark
Notter, Jeanine
Palmer, Barry
Pierce, David
Sanborn, Laurie
Takesian, Charlene
Wolf, Terry

MERRIMACK

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

Ebel, Karen
Horn, Werner
Long, Douglas
McGuire, Dan
Walsh, Thomas

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

Hill, Gregory
Kotowski, Frank
Martin, John
Rice, Chip

ROCKINGHAM

Abrami, Patrick
Bates, David
Chirichiello, Brian
Doucette, Fred
Ferrante, Beverly
Harris, Jeffrey
Kappler, Lawrence

Azarian, Gary
Bush, Carol
Cook, Allen
Duarte, Joe
Gannon, William
Hodgdon, Bruce
Kolodziej, Walter

Baldasaro, Alfred
Cali-Pitts, Jacqueline
DeSimone, Debra
Elliott, Robert
Green, Dennis
Hoelzel, Kathleen
Major, Norman

Barnes, Arthur
Chase, Francis
Devine, James
Emerick, J. Tracy
Griffin, Mary
Introne, Robert
Matthews, Carolyn

McKinney, Betsy
Osborne, Jason
Prudhomme-O'Brien, Katherine
Tamburello, Daniel
Vose, Michael
Weyler, Kenneth

Milz, David
Packard, Sherman
Simpson, Alexis
Thomas, Douglas
Ward, Joanne
Woitkun, Steven

Nigrello, Robert
Peckham, Michele
Spillane, James
True, Chris
Webb, James

O'Connor, John
Potucek, John
Sweeney, Joe
Tucker, Pamela
Welch, David

STRAFFORD

Bickford, David
Gray, James
Leeman, Don
Wuelper, Kurt

Cheney, Catherine
Hannon, Joseph
Mullen, John

Cilley, Jacalyn
Jones, Laura
Pitre, Joseph

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

SULLIVAN

Gottling, Suzanne
Smith, Steven

Grenier, James

Laware, Thomas

Rollins, Skip

NAYS - 121 CARROLL

Buco, Thomas

Butler, Edward

Crawford, Karel

CHESHIRE

Abbott, Michael
Chase, Cynthia
Mann, John
Shepardson, Marjorie

Ames, Richard
Eaton, Daniel
Pearson, William
Tatro, Bruce

Berch, Paul
Johnsen, Gladys
Robertson, Timothy
Tilton, Benjamin

Bordenet, John
Ley, Douglas
Sad, Tara
Weber, Lucy

COOS

Froburg, Alethea

Moynihn, Wayne

Theberge, Robert

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
Goley, Jeffrey
Herbert, Christopher
Mangipudi, Latha
Roberts, Carol
Soucy, Timothy

Brown, Pamela
DiSilvestro, Linda
Gorman, Mary
Jack, Martin
Manley, Jonathan
Rosenwald, Cindy
Sullivan, Daniel

Cohen, Alan
Donovan, Daniel
Harvey, Suzanne
Judy, Jean
McNamara, Richard
Shattuck, Gilman
Walsh, Robert

Cornell, Patricia
Freitas, Mary
Heath, Mary
Long, Patrick
Porter, Marjorie
Smith, Timothy
Williams, Kermit

MERRIMACK

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

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

Bradley, Paula
Frazer, June
Karrick, David
Myler, Mel
Saunderson, George
Wallner, Mary Jane

Carson, Clyde
French, Barbara
Kenison, Linda
Patten, Dick
Schuett, Dianne

ROCKINGHAM

Berrien, Skip
Cushing, Robert
Lovejoy, Patricia
Ward, Gerald

Borden, David
DiFranco, Debbie
McBeath, Rebecca

Cahill, Michael
Francese, Paula
Pantelakos, Laura

Cardon, G. Thomas
Gordon, Pamela
Tilton, Rio

STRAFFORD

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

Berube, Roger
Horriggan, Timothy
Smith, Marjorie
Stevens, Audrey

Bixby, Peter
Kaen, Naida
Southworth, Thomas
Wall, Janet

Burton, Wayne
Rollo, Deanna
Spang, Judith
Ward, Kenneth

SULLIVAN

Cloutier, John
Oxenham, Lee

Converse, Larry
Schmidt, Andrew

Gagnon, Raymond

Irwin, Virginia

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

HB 1322, relative to reports to the public employee labor relations board. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gregory Hill for the Majority of Labor, Industrial and Rehabilitative Services. The majority understands that transparency in government is a laudable endeavor. Testimony indicated that some employees throughout state service have had difficulty locating demographics of how many fellow employees participate in the applicable union and how many pay the agency fee. The amendment requires that information is to be posted semi-annually within each bargaining unit in a place accessible to each employee, rather than just quarterly reports as proposed in the original bill. Vote 13-9.

Rep. Andrew White for the Minority of Labor, Industrial and Rehabilitative Services. The bill as amended places an unnecessary burden on public employers to compile and report data that they may or may not have access to. The bill is premised on the notion that all public employers deduct from every employee's wages, union dues, or agency fees, which is simply false. Many public employees elect to pay the representative union dues or agency fees directly by check or through a direct debit from their personal bank accounts; transactions the public employer would have no knowledge of. A person could simply ask the organization they are represented by for the information, relieving the public employer of the unnecessary burden of compiling reports, which for the reasons stated above are not going to be accurate in all instances.

Majority Amendment (0666h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Public Employee Labor Relations; Records and Reports. Amend RSA 273-A:16 by inserting after paragraph V the following new paragraph:

VI. Each public employer of each bargaining unit, as determined by the board under RSA 273-A:8, shall calculate and report semiannually, on January 1 and July 1 of each year, to the board, the board of the public employer, and each employee within the public employee's bargaining unit by email and a notice posted in a place accessible to the employee, the total number of public employees within the bargaining unit paying union dues, the total number of public employees within the bargaining unit paying agency fees, and the ratio, expressed as a percentage, of the number of those public employees paying union dues to the total number of public employees in the bargaining unit.

Majority committee amendment adopted.

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

Rep. Ley spoke against and yielded to questions.

Rep. Infantine spoke in favor and yielded to questions.

Rep. White requested a roll call; sufficiently seconded.

YEAS 173 - NAYS 146

YEAS - 173

BELKNAP

Aldrich, Glen
Fraser, Valerie
Russell, David
Vadney, Herbert

Dumais, Russell
Gallagher, Brian
Spanos, Peter

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

Flanders, Donald
Hurt, George
Tilton, Franklin

CARROLL

Avellani, Lino
McCarthy, Frank
Umberger, Karen

Chandler, Gene
Nelson, Bill
Wright, Ted

Cordelli, Glenn
Parker, Harold

Crawford, Karel
Schmidt, Stephen

CHESHIRE

Hunt, John

McConnell, James

Sterling, Franklin

COOS

Fothergill, John
Tholl, John

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Hennessey, Erin
Ladd, Rick

Brown, Duane
Hull, Robert

Darrow, Stephen
Ingbretson, Paul

Gionet, Edmond
Johnson, Eric

HILLSBOROUGH

Adams, Christopher
Belanger, James
Byron, Frank
Danielson, David

Ammon, Keith
Biggie, Barbara
Christensen, Chris
Donovan, Daniel

Balcom, John
Boehm, Ralph
Christie, Rick
Eastman, Eric

Barry, Richard
Burt, John
Coffey, James
Edelblut, Frank

Estevez, Eric
Gagne, Larry
Halstead, Carolyn
Hopper, Gary
LeBrun, Donald
Murotake, David
Ober, Russell
Pellegrino, Anthony
Sanborn, Laurie
Sullivan, Victoria

Ferreira, Elizabeth
Gould, Linda
Hansen, Peter
Infantine, William
Marston, Dick
Murphy, Keith
Ohm, Bill
Peterson, Ken
Schleien, Eric
Twombly, Timothy

Flanagan, Jack
Griffin, Barbara
Hinch, Richard
Kurk, Neal
McLean, Mark
Notter, Jeanine
Palmer, Barry
Rice, Kimberly
Simmons, Tammy
Ulery, Jordan

Fromuth, Bart
Haefner, Robert
Hogan, Edith
Lachance, Joseph
Moore, Josh
Ober, Lynne
Parison, James
Rouillard, Claire
Smith, Gregory
Wolf, Terry

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

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

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

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

MERRIMACK

ROCKINGHAM

Abrami, Patrick
Chase, Francis
Dean-Bailey, Yvonne
Elliott, Robert
Green, Dennis
Hoelzel, Kathleen
Major, Norman
Nigrello, Robert
Peckham, Michele
Sweeney, Joe
Tucker, Pamela
Weyler, Kenneth

Baldasaro, Alfred
Chirichiello, Brian
DeSimone, Debra
Emerick, J. Tracy
Griffin, Mary
Introne, Robert
Matthews, Carolyn
O'Connor, John
Potucek, John
Tamburello, Daniel
Vose, Michael

Bates, David
Christie, Andrew
Devine, James
Ferrante, Beverly
Harris, Jeffrey
Kappler, Lawrence
McKinney, Betsy
Osborne, Jason
Prudhomme-O'Brien, Katherine
Thomas, Douglas
Ward, Joanne

Bush, Carol
Cook, Allen
Duarte, Joe
Gannon, William
Hodgdon, Bruce
Kolodziej, Walter
Milz, David
Packard, Sherman
Spillane, James
True, Chris
Welch, David

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

Bickford, David
Groen, Warren
Leeman, Don
Wuelper, Kurt

Cheney, Catherine
Hannon, Joseph
Mullen, John

Graham, Robert
Jones, Laura
Pitre, Joseph

STRAFFORD

SULLIVAN

Rollins, Skip

Smith, Steven

NAYS - 146

CARROLL

Buco, Thomas

Butler, Edward

Ticehurst, Susan

CHESHIRE

Abbott, Michael
Eaton, Daniel
Parkhurst, Henry
Sad, Tara
Weber, Lucy

Ames, Richard
Johnsen, Gladys
Pearson, William
Shepardson, Marjorie

Berch, Paul
Ley, Douglas
Roberts, Kris
Tatro, Bruce

Bordenet, John
Mann, John
Robertson, Timothy
Tilton, Benjamin

COOS

Froburg, Alethea

Moynihan, Wayne

Theberge, Robert

GRAFTON

Abel, Richard
Hennessey, Martha
Piper, Wendy
Townsend, Charles

Almy, Susan
Higgins, Patricia
Shackett, Jeffrey
White, Andrew

Cooney, Mary
Maes, Kevin
Smith, Suzanne

Ford, Susan
Massimilla, Linda
Sykes, George

HILLSBOROUGH

Backus, Robert
Cornell, Patricia
Freitas, Mary
Heath, Mary
Leishman, Peter
McCarthy, Peggy
Proulx, Mark
Shaw, Barbara
Takesian, Charlene

Brown, Pamela
Cote, David
Goley, Jeffrey
Herbert, Christopher
Long, Patrick
McNamara, Richard
Roberts, Carol
Smith, Timothy
Vann, Ivy

Christiansen, Lars
DiSilvestro, Linda
Gorman, Mary
Jack, Martin
Mangipudi, Latha
Pierce, David
Rosenwald, Cindy
Soucy, Timothy
Walsh, Robert

Cohen, Alan
Edwards, Elizabeth
Harvey, Suzanne
Judy, Jean
Manley, Jonathan
Porter, Marjorie
Shattuck, Gilman
Sullivan, Daniel
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Deloge, Helen
French, Barbara
Kenison, Linda
Myler, Mel
Rogers, Katherine
Turcotte, Alan

Bartlett, Christy
Doherty, David
Gile, Mary
Luneau, David
Patten, Dick
Saunderson, George
Wallner, Mary Jane

Bradley, Paula
Ebel, Karen
Henle, Paul
MacKay, James
Ratzki, Mario
Schuett, Dianne
Wheeler, Deborah

Carson, Clyde
Frazer, June
Karrick, David
Moffett, Howard
Rice, Chip
Shurtleff, Stephen

ROCKINGHAM

Azarian, Gary
Cahill, Michael
DiFranco, Debbie
Lovejoy, Patricia
Tilton, Rio

Barnes, Arthur
Cali-Pitts, Jacqueline
Doucette, Fred
McBeath, Rebecca
Ward, Gerald

Berrien, Skip
Cardon, G. Thomas
Francesse, Paula
Pantelakos, Laura
Webb, James

Borden, David
Cushing, Robert
Gordon, Pamela
Simpson, Alexis
Woitkun, Steven

STRAFFORD

Baber, William
Cilley, Jacalyn
Rollo, Deanna
Spang, Judith
Ward, Kenneth

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

Bixby, Peter
Horriggan, Timothy
Smith, Marjorie
Stevens, Audrey

Burton, Wayne
Kaen, Naida
Southworth, Thomas
Wall, Janet

SULLIVAN

Cloutier, John
Grenier, James
Schmidt, Andrew

Converse, Larry
Irwin, Virginia

Gagnon, Raymond
Laware, Thomas

Gottling, Suzanne
Oxenham, Lee

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

HB 1346, relative to minimum wage for tipped employees. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Leonard Turcotte for the Majority of Labor, Industrial and Rehabilitative Services. There are two House bills the Labor Committee has heard this session regarding proposed changes to both the hourly minimum wage and minimum wages for tipped employees. The committee has decided to consolidate the two as part of HB 1480. Vote 10-8.

Rep. Douglas Ley for the Minority of Labor, Industrial and Rehabilitative Services. The minority believes that an increase in the minimum wage is long overdue in New Hampshire. However, there is potentially a second bill which may begin to address wage issues, and the minority will focus their efforts thereupon.

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

Rep. Cilley spoke against and yielded to questions.

Rep. Murphy spoke in favor and yielded to questions.

Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 190 - NAYS 137**YEAS - 190****BELKNAP**

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

Dumais, Russell
Gallagher, Brian
Russell, David
Vadney, Herbert

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

Flanders, Donald
Hurt, George
Sylvia, Michael

CARROLL

Avellani, Lino
Cordelli, Glenn
Parker, Harold

Butler, Edward
Crawford, Karel
Schmidt, Stephen

Chandler, Gene
McCarthy, Frank
Umberger, Karen

Comeau, Ed
Nelson, Bill
Wright, Ted

CHESHIRE

Hunt, John

McConnell, James

Sterling, Franklin

Tilton, Benjamin

COOS

Fothergill, John

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Hennessey, Erin
Ladd, Rick

Brown, Duane
Hull, Robert
Piper, Wendy

Darrow, Stephen
Ingbretson, Paul
Shackett, Jeffrey

Gionet, Edmond
Johnson, Eric

HILLSBOROUGH

Adams, Christopher
 Biggie, Barbara
 Christensen, Chris
 Donovan, Daniel
 Fromuth, Bart
 Haefner, Robert
 Hopper, Gary
 LeBrun, Donald
 McLean, Mark
 Notter, Jeanine
 Palmer, Barry
 Pierce, David
 Rowe, Robert
 Sullivan, Victoria
 Wolf, Terry

Balcom, John
 Boehm, Ralph
 Christie, Rick
 Edelblut, Frank
 Gagne, Larry
 Halstead, Carolyn
 Infantine, William
 Marston, Dick
 Moore, Josh
 Ober, Lynne
 Parison, James
 Proulx, Mark
 Sanborn, Laurie
 Takesian, Charlene

Barry, Richard
 Burt, John
 Coffey, James
 Ferreira, Elizabeth
 Gould, Linda
 Hansen, Peter
 Kurk, Neal
 Martel, Andre
 Murotake, David
 Ober, Russell
 Pellegrino, Anthony
 Rice, Kimberly
 Schleien, Eric
 Twombly, Timothy

Belanger, James
 Byron, Frank
 Danielson, David
 Flanagan, Jack
 Griffin, Barbara
 Hinch, Richard
 Lachance, Joseph
 McCarthy, Peggy
 Murphy, Keith
 Ohm, Bill
 Peterson, Ken
 Rouillard, Claire
 Simmons, Tammy
 Ulery, Jordan

MERRIMACK

Brewster, Michael
 Horn, Werner
 Kuch, Bill
 McGuire, Carol
 Walsh, Thomas

French, Harold
 Karrick, David
 Long, Douglas
 McGuire, Dan

Hill, Gregory
 Kenison, Linda
 Marple, Richard
 Parent, Jason

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

ROCKINGHAM

Abrami, Patrick
 Bush, Carol
 Christie, Andrew
 Devine, James
 Emerick, J. Tracy
 Griffin, Mary
 Introne, Robert
 Kolodziej, Walter
 Milz, David
 Packard, Sherman
 Schroadter, Adam
 Tamburello, Daniel
 Tucker, Pamela
 Weyler, Kenneth

Azarian, Gary
 Cardon, G. Thomas
 Cook, Allen
 Doucette, Fred
 Ferrante, Beverly
 Harris, Jeffrey
 Itse, Daniel
 Major, Norman
 Nigrello, Robert
 Peckham, Michele
 Spillane, James
 Thomas, Douglas
 Vose, Michael
 Woitkun, Steven

Baldasaro, Alfred
 Chase, Francis
 Dean-Bailey, Yvonne
 Duarte, Joe
 Gannon, William
 Hodgdon, Bruce
 Kappler, Lawrence
 Matthews, Carolyn
 O'Connor, John
 Potucek, John
 Sweeney, Joe
 Tilton, Rio
 Ward, Joanne

Bates, David
 Chirichiello, Brian
 DeSimone, Debra
 Elliott, Robert
 Green, Dennis
 Hoelzel, Kathleen
 Katsakiores, Phyllis
 McKinney, Betsy
 Osborne, Jason
 Prudhomme-O'Brien, Katherine
 Sytek, John
 True, Chris
 Welch, David

STRAFFORD

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

Bickford, David
 Groen, Warren
 Leeman, Don
 Wuelper, Kurt

Cheney, Catherine
 Hannon, Joseph
 Mullen, John

Graham, Robert
 Jones, Laura
 Pitre, Joseph

SULLIVAN

Smith, Steven

NAYS - 137**CARROLL**

Grenier, James

Rollins, Skip

Buco, Thomas

Ticehurst, Susan

CHESHIRE

Abbott, Michael
 Chase, Cynthia
 Mann, John
 Robertson, Timothy
 Weber, Lucy

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

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

Bordenet, John
 Ley, Douglas
 Roberts, Kris
 Tatro, Bruce

COOS

Froburg, Alethea

Moynihan, Wayne

Theberge, Robert

Thomas, Yvonne

GRAFTON

Abel, Richard
 Hennessey, Martha
 Smith, Suzanne

Almy, Susan
 Higgins, Patricia
 Sykes, George

Cooney, Mary
 Maes, Kevin
 Townsend, Charles

Ford, Susan
 Massimilla, Linda
 White, Andrew

HILLSBOROUGH

Backus, Robert
 Cohen, Alan
 Freitas, Mary

Baroody, Benjamin
 Cornell, Patricia
 Goley, Jeffrey

Brown, Pamela
 Cote, David
 Gorman, Mary

Christiansen, Lars
 DiSilvestro, Linda
 Harvey, Suzanne

Heath, Mary
Jeudy, Jean
Manley, Jonathan
Rosenwald, Cindy
Smith, Timothy
Sweeney, Shawn

Herbert, Christopher
Leishman, Peter
McNamara, Richard
Shattuck, Gilman
Snow, Kendall
Vann, Ivy

Hogan, Edith
Long, Patrick
Porter, Marjorie
Shaw, Barbara
Soucy, Timothy
Walsh, Robert

Jack, Martin
Mangipudi, Latha
Roberts, Carol
Smith, Gregory
Sullivan, Daniel
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Deloge, Helen
French, Barbara
Luneau, David
Patten, Dick
Saunderson, George
Wallner, Mary Jane

Bartlett, Christy
Doherty, David
Gile, Mary
MacKay, James
Ratzki, Mario
Schuett, Dianne
Wheeler, Deborah

Bradley, Paula
Ebel, Karen
Henle, Paul
Moffett, Howard
Rice, Chip
Shurtleff, Stephen

Carson, Clyde
Frazer, June
Kidder, David
Myler, Mel
Rogers, Katherine
Turcotte, Alan

ROCKINGHAM

Barnes, Arthur
Cali-Pitts, Jacqueline
Gordon, Pamela
Simpson, Alexis

Berrien, Skip
Cushing, Robert
Lovejoy, Patricia
Ward, Gerald

Borden, David
DiFranco, Debbie
McBeath, Rebecca
Webb, James

Cahill, Michael
Francesca, Paula
Pantelakos, Laura

STRAFFORD

Baber, William
Cilley, Jacalyn
Rollo, Deanna
Spang, Judith
Ward, Kenneth

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

Bixby, Peter
Horriggan, Timothy
Smith, Marjorie
Stevens, Audrey

Burton, Wayne
Kaen, Naida
Southworth, Thomas
Wall, Janet

SULLIVAN

Cloutier, John
Irwin, Virginia

Converse, Larry
Laware, Thomas

Gagnon, Raymond
Oxenham, Lee

Gottling, Suzanne
Schmidt, Andrew

and the majority committee report was adopted.

HB 1376, relative to temporary workers. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Leonard Turcotte for the Majority of Labor, Industrial and Rehabilitative Services. This bill would mandate that after a period of six months, the employer of a “temporary worker” would be required to offer permanent work status to that worker. There are multiple problems contained within the intent of this bill. Currently, there are no other states in our country that have this must-hire mandate making New Hampshire a “test case.” The requirement to hire after six months would interfere with the employer/employee business relationship. Some employers need or want the flexibility that temporary workers sometime provide. Other employers frequently utilize temporary workers to assess those workers for long-term employment opportunities. The bill might also have the adverse effect of employers dismissing temporary workers as the six month deadline approached. The testimony of the Business and Industry Association noted that there are currently no existing problems between temporary agencies, their employees and the employers they serve. Adding additional mandates and regulations into an already overly burdensome business environment would make New Hampshire’s business climate less competitive in comparison to other states. Vote 10-8.

Rep. Michael Cahill for the Minority of Labor, Industrial and Rehabilitative Services. We have a duty to balance the needs of employees and employers. Permitting the use of temporary staff on an indefinite basis is contrary to the worker’s interests. If there is work to be done, hire someone to do it.

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

Rep. Cahill spoke against.

Rep. Leonard Turcotte spoke in favor.

Majority committee report adopted.

HB 1480-FN, establishing a state minimum wage. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Leonard Turcotte for the Majority of Labor, Industrial and Rehabilitative Services. This is the second minimum wage bill introduced this session. This particular bill would step up the hourly minimum wage to \$9.50 over the next three years. Testimony given indicated that only about 1% of workers in our state make current minimum wage. All state employees make more than the new minimum wage rates in this bill. A recent statement by Walmart indicated that as of February 1, 2016, their part time employees in NH are making an average of \$10.95 an hour, and their full time employees \$14.29 an hour. Walmart has had to increase their wages due to an “employee’s market,” proving the economic laws of supply and demand indeed work. “Tipped” employees minimum wages would also increase to \$5.00 an hour and only apply

to restaurants, eliminating hotels, motels, inns, cabins and ballrooms from current statutory language. Testimony given by some representing the restaurant businesses confirmed that current base rate plus tips average between \$16 and \$22 an hour, with some even higher depending on the venue. There were no tipped employees who testified in favor of either of the two bills introduced. As with the many bills that have come before this committee regarding minimum wage rate hikes, we find that allowing the free market to work is preferable to instituting another government mandate setting arbitrary and artificial minimum wage rates. Vote 12-10.

Rep. Douglas Ley for the Minority of Labor, Industrial and Rehabilitative Services. New Hampshire currently has the lowest minimum wage amongst the six New England states. The minority believes it is time to move to increase the New Hampshire minimum wage, even by small increments. The number of workers earning minimum wage may have declined in New Hampshire, but their needs are real, and the current minimum wage is far too low. Those paid the minimum are not primarily teenagers but adults working two jobs or struggling to make ends meet. Therefore, we believe it is time for New Hampshire to move forward and improve the lives and working conditions of the citizens of New Hampshire.

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

(Rep. Packard in the Chair)

Rep. Murphy spoke in favor.

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

YEAS 185 - NAYS 143

YEAS - 185

BELKNAP

Aldrich, Glen
Fraser, Valerie
LeBreche, Shari

Dumais, Russell
Gallagher, Brian
Spanos, Peter

Fields, Dennis
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
Nelson, Bill

Cordelli, Glenn
Parker, Harold

CHESHIRE

Hunt, John

McConnell, James

Sterling, Franklin

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

Tholl, John

GRAFTON

Bailey, Brad
Hull, Robert
Piper, Wendy

Brown, Duane
Ingretson, Paul
Shackett, Jeffrey

Gionet, Edmond
Johnson, Eric

Hennessey, Erin
Ladd, Rick

HILLSBOROUGH

Adams, Christopher
Belanger, James
Byron, Frank
Coffey, James
Edelblut, Frank
Gagne, Larry
Halstead, Carolyn
Hopper, Gary
Marston, Dick
Moore, Josh
Ober, Lynne
Parison, James
Proulx, Mark
Sanborn, Laurie
Sullivan, Victoria
Wolf, Terry

Ammon, Keith
Biggie, Barbara
Christensen, Chris
Danielson, David
Ferreira, Elizabeth
Gould, Linda
Hansen, Peter
Kurk, Neal
Martel, Andre
Murotake, David
Ober, Russell
Pellegrino, Anthony
Rice, Kimberly
Schleien, Eric
Takesian, Charlene

Balcom, John
Boehm, Ralph
Christiansen, Lars
Donovan, Daniel
Flanagan, Jack
Griffin, Barbara
Hinch, Richard
Lachance, Joseph
McCarthy, Peggy
Murphy, Keith
Ohm, Bill
Peterson, Ken
Rouillard, Claire
Simmons, Tammy
Twombly, Timothy

Barry, Richard
Burt, John
Christie, Rick
Eastman, Eric
Fromuth, Bart
Haefner, Robert
Hogan, Edith
LeBrun, Donald
McLean, Mark
Notter, Jeanine
Palmer, Barry
Pierce, David
Rowe, Robert
Smith, Gregory
Ulery, Jordan

MERRIMACK

French, Harold
Kuch, Bill
McGuire, Carol
Walsh, Thomas

Hill, Gregory
Long, Douglas
McGuire, Dan

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

Kotowski, Frank
Martin, John
Seaworth, Brian

ROCKINGHAM

Abrami, Patrick
 Bates, David
 Chirichiello, Brian
 DeSimone, Debra
 Emerick, J. Tracy
 Griffin, Mary
 Introne, Robert
 Kolodziej, Walter
 Milz, David
 Peckham, Michele
 Schroadter, Adam
 Tamburello, Daniel
 Tucker, Pamela
 Welch, David

Azarian, Gary
 Bush, Carol
 Christie, Andrew
 Devine, James
 Ferrante, Beverly
 Harris, Jeffrey
 Itse, Daniel
 Major, Norman
 Nigrello, Robert
 Potucek, John
 Spillane, James
 Thomas, Douglas
 Vose, Michael
 Weyler, Kenneth

Baldasaro, Alfred
 Cardon, G. Thomas
 Cook, Allen
 Duarte, Joe
 Gannon, William
 Hodgdon, Bruce
 Kappler, Lawrence
 Matthews, Carolyn
 O'Connor, John
 Prudhomme-O'Brien, Katherine
 Sweeney, Joe
 Tilton, Rio
 Ward, Joanne
 Woitkun, Steven

Barnes, Arthur
 Chase, Francis
 Dean-Bailey, Yvonne
 Elliott, Robert
 Green, Dennis
 Hoelzel, Kathleen
 Katsakiores, Phyllis
 McKinney, Betsy
 Osborne, Jason
 Rice, Frederick
 Sytek, John
 True, Chris
 Webb, James

STRAFFORD

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

Rollins, Skip

Smith, Steven

**NAYS - 143
BELKNAP**

Tilton, Franklin

CARROLL

Buco, Thomas

Butler, Edward

Ticehurst, Susan

CHESHIRE

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

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

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

Bordenet, John
 Ley, Douglas
 Roberts, Kris
 Tatro, Bruce

COOS

Fothergill, John
 Thomas, Yvonne

Froburg, Alethea

Moynihan, Wayne

Theberge, Robert

GRAFTON

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

Almy, Susan
 Hennessey, Martha
 Smith, Suzanne

Cooney, Mary
 Higgins, Patricia
 Sykes, George

Darrow, Stephen
 Maes, Kevin
 Townsend, Charles

HILLSBOROUGH

Backus, Robert
 Cornell, Patricia
 Goley, Jeffrey
 Herbert, Christopher
 Leishman, Peter
 McNamara, Richard
 Shattuck, Gilman
 Soucy, Timothy
 Walsh, Robert

Baroody, Benjamin
 Cote, David
 Gorman, Mary
 Infantine, William
 Long, Patrick
 Porter, Marjorie
 Shaw, Barbara
 Sullivan, Daniel
 Williams, Kermit

Brown, Pamela
 DiSilvestro, Linda
 Harvey, Suzanne
 Jack, Martin
 Mangipudi, Latha
 Roberts, Carol
 Smith, Timothy
 Sweeney, Shawn

Cohen, Alan
 Freitas, Mary
 Heath, Mary
 Judy, Jean
 Manley, Jonathan
 Rosenwald, Cindy
 Snow, Kendall
 Vann, Ivy

MERRIMACK

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

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

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

Brewster, Michael
 Ebel, Karen
 Henle, Paul
 Kidder, David
 Myler, Mel
 Rogers, Katherine
 Turcotte, Alan

ROCKINGHAM

Berrien, Skip
Cushing, Robert
Heffron, Frank
Simpson, Alexis

Borden, David
DiFranco, Debbie
Lovejoy, Patricia
Ward, Gerald

Cahill, Michael
Francesse, Paula
McBeath, Rebecca

Cali-Pitts, Jacqueline
Gordon, Pamela
Pantelakos, Laura

STRAFFORD

Baber, William
Cilley, Jacalyn
Rollo, Deanna
Spang, Judith
Ward, Kenneth

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

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

Burton, Wayne
Kaen, Naida
Southworth, Thomas
Wall, Janet

SULLIVAN

Cloutier, John
Irwin, Virginia

Converse, Larry
Laware, Thomas

Gagnon, Raymond
Oxenham, Lee

Gottling, Suzanne
Schmidt, Andrew

and the majority committee report was adopted.

HB 1112, relative to subdivision of land. **OUGHT TO PASS.**

Rep. James Coffey for Municipal and County Government. This proposal amends RSA 674:36, II, which contains a list of items that should be addressed by a municipality's planning board when compiling their subdivision regulations, by adding a statement that as a condition of subdivision approval the applicant clean up any existing environmental contamination. As with all the other items listed in this statute, the details of how this is accomplished needs to be completed by the local planning board. This proposed change to RSA 674:36 is to ensure that any known environmental contamination on a site is addressed if the parcel is being subdivided. It does not preclude the subdivision of any property that meets all other local requirements and within the context of the existing statute there are provisions for waivers when appropriate. This simply adds to an optional list of conditions a planning board may impose and is not a mandate. Vote 12-5.

MOTION TO LAY ON THE TABLE

Rep. Azarian moved that **HB 1112**, relative to subdivision of land, be laid on the table.

Rep. Coffey requested a roll call; sufficiently seconded.

YEAS 240 - NAYS 87**YEAS - 240****BELKNAP**

Dumais, Russell
Gallagher, Brian
Russell, David

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

Flanders, Donald
Hurt, George
Tilton, Franklin

Fraser, Valerie
LeBreche, Shari
Vadney, Herbert

CARROLL

Avellani, Lino
Crawford, Karel
Ticehurst, Susan

Butler, Edward
Nelson, Bill
Umberger, Karen

Chandler, Gene
Parker, Harold

Cordelli, Glenn
Schmidt, Stephen

CHESHIRE

Ames, Richard
Hunt, John
Roberts, Kris

Berch, Paul
McConnell, James
Tatro, Bruce

Bordenet, John
Parkhurst, Henry
Weber, Lucy

Chase, Cynthia
Pearson, William

COOS

Fothergill, John
Rideout, Leon

Moynihan, Wayne
Theberge, Robert

Rappaport, Laurence
Tholl, John

Richardson, Herbert
Thomas, Yvonne

GRAFTON

Bailey, Brad
Gionet, Edmond
Johnson, Eric
Shackett, Jeffrey

Brown, Duane
Higgins, Patricia
Ladd, Rick
Smith, Suzanne

Darrow, Stephen
Hull, Robert
Massimilla, Linda
Townsend, Charles

Ford, Susan
Ingbretson, Paul
Piper, Wendy

HILLSBOROUGH

Adams, Christopher
Baroody, Benjamin
Burt, John
Christie, Rick
DiSilvestro, Linda
Freitas, Mary
Gould, Linda

Ammon, Keith
Barry, Richard
Byron, Frank
Cohen, Alan
Donovan, Daniel
Gagne, Larry
Haefner, Robert

Backus, Robert
Biggie, Barbara
Christensen, Chris
Cote, David
Ferreira, Elizabeth
Goley, Jeffrey
Hansen, Peter

Balcom, John
Boehm, Ralph
Christiansen, Lars
Danielson, David
Flanagan, Jack
Gorman, Mary
Harvey, Suzanne

Heath, Mary
Kurk, Neal
Manley, Jonathan
Murotake, David
Ober, Russell
Pellegrino, Anthony
Rice, Kimberly
Shaw, Barbara
Snow, Kendall
Takesian, Charlene

Hinch, Richard
Lachance, Joseph
Martel, Andre
Murphy, Keith
Ohm, Bill
Peterson, Ken
Rouillard, Claire
Simmons, Tammy
Soucy, Timothy
Twombly, Timothy

Hogan, Edith
LeBrun, Donald
McCarthy, Peggy
Notter, Jeanine
Palmer, Barry
Pierce, David
Rowe, Robert
Smith, Gregory
Sullivan, Daniel
Ulery, Jordan

Infantine, William
Long, Patrick
Moore, Josh
Ober, Lynne
Parison, James
Proulx, Mark
Sanborn, Laurie
Smith, Timothy
Sweeney, Shawn
Vann, Ivy

Alicea, Caroletta
Doherty, David
Henle, Paul
Kenison, Linda
Long, Douglas
McGuire, Carol
Ratzki, Mario
Schuett, Dianne
Wheeler, Deborah

Bradley, Paula
Ebel, Karen
Hoell, J.R.
Kidder, David
MacKay, James
McGuire, Dan
Rice, Chip
Shurtleff, Stephen

Brewster, Michael
French, Harold
Horn, Werner
Kotowski, Frank
Marple, Richard
Parent, Jason
Rogers, Katherine
Turcotte, Alan

Deloge, Helen
Gile, Mary
Karrick, David
Kuch, Bill
Martin, John
Patten, Dick
Saunderson, George
Walsh, Thomas

MERRIMACK

Abrami, Patrick
Bates, David
Cardon, G. Thomas
Cook, Allen
Devine, James
Emerick, J. Tracy
Griffin, Mary
Itse, Daniel
Matthews, Carolyn
Nigrello, Robert
Potucek, John
Simpson, Alexis
Tamburello, Daniel
Tucker, Pamela
Welch, David

Azarian, Gary
Borden, David
Chase, Francis
Cushing, Robert
DiFranco, Debbie
Ferrante, Beverly
Hodgdon, Bruce
Kappler, Lawrence
McBeath, Rebecca
O'Connor, John
Prudhomme-O'Brien, Katherine
Spillane, James
Thomas, Douglas
Ward, Gerald
Weyler, Kenneth

Baldasaro, Alfred
Bush, Carol
Chirichiello, Brian
Dean-Bailey, Yvonne
Doucette, Fred
Gannon, William
Hoelzel, Kathleen
Katsakiores, Phyllis
McKinney, Betsy
Pantelakos, Laura
Rice, Frederick
Sweeney, Joe
Tilton, Rio
Ward, Joanne
Woitkun, Steven

Barnes, Arthur
Cali-Pitts, Jacqueline
Christie, Andrew
DeSimone, Debra
Elliott, Robert
Gordon, Pamela
Introne, Robert
Major, Norman
Milz, David
Peckham, Michele
Schroadter, Adam
Sytek, John
True, Chris
Webb, James

ROCKINGHAM

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

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

Burton, Wayne
Groen, Warren
Leeman, Don
Southworth, Thomas
Ward, Kenneth

Cheney, Catherine
Hannon, Joseph
Mullen, John
Sprague, Dale

STRAFFORD

Cloutier, John
Smith, Steven

Gottling, Suzanne

Grenier, James

Laware, Thomas

SULLIVAN

Aldrich, Glen

Sylvia, Michael

NAYS - 87 BELKNAP

Buco, Thomas

Comeau, Ed

CARROLL

McCarthy, Frank

Wright, Ted

Abbott, Michael
Robertson, Timothy

Eaton, Daniel
Sad, Tara

CHESHIRE

Ley, Douglas
Sterling, Franklin

Mann, John
Tilton, Benjamin

COOS

Froburg, Alethea

GRAFTON

Abel, Richard
Hennessey, Martha

Almy, Susan
Maes, Kevin

Cooney, Mary
White, Andrew

Hennessey, Erin

HILLSBOROUGH

Belanger, James
Eastman, Eric

Brown, Pamela
Edelblut, Frank

Coffey, James
Estevez, Eric

Cornell, Patricia
Fromuth, Bart

Griffin, Barbara
Jeudy, Jean
McLean, Mark
Rosenwald, Cindy
Walsh, Robert

Halstead, Carolyn
Leishman, Peter
McNamara, Richard
Schleien, Eric
Williams, Kermit

Herbert, Christopher
Mangipudi, Latha
Porter, Marjorie
Shattuck, Gilman
Wolf, Terry

Jack, Martin
Marston, Dick
Roberts, Carol
Sullivan, Victoria

MERRIMACK

Bartlett, Christy
Hill, Gregory
Seaworth, Brian

Carson, Clyde
Luneau, David
Wallner, Mary Jane

Frazer, June
Moffett, Howard

French, Barbara
Myler, Mel

ROCKINGHAM

Berrien, Skip
Green, Dennis
Osborne, Jason

Cahill, Michael
Harris, Jeffrey
Vose, Michael

Duarte, Joe
Heffron, Frank

Francese, Paula
Lovejoy, Patricia

STRAFFORD

Baber, William
Graham, Robert
Smith, Marjorie

Berube, Roger
Horriggan, Timothy
Spang, Judith

Bixby, Peter
Kaen, Naida
Wall, Janet

DiSesa, Len
Schmidt, Peter
Wuelper, Kurt

SULLIVAN

Converse, Larry
Rollins, Skip

Gagnon, Raymond
Schmidt, Andrew

Irwin, Virginia

Oxenham, Lee

and the motion was adopted.

REGULAR CALENDAR CONT'D

HB 1129, relative to approval of fees established by the register of deeds. **INEXPEDIENT TO LEGISLATE.**

Rep. Benjamin Tilton for Municipal and County Government. This legislation would require the county commissioners and the county convention to approve all fees collected by the Office of the Register of Deeds. The county commissioners and county convention have the responsibility of review and approval of the Register of Deeds budget annually. Therefore, the majority felt this was unnecessary legislation. Vote 11-4. Committee report adopted.

HB 1180-L, relative to the authority of towns to issue bonds for the expansion of Internet service. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Catherine Cheney for the Majority of Municipal and County Government. The intent of the bill is to solve the problem for the 7% of the NH population that do not have high speed Internet. Communities would be able to expand their own coverage by providing the necessary infrastructure and maintenance independently of cable companies through bonding. Cases from other states include Vermont, where the bond ratings were downgraded on the City of Burlington, Burlington International Airport, and Burlington Electric Department as well as assignment of a negative outlook from Moody's. "Bad judgment" was one of the charges filed by state and federal investigators. Burlington's taxpayers ended up owing the bank \$33.5 million. The debt was settled for less but they still owe \$17 million. Other places where this was tried include Groton, Connecticut where monies spent were \$10 million more than estimated. Costs between 2000 and 2008 went from \$7 million to \$35 million. Now that Groton has sold off the failing asset, the community is paying the remaining \$27 million debt and the transfer of \$11 million in losses. Moody's downgraded the rating of Groton. Their market study relied on a survey of citizens that would like cable, though cautioned of the risk and a changing marketplace. Service changes in the early and mid-2000s proved too fast for the government to compete with advanced communications, and the city officials failed to account for this in the business model. Marketplace and organic market forces overcame all attempts to provide a "fix" to the shortcomings. Kentucky also has its own government broadband and assumptions made for award of school contracts placed them head to head with AT&T where the state had an unfair advantage. A shortfall in projected income, resignations and placing taxpayers at risk were the results. (Otts, Chris, Newscast, WDRB News, 2016). Technology in this area is still rapidly changing. What is considered broadband access today will be very much different tomorrow. When looking at using taxpayer dollars to build out and provide broadband Internet, television, and other infrastructure, many events such as storms and outages will have to be addressed. This bill could hurt private investment in a no-win regulatory scheme and would slow private sector job growth. Two years ago, not all public schools had broadband, now they do. Connect America Fund Phase II (CAFII) will be spending \$30 million dollars over the next few years to extend coverage into 13,000 areas identified in New Hampshire to provide coverage where it is weak or non-existing. Companies are investing in provision of services to all areas of New Hampshire. AT&T invested \$100 million last year in New Hampshire. Even if the state permitted a community to take on the outfitting and bonding of this service, there would (more than

likely) still be some in areas, where bonding was done for the purpose of providing service for those that are not served. The majority of the committee felt this is not a good risk for any community to place on the state, municipalities or taxpayers. Vote 9-7.

Rep. Marjorie Porter for the Minority of Municipal and County Government. This is enabling legislation. There are still pockets in many communities that do not have access to broadband services. In some places dial up connections are still all that are available. Current statute allows municipalities that have no service at all to issue bonds to pay for broadband infrastructure in their communities. HB 1180 will allow towns that are only partially served to issue these bonds as well, so broadband service may be made available to all.

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

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

Rep. Porter spoke against and yielded to questions.

Rep. Cheney spoke in favor.

Rep. Gladys Johnsen requested a roll call; sufficiently seconded.

YEAS 188 - NAYS 142

YEAS - 188

BELKNAP

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

Dumais, Russell
Gallagher, Brian
Russell, David

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

Flanders, Donald
Hurt, George
Sylvia, Michael

CARROLL

Avellani, Lino
Crawford, Karel
Schmidt, Stephen

Chandler, Gene
McCarthy, Frank
Umberger, Karen

Comeau, Ed
Nelson, Bill

Cordelli, Glenn
Parker, Harold

CHESHIRE

Eaton, Daniel

Hunt, John

McConnell, James

Tatro, Bruce

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

Tholl, John

GRAFTON

Almy, Susan
Gionet, Edmond
Shackett, Jeffrey

Bailey, Brad
Hull, Robert

Brown, Duane
Ingbretson, Paul

Darrow, Stephen
Johnson, Eric

HILLSBOROUGH

Ammon, Keith
Biggie, Barbara
Christiansen, Lars
Estevez, Eric
Fromuth, Bart
Gould, Linda
Heath, Mary
Jeudy, Jean
Marston, Dick
Moore, Josh
Ohm, Bill
Pierce, David
Simmons, Tammy
Takesian, Charlene

Balcom, John
Boehm, Ralph
Christie, Rick
Ferreira, Elizabeth
Gagne, Larry
Griffin, Barbara
Hinch, Richard
Kurk, Neal
Martel, Andre
Murotake, David
Palmer, Barry
Rice, Kimberly
Smith, Gregory
Twombly, Timothy

Barry, Richard
Burt, John
Eastman, Eric
Flanagan, Jack
Gidge, Kenneth
Halstead, Carolyn
Hogan, Edith
Lachance, Joseph
McCarthy, Peggy
Murphy, Keith
Parison, James
Rouillard, Claire
Sullivan, Victoria
Ulery, Jordan

Belanger, James
Byron, Frank
Edelblut, Frank
Freitas, Mary
Goley, Jeffrey
Hansen, Peter
Jack, Martin
LeBrun, Donald
McLean, Mark
Notter, Jeanine
Pellegrino, Anthony
Sanborn, Laurie
Sweeney, Shawn
Walsh, Robert

MERRIMACK

Brewster, Michael
Kotowski, Frank
Martin, John
Seaworth, Brian

French, Harold
Kuch, Bill
McGuire, Carol
Walsh, Thomas

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

Horn, Werner
Marple, Richard
Parent, Jason

ROCKINGHAM

Abrami, Patrick
Bates, David
Chase, Francis
Dean-Bailey, Yvonne
Elliott, Robert
Green, Dennis

Azarian, Gary
Bush, Carol
Chirichiello, Brian
DeSimone, Debra
Emerick, J. Tracy
Griffin, Mary

Baldasaro, Alfred
Cali-Pitts, Jacqueline
Christie, Andrew
Devine, James
Ferrante, Beverly
Harris, Jeffrey

Barnes, Arthur
Cardon, G. Thomas
Cook, Allen
Doucette, Fred
Gannon, William
Hodgdon, Bruce

Hoelzel, Kathleen
Katsakiores, Phyllis
Matthews, Carolyn
O'Connor, John
Rice, Frederick
Sytek, John
True, Chris
Webb, James

Introne, Robert
Kolodziej, Walter
McKinney, Betsy
Osborne, Jason
Schroadter, Adam
Tamburello, Daniel
Tucker, Pamela
Welch, David

Itse, Daniel
Lovejoy, Patricia
Milz, David
Potucek, John
Spillane, James
Thomas, Douglas
Vose, Michael
Weyler, Kenneth

Kappler, Lawrence
Major, Norman
Nigrello, Robert
Prudhomme-O'Brien, Katherine
Sweeney, Joe
Tilton, Rio
Ward, Joanne
Woitkun, Steven

STRAFFORD

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

Berube, Roger
Graham, Robert
Jones, Laura
Mullen, John

Bickford, David
Gray, James
Kaczynski, Jr., Thomas
Pitre, Joseph

Cheney, Catherine
Groen, Warren
Kaen, Naida
Turcotte, Leonard

SULLIVAN

Gagnon, Raymond
Smith, Steven

Laware, Thomas

Rollins, Skip

Schmidt, Andrew

NAYS - 142 BELKNAP

Tilton, Franklin

CARROLL

Butler, Edward

McConkey, Mark

Ticehurst, Susan

Wright, Ted

CHESHIRE

Abbott, Michael
Chase, Cynthia
Parkhurst, Henry
Shepardson, Marjorie

Ames, Richard
Johnsen, Gladys
Pearson, William
Sterling, Franklin

Berch, Paul
Ley, Douglas
Roberts, Kris
Tilton, Benjamin

Bordenet, John
Mann, John
Sad, Tara
Weber, Lucy

COOS

Fothergill, John
Thomas, Yvonne

Froburg, Alethea

Moynihan, Wayne

Theberge, Robert

GRAFTON

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

Cooney, Mary
Higgins, Patricia
Piper, Wendy
White, Andrew

Ford, Susan
Ladd, Rick
Smith, Suzanne

Hennessey, Erin
Maes, Kevin
Sykes, George

HILLSBOROUGH

Adams, Christopher
Coffey, James
Danielson, David
Guerette, C. Lee
Herbert, Christopher
Manley, Jonathan
Peterson, Ken
Rosenwald, Cindy
Snow, Kendall
Williams, Kermit

Backus, Robert
Cohen, Alan
DiSilvestro, Linda
Haefner, Robert
Leishman, Peter
McNamara, Richard
Porter, Marjorie
Shattuck, Gilman
Soucy, Timothy
Wolf, Terry

Baroody, Benjamin
Cornell, Patricia
Donovan, Daniel
Hansberry, Daniel
Long, Patrick
Ober, Lynne
Proulx, Mark
Shaw, Barbara
Sullivan, Daniel

Brown, Pamela
Cote, David
Gorman, Mary
Harvey, Suzanne
Mangipudi, Latha
Ober, Russell
Roberts, Carol
Smith, Timothy
Vann, Ivy

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

Carson, Clyde
Frazer, June
Hill, Gregory
Luneau, David
Patten, Dick
Saunderson, George
Wallner, Mary Jane

ROCKINGHAM

Abramson, Max
Cushing, Robert
Gordon, Pamela
Peckham, Michele

Berrien, Skip
DiFranco, Debbie
Heffron, Frank
Simpson, Alexis

Borden, David
Duarte, Joe
McBeath, Rebecca
Ward, Gerald

Cahill, Michael
Francese, Paula
Pantelakos, Laura

STRAFFORD

Baber, William
 Horrigan, Timothy
 Southworth, Thomas
 Wall, Janet

Bixby, Peter
 Rollo, Deanna
 Spang, Judith
 Ward, Kenneth

Burton, Wayne
 Schmidt, Peter
 Sprague, Dale

Cilley, Jacalyn
 Smith, Marjorie
 Stevens, Audrey

SULLIVAN

Cloutier, John
 Irwin, Virginia

Converse, Larry
 Oxenham, Lee

Gottling, Suzanne

Grenier, James

and the majority committee report was adopted.

HB 1219-FN-L, relative to the repurchase of tax-deeded property by the former owner and the costs therefor.
OUGHT TO PASS WITH AMENDMENT.

Rep. James Coffey for Municipal and County Government. This bill in its original form seeks to eliminate a penalty that is imposed when the former owner of a tax deeded property seeks to repurchase their property during a three year window from the date of the tax deeding. The present penalty being addressed is 15% of the equalized property, which is added to all interest, fees, taxes, administrative, maintenance and legal costs. It also changed the time frame from 15 to 30 days for a former owner or lienholder to respond with intent to repurchase the property, if the municipality intended to sell the property within the three year window. After committee discussion, the bill was amended to reduce the penalty to 10% and eliminate it totally if the property was a primary residence and was being repurchased by the former owner. The proposed 30 day window for repurchase remains in the amendment. Vote 10-5.

Amendment (0522h)

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

1 Real Estate Tax Liens; Repurchase by Former Owner. Amend RSA 80:89, II to read as follows:

II. Within 30 days after the notice required by paragraph I, or if no such notice is received, at any time within 3 years after the date of recording the tax deed, any former owner of the property may give notice by certified mail, return receipt requested, of intent to repurchase the property from the municipality, and stating that such owner is ready, willing, and able to pay all back taxes, interest, costs and penalty, as defined in RSA 80:90, *except that if the property is the former owner's principal residence, or was the former owner's principal residence at the time of execution of the tax deed under RSA 80:76, the additional penalty under RSA 80:90, I(f) shall not apply.* If all such back taxes, interest, costs and penalty have not been actually tendered within [15] **30** days of such notice of intent to repurchase, the municipality may proceed with its offering and dispose of the property without any interest by the former owner.

2 Real Estate Tax Liens; Definitions; Penalty. Amend RSA 80:90, I(f) to read as follows:

(f) An additional penalty equal in amount to [15] **10** percent of the assessed value of the property as of the date of the tax deed, adjusted by the equalization ratio for the year of the assessment.

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

2016-0522h

AMENDED ANALYSIS

This bill extends the time for a former owner to pay the costs of repurchasing a tax deeded property from the town. The bill also reduces the penalty charge added to such costs and exempts the penalty charge for certain owners.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 1382, relative to the referendum procedure for public water systems. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Catherine Cheney for the Majority of Municipal and County Government. The intent of the bill is to change the requirement for the number of signatures needed to place the question on the ballot of whether communities served by a water system would want to add fluoride to the drinking water or not. The current law sets the number of signatures required to 10% of the number of registered voters in each community served by the water system. For Manchester, where they serve Bedford, Hooksett and Auburn, that would be well over 7,000 signatures. The change would be to have the number of signatures required to be at 20% of the voters voting in the last municipal election. For Manchester the new requirement for the petition signatures would mean well over 5,000 signatures would need to be collected. In other communities such as Dover, the count goes from over 2,000 to over 800 signatures, in Raymond from over 600 to over 150 signatures, in Rochester from over 2,000 to over 800, in New Boston from over 380 to over 200, in Portsmouth from over 1400 to over 800. This just changes the number of petition signatures required to place the question on the ballot for all communities served by the water system to choose whether to add fluoride to the drinking water or not. Vote 12-4.

Rep. Jane Beaulieu for the Minority of Municipal and County Government. This bill will decrease the number of signatures to pass a petition for a ballot question regarding public water systems and fluoridation. The minority believes the number of signatures should not be reduced and that there is no imperative to change the rules surrounding community water fluoridation. The imperative should be on us as a state to increase public awareness of the benefits of water fluoridation.

Majority committee report adopted and ordered to third reading.

HB 1401, relative to public libraries. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Patricia Cornell for the Majority of Municipal and County Government. This bill would require all libraries to appoint a library director with a term of one year in place of a librarian and added wording to the reasons for the removal of library employees. The majority of the committee felt that this was an unnecessary bill that addresses policy issues that are not a problem for most of the over 230 New Hampshire public libraries. There are vast differences between libraries, small and large, town and city, and all have the ability to pass policies that fit their individual needs. Vote 12-4.

Rep. David Bickford for the Minority of Municipal and County Government. This bill's primary purpose was to add, "or documented violations of the library's personal policies" to the list of reasons for cause to dismiss an employee. There was evidence that the cost of dismissal without this has cost towns tens of thousands of dollars. The New Hampshire Library Trustees Association favored this bill.

Majority committee report adopted.

HB 1455, relative to membership of a municipal budget committee. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David Bickford for the Majority of Municipal and County Government. This bill removes the requirement that a municipal budget committee have a resident of a village district as a member. Since residents of a village district are also residents of the municipality, a seat on the budget committee is already available to any resident running for election. Having a requirement that a small area of a community have a seat on a budget committee representing the entire community appears to fly in the face of equal representation. The committee felt this bill had merit. The amendment corrected a missed reference to village district in the bill as introduced and made no change to the intent of the bill. Vote 11-3.

Rep. Clyde Carson for the Minority of Municipal and County Government. This bill as amended solves one problem, but creates another. There are municipalities with village districts, where village district membership on the municipal budget committee is desired by the village district and the process works well. If this bill passes, this process will no longer be allowed. The option for someone from the village district to run for the municipal budget committee is no guarantee that the person would be elected, nor is it a guarantee that a person from the village district, if elected, would represent the desire of the district commissioners.

Majority Amendment (0644h)

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

AN ACT relative to the application of the municipal budget law to village districts wholly within a town.

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

2 Municipal Budget Law; Application. Amend RSA 32:2 to read as follows:

32:2 Application. RSA 32:1-13, shall apply to all towns, school districts, cooperative school districts, village districts, municipal economic development and revitalization districts created under RSA 162-K, and any other municipal entities, including those created pursuant to RSA 53-A or 53-B, which adopt their budgets at an annual meeting of their voters, except RSA 32:5-b, which shall apply only in those towns or districts adopting that section pursuant to RSA 32:5-c. RSA 32:14-23, concerning budget committees, shall apply only in those towns or districts adopting that subdivision pursuant to RSA 32:14, I, and shall apply automatically in school districts ~~[or village districts]~~ located wholly within towns adopting that subdivision.

3 Municipal Budget Law; Duties and Authority of the Budget Committee. Amend RSA 32:16, I to read as follows:

I. To prepare the budget as provided in RSA 32:5, and if authorized under RSA 40:14-b, a default budget under RSA 40:13, IX(b) for submission to each annual or special meeting of the voters of the municipality, and, if the municipality is a town, the budgets of any school district ~~[or village district]~~ wholly within the town, unless the warrant for such meeting does not propose any appropriation.

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

2016-0644h

AMENDED ANALYSIS

This bill deletes village districts that are wholly within a town from provisions of the municipal budget law. Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

HB 1500, relative to default budgets for the purpose of setting tax rates. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. James Coffey for the Majority of Municipal and County Government. This bill directs the Department of Revenue Administration (DRA) to review all default budgets in official ballot towns, school districts and village districts for compliance with RSA 40:13, X. A compliant default budget approved by the DRA would then be necessary for the setting of the tax rate. A bipartisan majority of the committee believes that this procedure would place a significant responsibility on the DRA that they have indicated they are not prepared to undertake and remove local control from the process. Vote 12-4.

Rep. Keith Ammon for the Minority of Municipal and County Government. The Department of Revenue Administration (DRA) provides oversight on budgets adopted at regular town meetings as well as proposed budgets of SB2 towns and school boards, but seems to provide zero oversight on SB2 default budgets, which could very well become the actual budget if voters reject the proposed budget. Default budgets are supposed to be calculated according to a formula in state statute. This simple bill would 1) add a reporting requirement for SB2 towns and school districts to send their default budget calculations to the DRA (as they are already required to do) with their proposed budget, and 2) require the DRA to ensure all “appropriations, reductions, increases to a default budget comply” with current statute, the same way they already ensure “all calculations are correct” with proposed budgets. The main argument against this bill is that we shouldn’t add a task to a town or school administrator’s workload, or to the DRA’s workload, which appears to be an argument against transparent and accountable government.

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

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

YEAS 207 - NAYS 126

YEAS - 207

BELKNAP

Dumais, Russell
Vadney, Herbert

Fields, Dennis

Flanders, Donald

Gallagher, Brian

CARROLL

Butler, Edward
McConkey, Mark
Umberger, Karen

Chandler, Gene
Nelson, Bill

Cordelli, Glenn
Schmidt, Stephen

Crawford, Karel
Ticehurst, Susan

CHESHIRE

Abbott, Michael
Chase, Cynthia
Ley, Douglas
Robertson, Timothy
Tatro, Bruce

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

Berch, Paul
Hunt, John
Parkhurst, Henry
Shepardson, Marjorie
Weber, Lucy

Bordenet, John
Johnsen, Gladys
Pearson, William
Sterling, Franklin

COOS

Fothergill, John
Tholl, John

Froburg, Alethea
Thomas, Yvonne

Moynihan, Wayne

Richardson, Herbert

GRAFTON

Abel, Richard
Ford, Susan
Ladd, Rick
Shackett, Jeffrey
White, Andrew

Almy, Susan
Gionet, Edmond
Maes, Kevin
Smith, Suzanne

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

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

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Cote, David
Gagne, Larry
Haefner, Robert
Heath, Mary
Jeudy, Jean
Long, Patrick
McNamara, Richard
Pierce, David
Rosenwald, Cindy

Balcom, John
Coffey, James
Edwards, Elizabeth
Gidge, Kenneth
Halstead, Carolyn
Herbert, Christopher
Kurk, Neal
Mangipudi, Latha
Ober, Lynne
Porter, Marjorie
Rouillard, Claire

Belanger, James
Cohen, Alan
Flanagan, Jack
Goley, Jeffrey
Hansberry, Daniel
Hinch, Richard
LeBrun, Donald
Manley, Jonathan
Palmer, Barry
Proulx, Mark
Rowe, Robert

Biggie, Barbara
Cornell, Patricia
Freitas, Mary
Guerette, C. Lee
Harvey, Suzanne
Jack, Martin
Leishman, Peter
Martel, Andre
Peterson, Ken
Roberts, Carol
Shattuck, Gilman

Shaw, Barbara
Soucy, Timothy
Williams, Kermit

Smith, Gregory
Sullivan, Daniel
Wolf, Terry

Smith, Timothy
Vann, Ivy

Snow, Kendall
Walsh, Robert

MERRIMACK

Alicea, Caroletta
Deloge, Helen
Gile, Mary
Luneau, David
Patten, Dick
Saunderson, George
Wallner, Mary Jane

Bartlett, Christy
Doherty, David
Henle, Paul
MacKay, James
Ratzki, Mario
Schuett, Dianne
Walsh, Thomas

Bradley, Paula
Ebel, Karen
Kenison, Linda
Moffett, Howard
Rice, Chip
Shurtleff, Stephen
Wheeler, Deborah

Carson, Clyde
Frazer, June
Kotowski, Frank
Myler, Mel
Rogers, Katherine
Turcotte, Alan

ROCKINGHAM

Abrami, Patrick
Cahill, Michael
Christie, Andrew
DiFranco, Debbie
Ferrante, Beverly
Heffron, Frank
Katsakiores, Phyllis
Matthews, Carolyn
Pantelakos, Laura
Thomas, Douglas
Ward, Joanne

Azarian, Gary
Cali-Pitts, Jacqueline
Cushing, Robert
Doucette, Fred
Francese, Paula
Hoelzel, Kathleen
Kolodziej, Walter
McBeath, Rebecca
Peckham, Michele
Tilton, Rio
Webb, James

Berrien, Skip
Cardon, G. Thomas
DeSimone, Debra
Duarte, Joe
Gordon, Pamela
Introne, Robert
Lovejoy, Patricia
Nigrello, Robert
Prudhomme-O'Brien, Katherine
True, Chris
Welch, David

Bush, Carol
Chase, Francis
Devine, James
Elliott, Robert
Griffin, Mary
Kappler, Lawrence
Major, Norman
O'Connor, John
Simpson, Alexis
Ward, Gerald
Woitkun, Steven

STRAFFORD

Baber, William
DiSesa, Len
Pitre, Joseph
Southworth, Thomas
Wall, Janet

Berube, Roger
Gray, James
Rollo, Deanna
Spang, Judith
Ward, Kenneth

Bixby, Peter
Horrigan, Timothy
Schmidt, Peter
Sprague, Dale

Burton, Wayne
Kaen, Naida
Smith, Marjorie
Stevens, Audrey

SULLIVAN

Converse, Larry
Irwin, Virginia

Gagnon, Raymond
Oxenham, Lee

Gottling, Suzanne
Schmidt, Andrew

Grenier, James
Smith, Steven

NAYS - 126

BELKNAP

Aldrich, Glen
LeBreche, Shari
Tilton, Franklin

Fraser, Valerie
Russell, David

Howard, Jr., Raymond
Spanos, Peter

Hurt, George
Sylvia, Michael

CARROLL

Avellani, Lino
Wright, Ted

Comeau, Ed

McCarthy, Frank

Parker, Harold

CHESHIRE

COOS

Rappaport, Laurence

Rideout, Leon

Theberge, Robert

GRAFTON

Bailey, Brad
Ingretson, Paul

Darrow, Stephen
Johnson, Eric

Hennessey, Erin

Hull, Robert

HILLSBOROUGH

Adams, Christopher
Boehm, Ralph
Christie, Rick
Eastman, Eric
Fromuth, Bart
Hansen, Peter
McCarthy, Peggy
Murphy, Keith
Parison, James
Schleien, Eric
Takesian, Charlene

Ammon, Keith
Burt, John
Danielson, David
Edelblut, Frank
Gorman, Mary
Hogan, Edith
McLean, Mark
Notter, Jeanine
Pellegrino, Anthony
Simmons, Tammy
Twombly, Timothy

Baroody, Benjamin
Byron, Frank
DiSilvestro, Linda
Estevez, Eric
Gould, Linda
Lachance, Joseph
Moore, Josh
Ober, Russell
Rice, Kimberly
Sullivan, Victoria
Ulery, Jordan

Barry, Richard
Christiansen, Lars
Donovan, Daniel
Ferreira, Elizabeth
Griffin, Barbara
Marston, Dick
Murotake, David
Ohm, Bill
Sanborn, Laurie
Sweeney, Shawn

MERRIMACK

Brewster, Michael
Hoell, J.R.
Kuch, Bill
McGuire, Carol

French, Barbara
Horn, Werner
Long, Douglas
McGuire, Dan

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

Hill, Gregory
Kidder, David
Martin, John
Seaworth, Brian

ROCKINGHAM

Abramson, Max
Borden, David
Emerick, J. Tracy
Hodgdon, Bruce
Osborne, Jason
Spillane, James
Tucker, Pamela

Baldasaro, Alfred
Chirichiello, Brian
Gannon, William
Itse, Daniel
Potucek, John
Sweeney, Joe
Vose, Michael

Barnes, Arthur
Cook, Allen
Green, Dennis
McKinney, Betsy
Rice, Frederick
Sytek, John
Weyler, Kenneth

Bates, David
Dean-Bailey, Yvonne
Harris, Jeffrey
Milz, David
Schroadter, Adam
Tamburello, Daniel

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Beaudoin, Steven
Groen, Warren
Leeman, Don

Bickford, David
Hannon, Joseph
Mullen, John

Cheney, Catherine
Jones, Laura
Turcotte, Leonard

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

SULLIVAN

Cloutier, John

Laware, Thomas

Rollins, Skip

and the majority committee report was adopted.

HB 1508, allowing public libraries to run certain privacy software. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Keith Ammon for the Majority of Municipal and County Government. This bill, as amended, makes it clear that libraries in New Hampshire have the prerogative to run software used to protect privacy on the Internet. The amendment eliminated a provision in the original bill that required written notice to persons prior to records relative to use of cryptographic privacy software being given to a government agency. Internet privacy in the digital age is fundamental to the sacred right of free speech; this includes the right to open inquiry without having the subject of one's interest examined or scrutinized by others, including governments, corporations, or bad actors. Librarians have historically been very sensitive to the issue of patron privacy. The American Library Association has protected and upheld patron privacy as one of their core values since 1939. This bill does not mandate that libraries run privacy software but simply clarifies their ability to do so. Much of the software is free and open source and costs pennies a month to run if it costs anything. The American Civil Liberties Union of NH testified in favor of this bill. Vote 9-6.

Rep. Patricia Cornell for the Minority of Municipal and County Government. This bill would allow libraries to run software to protect the privacy of patrons using their Internet connections. Libraries already have this authority and are adamant about protecting patron privacy making this law unnecessary.

Majority Amendment (0625h)

Amend RSA 202-A:26 as inserted by section 2 of the bill by replacing it with the following:

202-A:26 Cryptographic Privacy Software. Public libraries may allow the installation and use of cryptographic privacy platforms on public library computers for library patrons use. Cryptographic privacy software shall include Tor or other privacy software that encrypts user's information to protect it from surveillance or collection. Public libraries may also support infrastructure for cryptographic software that helps to promote a free and open Internet, such as running Tor relays.

Majority committee amendment adopted.

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

On a division vote, with 268 members having voted in the affirmative, and 62 in the negative, the majority committee report was adopted and ordered to third reading.

HB 1678-FN, relative to the information statement contained on a property tax bill. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Franklin Sterling for the Majority of Municipal and County Government. The purpose of this bill is to add additional language to appear on all property tax bills informing taxpayers of exemptions, credits or abatements that may be available to them to lower their assessment or total tax due. The committee is of the opinion that there is sufficient information on property tax bills currently. Vote 13-3.

Rep. Catherine Cheney for the Minority of Municipal and County Government. Our committee had a similar bill last year. This bill would add language pertaining to mistakes or questions of value to the list of existing criteria to clarify circumstances whereby an exemption or abatement may be sought. Though there was testimony that it would cost too much, there was also testimony that it would not cost much at all to add a few words. We felt it would help create greater awareness for the taxpayers.

Majority committee report adopted.

(Speaker Jasper in the Chair)**HB 1349**, relative to the location of the Merrimack county superior court. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark McConkey for the Majority of Public Works and Highways. The 2015 Capital Budget approved \$16.6 million for the construction of a new Merrimack County Superior Court facility on Hazen Drive. Subsequent to that action the city of Concord and Merrimack County made another last minute attempt to move the approved location to the current site of the Merrimack County Superior Court. This new proposal would have Merrimack County constructing the court facility and upon completion selling it to the state for \$15.7 million. Since the approval of the Capital Budget work has continued on building the facility on Hazen Drive, including choosing an architectural firm to work on the project. Newly refined figures show an estimated cost for the state to construct the facility to be \$14.5 million. Even taking into account the factors of lost time dealing with this bill and the distinct possibility of losing a construction season, the estimated savings to the state over the county plan would be in \$700,000 range. While great strides were made to have a firm proposal for the committee to review, all we have is the amendment before you which stipulates the state's position, but there is nothing signed between the state and the county even on these issues and testimony was given that there was more that had to be in any agreement. Additionally, the committee had asked that the residential neighbors be consulted about the proposed location and work schedules and that was not done. There was also concern that should there be cost overruns the county delegation would have to appropriate the funds and if that did not happen, the courthouse would sit substantially complete perhaps, but the state could not buy it. The Merrimack County Superior Court issue has been before the legislature for many years and the committee and legislature has bent over backwards and been given ample opportunity to locate a facility downtown. Construction of a new facility has been and still continues to be of critical importance and the bipartisan majority of the committee is unwilling to risk further delays with approving legislation which still has many unanswered questions. Vote 10-6.

Rep. Mario Ratzki for the Minority of Public Works and Highways. This bill, as amended, provides a win-win opportunity for the state and our capital city of Concord. The amendment will make the county responsible for the construction of the Merrimack County courthouse downtown location. It also guarantees that the state will not be responsible for cost overruns. \$15.7 million is allocated to the county. This reflects a saving of \$900,000 from the original capital budget allocation. The city of Concord, as well as the bipartisan Merrimack County delegation supports the downtown location. The alternate location of Hazen Drive presents logistical problems for the county attorney and the county sheriff. Access for the public is also problematic for people who depend on public transportation. A Concord downtown location would enhance the vitality and economic well-being of our capital city. Therefore, we ask the House to vote OTP as amended.

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

Reps. Dan McGuire, Schuett and Shurtleff spoke against.

Reps. Erin Hennessey, Irwin and McConkey spoke in favor.

Rep. Chandler requested a roll call; sufficiently seconded.

YEAS 126 - NAYS 212**YEAS - 126****BELKNAP**

Dumais, Russell
LeBreche, Shari

Flanders, Donald
Russell, David

Gallagher, Brian
Spanos, Peter

Hurt, George
Tilton, Franklin

CARROLL

Avellani, Lino
Crawford, Karel
Parker, Harold

Buco, Thomas
McCarthy, Frank
Schmidt, Stephen

Chandler, Gene
McConkey, Mark
Umberger, Karen

Comeau, Ed
Nelson, Bill
Wright, Ted

CHESHIRE

Abbott, Michael
Sterling, Franklin

Hunt, John
Tatro, Bruce

McConnell, James

Roberts, Kris

COOS

Rappaport, Laurence

Richardson, Herbert

Theberge, Robert

Tholl, John

GRAFTON

Bailey, Brad
Ladd, Rick

Brown, Duane
Shackett, Jeffrey

Hennessey, Erin

Higgins, Patricia

HILLSBOROUGH

Adams, Christopher
Boehm, Ralph
Gorman, Mary
Hansen, Peter
Lachance, Joseph
Moore, Josh
Pellegrino, Anthony
Takesian, Charlene

Balcom, John
Christie, Rick
Gould, Linda
Hinch, Richard
LeBrun, Donald
Ober, Lynne
Pierce, David
Twombly, Timothy

Barry, Richard
Coffey, James
Haefner, Robert
Infantine, William
Marston, Dick
Palmer, Barry
Proulx, Mark
Wolf, Terry

Biggie, Barbara
Gagne, Larry
Halstead, Carolyn
Jack, Martin
McCarthy, Peggy
Parison, James
Sweeney, Shawn

MERRIMACK

Hill, Gregory
Walsh, Thomas

Kuch, Bill

Marple, Richard

Martin, John

ROCKINGHAM

Abrami, Patrick
Cardon, G. Thomas
Dean-Bailey, Yvonne
Duarte, Joe
Griffin, Mary
Introne, Robert
Matthews, Carolyn
Osborne, Jason
Rice, Frederick
True, Chris

Abramson, Max
Chase, Francis
DeSimone, Debra
Elliott, Robert
Harris, Jeffrey
Katsakiores, Phyllis
Milz, David
Packard, Sherman
Schroadter, Adam
Tucker, Pamela

Barnes, Arthur
Chirichiello, Brian
Devine, James
Gannon, William
Hodgdon, Bruce
Kolodziej, Walter
Nigrello, Robert
Potucek, John
Sweeney, Joe
Welch, David

Bush, Carol
Christie, Andrew
Doucette, Fred
Green, Dennis
Hoelzel, Kathleen
Major, Norman
O'Connor, John
Prudhomme-O'Brien, Katherine
Tilton, Rio
Woitkun, Steven

STRAFFORD

Berube, Roger
Gray, James
Turcotte, Leonard

Bickford, David
Leeman, Don

Cheney, Catherine
Mullen, John

Graham, Robert
Sprague, Dale

SULLIVAN

Irwin, Virginia
Smith, Steven

Laware, Thomas

Rollins, Skip

Schmidt, Andrew

NAYS - 212**BELKNAP**

Aldrich, Glen
Vadney, Herbert

Fields, Dennis

Howard, Jr., Raymond

Sylvia, Michael

CARROLL

Butler, Edward

Cordelli, Glenn

Ticehurst, Susan

CHESHIRE

Ames, Richard
Eaton, Daniel
Parkhurst, Henry
Shepardson, Marjorie

Berch, Paul
Johnsen, Gladys
Pearson, William
Tilton, Benjamin

Bordenet, John
Ley, Douglas
Robertson, Timothy
Weber, Lucy

Chase, Cynthia
Mann, John
Sad, Tara

COOS

Fothergill, John
Rideout, Leon

Froburg, Alethea
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

GRAFTON

Abel, Richard
Ford, Susan
Ingbretson, Paul
Piper, Wendy
White, Andrew

Almy, Susan
Gionet, Edmond
Johnson, Eric
Smith, Suzanne

Cooney, Mary
Hennessey, Martha
Maes, Kevin
Sykes, George

Darrow, Stephen
Hull, Robert
Massimilla, Linda
Townsend, Charles

HILLSBOROUGH

Ammon, Keith
Belanger, James
Christensen, Chris
Cote, David
Eastman, Eric
Ferreira, Elizabeth
Goley, Jeffrey
Harvey, Suzanne
Hopper, Gary

Backus, Robert
Brown, Pamela
Christiansen, Lars
Danielson, David
Edelblut, Frank
Freitas, Mary
Griffin, Barbara
Heath, Mary
Jeudy, Jean

Baroody, Benjamin
Burt, John
Cohen, Alan
DiSilvestro, Linda
Edwards, Elizabeth
Fromuth, Bart
Guerette, C. Lee
Herbert, Christopher
Kurk, Neal

Beaulieu, Jane
Byron, Frank
Cornell, Patricia
Donovan, Daniel
Estevez, Eric
Gidge, Kenneth
Hansberry, Daniel
Hogan, Edith
Leishman, Peter

Long, Patrick
McLean, Mark
Notter, Jeanine
Porter, Marjorie
Rouillard, Claire
Shattuck, Gilman
Smith, Timothy
Sullivan, Victoria
Williams, Kermit

Mangipudi, Latha
McNamara, Richard
Ober, Russell
Rice, Kimberly
Rowe, Robert
Shaw, Barbara
Snow, Kendall
Ulery, Jordan

Manley, Jonathan
Murotake, David
Ohm, Bill
Roberts, Carol
Sanborn, Laurie
Simmons, Tammy
Soucy, Timothy
Vann, Ivy

Martel, Andre
Murphy, Keith
Peterson, Ken
Rosenwald, Cindy
Schleien, Eric
Smith, Gregory
Sullivan, Daniel
Walsh, Robert

MERRIMACK

Alicea, Caroletta
Carson, Clyde
Frazer, June
Henle, Paul
Kenison, Linda
Luneau, David
Moffett, Howard
Ratzki, Mario
Schuett, Dianne
Wallner, Mary Jane

Bartlett, Christy
Deloge, Helen
French, Barbara
Hoell, J.R.
Kidder, David
MacKay, James
Myler, Mel
Rice, Chip
Seaworth, Brian
Wheeler, Deborah

Bradley, Paula
Doherty, David
French, Harold
Horn, Werner
Kotowski, Frank
McGuire, Carol
Parent, Jason
Rogers, Katherine
Shurtleff, Stephen

Brewster, Michael
Ebel, Karen
Gile, Mary
Karrick, David
Long, Douglas
McGuire, Dan
Patten, Dick
Saunderson, George
Turcotte, Alan

ROCKINGHAM

Azarian, Gary
Borden, David
Cushing, Robert
Francese, Paula
Kappler, Lawrence
Pantelakos, Laura
Sytek, John
Ward, Gerald

Baldasaro, Alfred
Cahill, Michael
DiFranco, Debbie
Gordon, Pamela
Lovejoy, Patricia
Peckham, Michele
Tamburello, Daniel
Ward, Joanne

Bates, David
Cali-Pitts, Jacqueline
Emerick, J. Tracy
Heffron, Frank
McBeath, Rebecca
Simpson, Alexis
Thomas, Douglas
Webb, James

Berrien, Skip
Cook, Allen
Ferrante, Beverly
Itse, Daniel
McKinney, Betsy
Spillane, James
Vose, Michael
Weyler, Kenneth

STRAFFORD

Baber, William
DiSesa, Len
Jones, Laura
Rollo, Deanna
Spang, Judith
Wuelper, Kurt

Beaudoin, Steven
Groen, Warren
Kaczynski, Jr., Thomas
Schmidt, Peter
Stevens, Audrey

Bixby, Peter
Hannon, Joseph
Kaen, Naida
Smith, Marjorie
Wall, Janet

Burton, Wayne
Horrigan, Timothy
Pitre, Joseph
Southworth, Thomas
Ward, Kenneth

SULLIVAN

Cloutier, John
Grenier, James

Converse, Larry
Oxenham, Lee

Gagnon, Raymond

Gottling, Suzanne

and the majority committee report failed.

Rep. Schuett moved the minority committee report of Ought to Pass with Amendment and offered minority committee amendment (0847h).

Minority Amendment (0847h)

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

AN ACT relative to the Merrimack county superior court.

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

1 2015 Capital Budget; Merrimack County Superior Court; Location. Amend 2015, 220:1, II, D to read as follows:

(D) Court Facilities

(1) Merrimack County Superior Court

New Courthouse [[§]] [16,600,000] **\$15,700,000**

(2) Hampton Circuit Court, Architectural/Engineering 300,000

(3) Milford Circuit Court, Architectural/Engineering 255,500

* The location for the siting of the Merrimack county superior court facility shall be in Concord on [state lands adjacent to the supreme court] **a parcel appropriate to contain the court building and associated parking.**

2 2015 Capital Budget; Merrimack County Superior Court; New Courthouse. The appropriation made in 2015, 220:1, II, D, 1 shall be subject to the following:

I. Notwithstanding any other provision of law, the state, through the department of administrative services, shall be permitted to enter into an agreement to acquire property from Merrimack county on North Main Street in the city of Concord, containing a new courthouse and no less than 150 dedicated parking spaces, by warranty deed, for no more than \$15,700,000.

II. The courthouse shall be constructed in compliance with the current division of public works design and construction standards and the minimum standards for all courts, adopted by the New Hampshire court accreditation commission, and at a minimum, shall satisfy the Merrimack County Courthouse Design and Space Planning study by SMRT, Inc., dated May 29, 2014.

III. The state shall have the right to review and reject the design plans and specifications provided by the county, or its designee, at regular intervals agreed to by the state and county.

IV. The price of the new courthouse shall include compensation to the department of administrative services, or its designee, in the amount of \$175,000 to support 2 full-time clerk of the works positions for the project, \$25,000 to support an on-call architect for the project, \$25,000 to pay the current architect, SMRT, Inc., for its work on the project, and \$350,000 for furniture and equipment. Said amounts shall be held back from the final purchase price paid by the state to the county.

V. Until the new courthouse is completed and the existing courthouse is fully renovated, the clerk of the Merrimack superior court, or designee, shall have the authority to order a stop to any and all construction activities that, in the opinion of the clerk, interfere with the regular operation of the court. The county shall be solely responsible for any costs and delays associated with stop work orders issued pursuant to the clerk's authority.

VI. Merrimack county shall provide a property description and title history for the property to be transferred to the state within 90 days of the execution of an agreement. The county shall be responsible for all surveys, subdivision approvals, and all other approvals necessary to effectuate the transfer of the property from the county to the state.

VII. The plans and specifications for this project shall be reviewed and approved by the state fire marshal.

VIII. The state shall have the right to terminate the agreement without penalty prior to the state's acceptance of the final design documents and specifications; provided that the state shall not be arbitrary or capricious in exercising such right, and shall act in accordance with the implied covenant of good faith and fair dealing.

IX. During the construction of the courthouse and associated activities, the county shall provide the state with full access to the construction site and project meetings and shall allow the state the opportunity to review and reject any work performed.

X. The county shall provide a one-year warranty on the work performed related to the courthouse and shall transfer all product warranties to the state.

XI. The state's payment obligations under the agreement shall be as follows: 95 percent of the purchase price set forth in paragraph I, less compensation to the state set forth in paragraph IV, shall be due to the county on the date of substantial completion of the entire project, including the demolition of the so-called registry building. The remaining 5 percent of the purchase price shall be due at the time of the state's final acceptance of the project. For purposes of this section, the date of substantial completion shall mean the date on which the county conveys its property to the state.

XII. The county shall defend and indemnify the state from any and all claims arising out of or alleged to have arisen out of the construction project.

XIII. In the event that the state and county do not come to an agreement for the purchase of the courthouse and property or in the event that the agreement is terminated prior to acceptance of the final design, the state may use this appropriation to construct the courthouse facility on state lands next to the supreme court.

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

2016-0847h

AMENDED ANALYSIS

This bill reduces a capital budget appropriation for a new courthouse for the Merrimack county superior court and eliminates the capital budget requirement that the Merrimack county superior court be sited on state lands adjacent to the supreme court.

The bill also establishes certain requirements for the acquisition of courthouse property and construction of the courthouse.

Minority committee amendment adopted.

Minority committee report adopted and ordered to third reading.

HB 2016, relative to the state 10-year transportation improvement program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gene Chandler for Public Works and Highways. HB 2016 is the Ten-Year Transportation Improvement Program (TYP) for the State of New Hampshire, covering the period from 2017-2026. The plan is fully financially constrained at a total of \$3.74 billion and contains projects in the following categories and estimated amounts: highway funding - \$2.68 billion; turnpike improvements - \$461 million; airports - \$260 million; rail - \$10 million; and federal transit - \$324 million. The TYP was vetted with input from the municipalities via the regional planning commissions and with the public through a series of 16 GACIT (Governor's Advisory Commission on Intermodal Transportation) public hearings. GACIT consists of the Governor's Executive Council and the Commissioner of the Department of Transportation. GACIT submitted their proposal to the Governor, and subsequently the Governor

submitted her proposal to the Public Works and Highways Committee, which held several hearings and work sessions on the TYP. The TYP includes a focus on pavement preservation, red listed bridges and bridge preservation; pledges work on rural roads and bridges; includes the completion of I-93 from Salem to Manchester and provides funding for Exit 4A in Londonderry. The plan includes a heightened financial constraint for an increased level of accountability and predictability in program delivery. The plan includes an assumed inflation factor of 3% and relies on the utilization of turnpike toll credits for the state fund share instead of a cash contribution for federally funded projects. An amendment was proposed to remove the \$4 million rail study money from the plan, but the vote was 10-10 whereby the project remained in the plan. The amendment to the bill/plan deals with authorizing the further issuance of GARVEE bonds for the reconstruction/rehabilitation of two Connecticut River bridges, one on I-89 and one on Route 119. Several projects that were previously unfunded in previous ten-year plans include continuing projects on I-89 and I-93 in Concord and Exits 6 and 7 in Manchester, including interchanges. The amendment also addresses increased funds for improvements to the central turnpike and enhanced study of Exit 10 on the Spaulding Turnpike; approval for a new loan financing structure under TIFA C Transportation Infrastructure Finance and Innovation Act to complete the widening of I-93 from Salem to Manchester. The loan will be structured to require revenue from SB 367 to be used for improvements to approximately 1160 miles of rural roads and approximately 23 red listed bridges during the first nine years of the loan. These improvements are over and above the normal programs for these areas. Subsequent to the ninth year the funds collected for SB 367 will be used to make interest and principle payments on the loan. Also included is language to provide for additional funding for TIGER grants should any be available. Since the Department anticipates at least \$9 million of savings due to the light winter, the committee unanimously agreed to allocate these savings to increase by \$2.5 million the Capital Equipment Program, 85% of which is to be used for large trucks and heavy equipment, and 15% for light trucks and passenger vehicles; \$2.5 million of excess funds to bolster the municipal state aid bridge program; and \$4 million for the highway betterment account for bridge work and resurfacing throughout the state's highway districts. The final portion of the amendment deals with a project in Littleton whereby the state pays for 2/3 of the project and the town pays for 1/3. There is still money left in this account after approval of this project should any town wish to avail themselves of these funds. These are projects on state roads that the towns feel are important enough to use town funds as a 1/3 match. Vote 18-2.

Amendment (0903h)

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 12:
2 Issuance of Revenue Bonds. Amend RSA 228-A:2 to read as follows:

228-A:2 Issuance of Revenue Bonds. The state may issue bonds under this chapter to be known as "federal highway grant anticipation bonds." The bonds may be issued from time to time for the purpose of financing project costs related to the widening of Interstate 93 from Manchester to the Massachusetts border, the replacement of the Sarah Mildred Long Bridge in Portsmouth, New Hampshire, and any other federally aided highway project hereafter authorized by the general court to be financed under this chapter. Bonds issued hereunder shall be special obligations of the state and the principal of, premium, if any, and interest on all bonds shall be payable solely from the particular funds provided therefor under this chapter. The issuing of bonds shall be contingent upon the availability of sufficient anticipated federal aid over the term of the bonds. The bonds shall be issued by the treasurer in such amounts as the fiscal committee of the general court and the governor and council shall determine, and shall not exceed \$490,000,000. Debt service for federal highway grant anticipation bonds (GARVEE bonds) for the projects shall be paid from a portion of future federal funds. Bonds of each issue shall be dated, shall bear interest at such rate or rates, including rates variable from time to time as determined by such index, banker's loan rate, or other method as may be determined by the treasurer, and shall mature at such time or times as may be determined by the treasurer, except that no bond shall mature more than 15 years from the date of its issue. Bonds may be made redeemable before maturity either at the option of the state or at the option of the holder, or on the occurrence of specified events, at such price or prices and under such terms and conditions as may be fixed by the treasurer prior to the issue of bonds. The treasurer shall determine the form and details of bonds. Subject to RSA 93-A, the bonds shall be signed by the treasurer and countersigned by the governor. The bonds may be sold in such manner, either at public or private sale, for such price, including above or below par value, at such rate or rates of interest, or at such discount in lieu of interest, as the treasurer may determine. ***The state may further issue GARVEE bonds for the purpose of financing the project costs related to the replacement and/or rehabilitation of 2 Connecticut river bridges, located in Lebanon, New Hampshire and Hinsdale, New Hampshire, pursuant to the issuance process in this paragraph.***

3 Turnpike System; Authority Granted. Amend RSA 237:2, VII(b) and (c) to read as follows:

(b) Plan [and], engineer, ***and construct*** improvements [to], ***and acquire land as necessary for*** the central New Hampshire turnpike, including, but not limited to the addition of a traffic lane or lanes in each direction from the junction of interstate 89 in the city of Concord to the northerly expansion joint of the Interstate 93 bridge over Loudon Road and N.H. Route 9 (bridge no. 163/106).

(c) Plan [and], engineer, **and construct** improvements [to], **and acquire land as necessary for** the central New Hampshire turnpike, including, but not limited to the addition of a traffic lane or lanes in each direction from exit 6 to exit 7 in the city of Manchester, as well as the reconstruction of the exit 6 and exit 7 interchanges.

4 Turnpike System; Funds Provided. Amend RSA 237:7, I(h) to read as follows:

(h) Improvements to central New Hampshire turnpike.

RSA 237:2, IV(h), VII, VII(b), VII(c), IX.

~~[\$574,900,000]~~ **\$697,000,000**

5 Turnpike System; Funds Provided. Amend RSA 237:7, I(j) to read as follows:

(j) Study of exit 10 on Spaulding turnpike.

RSA 237:2 II-a.

~~[\$1,100,000]~~ **\$3,500,000**

6 Department of Transportation; Transportation Infrastructure Finance and Innovation Act. In accordance with RSA 6:13-d, the department of transportation anticipates securing a loan of \$200,000,000 through the federal Transportation Infrastructure Finance and Innovation Act (TIFIA), 23 U.S.C. sections 601-609, to complete the widening of Interstate 93 from Salem to Manchester. It is anticipated that the loan will be structured to require revenue collected under 2014, 17 (SB 367-FN-A), to be used for the improvement of approximately 1,160 miles of rural roads (\$12,000,000 per year) and approximately 23 red list bridges (\$8,000,000 per year) during the first 9 years of the loan. Subsequent to the ninth year, funds collected under 2014, 17 shall be used to make interest and principal payments on the loan. Consequently, the department will no longer be able to invest in rural roads and red list bridges at the same levels. The state 10-year transportation improvement plan sets forth projects to improve roads and bridges in accordance with the conditions of the loan.

7 Department of Transportation; Grants. If the department of transportation or any municipality is successful in obtaining additional grant funding (such as TIGER grants) for projects in the state 10-year transportation improvement plan, the department may modify and/or advance project funding, as practical, for such projects in order to leverage these additional grant funds.

8 Department of Transportation; Purchase of Fleet Vehicles. The department of transportation may expend up to \$2,500,000 in excess funds from the winter maintenance accounting unit (2928) from fiscal year 2016 for the purchase of fleet vehicles. Eighty-five percent of said funds shall be appropriated for trucks and heavy equipment. Fifteen percent of said funds shall be appropriated for light trucks and passenger vehicles. Said funds shall be appropriated from the undesignated highway surplus account and shall be continually appropriated and nonlapsing.

9 Department of Transportation; Expenditure for State Bridge Aid Program. The department of transportation may expend up to \$2,500,000 in excess funds from the winter maintenance accounting unit (2928) from fiscal year 2016 for the state bridge aid program under RSA 234:5. Said funds shall be appropriated from the undesignated highway surplus account and shall be continually appropriated and nonlapsing.

10 Department of Transportation; Highway Bridge and Betterment. Pursuant to the intent of 2014, 17 (SB 367-FN-A), excess funds in highway maintenance accounting unit (3007) should be spent on roads and bridges. Notwithstanding any law to the contrary, any lapsing funds up to \$4,000,000 in the highway maintenance accounting unit (3007) from fiscal year 2016 shall be appropriated to the department of transportation from the undesignated highway surplus account and shall be continually appropriated for use in class 400 in accounting unit 8910 for highway bridge and betterment district resurfacing and district rehabilitation programs. Said funds shall be nonlapsing.

11 Department of Transportation; Transfer of Funds: \$200,000 of the undesignated programmatic funds under the State Aid Highway Program (SAH) in 2018 shall be designated to the Littleton Saranac Street project.

Amend the bill by replacing section 12 with the following:

12 Effective Date.

I. Sections 8, 9, and 10 of this act shall take effect July 1, 2016.

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

2016-0903h

AMENDED ANALYSIS

This bill:

I. Adopts the 10-year transportation improvement plan for 2017-2026.

II. Adds purposes for which the state may issue GARVEE bonds.

III. Modifies funding for projects on the central New Hampshire turnpike and the Spaulding turnpike.

IV. Authorizes the department of transportation to expend certain funds for the purchase of fleet vehicles, for the state bridge aid program, and for highway bridge and betterment district resurfacing and rehabilitation programs.

V. Transfers certain funds under the state aid highway program to the Littleton Saranac Street project. Committee amendment adopted.

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

Rep. Kurk offered floor amendment (0941h).

Floor Amendment (0941h)

Amend the bill by inserting after section 11 the following and renumbering the original section 12 to read as 13:

12 Department of Transportation; Nashua-Manchester-Concord. Funding for the Nashua-Manchester-Concord Capitol Corridor Rail project, project number 40818, is deleted from the "10-year Transportation Improvement Plan 2017-2026 submitted by the Governor to the Legislature Pursuant to RSA 228:99 and RSA 240 of the Laws of New Hampshire."

2016-0941h
AMENDED ANALYSIS

This bill:

I. Adopts the 10-year transportation improvement plan for 2017-2026.

II. Adds purposes for which the state may issue GARVEE bonds.

III. Modifies funding for projects on the central New Hampshire turnpike and the Spaulding turnpike.

IV. Authorizes the department of transportation to expend certain funds for the purchase of fleet vehicles, for the state bridge aid program, and for highway bridge and betterment district resurfacing and rehabilitation programs.

V. Transfers certain funds under the state aid highway program to the Littleton Saranac Street project.

VI. Deletes the Nashua-Manchester-Concord Capitol Corridor Rail project, project number 40818, from the 10-year transportation improvement plan 2017-2026.

Rep. O'Connor spoke in favor.

Rep. Sprague spoke against.

Rep. Chandler yielded to questions.

Rep. Cloutier requested a roll call; sufficiently seconded.

YEAS 174 - NAYS 162

YEAS - 174

BELKNAP

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

Fields, Dennis
 Hurt, George
 Tilton, Franklin

Flanders, Donald
 LeBreche, Shari
 Vadney, Herbert

Gallagher, Brian
 Spanos, Peter

CARROLL

Avellani, Lino
 Cordelli, Glenn
 Nelson, Bill
 Wright, Ted

Buco, Thomas
 Crawford, Karel
 Parker, Harold

Chandler, Gene
 McCarthy, Frank
 Schmidt, Stephen

Comeau, Ed
 McConkey, Mark
 Umberger, Karen

CHESHIRE

Hunt, John

McConnell, James

Roberts, Kris

Sterling, Franklin

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

Tholl, John

GRAFTON

Bailey, Brad
 Ingbreton, Paul
 Piper, Wendy

Brown, Duane
 Johnson, Eric
 Shackett, Jeffrey

Hennessey, Erin
 Ladd, Rick

Hull, Robert
 Massimilla, Linda

HILLSBOROUGH

Adams, Christopher
 Biggie, Barbara
 Christiansen, Lars
 Edelblut, Frank
 Griffin, Barbara
 Hinch, Richard
 Kurk, Neal
 McLean, Mark
 Ober, Lynne
 Pellegrino, Anthony
 Rowe, Robert
 Sullivan, Victoria
 Wolf, Terry

Ammon, Keith
 Boehm, Ralph
 Christie, Rick
 Ferreira, Elizabeth
 Haefner, Robert
 Hogan, Edith
 Leishman, Peter
 Moore, Josh
 Ober, Russell
 Peterson, Ken
 Sanborn, Laurie
 Sweeney, Shawn

Balcom, John
 Burt, John
 Coffey, James
 Gagne, Larry
 Halstead, Carolyn
 Hopper, Gary
 Marston, Dick
 Murphy, Keith
 Palmer, Barry
 Rice, Kimberly
 Schleien, Eric
 Takesian, Charlene

Barry, Richard
 Byron, Frank
 Donovan, Daniel
 Gould, Linda
 Hansen, Peter
 Infantine, William
 Martel, Andre
 Notter, Jeanine
 Parison, James
 Rouillard, Claire
 Simmons, Tammy
 Ulery, Jordan

MERRIMACK

Brewster, Michael
 Kidder, David
 Martin, John
 Walsh, Thomas

French, Harold
 Kotowski, Frank
 McGuire, Carol

Hill, Gregory
 Kuch, Bill
 McGuire, Dan

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

ROCKINGHAM

Abrami, Patrick
 Bates, David
 Christie, Andrew
 Devine, James
 Ferrante, Beverly
 Harris, Jeffrey
 Itse, Daniel
 Major, Norman
 Nigrello, Robert
 Peckham, Michele
 Spillane, James
 Thomas, Douglas
 Vose, Michael
 Weyler, Kenneth

Abramson, Max
 Bush, Carol
 Cook, Allen
 Duarte, Joe
 Gannon, William
 Hodgdon, Bruce
 Kappler, Lawrence
 McKinney, Betsy
 O'Connor, John
 Potucek, John
 Sweeney, Joe
 Tilton, Rio
 Ward, Joanne

Azarian, Gary
 Cardon, G. Thomas
 Dean-Bailey, Yvonne
 Elliott, Robert
 Green, Dennis
 Hoelzel, Kathleen
 Katsakiores, Phyllis
 McMahon, Charles
 Osborne, Jason
 Prudhomme-O'Brien, Katherine
 Sytek, John
 True, Chris
 Webb, James

Baldasaro, Alfred
 Chirichiello, Brian
 DeSimone, Debra
 Emerick, J. Tracy
 Griffin, Mary
 Introne, Robert
 Kolodziej, Walter
 Milz, David
 Packard, Sherman
 Rice, Frederick
 Tamburello, Daniel
 Tucker, Pamela
 Welch, David

STRAFFORD

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

Bickford, David
 Groen, Warren
 Leeman, Don
 Wuelper, Kurt

Cheney, Catherine
 Hannon, Joseph
 Mullen, John

Graham, Robert
 Jones, Laura
 Pitre, Joseph

SULLIVAN

Smith, Steven

NAYS - 162**BELKNAP****CARROLL****CHESHIRE**

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

Ames, Richard
 Eaton, Daniel
 Parkhurst, Henry
 Shepardson, Marjorie

Berch, Paul
 Johnsen, Gladys
 Pearson, William
 Tatro, Bruce

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

COOS

Fothergill, John
 Theberge, Robert

Froburg, Alethea
 Thomas, Yvonne

Hatch, William

Moynihan, Wayne

GRAFTON

Abel, Richard
 Ford, Susan
 Maes, Kevin
 White, Andrew

Almy, Susan
 Gionet, Edmond
 Smith, Suzanne

Cooney, Mary
 Hennessey, Martha
 Sykes, George

Darrow, Stephen
 Higgins, Patricia
 Townsend, Charles

HILLSBOROUGH

Backus, Robert
 Brown, Pamela
 Cote, David
 Edwards, Elizabeth
 Gidge, Kenneth
 Hansberry, Daniel
 Jack, Martin
 Long, Patrick
 McNamara, Richard
 Porter, Marjorie
 Shattuck, Gilman
 Snow, Kendall
 Vann, Ivy

Baroody, Benjamin
 Christensen, Chris
 Danielson, David
 Estevez, Eric
 Goley, Jeffrey
 Harvey, Suzanne
 Jeudy, Jean
 Mangipudi, Latha
 Murotake, David
 Proulx, Mark
 Shaw, Barbara
 Soucy, Timothy
 Walsh, Robert

Beaulieu, Jane
 Cohen, Alan
 DiSilvestro, Linda
 Flanagan, Jack
 Gorman, Mary
 Heath, Mary
 Lachance, Joseph
 Manley, Jonathan
 Ohm, Bill
 Roberts, Carol
 Smith, Gregory
 Sullivan, Daniel
 Williams, Kermit

Belanger, James
 Cornell, Patricia
 Eastman, Eric
 Freitas, Mary
 Guerette, C. Lee
 Herbert, Christopher
 LeBrun, Donald
 McCarthy, Peggy
 Pierce, David
 Rosenwald, Cindy
 Smith, Timothy
 Twombly, Timothy

MERRIMACK

Alicea, Caroletta
 Deloge, Helen
 French, Barbara
 Horn, Werner
 MacKay, James
 Ratzki, Mario
 Schuett, Dianne
 Wheeler, Deborah

Bartlett, Christy
 Doherty, David
 Gile, Mary
 Karrick, David
 Moffett, Howard
 Rice, Chip
 Seaworth, Brian

Bradley, Paula
 Ebel, Karen
 Henle, Paul
 Kenison, Linda
 Myler, Mel
 Rogers, Katherine
 Shurtleff, Stephen

Carson, Clyde
 Frazer, June
 Hirsch, Geoffrey
 Luneau, David
 Patten, Dick
 Saunderson, George
 Turcotte, Alan

ROCKINGHAM

Barnes, Arthur
Cali-Pitts, Jacqueline
Francese, Paula
Matthews, Carolyn
Ward, Gerald

Berrien, Skip
Chase, Francis
Gordon, Pamela
McBeath, Rebecca

Borden, David
Cushing, Robert
Heffron, Frank
Pantelakos, Laura

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

STRAFFORD

Baber, William
Cilley, Jacalyn
Rollo, Deanna
Spang, Judith
Ward, Kenneth

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

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

Burton, Wayne
Kaen, Naida
Southworth, Thomas
Wall, Janet

SULLIVAN

Cloutier, John
Irwin, Virginia

Converse, Larry
Laware, Thomas

Gagnon, Raymond
Oxenham, Lee

Gottling, Suzanne
Schmidt, Andrew

and floor amendment (0941h) was adopted.

Committee report adopted and ordered to third reading.

Rep. Seaworth voted Nay and intended to vote Yea.

HB 1517, relative to temporary seasonal docks. **REFER FOR INTERIM STUDY.**

Rep. John Mullen for Resources, Recreation and Development. The intent of this bill was to reduce the lot line setback for temporary seasonal docks. The 20 foot setback requirement was originally set forth by administrative rules in 1997 and codified in statute the following year by the legislature in 1998. In 2002, the legislature simplified the process for putting in a seasonal dock by eliminating the need for a permit from the Department of Environmental Services (DES). Instead the property owner had only to notify DES of the installation and certify that certain conditions were met, including the 20 foot setback. Testimony on this bill was presented by a variety of state agencies, including DES and the Department of Safety, as well as other stakeholders including individual owners. A subcommittee explored the many aspects of the setback issue in regards to safety as well as protecting individual property rights. During the executive session on the bill, concerns were brought up about the details of the bill, how its implementation would affect state agencies, and its long term effect on property owners' rights. After much discussion it was determined that a more thorough examination of the bill was needed. Vote 15-3.

Committee report adopted.

The House recessed at 12:07 p.m.

RECESS

The House reconvened at 1:15 p.m.

(Speaker Jasper in the Chair)

MOTION TO REMOVE FROM THE TABLE

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

Motion adopted.

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

Rep. Vose spoke against.

On a division vote, with 66 members having voted in the affirmative, and 244 in the negative, the majority committee report failed.

Rep. Vose moved the minority committee report of Ought to Pass and offered floor amendment (0295h).

Floor Amendment (0295h)

Amend RSA 363:38, II as inserted by section 1 of the bill by replacing it with the following:

II. Service providers shall:

(a) Collect, store, use, and disclose only as much individual customer data as is necessary to accomplish primary purposes.

(b) Use individual customer data solely for primary purposes.

Amend RSA 363:38, V(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Nothing in this section shall preclude a service provider from disclosing a customer's individual data to a third party for system, grid, or operational needs, or the implementation of demand response, energy management, or energy efficiency programs, provided that the service provider for contracts entered into after January 1, 2017, has required by contract that the third party implement and maintain reasonable security

procedures and practices appropriate to the nature of the information, to protect the personal information from unauthorized access, use, destruction, modification, or disclosure, and prohibit the use of the data for a secondary commercial purpose not related to the primary purpose of the contract without the express consent of the customer.

Rep. Vose spoke in favor and yielded to questions.

Floor amendment (0295h) adopted.

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

REGULAR CALENDAR CONT'D

HB 1104, relative to electric renewable energy classes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Herbert Richardson for the Majority of Science, Technology and Energy. The bipartisan majority of the committee felt that this bill, which allows hydropower for renewable portfolio standards (RPS) compliance in lieu of developing local renewables, could harm New Hampshire's renewable energy industries which are providing value to our economy, our municipalities, and our ratepayers. The committee heard from the Department of Environmental Services that this bill would promote instability and lack of certainty in the state's renewable portfolio law. The committee also had testimony from the Public Utilities Commission stating that the bill could have the unintended consequence of increasing ratepayer rates due to Federal Energy Regulatory Commission (FERC) Order 1000. The RPS has created and continues to support many jobs in New Hampshire. For example, in the biomass industry, thousands of jobs related to the forests and timber industry have driven an overall economic benefit of over \$173.8 million annually to the state. Vote 14-7.

Rep. David Murotake for the Minority of Science, Technology and Energy. The minority is concerned the rapid increase of Class I renewable energy goals that began in 2015, established in RSA 362-F:3, will result in higher energy costs for consumers given the failed expectations of industrial wind in NH. Class I is the largest of the Renewable Portfolio Standard (RPS) classes and includes a variety of renewable sources, including wind and incremental new production from large hydro put into operation after 1/1/2006. The sharp increase of 0.9% per year in Class I may not be achievable. This bill proposes that electricity providers be allowed to use the production from older large hydro facilities to satisfy their Class I requirements when there is a shortage of Renewable Energy Credits (RECs). Neighboring ISO New England states, like Massachusetts, permit older large hydro, placed into operation after 12/31/1997, to be used to satisfy their Class 1 requirements. New Hampshire cannot use this clean, renewable source under current statute. While emotional testimony claims this legislation will hurt the biomass (wood) industry, expert testimony shows this is untrue. RPS, though complex, has numerous "carve outs", and this legislation leaves all such protections for other classes intact.

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

Rep. Richardson spoke in favor.

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

YEAS 210 - NAYS 126

YEAS - 210

BELKNAP

Fields, Dennis

Flanders, Donald

Gallagher, Brian

Hurt, George

CARROLL

Buco, Thomas
Cordelli, Glenn
Ticehurst, Susan

Butler, Edward
McConkey, Mark
Umberger, Karen

Chandler, Gene
Parker, Harold
Wright, Ted

Comeau, Ed
Schmidt, Stephen

CHESHIRE

Abbott, Michael
Eaton, Daniel
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Sterling, Franklin

Ames, Richard
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Tatro, Bruce

Berch, Paul
Ley, Douglas
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Chase, Cynthia
Mann, John
Shepardson, Marjorie
Weber, Lucy

COOS

Fothergill, John
Richardson, Herbert

Froburg, Alethea
Theberge, Robert

Moynihan, Wayne
Tholl, John

Rappaport, Laurence
Thomas, Yvonne

GRAFTON

Abel, Richard
Cooney, Mary
Higgins, Patricia
Massimilla, Linda
Sykes, George

Almy, Susan
Ford, Susan
Hull, Robert
Piper, Wendy
Townsend, Charles

Bailey, Brad
Hennessey, Erin
Ladd, Rick
Shackett, Jeffrey
White, Andrew

Brown, Duane
Hennessey, Martha
Maes, Kevin
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
 Biggie, Barbara
 Coffey, James
 DiSilvestro, Linda
 Freitas, Mary
 Guerette, C. Lee
 Heath, Mary
 Jack, Martin
 Mangipudi, Latha
 Peterson, Ken
 Rice, Kimberly
 Seidel, Carl
 Snow, Kendall
 Williams, Kermit

Baroody, Benjamin
 Brown, Pamela
 Cohen, Alan
 Donovan, Daniel
 Gagne, Larry
 Haefner, Robert
 Herbert, Christopher
 Kurk, Neal
 Manley, Jonathan
 Pierce, David
 Roberts, Carol
 Shattuck, Gilman
 Takesian, Charlene
 Wolf, Terry

Beaulieu, Jane
 Christensen, Chris
 Cornell, Patricia
 Edwards, Elizabeth
 Goley, Jeffrey
 Hansberry, Daniel
 Hinch, Richard
 Leishman, Peter
 McNamara, Richard
 Porter, Marjorie
 Rosenwald, Cindy
 Shaw, Barbara
 Vann, Ivy

Belanger, James
 Christiansen, Lars
 Cote, David
 Flanagan, Jack
 Gorman, Mary
 Harvey, Suzanne
 Infantine, William
 Long, Patrick
 O'Brien, Michael
 Proulx, Mark
 Rowe, Robert
 Smith, Timothy
 Walsh, Robert

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Alicea, Caroletta
 Deloge, Helen
 Gile, Mary
 Karrick, David
 Kuch, Bill
 Moffett, Howard
 Rice, Chip
 Shurtleff, Stephen

Bartlett, Christy
 Doherty, David
 Henle, Paul
 Kenison, Linda
 Long, Douglas
 Myler, Mel
 Rogers, Katherine
 Turcotte, Alan

Bradley, Paula
 Ebel, Karen
 Hess, David
 Kidder, David
 Luneau, David
 Parent, Jason
 Saunderson, George
 Walsh, Thomas

Carson, Clyde
 Frazer, June
 Hirsch, Geoffrey
 Kotowski, Frank
 MacKay, James
 Ratzke, Mario
 Schuett, Dianne

ROCKINGHAM

Abrami, Patrick
 Borden, David
 Christie, Andrew
 DiFranco, Debbie
 Gordon, Pamela
 Kolodziej, Walter
 McKinney, Betsy
 Packard, Sherman
 Simpson, Alexis
 Ward, Joanne

Abramson, Max
 Cahill, Michael
 Cushing, Robert
 Doucette, Fred
 Heffron, Frank
 Lovejoy, Patricia
 McMahon, Charles
 Pantelakos, Laura
 Sweeney, Joe
 Webb, James

Barnes, Arthur
 Cali-Pitts, Jacqueline
 Dean-Bailey, Yvonne
 Francese, Paula
 Hoelzel, Kathleen
 Matthews, Carolyn
 Milz, David
 Peckham, Michele
 Sytek, John
 Woitkun, Steven

Berrien, Skip
 Cardon, G. Thomas
 Devine, James
 Friel, William
 Introne, Robert
 McBeath, Rebecca
 Nigrello, Robert
 Rice, Frederick
 Ward, Gerald

STRAFFORD

Baber, William
 DiSesa, Len
 Rollo, Deanna
 Spang, Judith
 Wall, Janet

Bickford, David
 Gray, James
 Schmidt, Peter
 Sprague, Dale
 Ward, Kenneth

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

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

SULLIVAN

Cloutier, John
 Grenier, James
 Schmidt, Andrew

Converse, Larry
 Irwin, Virginia
 Smith, Steven

Gagnon, Raymond
 Oxenham, Lee

Gottling, Suzanne
 Rollins, Skip

NAYS - 126**BELKNAP**

Aldrich, Glen
 LeBreche, Shari
 Tilton, Franklin

Dumais, Russell
 Russell, David
 Vadney, Herbert

Fraser, Valerie
 Spanos, Peter

Howard, Jr., Raymond
 Sylvia, Michael

CARROLL

Avellani, Lino

McCarthy, Frank

Nelson, Bill

CHESHIRE

Bordenet, John

Johnsen, Gladys

McConnell, James

Roberts, Kris

COOS

Hatch, William

Rideout, Leon

GRAFTON

Darrow, Stephen

Ingbretson, Paul

Johnson, Eric

HILLSBOROUGH

Adams, Christopher
Boehm, Ralph
Christie, Rick
Estevez, Eric
Griffin, Barbara
Hopper, Gary
McCarthy, Peggy
Murphy, Keith
Ohm, Bill
Sanborn, Laurie
Sullivan, Victoria

Ammon, Keith
Bouldin, Amanda
Danielson, David
Ferreira, Elizabeth
Halstead, Carolyn
Lachance, Joseph
McLean, Mark
Notter, Jeanine
Palmer, Barry
Schleien, Eric
Twombly, Timothy

Balcom, John
Burt, John
Eastman, Eric
Gidge, Kenneth
Hansen, Peter
LeBrun, Donald
Moore, Josh
Ober, Lynne
Parison, James
Simmons, Tammy
Ulery, Jordan

Barry, Richard
Byron, Frank
Edelblut, Frank
Gould, Linda
Hogan, Edith
Marston, Dick
Murotake, David
Ober, Russell
Rouillard, Claire
Smith, Gregory

MERRIMACK

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

French, Barbara
Horn, Werner
McGuire, Dan

French, Harold
Marple, Richard
Seaworth, Brian

Hill, Gregory
Martin, John
Wheeler, Deborah

ROCKINGHAM

Azarian, Gary
Chase, Francis
Duarte, Joe
Green, Dennis
Itse, Daniel
O'Connor, John
Schroadter, Adam
Tilton, Rio
Welch, David

Baldasaro, Alfred
Chirichiello, Brian
Emerick, J. Tracy
Griffin, Mary
Kappler, Lawrence
Osborne, Jason
Spillane, James
True, Chris
Weyler, Kenneth

Bates, David
Cook, Allen
Ferrante, Beverly
Harris, Jeffrey
Katsakiores, Phyllis
Potucek, John
Tamburello, Daniel
Tucker, Pamela

Bush, Carol
DeSimone, Debra
Gannon, William
Hodgdon, Bruce
Major, Norman
Prudhomme-O'Brien, Katherine
Thomas, Douglas
Vose, Michael

STRAFFORD

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

Berube, Roger
Groen, Warren
Leeman, Don
Wuelper, Kurt

Cheney, Catherine
Hannon, Joseph
Mullen, John

DeLemus, Susan
Jones, Laura
Pitre, Joseph

SULLIVAN

Laware, Thomas

and the majority committee report was adopted.

HB 1116, relative to net metering. OUGHT TO PASS WITH AMENDMENT.

Rep. Herbert Vadney for Science, Technology and Energy. This bill addresses issues that arise from distributed power generation, such as from rooftop or community solar, and the resale of that energy back into the power grid. This bill includes solutions to the problems of (1) legislative production caps that threaten to shut down a growing New Hampshire industry employing over 750 people, and (2) concerns about reimbursement rates paid for energy sold back into the electric grid. The bill both keeps the jobs in New Hampshire and creates a transition plan that will bring us to a systemic solution for the rate structure, eliminating the need for production caps in the future and addressing equitable treatment between those that install solar and those that choose not to install solar. Vote 19-0.

Amendment (0601h)

Amend the bill by replacing section 1 with the following:

1 Purpose Statement. To meet the objectives of electric industry restructuring pursuant to RSA 374-F, including the overall goal of developing competitive markets and customer choice to reduce costs for all customers, and the purposes of RSA 362-A and RSA 362-F to promote energy independence and local renewable energy resources, the general court finds that it is in the public interest to continue to provide reasonable opportunities for electric customers to invest in and interconnect customer-generator facilities and receive fair compensation for such locally produced power while ensuring costs and benefits are fairly and transparently allocated among all customers. The general court continues to promote a balanced energy policy that supports economic growth and promotes energy diversity, independence, reliability, efficiency, regulatory predictability, environmental benefits, a fair allocation of costs and benefits, and a modern and flexible electric grid that provides benefits for all ratepayers.

Amend RSA 362-A:9, I as inserted by section 3 of the bill by replacing it with the following:

I. Standard tariffs providing for net energy metering shall be made available to eligible customer-generators by each electric distribution utility in conformance with net metering rules adopted and orders issued by the commission. Each net energy metering tariff shall be identical, with respect to rates, rate structure, and charges, to the tariff under which a customer-generator would otherwise take default generation supply service from the distribution utility. Such tariffs shall be available on a first-come, first-served basis within

each electric utility service area under the jurisdiction of the commission until such time as the total rated generating capacity owned or operated by eligible customer-generators totals a number equal to ~~50 megawatts multiplied by each such utility's percentage share of the total 2010 annual coincident peak energy demand distributed by all such utilities as determined by the commission~~ **100 megawatts, with 50 megawatts of the 100 megawatts allocated to the 4 electric distribution utilities that were subject to the commission's jurisdiction in 2010 multiplied by each such utility's percentage share of the total 2010 annual coincident peak energy demand distributed by those 4 utilities, and 50 megawatts of the 100 megawatts allocated to the state's 3 investor-owned electric distribution utilities, multiplied by each such utility's percentage share of the total 2010 annual coincident peak energy demand distributed by those 3 utilities, all to be determined by the commission and to be utilized by eligible customer-generators located within each such utilities' service territory. Eighty percent of each utility's share of the 50 megawatts shall be apportioned to facilities with a total generating capacity of not more than 100 kilowatts and 20 percent to facilities with a total generating capacity in excess of 100 kilowatts, but no greater than one megawatt. The 50 megawatts of capacity shall be made available to eligible customer-generators until such time as commission approved alternative net metering tariffs approved by the commission become available.** No more than 4 megawatts of such total rated generating capacity shall be from a combined heat and power system as defined in RSA 362-A:1-a, I-d. Amend RSA 362-A:9, XVI-XVIII as inserted by section 5 of the bill by replacing it with the following:

XVI. No later than 3 weeks after the effective date of this paragraph, the commission shall initiate a proceeding to develop new alternative net metering tariffs, which may include other regulatory mechanisms and tariffs for customer-generators, and determine whether and to what extent such tariffs should be limited in their availability within each electric distribution utility's service territory. In developing such alternative tariffs and any limitations in their availability, the commission shall consider: the costs and benefits of customer-generator facilities; an avoidance of unjust and unreasonable cost shifting; rate effects on all customers; alternative rate structures, including time based tariffs pursuant to paragraph VIII; whether there should be a limitation, on the amount of generating capacity eligible for such tariffs; the size of facilities eligible to receive net metering tariffs; timely recovery of lost revenue by the utility using an automatic rate adjustment mechanism; and electric distribution utilities' administrative processes required to implement such tariffs and related regulatory mechanisms. The commission may waive or modify specific size limits and terms and conditions of service for net metering specified in paragraphs I, III, IV, V, and VI that it finds to be just and reasonable in the adoption of alternative tariffs for customer-generators. The commission may approve time and/or size limited pilots of alternative tariffs.

XVII. The commission shall issue an order initially approving or adopting such alternative tariffs, which may be subject to change or adjustment from time to time, within 10 months of the effective date of this paragraph.

XVIII. If any utility reaches any cap for net metering under paragraph I before alternative tariffs are approved or adopted pursuant to paragraph XVII, eligible customer-generators may continue to interconnect under temporary net metering tariffs under the same terms and conditions as net metering under the 100 megawatt cap, except that such customer-generators shall transition to alternative tariffs once they are approved or adopted for their utility pursuant to paragraph XVII.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 1133, relative to the maximum amount of a customer deposit which may be required under rules of the public utilities commission. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Vose for Science, Technology and Energy. This bill seeks to limit the amount of money utilities can require for a security deposit. Utilities typically require a security deposit for new customers and for customers who have fallen behind in paying their bill. Under current Public Utilities Commission rules, utilities can require an amount equal to the two of the three highest bills incurred during the previous 12 months. For venues that heat with electricity, that can amount to as much as \$1,600 to \$1,800. This bill would cap that deposit amount at \$250. While this bill would potentially help some consumers, it would decrease utility revenues for delinquent accounts and those costs would be passed along to other ratepayers. In addition, decreasing a ratepayer's exposure to just \$250 might encourage an increase in account defaults. Vote 17-3. Committee report adopted.

HB 1140, relative to financial responsibility for gas transmission pipelines. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Herbert Vadney for the Majority of Science, Technology and Energy. This bill would require owners of gas transmission pipelines to procure and maintain insurance against any loss resulting from failure or malfunction, and must be maintained in cases of abandonment. It also requires annual proof of adequate insurance to the Public Utilities Commission (PUC). While the intent is well-placed and the need for property owner protection is understood, testimony revealed that the newly adopted Site Evaluation Committee (SEC)

rules do consider insurance and decommissioning plans as part of the certification process. Testimony also revealed that some pipeline companies currently self-insure in amounts well positioned to meet the concerns, while others already carry third party insurance. The committee felt the bill is unnecessary and would put an undue burden on the SEC and the PUC. Additionally, there was some concern that since interstate pipelines fall under the final authority of the Federal Energy Regulatory Commission, such state directives could be preempted. For these reasons, the committee is not able to support the bill. Vote 15-6.

Rep. Marjorie Shepardson for the Minority of Science, Technology and Energy. The minority believes the owners of gas transmission pipelines should have to annually provide proof of insurance to the Public Utilities Commission.

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

Rep. Vadney spoke in favor.

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

YEAS 239 - NAYS 96

YEAS - 239

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
Cordelli, Glenn
Parker, Harold

Butler, Edward
McCarthy, Frank
Schmidt, Stephen

Chandler, Gene
McConkey, Mark
Umberger, Karen

Comeau, Ed
Nelson, Bill

CHESHIRE

Berch, Paul
Mann, John

Bordenet, John
Sad, Tara

Eaton, Daniel
Tatro, Bruce

Johnsen, Gladys

COOS

Fothergill, John
Richardson, Herbert
Thomas, Yvonne

Hatch, William
Rideout, Leon

Moynihan, Wayne
Theberge, Robert

Rappaport, Laurence
Tholl, John

GRAFTON

Brown, Duane
Hennessey, Martha
Ladd, Rick
Shackett, Jeffrey

Cooney, Mary
Hull, Robert
Maes, Kevin
Sykes, George

Gionet, Edmond
Ingbretson, Paul
Massimilla, Linda
Townsend, Charles

Hennessey, Erin
Johnson, Eric
Piper, Wendy

HILLSBOROUGH

Ammon, Keith
Barry, Richard
Brown, Pamela
Cohen, Alan
DiSilvestro, Linda
Freitas, Mary
Gorman, Mary
Halstead, Carolyn
Hogan, Edith
LeBrun, Donald
Moore, Josh
Ober, Lynne
Pellegrino, Anthony
Rosenwald, Cindy
Shattuck, Gilman
Sullivan, Daniel
Wolf, Terry

Backus, Robert
Belanger, James
Burt, John
Cornell, Patricia
Donovan, Daniel
Gagne, Larry
Gould, Linda
Hansberry, Daniel
Hopper, Gary
Leishman, Peter
Murotake, David
Ober, Russell
Peterson, Ken
Rouillard, Claire
Shaw, Barbara
Sullivan, Victoria

Balcom, John
Biggie, Barbara
Christiansen, Lars
Cote, David
Edwards, Elizabeth
Goley, Jeffrey
Guerette, C. Lee
Hansen, Peter
Kurk, Neal
Marston, Dick
Murphy, Keith
Palmer, Barry
Pierce, David
Rowe, Robert
Simmons, Tammy
Twombly, Timothy

Baroody, Benjamin
Boehm, Ralph
Christie, Rick
Danielson, David
Ferreira, Elizabeth
Gonzalez, Carlos
Haefner, Robert
Herbert, Christopher
Lachance, Joseph
McLean, Mark
O'Brien, Michael
Parison, James
Porter, Marjorie
Seidel, Carl
Soucy, Timothy
Walsh, Robert

MERRIMACK

Alicea, Caroletta
Frazer, June
Henle, Paul
Horn, Werner
Kotowski, Frank
MacKay, James
Moffett, Howard
Rogers, Katherine
Turcotte, Alan

Bradley, Paula
French, Barbara
Hess, David
Karrick, David
Kuch, Bill
Marple, Richard
Myler, Mel
Saunderson, George
Walsh, Thomas

Carson, Clyde
French, Harold
Hill, Gregory
Kenison, Linda
Long, Douglas
McGuire, Carol
Ratzki, Mario
Seaworth, Brian

Doherty, David
Gile, Mary
Hoell, J.R.
Kidder, David
Luneau, David
McGuire, Dan
Rice, Chip
Shurtleff, Stephen

ROCKINGHAM

Abrami, Patrick
 Bush, Carol
 Christie, Andrew
 Duarte, Joe
 Gannon, William
 Heffron, Frank
 Kappler, Lawrence
 Major, Norman
 Milz, David
 Packard, Sherman
 Prudhomme-O'Brien, Katherine
 Sytek, John
 Vose, Michael
 Weyler, Kenneth

Azarian, Gary
 Cali-Pitts, Jacqueline
 Cook, Allen
 Emerick, J. Tracy
 Green, Dennis
 Hoelzel, Kathleen
 Katsakiores, Phyllis
 Matthews, Carolyn
 Nigrello, Robert
 Pantelakos, Laura
 Rice, Frederick
 Tilton, Rio
 Ward, Joanne

Barnes, Arthur
 Cardon, G. Thomas
 DeSimone, Debra
 Francese, Paula
 Griffin, Mary
 Introne, Robert
 Kolodziej, Walter
 McKinney, Betsy
 O'Connor, John
 Peckham, Michele
 Schroadter, Adam
 True, Chris
 Webb, James

Bates, David
 Chase, Francis
 Devine, James
 Friel, William
 Harris, Jeffrey
 Itse, Daniel
 Lovejoy, Patricia
 McMahon, Charles
 Osborne, Jason
 Potucek, John
 Spillane, James
 Tucker, Pamela
 Welch, David

STRAFFORD

Baber, William
 Cheney, Catherine
 Groen, Warren
 Kaen, Naida
 Rollo, Deanna
 Sprague, Dale
 Ward, Kenneth

Beaudoin, Steven
 DeLemus, Susan
 Hannon, Joseph
 Leeman, Don
 Schmidt, Peter
 Treleaven, Susan
 Wuelper, Kurt

Bickford, David
 DiSesa, Len
 Jones, Laura
 Mullen, John
 Smith, Marjorie
 Turcotte, Leonard

Burton, Wayne
 Gray, James
 Kaczynski, Jr., Thomas
 Pitre, Joseph
 Southworth, Thomas
 Wall, Janet

SULLIVAN

Cloutier, John
 Rollins, Skip

Grenier, James
 Smith, Steven

Irwin, Virginia

Laware, Thomas

**NAYS - 96
BELKNAP**

Spanos, Peter

CARROLL

Buco, Thomas

Ticehurst, Susan

Wright, Ted

CHESHIRE

Abbott, Michael
 Ley, Douglas
 Robertson, Timothy
 Weber, Lucy

Ames, Richard
 McConnell, James
 Shepardson, Marjorie

Chase, Cynthia
 Pearson, William
 Sterling, Franklin

Hunt, John
 Roberts, Kris
 Tilton, Benjamin

COOS

Froburg, Alethea

GRAFTON

Abel, Richard
 Smith, Suzanne

Almy, Susan
 White, Andrew

Darrow, Stephen

Higgins, Patricia

HILLSBOROUGH

Adams, Christopher
 Coffey, James
 Flanagan, Jack
 Heath, Mary
 Mangipudi, Latha
 Notter, Jeanine
 Roberts, Carol
 Smith, Timothy
 Vann, Ivy

Beaulieu, Jane
 Eastman, Eric
 Gidge, Kenneth
 Hinch, Richard
 Manley, Jonathan
 Ohm, Bill
 Sanborn, Laurie
 Snow, Kendall
 Williams, Kermit

Byron, Frank
 Edelblut, Frank
 Griffin, Barbara
 Jack, Martin
 McCarthy, Peggy
 Proulx, Mark
 Schleien, Eric
 Takesian, Charlene

Christensen, Chris
 Estevez, Eric
 Harvey, Suzanne
 Long, Patrick
 McNamara, Richard
 Rice, Kimberly
 Smith, Gregory
 Ulery, Jordan

MERRIMACK

Bartlett, Christy
 Hirsch, Geoffrey
 Wheeler, Deborah

Brewster, Michael
 Martin, John

Deloge, Helen
 Parent, Jason

Ebel, Karen
 Schuett, Dianne

ROCKINGHAM

Abramson, Max
 Cahill, Michael
 DiFranco, Debbie
 McBeath, Rebecca
 Thomas, Douglas

Baldasaro, Alfred
 Chirichiello, Brian
 Ferrante, Beverly
 Simpson, Alexis
 Ward, Gerald

Berrien, Skip
 Cushing, Robert
 Gordon, Pamela
 Sweeney, Joe

Borden, David
 Dean-Bailey, Yvonne
 Hodgdon, Bruce
 Tamburello, Daniel

STRAFFORDBerube, Roger
Spang, JudithBixby, Peter
Stevens, Audrey

Graham, Robert

Horrigan, Timothy

SULLIVANConverse, Larry
Schmidt, Andrew

Gagnon, Raymond

Gottling, Suzanne

Oxenham, Lee

and the majority committee report was adopted.

HB 1146, relative to certificates of site and facility. **INEXPEDIENT TO LEGISLATE.**

Rep. Herbert Richardson for Science, Technology and Energy. This bill, by changing “may” to “shall,” attempts to ensure that a certificate issued by the Site Evaluation Committee (SEC) includes terms and conditions, such as bonding, and provisions for monitoring as the SEC deems necessary. The SEC has recently adopted rules that address these issues and so the committee feels this bill is unnecessary. Vote 15-5.

Committee report adopted.

HB 1148, relative to pipeline capacity contracts. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Herbert Vadney for the Majority of Science, Technology and Energy. The Public Utilities Commission (PUC) has broad powers to evaluate all manner of energy issues including needs for future capacities for fuel transportation via pipelines. The committee believes that nothing is gained by specifying a long list of specifics which, in effect, would be telling the PUC how to do its job. Current law (RSAs 374:1, 374:2 and 378:7) already requires the PUC to review pipeline capacity contracts for prudence and to determine whether the terms of such an agreement are reasonable. Vote 11-10.

Rep. Howard Moffett for the Minority of Science, Technology and Energy. The minority believes this bill raises an important concern that deserves far more attention than it has received: why should New Hampshire electric ratepayers be asked to pay for long-term capacity contracts on gas pipelines? Even those of us who feel that New England needs new interstate gas pipeline capacity, to reduce high winter wholesale and retail electric rates and price volatility, question whether retail electric ratepayers should be asked to guarantee payment on 20 year gas capacity contracts like default service ratepayers were asked to do for the mercury scrubber installation at Merrimack Station.

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

Reps. Moffett and McConnell spoke against.

Rep. Vadney spoke in favor.

Rep. Baber yielded to questions.

Rep. McConnell requested a roll call; sufficiently seconded.

YEAS 163 - NAYS 169**YEAS - 163****BELKNAP**Aldrich, Glen
Gallagher, Brian
Vadney, HerbertDumais, Russell
Hurt, GeorgeFields, Dennis
Russell, DavidFlanders, Donald
Tilton, Franklin**CARROLL**Chandler, Gene
Nelson, BillCordelli, Glenn
Parker, HaroldMcCarthy, Frank
Schmidt, StephenMcConkey, Mark
Umberger, Karen**CHESHIRE**Berch, Paul
Robertson, TimothyBordenet, John
Sad, Tara

Eaton, Daniel

Mann, John

COOSFothergill, John
Thomas, Yvonne

Rappaport, Laurence

Richardson, Herbert

Theberge, Robert

GRAFTONAlmy, Susan
Shackett, JeffreyGionet, Edmond
Sykes, George

Maes, Kevin

Piper, Wendy

HILLSBOROUGHAmmon, Keith
Biggie, Barbara
Christiansen, Lars
Donovan, DanielBackus, Robert
Boehm, Ralph
Christie, Rick
Gagne, LarryBalcom, John
Brown, Pamela
Cohen, Alan
Gidge, KennethBelanger, James
Burt, John
Cote, David
Goley, Jeffrey

Gonzalez, Carlos
Halstead, Carolyn
Infantine, William
Marston, Dick
Ober, Russell
Proulx, Mark
Simmons, Tammy
Wolf, Terry

Gorman, Mary
Heath, Mary
Lachance, Joseph
Moore, Josh
Ohm, Bill
Rowe, Robert
Smith, Timothy

Guerette, C. Lee
Herbert, Christopher
LeBrun, Donald
Murotake, David
Peterson, Ken
Seidel, Carl
Ulery, Jordan

Haefner, Robert
Hopper, Gary
Leishman, Peter
Ober, Lynne
Pierce, David
Shattuck, Gilman
Walsh, Robert

MERRIMACK

Bradley, Paula
French, Harold
Kidder, David
Luneau, David
McGuire, Dan
Seaworth, Brian

Deloge, Helen
Hess, David
Kotowski, Frank
MacKay, James
Parent, Jason
Turcotte, Alan

Frazer, June
Horn, Werner
Kuch, Bill
Marple, Richard
Rice, Chip
Walsh, Thomas

French, Barbara
Kenison, Linda
Long, Douglas
McGuire, Carol
Rogers, Katherine
Wheeler, Deborah

ROCKINGHAM

Abrami, Patrick
Cardon, G. Thomas
Devine, James
Griffin, Mary
Introne, Robert
Major, Norman
Nigrello, Robert
Peckham, Michele
Spillane, James
True, Chris
Ward, Joanne

Azarian, Gary
Chase, Francis
Doucette, Fred
Harris, Jeffrey
Katsakiores, Phyllis
Matthews, Carolyn
O'Connor, John
Potucek, John
Sytek, John
Tucker, Pamela
Webb, James

Bush, Carol
Dean-Bailey, Yvonne
Emerick, J. Tracy
Heffron, Frank
Kolodziej, Walter
McKinney, Betsy
Packard, Sherman
Rice, Frederick
Thomas, Douglas
Vose, Michael
Weyler, Kenneth

Cali-Pitts, Jacqueline
DeSimone, Debra
Friel, William
Hoelzel, Kathleen
Lovejoy, Patricia
Milz, David
Pantelakos, Laura
Schroadter, Adam
Tilton, Rio
Ward, Gerald

STRAFFORD

Bickford, David
Gray, James
Leeman, Don
Treleaven, Susan

Burton, Wayne
Hannon, Joseph
Mullen, John
Turcotte, Leonard

Cheney, Catherine
Jones, Laura
Smith, Marjorie

DiSesa, Len
Kaen, Naida
Spang, Judith

SULLIVAN

Laware, Thomas

Schmidt, Andrew

Smith, Steven

NAYS - 169

BELKNAP

Fraser, Valerie
Sylvia, Michael

Howard, Jr., Raymond

LeBreche, Shari

Spanos, Peter

CARROLL

Avellani, Lino
Ticehurst, Susan

Buco, Thomas
Wright, Ted

Butler, Edward

Comeau, Ed

CHESHIRE

Abbott, Michael
Johnsen, Gladys
Roberts, Kris
Tilton, Benjamin

Ames, Richard
Ley, Douglas
Shepardson, Marjorie
Weber, Lucy

Chase, Cynthia
McConnell, James
Sterling, Franklin

Hunt, John
Pearson, William
Tatro, Bruce

COOS

Froburg, Alethea
Tholl, John

Hatch, William

Moynihan, Wayne

Rideout, Leon

GRAFTON

Abel, Richard
Darrow, Stephen
Hull, Robert
Smith, Suzanne

Bailey, Brad
Hennessey, Erin
Johnson, Eric
Townsend, Charles

Brown, Duane
Hennessey, Martha
Ladd, Rick
White, Andrew

Cooney, Mary
Higgins, Patricia
Massimilla, Linda

HILLSBOROUGH

Adams, Christopher
Byron, Frank
DiSilvestro, Linda
Estevez, Eric
Gould, Linda
Harvey, Suzanne

Baroody, Benjamin
Christensen, Chris
Eastman, Eric
Ferreira, Elizabeth
Griffin, Barbara
Hinch, Richard

Barry, Richard
Coffey, James
Edelblut, Frank
Flanagan, Jack
Hansberry, Daniel
Hogan, Edith

Beaulieu, Jane
Cornell, Patricia
Edwards, Elizabeth
Freitas, Mary
Hansen, Peter
Jack, Martin

Kurk, Neal
 McCarthy, Peggy
 Notter, Jeanine
 Pellegrino, Anthony
 Rosenwald, Cindy
 Shaw, Barbara
 Sullivan, Daniel
 Vann, Ivy

Long, Patrick
 McLean, Mark
 O'Brien, Michael
 Porter, Marjorie
 Rouillard, Claire
 Smith, Gregory
 Sullivan, Victoria
 Williams, Kermit

Mangipudi, Latha
 McNamara, Richard
 Palmer, Barry
 Rice, Kimberly
 Sanborn, Laurie
 Snow, Kendall
 Takesian, Charlene

Manley, Jonathan
 Murphy, Keith
 Parison, James
 Roberts, Carol
 Schleien, Eric
 Soucy, Timothy
 Twombly, Timothy

MERRIMACK

Alicea, Caroletta
 Doherty, David
 Hill, Gregory
 Moffett, Howard
 Schuett, Dianne

Bartlett, Christy
 Ebel, Karen
 Hirsch, Geoffrey
 Myler, Mel
 Shurtleff, Stephen

Brewster, Michael
 Gile, Mary
 Hoell, J.R.
 Ratzki, Mario

Carson, Clyde
 Henle, Paul
 Karrick, David
 Saunderson, George

ROCKINGHAM

Abramson, Max
 Borden, David
 Cushing, Robert
 Francese, Paula
 Hodgdon, Bruce
 McMahon, Charles
 Sweeney, Joe

Baldasaro, Alfred
 Cahill, Michael
 DiFranco, Debbie
 Gannon, William
 Itse, Daniel
 Osborne, Jason
 Tamburello, Daniel

Bates, David
 Christie, Andrew
 Duarte, Joe
 Gordon, Pamela
 Kappler, Lawrence
 Prudhomme-O'Brien, Katherine
 Welch, David

Berrien, Skip
 Cook, Allen
 Ferrante, Beverly
 Green, Dennis
 McBeath, Rebecca
 Simpson, Alexis

STRAFFORD

Baber, William
 DeLemus, Susan
 Kaczynski, Jr., Thomas
 Southworth, Thomas
 Wuelper, Kurt

Beaudoin, Steven
 Graham, Robert
 Pitre, Joseph
 Sprague, Dale

Berube, Roger
 Groen, Warren
 Rollo, Deanna
 Stevens, Audrey

Bixby, Peter
 Horrigan, Timothy
 Schmidt, Peter
 Wall, Janet

SULLIVAN

Cloutier, John
 Grenier, James

Converse, Larry
 Irwin, Virginia

Gagnon, Raymond
 Oxenham, Lee

Gottling, Suzanne
 Rollins, Skip

and the majority committee report failed.

Rep. McConnell moved the minority committee report of Ought to Pass.

Rep. Eastman requested a roll call; sufficiently seconded.

YEAS 208 - NAYS 124

YEAS - 208

BELKNAP

Fraser, Valerie
 Russell, David

Howard, Jr., Raymond
 Spanos, Peter

Hurt, George
 Sylvia, Michael

LeBreche, Shari

CARROLL

Avellani, Lino
 McConkey, Mark
 Wright, Ted

Buco, Thomas
 Nelson, Bill

Butler, Edward
 Parker, Harold

Comeau, Ed
 Ticehurst, Susan

CHESHIRE

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

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

Chase, Cynthia
 Mann, John
 Shepardson, Marjorie
 Weber, Lucy

Hunt, John
 McConnell, James
 Sterling, Franklin

COOS

Froburg, Alethea
 Tholl, John

Hatch, William
 Thomas, Yvonne

Moynihan, Wayne

Rideout, Leon

GRAFTON

Abel, Richard
 Darrow, Stephen
 Hull, Robert
 Smith, Suzanne

Almy, Susan
 Hennessey, Erin
 Johnson, Eric
 Townsend, Charles

Brown, Duane
 Hennessey, Martha
 Ladd, Rick
 White, Andrew

Cooney, Mary
 Higgins, Patricia
 Massimilla, Linda

HILLSBOROUGH

Adams, Christopher
 Barry, Richard
 Byron, Frank

Backus, Robert
 Beaulieu, Jane
 Christensen, Chris

Balcom, John
 Belanger, James
 Christiansen, Lars

Baroody, Benjamin
 Boehm, Ralph
 Christie, Rick

Coffey, James
Eastman, Eric
Ferreira, Elizabeth
Griffin, Barbara
Heath, Mary
Kurk, Neal
Manley, Jonathan
Murotake, David
Ober, Lynne
Porter, Marjorie
Rouillard, Claire
Shaw, Barbara
Snow, Kendall
Takesian, Charlene
Walsh, Robert

Cohen, Alan
Edelblut, Frank
Flanagan, Jack
Guerette, C. Lee
Hinch, Richard
Leishman, Peter
McCarthy, Peggy
Murphy, Keith
Palmer, Barry
Rice, Kimberly
Sanborn, Laurie
Simmons, Tammy
Soucy, Timothy
Twombly, Timothy
Williams, Kermit

Cornell, Patricia
Edwards, Elizabeth
Freitas, Mary
Hansberry, Daniel
Hogan, Edith
Long, Patrick
McLean, Mark
Notter, Jeanine
Parison, James
Roberts, Carol
Schleien, Eric
Smith, Gregory
Sullivan, Daniel
Ulery, Jordan

DiSilvestro, Linda
Estevez, Eric
Gould, Linda
Harvey, Suzanne
Jack, Martin
Mangipudi, Latha
McNamara, Richard
O'Brien, Michael
Pellegrino, Anthony
Rosenwald, Cindy
Shattuck, Gilman
Smith, Timothy
Sullivan, Victoria
Vann, Ivy

Alicea, Caroletta
Carson, Clyde
French, Barbara
Hirsch, Geoffrey
Myler, Mel
Schuett, Dianne

Bartlett, Christy
Deloge, Helen
Gile, Mary
Hoell, J.R.
Parent, Jason
Seaworth, Brian

Bradley, Paula
Doherty, David
Henle, Paul
Karrick, David
Ratzki, Mario
Shurtleff, Stephen

Brewster, Michael
Ebel, Karen
Hill, Gregory
Moffett, Howard
Saunderson, George
Wheeler, Deborah

MERRIMACK

Abramson, Max
Borden, David
Cook, Allen
Duarte, Joe
Gordon, Pamela
Kappler, Lawrence
McMahon, Charles
Simpson, Alexis
Tucker, Pamela

Baldasaro, Alfred
Cahill, Michael
Cushing, Robert
Ferrante, Beverly
Green, Dennis
Lovejoy, Patricia
Osborne, Jason
Spillane, James
Ward, Gerald

Bates, David
Cali-Pitts, Jacqueline
Dean-Bailey, Yvonne
Francese, Paula
Hodgdon, Bruce
Matthews, Carolyn
Packard, Sherman
Sweeney, Joe
Welch, David

Berrien, Skip
Christie, Andrew
DiFranco, Debbie
Gannon, William
Itse, Daniel
McBeath, Rebecca
Prudhomme-O'Brien, Katherine
Tamburello, Daniel

ROCKINGHAM

Baber, William
Cheney, Catherine
Horrigan, Timothy
Schmidt, Peter
Wall, Janet

Beaudoin, Steven
DeLemus, Susan
Kaczynski, Jr., Thomas
Southworth, Thomas
Wuelper, Kurt

Berube, Roger
Graham, Robert
Pitre, Joseph
Sprague, Dale

Bixby, Peter
Groen, Warren
Rollo, Deanna
Stevens, Audrey

STRAFFORD

Cloutier, John
Grenier, James
Schmidt, Andrew

Converse, Larry
Irwin, Virginia

Gagnon, Raymond
Oxenham, Lee

Gottling, Suzanne
Rollins, Skip

SULLIVAN

Aldrich, Glen
Gallagher, Brian

Dumais, Russell
Tilton, Franklin

Fields, Dennis
Vadney, Herbert

Flanders, Donald

NAYS - 124 BELKNAP

Chandler, Gene
Umberger, Karen

Cordelli, Glenn

McCarthy, Frank

Schmidt, Stephen

CARROLL

Berch, Paul
Sad, Tara

Bordenet, John

Eaton, Daniel

Robertson, Timothy

CHESHIRE

Fothergill, John

Rappaport, Laurence

Richardson, Herbert

Theberge, Robert

COOS

Bailey, Brad
Shackett, Jeffrey

Gionet, Edmond
Sykes, George

Maes, Kevin

Piper, Wendy

GRAFTON

Ammon, Keith
Cote, David
Goley, Jeffrey

Biggie, Barbara
Donovan, Daniel
Gonzalez, Carlos

Brown, Pamela
Gagne, Larry
Gorman, Mary

Burt, John
Gidge, Kenneth
Haefner, Robert

HILLSBOROUGH

Halstead, Carolyn
Infantine, William
Moore, Josh
Pierce, David
Wolf, Terry

Hansen, Peter
Lachance, Joseph
Ober, Russell
Proulx, Mark

Herbert, Christopher
LeBrun, Donald
Ohm, Bill
Rowe, Robert

Hopper, Gary
Marston, Dick
Peterson, Ken
Seidel, Carl

MERRIMACK

Frazer, June
Kenison, Linda
Long, Douglas
McGuire, Carol
Turcotte, Alan

French, Harold
Kidder, David
Luneau, David
McGuire, Dan
Walsh, Thomas

Hess, David
Kotowski, Frank
MacKay, James
Rice, Chip

Horn, Werner
Kuch, Bill
Marple, Richard
Rogers, Katherine

ROCKINGHAM

Abrami, Patrick
Chase, Francis
Emerick, J. Tracy
Heffron, Frank
Kolodziej, Walter
Nigrello, Robert
Potucek, John
Thomas, Douglas
Ward, Joanne

Azarian, Gary
DeSimone, Debra
Friel, William
Hoelzel, Kathleen
Major, Norman
O'Connor, John
Rice, Frederick
Tilton, Rio
Webb, James

Bush, Carol
Devine, James
Griffin, Mary
Introne, Robert
McKinney, Betsy
Pantelakos, Laura
Schroadter, Adam
True, Chris
Weyler, Kenneth

Cardon, G. Thomas
Doucette, Fred
Harris, Jeffrey
Katsakiores, Phyllis
Milz, David
Peckham, Michele
Sytek, John
Vose, Michael

STRAFFORD

Bickford, David
Hannon, Joseph
Mullen, John
Turcotte, Leonard

Burton, Wayne
Jones, Laura
Smith, Marjorie

DiSesa, Len
Kaen, Naida
Spang, Judith

Gray, James
Leeman, Don
Treleven, Susan

SULLIVAN

Laware, Thomas

Smith, Steven

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

HB 1174, relative to energy sources for new natural gas transmission compressor stations. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Vose for Science, Technology and Energy. This bill would require that natural gas compressor stations use another source of power rather than the gas in the pipeline itself. Using pipeline gas to power a 41,000 horsepower compressor creates noise and poses the risk of air emissions in the area around the compressor station. Periodic gas releases, called blowdowns, are necessary to perform compressor maintenance and risk further contamination around the station. However, the Department of Environmental Services testified that a preliminary application for a gas compressor in Temple showed emission levels would be low. A pipeline engineer testified that using electricity rather than gas to power the compressor would require the construction of an 11 mile power distribution line from a substation in Rindge. This engineer further testified that geography and pipeline fluid dynamics require siting the pipeline in the Temple/New Ipswich area. Ultimately, the bill's negatives outweighed the positives, leading to the committee's disapproval of the bill. Vote 14-7.

Rep. Vose spoke in favor.

Rep. Williams spoke against, yielded to questions and requested a roll call; sufficiently seconded.

YEAS 198 - NAYS 132

YEAS - 198

BELKNAP

Aldrich, Glen
Gallagher, Brian
Spanos, Peter

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

Fields, Dennis
Hurt, George
Tilton, Franklin

Flanders, Donald
Russell, David
Vadney, Herbert

CARROLL

Avellani, Lino
McCarthy, Frank
Schmidt, Stephen

Chandler, Gene
McConkey, Mark
Umberger, Karen

Comeau, Ed
Nelson, Bill

Cordelli, Glenn
Parker, Harold

CHESHIRE

Berch, Paul
Sad, Tara

Bordenet, John
Weber, Lucy

Eaton, Daniel

Roberts, Kris

COOS

Fothergill, John
Rappaport, Laurence

Froburg, Alethea
Richardson, Herbert

Hatch, William
Rideout, Leon

Moynihan, Wayne
Thomas, Yvonne

GRAFTON

Almy, Susan
Hennessey, Martha
Piper, Wendy

Bailey, Brad
Hull, Robert
Shackett, Jeffrey

Gionet, Edmond
Ingbretson, Paul
Townsend, Charles

Hennessey, Erin
Ladd, Rick

HILLSBOROUGH

Ammon, Keith
Belanger, James
Burt, John
Ferreira, Elizabeth
Griffin, Barbara
Hansen, Peter
Hopper, Gary
Marston, Dick
O'Brien, Michael
Parison, James
Rowe, Robert
Simmons, Tammy

Backus, Robert
Biggie, Barbara
Christiansen, Lars
Gagne, Larry
Guerette, C. Lee
Harvey, Suzanne
Lachance, Joseph
Moore, Josh
Ober, Lynne
Peterson, Ken
Sanborn, Laurie
Walsh, Robert

Balcom, John
Boehm, Ralph
Cohen, Alan
Goley, Jeffrey
Haefner, Robert
Herbert, Christopher
LeBrun, Donald
Murotake, David
Ober, Russell
Pierce, David
Shattuck, Gilman
Wolf, Terry

Barry, Richard
Brown, Pamela
Cornell, Patricia
Gonzalez, Carlos
Halstead, Carolyn
Hogan, Edith
Long, Patrick
Murphy, Keith
Ohm, Bill
Rosenwald, Cindy
Shaw, Barbara

MERRIMACK

Bartlett, Christy
Ebel, Karen
Henle, Paul
Kidder, David
MacKay, James
Moffett, Howard
Shurtleff, Stephen

Bradley, Paula
French, Barbara
Hess, David
Kotowski, Frank
Marple, Richard
Parent, Jason
Walsh, Thomas

Brewster, Michael
French, Harold
Hill, Gregory
Kuch, Bill
McGuire, Carol
Rice, Chip

Deloge, Helen
Gile, Mary
Hoell, J.R.
Long, Douglas
McGuire, Dan
Seaworth, Brian

ROCKINGHAM

Abrami, Patrick
Bates, David
Cook, Allen
Doucette, Fred
Gannon, William
Heffron, Frank
Itse, Daniel
Lovejoy, Patricia
McMahon, Charles
Packard, Sherman
Spillane, James
Tilton, Rio
Ward, Joanne

Azarian, Gary
Bush, Carol
Dean-Bailey, Yvonne
Duarte, Joe
Green, Dennis
Hodgdon, Bruce
Kappler, Lawrence
Major, Norman
Milz, David
Peckham, Michele
Sytek, John
True, Chris
Webb, James

Baldasaro, Alfred
Cardon, G. Thomas
DeSimone, Debra
Emerick, J. Tracy
Griffin, Mary
Hoelzel, Kathleen
Katsakiores, Phyllis
Matthews, Carolyn
Nigrello, Robert
Potucek, John
Tamburello, Daniel
Tucker, Pamela
Welch, David

Barnes, Arthur
Christie, Andrew
Devine, James
Friel, William
Harris, Jeffrey
Introne, Robert
Kolodziej, Walter
McKinney, Betsy
O'Connor, John
Rice, Frederick
Thomas, Douglas
Vose, Michael
Weyler, Kenneth

STRAFFORD

Baber, William
Cheney, Catherine
Groen, Warren
Kaen, Naida
Spang, Judith
Wuelper, Kurt

Beaudoin, Steven
DeLemus, Susan
Hannon, Joseph
Leeman, Don
Treleaven, Susan

Bickford, David
DiSesa, Len
Jones, Laura
Mullen, John
Turcotte, Leonard

Burton, Wayne
Gray, James
Kaczynski, Jr., Thomas
Pitre, Joseph
Wall, Janet

SULLIVAN

Gottling, Suzanne
Smith, Steven

Grenier, James

Laware, Thomas

Schmidt, Andrew

NAYS - 132**BELKNAP**

Fraser, Valerie

LeBreche, Shari

CARROLL

Buco, Thomas

Butler, Edward

Ticehurst, Susan

Wright, Ted

CHESHIRE

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

Ames, Richard
Ley, Douglas
Robertson, Timothy
Tilton, Benjamin

Chase, Cynthia
Mann, John
Shepardson, Marjorie

Hunt, John
McConnell, James
Sterling, Franklin

COOS

Theberge, Robert

GRAFTON

Abel, Richard
Higgins, Patricia
Smith, Suzanne

Brown, Duane
Johnson, Eric
Sykes, George

Cooney, Mary
Maes, Kevin
White, Andrew

Darrow, Stephen
Massimilla, Linda

HILLSBOROUGH

Adams, Christopher
Christensen, Chris
DiSilvestro, Linda
Edwards, Elizabeth
Gidge, Kenneth
Heath, Mary
Mangipudi, Latha
McNamara, Richard
Proulx, Mark
Schleien, Eric
Snow, Kendall
Sweeney, Shawn
Vann, Ivy

Baroody, Benjamin
Christie, Rick
Donovan, Daniel
Estevez, Eric
Gorman, Mary
Hinch, Richard
Manley, Jonathan
Notter, Jeanine
Rice, Kimberly
Seidel, Carl
Soucy, Timothy
Takesian, Charlene
Williams, Kermit

Beaulieu, Jane
Coffey, James
Eastman, Eric
Flanagan, Jack
Gould, Linda
Jack, Martin
McCarthy, Peggy
Pellegrino, Anthony
Roberts, Carol
Smith, Gregory
Sullivan, Daniel
Twombly, Timothy

Byron, Frank
Cote, David
Edelblut, Frank
Freitas, Mary
Hansberry, Daniel
Leishman, Peter
McLean, Mark
Porter, Marjorie
Rouillard, Claire
Smith, Timothy
Sullivan, Victoria
Ulery, Jordan

MERRIMACK

Alicea, Caroletta
Hirsch, Geoffrey
Luneau, David
Rogers, Katherine
Wheeler, Deborah

Carson, Clyde
Horn, Werner
Martin, John
Saunderson, George

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

Frazer, June
Kenison, Linda
Ratzki, Mario
Turcotte, Alan

ROCKINGHAM

Abramson, Max
Cali-Pitts, Jacqueline
Ferrante, Beverly
Pantelakos, Laura
Sweeney, Joe

Berrien, Skip
Chase, Francis
Francesse, Paula
Prudhomme-O'Brien, Katherine
Ward, Gerald

Borden, David
Cushing, Robert
Gordon, Pamela
Schroadter, Adam

Cahill, Michael
DiFranco, Debbie
McBeath, Rebecca
Simpson, Alexis

STRAFFORD

Berube, Roger
Rollo, Deanna
Stevens, Audrey

Bixby, Peter
Schmidt, Peter

Graham, Robert
Southworth, Thomas

Horrigan, Timothy
Sprague, Dale

SULLIVAN

Cloutier, John
Oxenham, Lee

Converse, Larry
Rollins, Skip

Gagnon, Raymond

Irwin, Virginia

and the committee report was adopted.

INTRODUCTION OF SPECIAL GUEST

Representative-elect Michael A. Edgar, guest of the House.

REGULAR CALENDAR CONT'D

HB 1320, relative to assignment or transfer of an operating permit issued by the department of environmental services. **INEXPEDIENT TO LEGISLATE.**

Rep. Herbert Vadney for Science, Technology and Energy. This bill was narrowly crafted to single out a particular parcel of land in a way that would unduly restrict the property rights of the land owner. The Department of Environmental Services testified that the permits that were given to the landowner and the function approved for that parcel remain and any new owner of the property could operate under that permit as long as the same conditions of trained operators, safety procedures, environmental constraints, and emissions monitoring were followed. Vote 14-5.

Committee report adopted.

HB 1374, relative to rebates to ratepayers from the renewable energy fund. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Herbert Richardson for the Majority of Science, Technology and Energy. The bi-partisan majority of the committee felt that this bill, which essentially defunds the Renewable Energy Fund which is used to develop renewable energy, promote in-state jobs and diversify our sources of energy, will harm the rapidly growing renewable energy industry in the state. The committee heard extensive testimony against the bill, expressing that the bill was anti-business. Reports have shown that the Renewable Energy Fund investments in energy projects have totaled \$7 million and have generated \$30 million in private investment in our state. Vote 18-3.

Rep. Jeanine Notter for the Minority of Science, Technology and Energy. However small the rebate to rate-payers may have been, it would help some in lessening the redistribution in wealth that the minority opposes in principle. All of the little fees here and subsidies there add up to a sizable amount of money out-of-pocket. Chipping away at subsidies and fees is a way to reverse course.

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

Rep. Notter spoke against.

Rep. Shepardson spoke in favor.

Rep. Tucker requested a roll call; sufficiently seconded.

YEAS 203 - NAYS 127

YEAS - 203

BELKNAP

Fields, Dennis
Vadney, Herbert

Flanders, Donald

Gallagher, Brian

Russell, David

CARROLL

Buco, Thomas
Parker, Harold

Butler, Edward
Schmidt, Stephen

Chandler, Gene
Ticehurst, Susan

McConkey, Mark
Umberger, Karen

CHESHIRE

Abbott, Michael
Chase, Cynthia
Mann, John
Shepardson, Marjorie
Weber, Lucy

Ames, Richard
Eaton, Daniel
Pearson, William
Sterling, Franklin

Berch, Paul
Johnsen, Gladys
Robertson, Timothy
Tatro, Bruce

Bordenet, John
Ley, Douglas
Sad, Tara
Tilton, Benjamin

COOS

Fothergill, John
Theberge, Robert

Froburg, Alethea
Tholl, John

Moynihan, Wayne
Thomas, Yvonne

Richardson, Herbert

GRAFTON

Abel, Richard
Ford, Susan
Ladd, Rick
Shackett, Jeffrey
White, Andrew

Almy, Susan
Hennessey, Erin
Maes, Kevin
Smith, Suzanne

Bailey, Brad
Hennessey, Martha
Massimilla, Linda
Sykes, George

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

HILLSBOROUGH

Backus, Robert
Belanger, James
Cote, David
Flanagan, Jack
Gorman, Mary
Hansen, Peter
Hinch, Richard
Long, Patrick
McCarthy, Peggy
Peterson, Ken
Roberts, Carol
Shattuck, Gilman
Soucy, Timothy
Walsh, Robert

Balcom, John
Brown, Pamela
DiSilvestro, Linda
Freitas, Mary
Guerette, C. Lee
Harvey, Suzanne
Jack, Martin
Mangipudi, Latha
McNamara, Richard
Pierce, David
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Daniel
Williams, Kermit

Baroody, Benjamin
Cohen, Alan
Donovan, Daniel
Gidge, Kenneth
Haefner, Robert
Heath, Mary
LeBrun, Donald
Manley, Jonathan
O'Brien, Michael
Porter, Marjorie
Rowe, Robert
Smith, Timothy
Takesian, Charlene
Wolf, Terry

Beaulieu, Jane
Cornell, Patricia
Edwards, Elizabeth
Goley, Jeffrey
Hansberry, Daniel
Herbert, Christopher
Leishman, Peter
Marston, Dick
Pellegrino, Anthony
Proulx, Mark
Seidel, Carl
Snow, Kendall
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Deloge, Helen
French, Barbara
Hirsch, Geoffrey
Luneau, David
Ratzki, Mario
Schuett, Dianne
Wheeler, Deborah

Bartlett, Christy
Doherty, David
Gile, Mary
Kenison, Linda
MacKay, James
Rice, Chip
Shurtleff, Stephen

Bradley, Paula
Ebel, Karen
Henle, Paul
Kidder, David
Moffett, Howard
Rogers, Katherine
Turcotte, Alan

Carson, Clyde
Frazer, June
Hess, David
Long, Douglas
Myler, Mel
Saunderson, George
Walsh, Thomas

ROCKINGHAM

Abrami, Patrick
Cahill, Michael
Christie, Andrew
DiFranco, Debbie

Azarian, Gary
Cali-Pitts, Jacqueline
Cushing, Robert
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Berrien, Skip
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Borden, David
Chase, Francis
Devine, James
Friel, William

Gordon, Pamela
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Major, Norman
McMahon, Charles
Packard, Sherman
Sytek, John

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Peckham, Michele
Webb, James

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Lovejoy, Patricia
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O'Connor, John
Simpson, Alexis
Welch, David

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Burton, Wayne
Kaen, Naida
Spang, Judith
Wall, Janet

Berube, Roger
DiSesa, Len
Rollo, Deanna
Sprague, Dale

Bickford, David
Gray, James
Schmidt, Peter
Stevens, Audrey

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

SULLIVAN

Cloutier, John
Irwin, Virginia

Gagnon, Raymond
Oxenham, Lee

Gottling, Suzanne
Schmidt, Andrew

Grenier, James
Smith, Steven

NAYS - 127

BELKNAP

Aldrich, Glen
Hurt, George
Tilton, Franklin

Dumais, Russell
LeBreche, Shari

Fraser, Valerie
Spanos, Peter

Howard, Jr., Raymond
Sylvia, Michael

CARROLL

Avellani, Lino
Nelson, Bill

Comeau, Ed
Wright, Ted

Cordelli, Glenn

McCarthy, Frank

CHESHIRE

Hunt, John

McConnell, James

COOS

Rappaport, Laurence

Rideout, Leon

GRAFTON

Brown, Duane
Ingbertson, Paul

Darrow, Stephen
Johnson, Eric

Gionet, Edmond

Hull, Robert

HILLSBOROUGH

Adams, Christopher
Boehm, Ralph
Christensen, Chris
Eastman, Eric
Gagne, Larry
Halstead, Carolyn
McLean, Mark
Notter, Jeanine
Rice, Kimberly
Simmons, Tammy
Twombly, Timothy

Ammon, Keith
Bouldin, Amanda
Christiansen, Lars
Edelblut, Frank
Gonzalez, Carlos
Hogan, Edith
Moore, Josh
Ober, Russell
Rouillard, Claire
Smith, Gregory
Ulery, Jordan

Barry, Richard
Burt, John
Christie, Rick
Estevez, Eric
Gould, Linda
Hopper, Gary
Murotake, David
Ohm, Bill
Sanborn, Laurie
Sullivan, Victoria

Biggie, Barbara
Byron, Frank
Coffey, James
Ferreira, Elizabeth
Griffin, Barbara
Lachance, Joseph
Murphy, Keith
Parison, James
Schleien, Eric
Sweeney, Shawn

MERRIMACK

Brewster, Michael
Horn, Werner
Marple, Richard
Parent, Jason

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

Hill, Gregory
Kotowski, Frank
McGuire, Carol

Hoell, J.R.
Kuch, Bill
McGuire, Dan

ROCKINGHAM

Abramson, Max
Bush, Carol
Duarte, Joe
Green, Dennis
Kappler, Lawrence
Schroadter, Adam
Tilton, Rio
Ward, Joanne

Baldasaro, Alfred
Chirichiello, Brian
Emerick, J. Tracy
Harris, Jeffrey
Potucek, John
Spillane, James
True, Chris
Weyler, Kenneth

Barnes, Arthur
Cook, Allen
Ferrante, Beverly
Hodgdon, Bruce
Prudhomme-O'Brien, Katherine
Tamburello, Daniel
Tucker, Pamela

Bates, David
Dean-Bailey, Yvonne
Gannon, William
Itse, Daniel
Rice, Frederick
Thomas, Douglas
Vose, Michael

STRAFFORD

Beaudoin, Steven
Groen, Warren
Leeman, Don
Wuelper, Kurt

Cheney, Catherine
Hannon, Joseph
Mullen, John

DeLemus, Susan
Jones, Laura
Pitre, Joseph

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

SULLIVAN

Converse, Larry

Laware, Thomas

Rollins, Skip

and the majority committee report was adopted.

HB 1470-FN, permitting additional site evaluation committee membership from towns or cities affected by an application. **INEXPEDIENT TO LEGISLATE.**

Rep. Glen Aldrich for Science, Technology and Energy. This bill would add an indeterminate and varying number of new members to the Site Evaluation Committee depending on how many municipalities a proposed project passes through. However, estimates projected as many as fifty or more could qualify for membership, thereby making it difficult to get things done. Two years ago we reduced the number on the committee from fourteen to nine, partly because it was unwieldy at the larger number. Also, since the additional members would qualify for mileage reimbursement for multiple meetings, they would add cost to the operations of the committee. For these and other reasons the committee felt this bill unnecessary. Vote 18-1.

Committee report adopted.

HB 1479, establishing a broadband study committee. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Douglas Thomas for the Majority of Science, Technology and Energy. This bill would establish a broadband study committee. Though there is a need for better access to broadband, particularly in rural areas, this is not new news and studies have already been done on the same issue. The Telecommunications Planning and Development Advisory Committee, with input from the Information Technology Council, has produced a report with some 37 recommendations. These committees should be allowed to progress with their study and possible implementation of recommendations. The majority felt that establishing another study to study the report would not produce anything new. To avoid “beating a dead horse,” the committee opposes passage of this bill. Vote 13-8.

Rep. Charles Townsend for the Minority of Science, Technology and Energy. Legislation is needed to move ahead on the 37 specific recommendations in the report, Broadband 2015: The Connection to New Hampshire’s Future. This 84 page report was the result of years of work by the NH Geographically Referenced Analysis and Information Transfer System (GRANIT), UNH Earth Systems Research Center, the Office of Energy and Planning, the Department of Economic Development, UNH Cooperative Extension, regional planning commissions, and other partners. The report, released in the fall of 2015, documents the opportunities that broadband provides to small businesses, public safety, health care, and education. It also documents areas in which broadband availability is limited and the work that remains to be done to bring broadband to all areas in our state. A broadband committee will be able to study the recommendations, interview the report contributors, and determine legislation that will be successful in enacting the recommendations of this important report.

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

Rep. Ratzki spoke against.

Rep. Douglas Thomas spoke in favor.

On a division vote, with 184 members having voted in the affirmative, and 128 in the negative, the majority committee report was adopted.

HB 1659, relative to the implementation of the clean power state implementation plan. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Jeanine Notter for the Majority of Science, Technology and Energy. This bill would have prohibited the Department of Environmental Services (DES) from spending money to develop a plan to implement the US Environmental Protection Agency’s (EPA) Clean Power Plan (CPP) until the courts ruled on its legality. The bill’s sponsor argued that it also provided a way for the state to protest the continued unchecked rise of the administrative state and its mandate to create rules that seriously impact our citizens without the accountability of the ballot box. DES testified that the bill could possibly affect its ability to accept and expend federal grant dollars. With the state already in compliance with the CPP’s emission caps due to participation in the Regional Greenhouse Gas Initiative (RGGI) program, coupled with the US Supreme Court’s early February stay of the CPP, the committee felt the bill was not necessary at this time. Vote 20-1.

Rep. Michael Vose for the Minority of Science, Technology and Energy. This proposed legislation directed the state to delay action on a state implementation strategy to comply with the EPA’s Clean Power Plan (CPP) until the rule’s constitutionality was established. Many legal scholars had predicted that the EPA had exceeded the legislative authority granted by the federal Clean Air Act. In early February, the US Supreme Court halted the implementation of the CPP pending the resolution of legal challenges, making this bill less urgent. The EPA, meanwhile, stated that states could “voluntarily” develop their own compliance plans.

Majority committee report adopted.

HB 1691-FN, making certain changes to the renewable portfolio standard. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Herbert Richardson for the Majority of Science, Technology and Energy. This bill seeks to revise the Renewable Portfolio Standard (RPS), ostensibly to reduce ratepayer cost. However, the majority of the committee determined that the bill had serious unintended consequences and could raise rates. The RPS is the cornerstone of New Hampshire's clean energy policy, providing a strong market signal that New Hampshire is receptive to and encourages electric and thermal energy development. Among the serious issues in the bill was the fact the bill actually repealed the RPS in 2020. In addition, the committee learned through testimony, which was later documented and supported by the Public Utilities Commission, that the bill could significantly increase ratepayer costs by the changes suggested in the thermal requirements of the law. Finally, we heard from an overwhelming number of stakeholders that the bill was flawed as it would subsidize out-of-state renewable facilities and would send the wrong signal to investors and the markets. The RPS is working to achieve its goals, including job creation and retention, and helps to position New Hampshire as a leader in clean energy development. Efforts to terminate or weaken the program send the wrong message to the industry. The majority believes the RPS functions as it was originally intended, helping New Hampshire reduce its dependence on imported fossil energy over which we have no control, keeping energy dollars in-state, and moving our economy towards more sustainable, local, and cleaner sources for electricity and heat. Vote 13-8.

Rep. Michael Vose for the Minority of Science, Technology and Energy. This bill, as amended, sought to lower electricity costs in our state by making some small adjustments to the Renewal Portfolio Standard (RPS) statute. The adjustments include: (1) increasing the number of renewable energy credits (RECs) available for purchase by NH utilities, and (2) keeping more of the RECs generated by in-state suppliers inside our borders. Keeping RECs inside our borders is an often overlooked issue. Today, utilities in Massachusetts, Rhode Island, and Connecticut are buying RECs from NH-based generators and claiming them as their own. When these RECS are sold out-of-state, the renewability benefit belongs to the state where the REC is counted. It is no coincidence that the nine states in the US with the highest electric rates are all RPS states. This bill provided an opportunity to bend the cost curve of RPS in New Hampshire in a downward direction while allowing the state to move closer to its renewable energy goals.

Majority committee report adopted.

HB 1288, relative to the National Guard force protection policy. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Alfred Baldasaro for the Majority of State-Federal Relations and Veterans Affairs. This bill was introduced to give the Adjutant General greater powers to arm certain military personnel at various state military installations, to assist in the state's force protection policy. Right now, the Law Enforcement Officer's Safety Act of 2004 authorizes the arming of federal military installations, not our National Guard and Air National Guard area state installations. We believe that under Article 10 of the US Constitution (states' rights) we have the authority to make changes to our New Hampshire laws pertaining to state owned bases. In Part 2 of the NH Constitution, the Senate and House have the supreme power to enact laws to ensure that our National Guard and Air National Guard have the tools necessary for the protection of all state bases. Part 2, Article 51 gives the power to the Governor, who is the Commander in Chief, to execute the laws of the state and of the United States. This legislation seeks to put this responsibility in state law, to ensure our Adjutant General has the tools necessary to be sure that he identifies members of the military (state) to be armed so they can protect themselves in case of a terrorist attack. Vote 10-3.

Rep. Kris Roberts for the Minority of State-Federal Relations and Veterans Affairs. The minority believe that this bill is an over stepping of the constitutional separation of powers. The National Guard and Air National Guard fall under the command and control of the Governor as Commander in Chief. When a citizen becomes a member of the armed forces he or she gives up some rights. It is up to the facilities commander to determine if he or she will allow service members to bring personal weapons upon such facilities. If the commander allows service members to bring personal weapons on military facilities he or she must develop a force protection plan in case that service member choses to use that weapon on another service member(s). As history has shown, even the best training shooters have problems keeping bullets on target during firing. Just allowing someone to carry a weapon does not ensure safety. All military commanders have a force protection plan.

Majority Amendment (0241h)

Amend RSA 110-B:28, VII as inserted by section 1 of the bill by replacing it with the following:

VII. Any force protection policy adopted by the adjutant general shall permit members of the guard to carry a concealed pistol or revolver upon their person in accordance with the rules, regulations, and training requirements prescribed by the adjutant general.

2016-0241h
AMENDED ANALYSIS

This bill provides that any force protection policy adopted by the New Hampshire national guard shall permit members of the guard to carry concealed weapons at national guard facilities in accordance with rules prescribed by the adjutant general.

Majority committee amendment adopted.

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

Rep. Kris Roberts spoke against.

Rep. Baldasaro spoke in favor and yielded to questions.

(Rep. Packard in the Chair)

Rep. Murphy requested a roll call; sufficiently seconded.

YEAS 188 - NAYS 129

**YEAS - 188
BELKNAP**

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

Dumais, Russell
Gallagher, Brian
Russell, David
Vadney, Herbert

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

Flanders, Donald
Hurt, George
Sylvia, Michael

CARROLL

Avellani, Lino
McCarthy, Frank
Schmidt, Stephen

Buco, Thomas
McConkey, Mark
Wright, Ted

Comeau, Ed
Nelson, Bill

Cordelli, Glenn
Parker, Harold

CHESHIRE

Hunt, John

McConnell, James

Tilton, Benjamin

COOS

Fothergill, John

Richardson, Herbert

Rideout, Leon

Tholl, John

GRAFTON

Bailey, Brad
Hull, Robert

Darrow, Stephen
Johnson, Eric

Gionet, Edmond
Ladd, Rick

Hennessey, Erin
Shackett, Jeffrey

HILLSBOROUGH

Adams, Christopher
Belanger, James
Burt, John
Christie, Rick
Edelblut, Frank
Flanagan, Jack
Gould, Linda
Herbert, Christopher
Infantine, William
McCarthy, Peggy
Murphy, Keith
Palmer, Barry
Proulx, Mark
Sanborn, Laurie
Smith, Gregory
Twombly, Timothy

Ammon, Keith
Biggie, Barbara
Byron, Frank
Coffey, James
Edwards, Elizabeth
Gagne, Larry
Griffin, Barbara
Hinch, Richard
Lachance, Joseph
McLean, Mark
Notter, Jeanine
Parison, James
Rice, Kimberly
Schleien, Eric
Sullivan, Victoria
Ulery, Jordan

Balcom, John
Boehm, Ralph
Christensen, Chris
Donovan, Daniel
Estevez, Eric
Gidge, Kenneth
Haefner, Robert
Hogan, Edith
LeBrun, Donald
Moore, Josh
Ober, Lynne
Pellegrino, Anthony
Rouillard, Claire
Seidel, Carl
Sweeney, Shawn
Wolf, Terry

Barry, Richard
Bouldin, Amanda
Christiansen, Lars
Eastman, Eric
Ferreira, Elizabeth
Gonzalez, Carlos
Halstead, Carolyn
Hopper, Gary
Leishman, Peter
Murotake, David
Ohm, Bill
Peterson, Ken
Rowe, Robert
Simmons, Tammy
Takesian, Charlene

MERRIMACK

Brewster, Michael
Hill, Gregory
Long, Douglas
McGuire, Dan

French, Barbara
Hoell, J.R.
Marple, Richard
Seaworth, Brian

French, Harold
Horn, Werner
Martin, John
Turcotte, Alan

Hess, David
Kotowski, Frank
McGuire, Carol
Walsh, Thomas

ROCKINGHAM

Abrami, Patrick
Bates, David
Chirichiello, Brian
DeSimone, Debra
Emerick, J. Tracy
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Hoelzel, Kathleen
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Abramson, Max
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Doucette, Fred
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Chase, Francis
Dean-Bailey, Yvonne
Duarte, Joe
Gannon, William
Hodgdon, Bruce
Katsakiores, Phyllis
McKinney, Betsy

McMahon, Charles
Peckham, Michele
Spillane, James
True, Chris
Welch, David

Nigrello, Robert
Potucek, John
Sytek, John
Tucker, Pamela
Weyler, Kenneth

O'Connor, John
Prudhomme-O'Brien, Katherine
Thomas, Douglas
Vose, Michael

Osborne, Jason
Schroadter, Adam
Tilton, Rio
Ward, Joanne

STRAFFORD

Beaudoin, Steven
DeLemus, Susan
Jones, Laura
Pitre, Joseph

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

Bickford, David
Groen, Warren
Leeman, Don
Wuelper, Kurt

Cheney, Catherine
Hannon, Joseph
Mullen, John

SULLIVAN

Converse, Larry
Smith, Steven

Grenier, James

Laware, Thomas

Rollins, Skip

NAYS - 129

CARROLL

Butler, Edward

Ticehurst, Susan

Umberger, Karen

CHESHIRE

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

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

Berch, Paul
Johnsen, Gladys
Roberts, Kris
Tatro, Bruce

Bordenet, John
Ley, Douglas
Robertson, Timothy
Weber, Lucy

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Hatch, William

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Theberge, Robert

Thomas, Yvonne

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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
Cohen, Alan
Goley, Jeffrey
Heath, Mary
Manley, Jonathan
Pierce, David
Smith, Timothy
Vann, Ivy

Baroody, Benjamin
Cornell, Patricia
Gorman, Mary
Jack, Martin
McNamara, Richard
Roberts, Carol
Snow, Kendall
Walsh, Robert

Beaulieu, Jane
Cote, David
Hansberry, Daniel
Long, Patrick
O'Brien, Michael
Rosenwald, Cindy
Soucy, Timothy
Williams, Kermit

Brown, Pamela
Freitas, Mary
Harvey, Suzanne
Mangipudi, Latha
Ober, Russell
Shaw, Barbara
Sullivan, Daniel

MERRIMACK

Alicea, Caroletta
Deloge, Helen
Gile, Mary
Kenison, Linda
MacKay, James
Rice, Chip
Wheeler, Deborah

Bartlett, Christy
Doherty, David
Henle, Paul
Kidder, David
Moffett, Howard
Saunderson, George

Bradley, Paula
Ebel, Karen
Hirsch, Geoffrey
Kuch, Bill
Myler, Mel
Schuett, Dianne

Carson, Clyde
Frazer, June
Karrick, David
Luneau, David
Ratzki, Mario
Shurtleff, Stephen

ROCKINGHAM

Azarian, Gary
Cali-Pitts, Jacqueline
Gordon, Pamela
Milz, David
Ward, Gerald

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

Borden, David
DiFranco, Debbie
Lovejoy, Patricia
Rice, Frederick

Cahill, Michael
Francesca, Paula
McBeath, Rebecca
Simpson, Alexis

STRAFFORD

Baber, William
Gray, James
Schmidt, Peter
Treleaven, Susan

Bixby, Peter
Horrigan, Timothy
Southworth, Thomas
Wall, Janet

Burton, Wayne
Kaen, Naida
Spang, Judith

DiSesa, Len
Rollo, Deanna
Stevens, Audrey

SULLIVAN

Cloutier, John
Oxenham, Lee

Gagnon, Raymond
Schmidt, Andrew

Gottling, Suzanne

Irwin, Virginia

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

HB 1132, relative to carrying a rifle or shotgun in certain vehicles. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Steven Smith for the Majority of Transportation. This bill allows hunters and sportsmen to have ammunition in their guns in their vehicles. This bill enhances safety by reducing the number of times the weapon is unloaded and reloaded. The committee amendment requires the safety to be on, and the chamber empty. Vote 11-9.

Rep. George Sykes for the Minority of Transportation. This bill, as amended, changes an existing Fish and Game law which currently prohibits a loaded rifle or shotgun in a vehicle. The amendment allows a rifle or shotgun in the vehicle when there is ammunition in the magazine, none in the chamber and the safety is on. NH Fish and Game, NH Department of Safety and the NH Guide Association were all opposed to the original bill, and they had no opportunity to comment on the amendment. There was no compelling testimony showing why this change was necessary.

Majority Amendment (0701h)

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

AN ACT relative to carrying a loaded rifle or loaded shotgun in certain vehicles.

Amend the bill by replacing section 1 with the following:

1 Hunting From a Motor Vehicle, OHRV, Snowmobile, Boat, or Aircraft. Amend RSA 207:7 to read as follows:
207:7 Hunting From Motor Vehicle, OHRV, Snowmobile, Boat, or Aircraft.

I. No person shall take or attempt to take wild birds or wild animals from a motor vehicle, OHRV, snowmobile as defined in RSA 215-C:1, boat, aircraft or other craft propelled by mechanical power.

II. No person shall have or carry, in or on a motor vehicle, OHRV, snowmobile, or aircraft, whether moving or stationary, a cocked crossbow, **or** a loaded rifle or loaded shotgun[, ~~or a rifle or shotgun with a cartridge in a magazine or clip attached to the gun~~] **that has a round in the chamber and the safety in the off position.**

III. No person shall have in or on a boat or other craft while being propelled by mechanical power, or in a boat or other craft being towed by a boat or other craft propelled by mechanical power, a cocked crossbow, **or** a loaded rifle or loaded shotgun[, ~~or a rifle or shotgun with a cartridge in a magazine or clip attached to the gun~~] **that has a round in the chamber and the safety in the off position.**

IV. The provisions of this section shall not apply to law enforcement officers carrying guns in the line of duty.

2016-0701h

AMENDED ANALYSIS

This bill prohibits carrying in a motor vehicle, OHRV, snowmobile, aircraft, or boat, a loaded rifle or loaded shotgun that has a round in the chamber and the safety in the off position.

Rep. Steven Smith spoke in favor.

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

YEAS 196 - NAYS 120**YEAS - 196
BELKNAP**

Fields, Dennis
LeBreche, Shari

Flanders, Donald
Spanos, Peter

Gallagher, Brian
Tilton, Franklin

Hurt, George

CARROLL

Butler, Edward
Schmidt, Stephen

McCarthy, Frank
Ticehurst, Susan

McConkey, Mark
Umberger, Karen

Parker, Harold

CHESHIRE

Abbott, Michael
Johnsen, Gladys
Robertson, Timothy
Weber, Lucy

Ames, Richard
Ley, Douglas
Sad, Tara

Berch, Paul
Mann, John
Shepardson, Marjorie

Eaton, Daniel
Pearson, William
Tatro, Bruce

COOS

Fothergill, John
Rideout, Leon

Hatch, William
Theberge, Robert

Moynihan, Wayne
Tholl, John

Richardson, Herbert
Thomas, Yvonne

GRAFTON

Abel, Richard
Gionet, Edmond
Ladd, Rick
Shackett, Jeffrey

Almy, Susan
Hennessey, Erin
Maes, Kevin
Smith, Suzanne

Bailey, Brad
Hennessey, Martha
Massimilla, Linda
Sykes, George

Ford, Susan
Higgins, Patricia
Piper, Wendy
White, Andrew

HILLSBOROUGH

Balcom, John
Brown, Pamela
Donovan, Daniel
Freitas, Mary
Gorman, Mary
Harvey, Suzanne
Hopper, Gary
Long, Patrick
Moore, Josh
Parison, James
Porter, Marjorie
Smith, Timothy
Sweeney, Shawn
Williams, Kermit

Baroody, Benjamin
Christensen, Chris
Eastman, Eric
Gagne, Larry
Haefner, Robert
Heath, Mary
Infantine, William
Mangipudi, Latha
O'Brien, Michael
Pellegrino, Anthony
Roberts, Carol
Snow, Kendall
Takesian, Charlene
Wolf, Terry

Barry, Richard
Cornell, Patricia
Edwards, Elizabeth
Goley, Jeffrey
Halstead, Carolyn
Herbert, Christopher
Jack, Martin
Manley, Jonathan
Ober, Russell
Peterson, Ken
Rosenwald, Cindy
Soucy, Timothy
Vann, Ivy

Beaulieu, Jane
Cote, David
Flanagan, Jack
Gonzalez, Carlos
Hansberry, Daniel
Hinch, Richard
Leishman, Peter
McNamara, Richard
Palmer, Barry
Pierce, David
Shaw, Barbara
Sullivan, Daniel
Walsh, Robert

MERRIMACK

Alicea, Caroletta
Ebel, Karen
Hess, David
Karrick, David
Luneau, David
Myler, Mel
Schuett, Dianne

Bartlett, Christy
Frazer, June
Hill, Gregory
Kenison, Linda
MacKay, James
Ratzki, Mario
Shurtleff, Stephen

Carson, Clyde
French, Harold
Hirsch, Geoffrey
Kotowski, Frank
Marple, Richard
Rice, Chip
Turcotte, Alan

Doherty, David
Gile, Mary
Horn, Werner
Long, Douglas
Moffett, Howard
Saunderson, George
Walsh, Thomas

ROCKINGHAM

Abrami, Patrick
Chirichiello, Brian
Devine, James
Gordon, Pamela
Katsakiores, Phyllis
Matthews, Carolyn
Nigrello, Robert
Simpson, Alexis

Berrien, Skip
Christie, Andrew
DiFranco, Debbie
Griffin, Mary
Kolodziej, Walter
McBeath, Rebecca
O'Connor, John
Sytek, John

Borden, David
Cook, Allen
Francese, Paula
Heffron, Frank
Lovejoy, Patricia
McMahon, Charles
Pantelakos, Laura
Ward, Gerald

Cahill, Michael
DeSimone, Debra
Friel, William
Hoelzel, Kathleen
Major, Norman
Milz, David
Peckham, Michele
Weyler, Kenneth

STRAFFORD

Baber, William
Bixby, Peter
Kaen, Naida
Rollo, Deanna
Sprague, Dale
Wuelper, Kurt

Beaudoin, Steven
Burton, Wayne
Leeman, Don
Schmidt, Peter
Stevens, Audrey

Berube, Roger
Gray, James
Mullen, John
Southworth, Thomas
Treleaven, Susan

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

SULLIVAN

Cloutier, John
Grenier, James
Schmidt, Andrew

Converse, Larry
Irwin, Virginia
Smith, Steven

Gagnon, Raymond
Laware, Thomas

Gottling, Suzanne
Oxenham, Lee

NAYS - 120**BELKNAP**

Aldrich, Glen
Russell, David

Dumais, Russell
Sylvia, Michael

Fraser, Valerie
Vadney, Herbert

Howard, Jr., Raymond

CARROLL

Avellani, Lino
Nelson, Bill

Buco, Thomas
Wright, Ted

Comeau, Ed

Cordelli, Glenn

CHESHIRE

Bordenet, John

Chase, Cynthia

Hunt, John

McConnell, James

GRAFTON

Cooney, Mary
Johnson, Eric

Darrow, Stephen
Townsend, Charles

Hull, Robert

Ingbretson, Paul

HILLSBOROUGH

Adams, Christopher
Biggie, Barbara
Byron, Frank
Cohen, Alan
Gidge, Kenneth

Ammon, Keith
Boehm, Ralph
Christiansen, Lars
Edelblut, Frank
Gould, Linda

Backus, Robert
Bouldin, Amanda
Christie, Rick
Estevez, Eric
Griffin, Barbara

Belanger, James
Burt, John
Coffey, James
Ferreira, Elizabeth
Hogan, Edith

Lachance, Joseph
McLean, Mark
Ober, Lynne
Rouillard, Claire
Seidel, Carl
Twombly, Timothy

LeBrun, Donald
Murotake, David
Ohm, Bill
Rowe, Robert
Simmons, Tammy
Ulery, Jordan

Marston, Dick
Murphy, Keith
Proulx, Mark
Sanborn, Laurie
Smith, Gregory

McCarthy, Peggy
Notter, Jeanine
Rice, Kimberly
Schleien, Eric
Sullivan, Victoria

MERRIMACK

Bradley, Paula
Hoell, J.R.
McGuire, Carol

Brewster, Michael
Kidder, David
McGuire, Dan

Deloge, Helen
Kuch, Bill
Seaworth, Brian

French, Barbara
Martin, John
Wheeler, Deborah

ROCKINGHAM

Abramson, Max
Bates, David
Chase, Francis
Duarte, Joe
Green, Dennis
McKinney, Betsy
Schroadter, Adam
True, Chris
Welch, David

Azarian, Gary
Bush, Carol
Cushing, Robert
Emerick, J. Tracy
Harris, Jeffrey
Osborne, Jason
Spillane, James
Tucker, Pamela

Baldasaro, Alfred
Cali-Pitts, Jacqueline
Dean-Bailey, Yvonne
Ferrante, Beverly
Hodgdon, Bruce
Potucek, John
Thomas, Douglas
Vose, Michael

Barnes, Arthur
Cardon, G. Thomas
Doucette, Fred
Gannon, William
Kappler, Lawrence
Prudhomme-O'Brien, Katherine
Tilton, Rio
Ward, Joanne

STRAFFORD

Cheney, Catherine
Groen, Warren
Turcotte, Leonard

DeLemus, Susan
Hannon, Joseph

DiSesa, Len
Jones, Laura

Graham, Robert
Kaczynski, Jr., Thomas

SULLIVAN

Rollins, Skip

and the majority committee amendment was adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Proulx offered floor amendment (0939h).

Floor Amendment (0939h)

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

AN ACT relative to carrying a loaded rifle or loaded shotgun in certain vehicles.

Amend the bill by replacing section 1 with the following:

1 Hunting From a Motor Vehicle, OHRV, Snowmobile, Boat, or Aircraft. Amend RSA 207:7 to read as follows:
207:7 Hunting From Motor Vehicle, OHRV, Snowmobile, Boat, or Aircraft.

I. No person shall take or attempt to take wild birds or wild animals from a motor vehicle, OHRV, snowmobile as defined in RSA 215-C:1, boat, aircraft or other craft propelled by mechanical power.

II. No person shall have or carry, in or on a motor vehicle, OHRV, snowmobile, or aircraft, whether moving or stationary, a cocked crossbow, **or** a loaded rifle or loaded shotgun, ~~or a rifle or shotgun with a cartridge in a magazine or clip attached to the gun~~ **that has the safety in the off position.**

III. No person shall have in or on a boat or other craft while being propelled by mechanical power, or in a boat or other craft being towed by a boat or other craft propelled by mechanical power, a cocked crossbow, **or** a loaded rifle or loaded shotgun, ~~or a rifle or shotgun with a cartridge in a magazine or clip attached to the gun~~ **that has the safety in the off position.**

IV. The provisions of this section shall not apply to law enforcement officers carrying guns in the line of duty.

2016-0939h

AMENDED ANALYSIS

This bill prohibits carrying in a motor vehicle, OHRV, snowmobile, aircraft, or boat, a loaded rifle or loaded shotgun that has the safety in the off position.

Rep. Proulx spoke in favor.

Rep. Steven Smith spoke against.

Floor amendment (0939h) failed.

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

Rep. Sykes spoke against.

Rep. Proulx spoke in favor.

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

On a division vote, with 183 members having voted in the affirmative, and 129 in the negative, the majority committee report was adopted and ordered to third reading.

(Speaker Jasper in the Chair)**HB 1154-FN, authorizing and regulating the use of license plate scanning devices. OUGHT TO PASS WITH AMENDMENT.**

Rep. Werner Horn for Transportation. The practice of checking license plates to determine if the vehicle has been involved in a crime exists currently. This legislation allows law enforcement officers to utilize technology to become more efficient in this practice. The plate readers only capture an image of the plate. The database it is compared to is locally controlled, and if the plate being read isn't in the database the image is deleted after three minutes. The amendment adds a reference to the state police and it changes references to vehicles, rather than persons. The amendment also adds additional safeguards to prevent captured data from being transmitted anywhere and ensures that such data is destroyed after purging and not used or shared for any other purpose. The ability to utilize this technology will make law enforcement more efficient and increases their ability to respond to critical incidents. Vote 13-4.

Amendment (0418h)

Amend RSA 261:75-b, II as inserted by section 2 of the bill by replacing it with the following:

II. Authority to obtain and issue LPR devices and to administer a documented training process for acquiring proficiency in their operation and compliance with federal and state regulations and other appropriate legal mandates shall be vested in the head of the state police or the chief of police, director, county sheriff, or other head of a law enforcement agency or his or her designee. Only devices authorized by the head of the law enforcement agency shall be approved for its use by its officers and the devices shall be maintained in accordance with the manufacturer's recommendations. Such policy or policies shall conform to the requirements of this chapter.

Amend RSA 261:75-b, V as inserted by section 2 of the bill by replacing it with the following:

V. LPR operation and access to LPR collected data shall be for official law enforcement purposes only. LPR devices shall only be used to scan, detect, and identify license plate numbers for the purpose of identifying:

- (a) Stolen vehicles.
- (b) Vehicles associated with wanted, missing, or endangered persons.
- (c) Vehicles registered to a person against whom there is an outstanding warrant.
- (d) Vehicles registered to persons whose drivers' licenses, driving privileges, or vehicle registrations are under suspension or revocation.
- (e) Vehicles registered to persons suspected of criminal or terrorist acts, transportation of stolen items or contraband, or motor vehicle violations.
- (f) Vehicles in violation of commercial trucking requirements.
- (g) Vehicles involved in case-specific criminal investigative surveillance.
- (h) Vehicles involved in homicides, shootings, and other major crimes or incidents.
- (i) Vehicles in the vicinity of a recent crime that may be connected to the crime.

Amend RSA 261:75-b, VIII as inserted by section 2 of the bill by replacing it with the following:

VIII. Records of number plates read by each LPR shall not be recorded or transmitted anywhere and shall be purged from the system within 3 minutes of their capture in such a manner that they are destroyed and are not recoverable, unless an alarm resulted in an arrest, a citation, or protective custody, or identified a vehicle that was the subject of a missing person or wanted broadcast, in which case the data on the particular number plate may be retained until final court disposition of the case. Captured license plate data obtained for the purposes described in paragraph V shall not be used or shared for any other purpose.

Committee amendment adopted.

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

Rep. Sylvia spoke against.

Rep. Horn spoke in favor.

Rep. Burt spoke against and yielded to questions.

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

YEAS 175 - NAYS 112

YEAS - 175**BELKNAP**

Dumais, Russell
Russell, David

Fields, Dennis
Tilton, Franklin

Flanders, Donald

Gallagher, Brian

CARROLL

Buco, Thomas
McConkey, Mark
Umberger, Karen

Butler, Edward
Parker, Harold

Cordelli, Glenn
Schmidt, Stephen

McCarthy, Frank
Ticehurst, Susan

CHESHIRE

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

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

Berch, Paul
Hunt, John
Sad, Tara

Bordenet, John
Johnsen, Gladys
Shepardson, Marjorie

COOS

Fothergill, John
Tholl, John

Moynihan, Wayne
Thomas, Yvonne

Richardson, Herbert

Theberge, Robert

GRAFTON

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

Almy, Susan
Hennessey, Martha
Piper, Wendy
White, Andrew

Cooney, Mary
Higgins, Patricia
Smith, Suzanne

Darrow, Stephen
Maes, Kevin
Sykes, George

HILLSBOROUGH

Backus, Robert
Biggie, Barbara
Cohen, Alan
Freitas, Mary
Gonzalez, Carlos
Hansberry, Daniel
Jack, Martin
McNamara, Richard
Palmer, Barry
Porter, Marjorie
Shaw, Barbara
Takesian, Charlene

Balcom, John
Brown, Pamela
Cornell, Patricia
Gagne, Larry
Gorman, Mary
Heath, Mary
Long, Patrick
Notter, Jeanine
Pellegrino, Anthony
Proulx, Mark
Snow, Kendall
Ulery, Jordan

Baroody, Benjamin
Christensen, Chris
Donovan, Daniel
Gidge, Kenneth
Haefner, Robert
Herbert, Christopher
Manley, Jonathan
O'Brien, Michael
Peterson, Ken
Roberts, Carol
Soucy, Timothy
Walsh, Robert

Beaulieu, Jane
Christiansen, Lars
Edelblut, Frank
Goley, Jeffrey
Halstead, Carolyn
Hinch, Richard
Marston, Dick
Ober, Lynne
Pierce, David
Shattuck, Gilman
Sullivan, Daniel

MERRIMACK

Alicea, Caroletta
Deloge, Helen
Henle, Paul
Kotowski, Frank
Ratzki, Mario
Shurtleff, Stephen

Bartlett, Christy
Doherty, David
Horn, Werner
Luneau, David
Rice, Chip
Wheeler, Deborah

Bradley, Paula
Ebel, Karen
Karrick, David
MacKay, James
Saunderson, George

Carson, Clyde
Frazer, June
Kenison, Linda
Myler, Mel
Schuett, Dianne

ROCKINGHAM

Abrami, Patrick
Cahill, Michael
DiFranco, Debbie
Friel, William
Kolodziej, Walter
McKinney, Betsy
O'Connor, John
Thomas, Douglas
Weyler, Kenneth

Azarian, Gary
Christie, Andrew
Doucette, Fred
Griffin, Mary
Major, Norman
McMahon, Charles
Pantelakos, Laura
Ward, Gerald

Barnes, Arthur
DeSimone, Debra
Ferrante, Beverly
Hoelzel, Kathleen
Matthews, Carolyn
Milz, David
Rice, Frederick
Ward, Joanne

Berrien, Skip
Devine, James
Francese, Paula
Katsakiores, Phyllis
McBeath, Rebecca
Nigrello, Robert
Sytek, John
Welch, David

STRAFFORD

Berube, Roger
DiSesa, Len
Rollo, Deanna
Sprague, Dale

Bickford, David
Gray, James
Schmidt, Peter
Stevens, Audrey

Burton, Wayne
Horrigan, Timothy
Southworth, Thomas
Treleaven, Susan

Cheney, Catherine
Kaen, Naida
Spang, Judith
Wall, Janet

SULLIVAN

Cloutier, John
Irwin, Virginia

Converse, Larry
Laware, Thomas

Gagnon, Raymond
Oxenham, Lee

Grenier, James
Smith, Steven

NAYS - 112**BELKNAP**

Aldrich, Glen
LeBreche, Shari

Fraser, Valerie
Spanos, Peter

Howard, Jr., Raymond
Sylvia, Michael

Hurt, George
Vadney, Herbert

CARROLL

Avellani, Lino

Comeau, Ed

Nelson, Bill

Wright, Ted

CHESHIRE

Ley, Douglas

McConnell, James

Roberts, Kris

Tilton, Benjamin

COOS

Rideout, Leon

GRAFTON

Hull, Robert

Ingbreton, Paul

Johnson, Eric

HILLSBOROUGH

Adams, Christopher
Burt, John
Edwards, Elizabeth
Griffin, Barbara
Lachance, Joseph
Moore, Josh
Ohm, Bill
Sanborn, Laurie
Smith, Gregory
Twombly, Timothy

Ammon, Keith
Byron, Frank
Estevez, Eric
Hansen, Peter
LeBrun, Donald
Murotake, David
Parison, James
Schleien, Eric
Smith, Timothy
Williams, Kermit

Belanger, James
Christie, Rick
Ferreira, Elizabeth
Hogan, Edith
McCarthy, Peggy
Murphy, Keith
Rice, Kimberly
Seidel, Carl
Sullivan, Victoria
Wolf, Terry

Boehm, Ralph
Eastman, Eric
Gould, Linda
Hopper, Gary
McLean, Mark
Ober, Russell
Rouillard, Claire
Simmons, Tammy
Sweeney, Shawn

MERRIMACK

Brewster, Michael
Kuch, Bill
McGuire, Dan

French, Harold
Long, Douglas
Seaworth, Brian

Hill, Gregory
Marple, Richard
Turcotte, Alan

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

ROCKINGHAM

Abramson, Max
Cardon, G. Thomas
Cushing, Robert
Gannon, William
Hodgdon, Bruce
Osborne, Jason
Spillane, James

Baldasaro, Alfred
Chase, Francis
Dean-Bailey, Yvonne
Green, Dennis
Introne, Robert
Packard, Sherman
Tilton, Rio

Bates, David
Chirichiello, Brian
Duarte, Joe
Harris, Jeffrey
Itse, Daniel
Peckham, Michele
True, Chris

Bush, Carol
Cook, Allen
Emerick, J. Tracy
Heffron, Frank
Kappler, Lawrence
Potucek, John
Vose, Michael

STRAFFORD

Beaudoin, Steven
Hannon, Joseph
Mullen, John

DeLemus, Susan
Jones, Laura
Pitre, Joseph

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

Groen, Warren
Leeman, Don
Wuelper, Kurt

SULLIVAN

Rollins, Skip

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

HB 1358, regulating engine idling of certain vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. Chris True for Transportation. While the majority of the committee does understand the desire to save on fuel usage by limiting excessive idling, this would be an unenforceable law that does not have any penalty for failure to obey the law. Vote 14-3.

Committee report adopted.

HB 1257, relative to revocation or suspension of a driver's license because of physical impairment. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas Walsh for Transportation. This bill would delay the DMV's ability to suspend a driver's license for a medical reason. A doctor would have to recommend suspension before DMV could act, bringing liability issues into play for the physician. The current practice allows for suspension with a prompt hearing and review of the medical circumstances. The majority of the committee believes changing this method could result in dangerous delays in responding to unsafe driving conditions. Vote 18-1.

Committee report adopted.

HB 1445-FN, relative to tinted windows on motor vehicles. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Larry Gagne for the Majority of Transportation. This bill allows aftermarket tinting of side windows, subject to an annual fee. The majority of the committee feels that the time has come for tinted side windows. Forty-six other states have allowed this and there have been no issues regarding the safety of law enforcement because the tinting (no more than 35%) is such that you can readily see inside the vehicle. This bill allows no more tint than our law enforcement officers currently encounter from the thousands of tourists coming to our state. Vote 12-6.

Rep. Michael O'Brien for the Minority of Transportation. This bill would allow aftermarket tinting of a vehicle's side windows (driver and passenger) up to a 35% limit of light transmittance. For years such a bill has come before the Transportation Committee to allow more tinting than what comes from the factory. The main opponents to this novelty are the New Hampshire Department of Safety and the New Hampshire

Association of Chiefs of Police. Their objection is one of officer safety. Therefore in support of the men and women who serve and protect, the minority opposes this bill as a matter of safety by not placing our law enforcement officers in a situation that could be deadly. Currently there is a system that would allow window tint for medical necessity at zero cost to the citizens. This bill upon passage will increase the consumers' cost to \$10 annually for each vehicle.

Majority committee report adopted and ordered to third reading.

HB 1509, relative to the definition of "houseboat." **INEXPEDIENT TO LEGISLATE.**

Rep. Michael O'Brien for Transportation. This bill would have changed the definition of a houseboat to eliminate a sailboat used by maritime youth training. This would have allowed such designated training craft overnight mooring. Current law does allow a vessel to be moored at night with a person awake and on watch. Vote 15-3.

Committee report adopted.

HB 1192-FN, repealing the education tax credit. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Bill Ohm for the Majority of Ways and Means. This bill represents a third attempt at repeal since the Education Tax Credit Scholarship program went into effect. The bill sponsors continue to contend that the program is unconstitutional which flies in the face of national legal outcomes with similar programs. Nationally, no court (up to and including the US Supreme Court) has ever ruled the programs violate the Constitution and that includes many who have the similar Blaine Amendment the NH Constitution contains. The committee heard testimony from the NH Department of Education and the NH Department of Revenue Administration each who reported that the program works smoothly, does not require additional personnel, and costs little to nothing to operate. Low income parents have high satisfaction reported and, best of all, 238 children to date have received scholarships and are attending to their schooling in places that fit their needs. As with ANY student in NH, rich or poor, with or without a scholarship, who attends a school other than the public school assigned to him/her, the state does not provide adequacy payments to that school district AND SO this program statewide has saved the NH state budget over \$300,000 since inception. The majority sees NO reason for the program to be discontinued. Vote 11-8.

Rep. Mary Cooney for the Minority of Ways and Means. This law has been in effect since June 27, 2012 with the passage of SB 372 (Ch. 287, Laws of 2012). The committee heard positive testimony from one of the families that had been able to utilize these small tax credits. Because the municipalities lose adequacy grants when they lose students due to this program, the net result is that the state has not seen a loss of revenue so far, but the towns have. The law was challenged in Superior Court on the basis of separation of church and state, but on appeal to the NH Supreme Court it was dismissed due to the plaintiffs having "no standing." Since there was no ruling on the constitutionality of the education tax credit that question still remains unchallenged. The minority believes this law is a backdoor to funding religious schools with New Hampshire business tax revenue. The other consideration is that businesses which take advantage of this law can deduct 85% of their donation amount directly from the Business Profits Tax and/or Business Enterprise Tax that they owe to the State of New Hampshire. They can also claim that same amount as a charitable deduction on their federal tax return. The result can be a net gain to the businesses, leaving them with no skin in the game. This tax credit essentially allows businesses to choose where their tax money goes, not the Legislature. Even though the amount of scholarships used at the present time is low, the law allows up to \$5.1 million to be used. When asked how the public schools could be improved to meet the needs of her other children, a participating mother replied, "Teachers should receive more respect, and the state should put more funding into the public schools."

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

Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 189 - NAYS 117

YEAS - 189

BELKNAP

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

Dumais, Russell
Gallagher, Brian
Russell, David
Vadney, Herbert

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

Flanders, Donald
Hurt, George
Sylvia, Michael

CARROLL

Avellani, Lino
McConkey, Mark
Ticehurst, Susan

Comeau, Ed
Nelson, Bill
Umberger, Karen

Cordelli, Glenn
Parker, Harold
Wright, Ted

McCarthy, Frank
Schmidt, Stephen

CHESHIRE

Hunt, John

Mann, John

McConnell, James

Tilton, Benjamin

COOSFothergill, John
Thomas, Yvonne

Richardson, Herbert

Rideout, Leon

Tholl, John

GRAFTONDarrow, Stephen
Ingbretson, PaulGionet, Edmond
Johnson, EricHennessey, Erin
Ladd, Rick

Hull, Robert

HILLSBOROUGHAdams, Christopher
Biggie, Barbara
Christensen, Chris
Donovan, Daniel
Estevez, Eric
Gould, Linda
Hansen, Peter
Lachance, Joseph
McLean, Mark
Notter, Jeanine
Palmer, Barry
Pierce, David
Sanborn, Laurie
Simmons, Tammy
Takesian, CharleneAmmon, Keith
Boehm, Ralph
Christiansen, Lars
Eastman, Eric
Ferreira, Elizabeth
Griffin, Barbara
Hinch, Richard
LeBrun, Donald
Moore, Josh
Ober, Lynne
Parison, James
Proulx, Mark
Schleien, Eric
Smith, Gregory
Twombly, TimothyBalcom, John
Burt, John
Christie, Rick
Edelblut, Frank
Gagne, Larry
Haefner, Robert
Hogan, Edith
Marston, Dick
Murotake, David
Ober, Russell
Pellegrino, Anthony
Rice, Kimberly
Seidel, Carl
Sullivan, Victoria
Ulery, JordanBelanger, James
Byron, Frank
Coffey, James
Edwards, Elizabeth
Gonzalez, Carlos
Halstead, Carolyn
Hopper, Gary
McCarthy, Peggy
Murphy, Keith
Ohm, Bill
Peterson, Ken
Rouillard, Claire
Shaw, Barbara
Sweeney, Shawn
Wolf, Terry**MERRIMACK**French, Harold
Horn, Werner
Long, Douglas
McGuire, DanHess, David
Karrick, David
Marple, Richard
Seaworth, BrianHill, Gregory
Kotowski, Frank
Martin, John
Wheeler, DeborahHoell, J.R.
Kuch, Bill
McGuire, Carol**ROCKINGHAM**Abrami, Patrick
Barnes, Arthur
Chase, Francis
Dean-Bailey, Yvonne
Duarte, Joe
Gannon, William
Hodgdon, Bruce
Kappler, Lawrence
Matthews, Carolyn
Nigrello, Robert
Peckham, Michele
Spillane, James
True, Chris
Weyler, KennethAbramson, Max
Bates, David
Chirichiello, Brian
DeSimone, Debra
Emerick, J. Tracy
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
McKinney, Betsy
Osborne, Jason
Potucek, John
Sytek, John
Vose, MichaelAzarian, Gary
Bush, Carol
Christie, Andrew
Devine, James
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Thomas, Douglas
Ward, JoanneBaldasaro, Alfred
Cardon, G. Thomas
Cook, Allen
Doucette, Fred
Friel, William
Harris, Jeffrey
Itse, Daniel
Major, Norman
Milz, David
Pantelakos, Laura
Rice, Frederick
Tilton, Rio
Welch, David**STRAFFORD**Beaudoin, Steven
Graham, Robert
Jones, Laura
Pitre, JosephBickford, David
Gray, James
Kaczynski, Jr., Thomas
Treleaven, SusanCheney, Catherine
Groen, Warren
Leeman, Don
Turcotte, LeonardDeLemus, Susan
Hannon, Joseph
Mullen, John
Wuelper, Kurt**SULLIVAN**

Grenier, James

Laware, Thomas

Rollins, Skip

Smith, Steven

**NAYS - 117
CARROLL**

Buco, Thomas

CHESHIREAbbott, Michael
Chase, Cynthia
Pearson, William
Tatro, BruceAmes, Richard
Eaton, Daniel
Robertson, Timothy
Weber, LucyBerch, Paul
Johnsen, Gladys
Sad, TaraBordenet, John
Ley, Douglas
Shepardson, Marjorie**COOS**

Hatch, William

Moynihan, Wayne

Theberge, Robert

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
Cohen, Alan
Gidge, Kenneth
Harvey, Suzanne
Judy, Jean
McNamara, Richard
Rosenwald, Cindy
Soucy, Timothy
Williams, Kermit

Baroody, Benjamin
Cornell, Patricia
Goley, Jeffrey
Heath, Mary
Long, Patrick
O'Brien, Michael
Shattuck, Gilman
Sullivan, Daniel

Beaulieu, Jane
Cote, David
Gorman, Mary
Herbert, Christopher
Mangipudi, Latha
Porter, Marjorie
Smith, Timothy
Vann, Ivy

Brown, Pamela
Freitas, Mary
Hansberry, Daniel
Jack, Martin
Manley, Jonathan
Roberts, Carol
Snow, Kendall
Walsh, Robert

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Deloge, Helen
French, Barbara
Kenison, Linda
Ratzki, Mario
Shurtleff, Stephen

Bartlett, Christy
Doherty, David
Gile, Mary
Luneau, David
Rice, Chip
Turcotte, Alan

Bradley, Paula
Ebel, Karen
Henle, Paul
MacKay, James
Saunderson, George

Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Myler, Mel
Schuett, Dianne

ROCKINGHAM

Berrien, Skip
DiFranco, Debbie
Lovejoy, Patricia

Cahill, Michael
Francese, Paula
McBeath, Rebecca

Cali-Pitts, Jacqueline
Gordon, Pamela
Simpson, Alexis

Cushing, Robert
Heffron, Frank
Ward, Gerald

STRAFFORD

Baber, William
DiSesa, Len
Southworth, Thomas

Berube, Roger
Horrigan, Timothy
Spang, Judith

Bixby, Peter
Kaen, Naida
Stevens, Audrey

Burton, Wayne
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Irwin, Virginia

Converse, Larry
Oxenham, Lee

Gagnon, Raymond
Schmidt, Andrew

Gottling, Suzanne

and the majority committee report was adopted.

Rep. Ticehurst voted Yea and intended to vote Nay.

HB 1198-FN-L, relative to the valuation of poles and conduits owned by telephone utilities. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick Abrami for the Majority of Ways and Means. The majority amendment replaces the bill and builds on the work of the Assessing Standards Board (ASB) to develop a methodology for assessing telecommunication poles and conduits. The original bill was merely a framework that the ASB used to develop recommendations. The legislature allowed, for the first time, municipalities to treat telecommunication poles and conduits as real property and be taxed as such starting in 2011. The only problem was that no guidance was given as to how that should be done. The result was numerous methodologies being employed by different assessors throughout the state with average pole assessments in communities ranging from \$107 to \$2,100 based upon Department of Revenue Administration (DRA) scrubbed data. These wide-ranging assessment values have led to hundreds of lawsuits each year between municipalities and the various telecommunication companies that operate in New Hampshire at great legal expense to all involved. After months of study the full ASB had no choice but to vote that there was a problem and that a solution was required. It became clear that a legislative solution was required to a problem in part created by the legislature. An ASB subcommittee concluded that telecommunication poles and conduits are a specialty property and should be stated as such in RSA 75:1, which lists exceptions to real property being assessed based upon market value. Such an exception was added in the amendment. In addition, research of this issue showed that other states have grappled with this issue and concluded that a simple formula be adopted: the replacement cost new (RCN) of the telecommunication pole and conduit, less depreciation calculated on a straight-line basis for a period of a certain number of years with a residual value of a certain percent. The amendment also calls for the DRA to publish by July 1 of each year the RCN for all height poles using a national published telecommunications standard cost data guide (which includes installation cost) calculated using a five year rolling average. The ASB subcommittee, the ASB full board, and the sponsors of this bill all agreed upon these principles and that the residual value of a pole be set at 20 percent. Further research found that the Federal Communications Commission uses 25-35 years as depreciation lengths for poles and many other states come in close to

a length of 30 years. Based upon this evidence, a depreciation of 30 years was chosen based upon fact. This bill will provide the much needed guidance to municipalities so that pole and conduit assessments are done in a fair and consistent basis across all our communities. This bill will put an end to all the hundreds of lawsuits that are costing the municipalities and the industry thousands of dollars in legal fees and clogging the courts with these cases. Vote 18-5.

Rep. Susan Almy for the Minority of Ways and Means. Six years ago the legislature ended years of battle by voting to allow the towns to include telephone poles and conduits in local property tax. Existing law clearly states that the poles and conduits should be assessed as real estate, not as personal property. In other states, because they are treated as personal property, equivalent to machinery rather than land and buildings, they are assessed using the normal business depreciation methods, which reduce an asset's useful value to zero or near zero well before the asset is junked. In our statewide utility property tax, each regulated utility business is assessed as a whole by the income and expense method, which calculates all assets according to business accounting; buildings, transfer stations, poles and conduits among them; and assigns property value according to the firm's net profit. When the legislature decided to let the municipalities tax telephone poles, it left in place in RSA 72:8-a this stricture: "The valuation of such property shall be based on its value as real estate." This bill and both majority and minority amendments comply. Real estate value is based on market value, the useful value left in the building or land. Poles last between 50-75 years on average in our state. The majority amendment would reduce the poles' taxable value to 20% of replacement value within 24 years (a nominal 30-year standard), and leave it at that during the next 25-80 years. But they are fully functional poles. The legislatively-created Assessing Standards Board was asked to review the issue and come up with recommendations, and it voted for a 50-year standard. The minority amendment says 40 years, because half of that board's subcommittee voted for that as a compromise. The board wanted to be kept in the process, writing the JLCAR rules and holding an annual public hearing on the values; the majority amendment removes them, the minority one restores them. The board wanted specific information on the poles provided to each town; the majority amendment makes it optional, the minority one requires it. These differences are significant to the appropriate real estate assessing of poles. The minority amendment creates the same stable playing field that the majority amendment aspires to, and may well better avoid continuing lawsuits. It allows the large number of municipalities that have been assessing in the middle of the pack to retain their property tax revenue under the new system, but it requires the assessing outliers to lower their assessments. And it has a better chance of final passage and durable life.

Majority Amendment (0528h)

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

2 New Section; Property Taxation; Valuation of Poles and Conduits Owned by Telephone Utilities. Amend RSA 72 by inserting after section 8-b the following new section:

72:8-c Valuation of Telecommunications Poles and Conduits. The value of poles or conduits employed in the transmission of telecommunication owned in whole or in part by telephone utilities, as defined in RSA 362:7, or providers of Voice over Internet Protocol ("VoIP") service or IP-enabled service, each as defined in RSA 362:7, or commercial mobile radio services for purposes of tax assessment against said entity, shall be determined by the following formula: the Replacement Cost New (RCN) of the telecommunications pole or conduit, less depreciation calculated on a straight-line basis for a period of 30 years with a residual value of 20 percent. On or before July 1 of the tax year, the department of revenue administration shall provide to every municipality a schedule of telecommunications pole and conduit RCN, using national published telecommunications standard cost data guides calculated annually using a 5-year rolling average.

3 New Section; Taxable Property; Inventory; Telecommunications Poles and Conduits. Amend RSA 74 by inserting after section 18 the following new section:

74:19 Inventories of Telecommunications Poles and Conduits.

I. In order to properly determine the value of property under RSA 72:8-c, an inventory of telecommunications poles and conduits shall be filed with the department of revenue administration and with the municipality where the property is located by each owner of telecommunications poles and conduits. Each form may include the following information:

(a) Names and addresses of a contact person if the owner is a trust or corporation.

(b) Detailed description of the telecommunication poles using most recent readily available information held by the owner.

(c) Description of conduits using most recent readily available information held by the owner.

(d) The filer's dated signature certifying that the information indicated on the form is true.

II. The inventory of telecommunications poles and conduits required by this section shall be filed with the department of revenue administration and with the municipality where the property is located by the owner of telecommunications poles and conduits no later than July 1. Persons required to file the inventory of telecommunications poles and conduits who willfully fail to file or willfully make false statements on the forms shall be guilty of a violation.

III. Any person or corporation required to file an inventory of telecommunications poles and conduits shall be subject to the provisions of RSA 74:12.

4 Reference Change. Amend RSA 75:1 to read as follows:

75:1 How Appraised. The selectmen shall appraise open space land pursuant to RSA 79-A:5, open space land with conservation restrictions pursuant to RSA 79-B:3, land with discretionary easements pursuant to RSA 79-C:7, residences on commercial or industrial zoned land pursuant to RSA 75:11, earth and excavations pursuant to RSA 72-B, land classified as land under qualifying farm structures pursuant to RSA 79-F, buildings and land appraised under RSA 79-G as qualifying historic buildings, qualifying chartered public school property appraised under RSA 79-H, residential rental property subject to a housing covenant under the low-income housing tax credit program pursuant to RSA 75:1-a, renewable generation facility property subject to a voluntary payment in lieu of taxes agreement under RSA 72:74 as determined under said agreement, **telecommunications poles and conduits pursuant to RSA 72:8-c**, and all other taxable property at its market value. Market value means the property's full and true value as the same would be appraised in payment of a just debt due from a solvent debtor. The selectmen shall receive and consider all evidence that may be submitted to them relative to the value of property, the value of which cannot be determined by personal examination.

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

Reps. Byron and Cooney spoke against.

Rep. Abrami spoke in favor.

Rep. Almy requested a roll call; sufficiently seconded.

YEAS 151 - NAYS 164

YEAS - 151

BELKNAP

Aldrich, Glen
Gallagher, Brian
Tilton, Franklin

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

Fields, Dennis
LeBreche, Shari

Flanders, Donald
Sylvia, Michael

CARROLL

Comeau, Ed
Nelson, Bill

Cordelli, Glenn
Schmidt, Stephen

McCarthy, Frank
Umberger, Karen

McConkey, Mark
Wright, Ted

CHESHIRE

Eaton, Daniel

Hunt, John

McConnell, James

Roberts, Kris

COOS

Richardson, Herbert

Rideout, Leon

Tholl, John

GRAFTON

Gionet, Edmond

Hull, Robert

Ingbretson, Paul

Johnson, Eric

HILLSBOROUGH

Adams, Christopher
Barry, Richard
Christensen, Chris
Ferreira, Elizabeth
Gould, Linda
Hogan, Edith
Leishman, Peter
Murotake, David
Ohm, Bill
Proulx, Mark
Simmons, Tammy
Twombly, Timothy

Ammon, Keith
Belanger, James
Christiansen, Lars
Gagne, Larry
Haefner, Robert
Hopper, Gary
McCarthy, Peggy
Notter, Jeanine
Palmer, Barry
Rice, Kimberly
Sullivan, Victoria
Ulery, Jordan

Balcom, John
Biggie, Barbara
Donovan, Daniel
Goley, Jeffrey
Hansen, Peter
Lachance, Joseph
McLean, Mark
Ober, Lynne
Parison, James
Schleien, Eric
Sweeney, Shawn
Wolf, Terry

Baroody, Benjamin
Burt, John
Estevez, Eric
Gonzalez, Carlos
Hinch, Richard
LeBrun, Donald
Moore, Josh
Ober, Russell
Pellegrino, Anthony
Seidel, Carl
Takesian, Charlene

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French, Harold
Horn, Werner
Martin, John
Seaworth, Brian

Hess, David
Kotowski, Frank
McGuire, Carol

Hill, Gregory
Kuch, Bill
McGuire, Dan

Hoell, J.R.
Long, Douglas
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ROCKINGHAM

Abrami, Patrick
Bush, Carol
Christie, Andrew
Doucette, Fred

Azarian, Gary
Cardon, G. Thomas
Dean-Bailey, Yvonne
Duarte, Joe

Baldasaro, Alfred
Chase, Francis
DeSimone, Debra
Emerick, J. Tracy

Bates, David
Chirichiello, Brian
Devine, James
Friel, William

Gannon, William
Hoelzel, Kathleen
Katsakiores, Phyllis
Matthews, Carolyn
O'Connor, John
Potucek, John
Thomas, Douglas
Ward, Joanne

Griffin, Mary
Introne, Robert
Kolodziej, Walter
McKinney, Betsy
Osborne, Jason
Rice, Frederick
Tilton, Rio
Webb, James

Harris, Jeffrey
Itse, Daniel
Lovejoy, Patricia
McMahon, Charles
Packard, Sherman
Schroadter, Adam
True, Chris
Welch, David

Hodgdon, Bruce
Kappler, Lawrence
Major, Norman
Nigrello, Robert
Peckham, Michele
Spillane, James
Vose, Michael
Weyler, Kenneth

STRAFFORD

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

Bickford, David
Gray, James
Leeman, Don

Cheney, Catherine
Horrigan, Timothy
Pitre, Joseph

DeLemus, Susan
Jones, Laura
Turcotte, Leonard

SULLIVAN

Smith, Steven

NAYS - 164

BELKNAP

Fraser, Valerie

Spanos, Peter

CARROLL

Avellani, Lino
Ticehurst, Susan

Buco, Thomas

Butler, Edward

Parker, Harold

CHESHIRE

Abbott, Michael
Chase, Cynthia
Pearson, William
Tatro, Bruce

Ames, Richard
Johnsen, Gladys
Robertson, Timothy
Tilton, Benjamin

Berch, Paul
Ley, Douglas
Sad, Tara
Weber, Lucy

Bordenet, John
Mann, John
Shepardson, Marjorie

COOS

Fothergill, John
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

Theberge, Robert

GRAFTON

Abel, Richard
Darrow, Stephen
Higgins, Patricia
Piper, Wendy
White, Andrew

Almy, Susan
Ford, Susan
Ladd, Rick
Smith, Suzanne

Bailey, Brad
Hennessey, Erin
Maes, Kevin
Sykes, George

Cooney, Mary
Hennessey, Martha
Massimilla, Linda
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Byron, Frank
Cornell, Patricia
Edelblut, Frank
Griffin, Barbara
Harvey, Suzanne
Judy, Jean
Marston, Dick
Peterson, Ken
Rosenwald, Cindy
Shaw, Barbara
Soucy, Timothy
Williams, Kermit

Beaulieu, Jane
Christie, Rick
Cote, David
Edwards, Elizabeth
Guerette, C. Lee
Heath, Mary
Long, Patrick
McNamara, Richard
Pierce, David
Rouillard, Claire
Smith, Gregory
Sullivan, Daniel

Boehm, Ralph
Coffey, James
Danielson, David
Freitas, Mary
Halstead, Carolyn
Herbert, Christopher
Mangipudi, Latha
Murphy, Keith
Porter, Marjorie
Sanborn, Laurie
Smith, Timothy
Vann, Ivy

Brown, Pamela
Cohen, Alan
Eastman, Eric
Gorman, Mary
Hansberry, Daniel
Jack, Martin
Manley, Jonathan
O'Brien, Michael
Roberts, Carol
Shattuck, Gilman
Snow, Kendall
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MERRIMACK

Alicea, Caroletta
Deloge, Helen
French, Barbara
Karrick, David
Marple, Richard
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Bartlett, Christy
Doherty, David
Gile, Mary
Kenison, Linda
Myler, Mel
Shurtleff, Stephen

Bradley, Paula
Ebel, Karen
Henle, Paul
Luneau, David
Ratzki, Mario
Turcotte, Alan

Carson, Clyde
Frazer, June
Hirsch, Geoffrey
MacKay, James
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ROCKINGHAM

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DiFranco, Debbie
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Ward, Gerald

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Cali-Pitts, Jacqueline
Ferrante, Beverly
Heffron, Frank
Prudhomme-O'Brien, Katherine

Berrien, Skip
Cook, Allen
Francese, Paula
McBeath, Rebecca
Simpson, Alexis

Borden, David
Cushing, Robert
Gordon, Pamela
Milz, David
Sytek, John

STRAFFORD

Baber, William
DiSesa, Len
Mullen, John
Sprague, Dale

Berube, Roger
Groen, Warren
Schmidt, Peter
Stevens, Audrey

Bixby, Peter
Hannon, Joseph
Southworth, Thomas
Treleaven, Susan

Burton, Wayne
Kaen, Naida
Spang, Judith
Wall, Janet

SULLIVAN

Cloutier, John
Grenier, James
Rollins, Skip

Converse, Larry
Irwin, Virginia
Schmidt, Andrew

Gagnon, Raymond
Laware, Thomas

Gottling, Suzanne
Oxenham, Lee

and the majority committee amendment failed.

Rep. Almy offered minority committee amendment (0830h).

Minority Amendment (0830h)

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

2 New Section; Property Taxation; Valuation of Poles and Conduits Owned by Telephone Utilities. Amend RSA 72 by inserting after section 8-b the following new section:

72:8-c Valuation of Telecommunications Poles and Conduits. The value of poles or conduits employed in the transmission of telecommunication owned in whole or in part by telephone utilities, as defined in RSA 362:7, or providers of Voice over Internet Protocol ("VoIP") service or IP-enabled service, each as defined in RSA 362:7, or commercial mobile radio services for purposes of tax assessment against said entity, shall be determined by the following formula: the Replacement Cost New (RCN) of the telecommunications pole or conduit, less depreciation calculated on a straight-line basis for a period of 40 years with a residual value of 20 percent. On or before July 1 of the tax year, the department of revenue administration shall provide to every municipality a schedule of telecommunications pole and conduit RCN, using national published telecommunications standard cost data guides calculated annually using a 5-year rolling average.

3 New Section; Taxable Property; Inventory; Telecommunications Poles and Conduits. Amend RSA 74 by inserting after section 18 the following new section:

74:19 Inventories of Telecommunications Poles and Conduits.

I. In order to properly determine the value of property under RSA 72:8-c, an inventory of telecommunications poles and conduits shall be filed with the department of revenue administration and with the municipality where the property is located by each owner of telecommunications poles and conduits. Each form shall at a minimum include the following information:

(a) Names and addresses of a contact person if the owner is a trust or corporation.

(b) Detailed description of the telecommunication poles using most recent readily available information held by the owner.

(c) Description of conduits using most recent readily available information held by the owner.

(d) The filer's dated signature certifying that the information indicated on the form is true.

II. The inventory of telecommunications poles and conduits required by this section shall be filed with the department of revenue administration and with the municipality where the property is located by the owner of telecommunications poles and conduits no later than July 1. Persons required to file the inventory of telecommunications poles and conduits who willfully fail to file or willfully make false statements on the forms shall be guilty of a violation.

III. Any person or corporation required to file an inventory of telecommunications poles and conduits shall be subject to the provisions of RSA 74:12.

4 Reference Change. Amend RSA 75:1 to read as follows:

75:1 How Appraised. The selectmen shall appraise open space land pursuant to RSA 79-A:5, open space land with conservation restrictions pursuant to RSA 79-B:3, land with discretionary easements pursuant to RSA 79-C:7, residences on commercial or industrial zoned land pursuant to RSA 75:11, earth and excavations pursuant to RSA 72-B, land classified as land under qualifying farm structures pursuant to RSA 79-F, buildings and land appraised under RSA 79-G as qualifying historic buildings, qualifying chartered public school property appraised under RSA 79-H, residential rental property subject to a housing covenant under the low-income housing tax credit program pursuant to RSA 75:1-a, renewable generation facility property subject to a voluntary payment in lieu of taxes agreement under RSA 72:74 as determined under said agreement, **telecommunications poles and conduits pursuant to RSA 72:8-c**, and all other taxable property at its market value. Market value means the property's full and true value as the same would be appraised in payment of a just debt due from a solvent debtor. The selectmen shall receive and consider all evidence that may be submitted to them relative to the value of property, the value of which cannot be determined by personal examination.

5 New Subparagraph; Assessing Standards Board; Rulemaking; Poles and Conduit. Amend RSA 21-J:14-b, I-a by inserting after subparagraph (d) the following new subparagraph:

(e) The annual determination of a schedule of telecommunications pole and conduit current use values pursuant to RSA 72:8-c, and the local use thereof. Such schedule shall include the appropriate total depreciation based on actual age of poles and conduit.

6 Assessing Standards Board; Public Forum. Amend RSA 21-J:14-b, II to read as follows:

II. All standards and practices developed or identified by the board, pursuant to this section, shall be reviewed and updated annually. The board shall hold at least one public forum annually to receive general comment through verbal and written testimony on assessing standards and practices, ***and one public forum dedicated to the annual determination of telecommunications pole and conduit values.*** A quorum of the board shall not be required to hold such public forum.

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

2016-0830h

AMENDED ANALYSIS

This bill establishes the valuation for purposes of the property tax assessment of poles or conduit employed in the transmission of telecommunication owned in whole or in part by telephone utilities. The bill also grants rulemaking authority to the assessing standards board concerning telecommunications pole and conduit current use values and depreciation.

Rep. Abrami spoke in favor and yielded to questions.

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

YEAS 283 - NAYS 31

YEAS - 283

BELKNAP

Dumais, Russell
Gallagher, Brian
Sylvia, Michael

Fields, Dennis
Hurt, George
Tilton, Franklin

Flanders, Donald
LeBreche, Shari
Vadney, Herbert

Fraser, Valerie
Russell, David

CARROLL

Buco, Thomas
McCarthy, Frank
Schmidt, Stephen

Butler, Edward
McConkey, Mark
Ticehurst, Susan

Comeau, Ed
Nelson, Bill
Umberger, Karen

Cordelli, Glenn
Parker, Harold
Wright, Ted

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
Roberts, Kris
Tatro, Bruce

COOS

Fothergill, John
Rideout, Leon

Hatch, William
Theberge, Robert

Moynihan, Wayne
Tholl, John

Richardson, Herbert
Thomas, Yvonne

GRAFTON

Abel, Richard
Ford, Susan
Ingbretson, Paul
Massimilla, Linda
Townsend, Charles

Almy, Susan
Gionet, Edmond
Johnson, Eric
Piper, Wendy
White, Andrew

Cooney, Mary
Hennessey, Martha
Ladd, Rick
Smith, Suzanne

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

HILLSBOROUGH

Adams, Christopher
Baroody, Benjamin
Biggie, Barbara
Christensen, Chris
Cohen, Alan
Donovan, Daniel
Ferreira, Elizabeth
Gonzalez, Carlos
Guerette, C. Lee
Harvey, Suzanne
Hogan, Edith
Lachance, Joseph
Mangipudi, Latha
McLean, Mark
O'Brien, Michael
Pellegrino, Anthony
Proulx, Mark

Ammon, Keith
Barry, Richard
Boehm, Ralph
Christiansen, Lars
Cornell, Patricia
Edelblut, Frank
Freitas, Mary
Gorman, Mary
Haefner, Robert
Heath, Mary
Hopper, Gary
LeBrun, Donald
Manley, Jonathan
McNamara, Richard
Ohm, Bill
Peterson, Ken
Roberts, Carol

Backus, Robert
Beaulieu, Jane
Brown, Pamela
Christie, Rick
Cote, David
Edwards, Elizabeth
Gagne, Larry
Gould, Linda
Hansberry, Daniel
Herbert, Christopher
Jack, Martin
Leishman, Peter
Marston, Dick
Moore, Josh
Palmer, Barry
Pierce, David
Rosenwald, Cindy

Balcom, John
Belanger, James
Byron, Frank
Coffey, James
Danielson, David
Estevez, Eric
Goley, Jeffrey
Griffin, Barbara
Hansen, Peter
Hinch, Richard
Jeudy, Jean
Long, Patrick
McCarthy, Peggy
Murotake, David
Parison, James
Porter, Marjorie
Rouillard, Claire

Seidel, Carl
Smith, Timothy
Sullivan, Victoria
Walsh, Robert

Shattuck, Gilman
Snow, Kendall
Takesian, Charlene
Williams, Kermit

Shaw, Barbara
Soucy, Timothy
Twombly, Timothy
Wolf, Terry

Smith, Gregory
Sullivan, Daniel
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Deloge, Helen
French, Harold
Hill, Gregory
Kenison, Linda
Luneau, David
McGuire, Dan
Saunderson, George
Turcotte, Alan

Bartlett, Christy
Doherty, David
Gile, Mary
Hirsch, Geoffrey
Kotowski, Frank
MacKay, James
Myler, Mel
Schuett, Dianne
Wheeler, Deborah

Bradley, Paula
Ebel, Karen
Henle, Paul
Horn, Werner
Kuch, Bill
Martin, John
Ratzki, Mario
Seaworth, Brian

Carson, Clyde
French, Barbara
Hess, David
Karrick, David
Long, Douglas
McGuire, Carol
Rice, Chip
Shurtleff, Stephen

ROCKINGHAM

Abrami, Patrick
Berrien, Skip
Cali-Pitts, Jacqueline
Christie, Andrew
DeSimone, Debra
Duarte, Joe
Friel, William
Griffin, Mary
Hoelzel, Kathleen
Lovejoy, Patricia
McKinney, Betsy
O'Connor, John
Peckham, Michele
Simpson, Alexis
Tilton, Rio
Ward, Joanne

Abramson, Max
Borden, David
Cardon, G. Thomas
Cook, Allen
Devine, James
Emerick, J. Tracy
Gannon, William
Harris, Jeffrey
Introne, Robert
Major, Norman
McMahon, Charles
Osborne, Jason
Potucek, John
Spillane, James
True, Chris
Webb, James

Azarian, Gary
Bush, Carol
Chase, Francis
Cushing, Robert
DiFranco, Debbie
Ferrante, Beverly
Gordon, Pamela
Heffron, Frank
Itse, Daniel
Matthews, Carolyn
Milz, David
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Vose, Michael
Welch, David

Barnes, Arthur
Cahill, Michael
Chirichiello, Brian
Dean-Bailey, Yvonne
Doucette, Fred
Francesca, Paula
Green, Dennis
Hodgdon, Bruce
Katsakiores, Phyllis
McBeath, Rebecca
Nigrello, Robert
Pantelakos, Laura
Schroadter, Adam
Thomas, Douglas
Ward, Gerald
Weyler, Kenneth

STRAFFORD

Baber, William
Bixby, Peter
Graham, Robert
Kaczynski, Jr., Thomas
Schmidt, Peter
Stevens, Audrey
Wuelper, Kurt

Beaudoin, Steven
Burton, Wayne
Gray, James
Kaen, Naida
Southworth, Thomas
Treleaven, Susan

Berube, Roger
Cheney, Catherine
Hannon, Joseph
Leeman, Don
Spang, Judith
Turcotte, Leonard

Bickford, David
DiSesa, Len
Jones, Laura
Pitre, Joseph
Sprague, Dale
Wall, Janet

SULLIVAN

Cloutier, John
Grenier, James
Schmidt, Andrew

Converse, Larry
Irwin, Virginia
Smith, Steven

Gagnon, Raymond
Oxenham, Lee

Gottling, Suzanne
Rollins, Skip

NAYS - 31

BELKNAP

Spanos, Peter

CARROLL

CHESHIRE

GRAFTON

Hull, Robert

HILLSBOROUGH

Burt, John
Notter, Jeanine
Simmons, Tammy

Eastman, Eric
Rice, Kimberly
Sweeney, Shawn

Halstead, Carolyn
Sanborn, Laurie
Ulery, Jordan

Murphy, Keith
Schleien, Eric

MERRIMACK

Frazer, June

Hoell, J.R.

Marple, Richard

ROCKINGHAM

Baldasaro, Alfred
Rice, Frederick

Bates, David

Kappler, Lawrence

Kolodziej, Walter

Aldrich, Glen

Howard, Jr., Raymond

Avellani, Lino

Hunt, John

Bailey, Brad

Hennessey, Erin

STRAFFORD

Groen, Warren

Horrigan, Timothy

Mullen, John

SULLIVAN

Laware, Thomas

and the minority committee amendment was adopted.

Rep. Cooney offered floor amendment (0956h).

Floor Amendment (0956h)

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

7 Applicability; Valuation of Telecommunications Poles and Conduits. With respect to poles or conduits that are the subject of any action for abatement under RSA 76 or any appeal under RSA 76:16-a or 76:17 that remains pending as of the effective date of this act, the provisions of RSA 72:8-c as inserted by section 2 of this act shall apply only after all such actions, including all associated claims relative to the taxation of the poles and conduits, have been withdrawn or voluntarily dismissed with prejudice.

Rep. Byron spoke in favor.

Rep. Abrami spoke against and yielded to questions.

Rep. Almy requested a roll call; sufficiently seconded.

YEAS 112 - NAYS 202**YEAS - 112****CARROLL**

Buco, Thomas

Butler, Edward

Parker, Harold

Ticehurst, Susan

CHESHIREBerch, Paul
Mann, John
Sad, TaraChase, Cynthia
Pearson, William
Tatro, BruceJohnsen, Gladys
Roberts, Kris
Tilton, BenjaminLey, Douglas
Robertson, Timothy
Weber, Lucy**COOS**Fothergill, John
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

Theberge, Robert

GRAFTONAlmy, Susan
Higgins, Patricia
Smith, SuzanneCooney, Mary
Ladd, Rick
Sykes, GeorgeFord, Susan
Maes, Kevin
Townsend, CharlesGionet, Edmond
Massimilla, Linda
White, Andrew**HILLSBOROUGH**Ammon, Keith
Byron, Frank
Freitas, Mary
Hansberry, Daniel
Judy, Jean
O'Brien, Michael
Rosenwald, Cindy
Soucy, Timothy
Walsh, RobertBackus, Robert
Cohen, Alan
Gorman, Mary
Harvey, Suzanne
Lachance, Joseph
Pellegrino, Anthony
Shaw, Barbara
Sullivan, Daniel
Williams, KermitBeaulieu, Jane
Cornell, Patricia
Griffin, Barbara
Heath, Mary
Long, Patrick
Pierce, David
Smith, Timothy
Twombly, TimothyBelanger, James
Cote, David
Guerette, C. Lee
Herbert, Christopher
Mangipudi, Latha
Porter, Marjorie
Snow, Kendall
Vann, Ivy**MERRIMACK**Alicea, Caroletta
Doherty, David
Gile, Mary
Kenison, Linda
Schuett, Dianne
Wheeler, DeborahBradley, Paula
Ebel, Karen
Henle, Paul
McGuire, Carol
Seaworth, BrianCarson, Clyde
Frazer, June
Hirsch, Geoffrey
Ratzki, Mario
Shurtleff, StephenDeloge, Helen
French, Barbara
Karrick, David
Saunderson, George
Turcotte, Alan**ROCKINGHAM**Berrien, Skip
DiFranco, Debbie
Sytek, JohnCahill, Michael
Emerick, J. Tracy
Ward, GeraldChase, Francis
Ferrante, BeverlyCushing, Robert
Pantelakos, Laura**STRAFFORD**Berube, Roger
Sprague, Dale
Wuelper, KurtBixby, Peter
Stevens, AudreyDiSesa, Len
Treleaven, SusanSpang, Judith
Wall, Janet**SULLIVAN**Cloutier, John
Oxenham, Lee

Gagnon, Raymond

Gottling, Suzanne

Grenier, James

NAYS - 202**BELKNAP**

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

Dumais, Russell
Gallagher, Brian
Russell, David
Vadney, Herbert

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

Flanders, Donald
Hurt, George
Sylvia, Michael

CARROLL

Avellani, Lino
McConkey, Mark
Wright, Ted

Comeau, Ed
Nelson, Bill

Cordelli, Glenn
Schmidt, Stephen

McCarthy, Frank
Umberger, Karen

CHESHIRE

Abbott, Michael
Hunt, John

Ames, Richard
McConnell, James

Bordenet, John
Shepardson, Marjorie

Eaton, Daniel

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Richardson, Herbert

Rideout, Leon

Tholl, John

GRAFTON

Abel, Richard
Hennessey, Martha
Piper, Wendy

Bailey, Brad
Hull, Robert

Darrow, Stephen
Ingbreton, Paul

Hennessey, Erin
Johnson, Eric

HILLSBOROUGH

Adams, Christopher
Biggie, Barbara
Christensen, Chris
Danielson, David
Edwards, Elizabeth
Goley, Jeffrey
Halstead, Carolyn
Hopper, Gary
Manley, Jonathan
McNamara, Richard
Notter, Jeanine
Peterson, Ken
Rowe, Robert
Shattuck, Gilman
Sweeney, Shawn

Balcom, John
Boehm, Ralph
Christiansen, Lars
Donovan, Daniel
Estevez, Eric
Gonzalez, Carlos
Hansen, Peter
Jack, Martin
Marston, Dick
Moore, Josh
Ohm, Bill
Proulx, Mark
Sanborn, Laurie
Simmons, Tammy
Takesian, Charlene

Baroody, Benjamin
Brown, Pamela
Christie, Rick
Eastman, Eric
Ferreira, Elizabeth
Gould, Linda
Hinch, Richard
LeBrun, Donald
McCarthy, Peggy
Murotake, David
Palmer, Barry
Rice, Kimberly
Schleien, Eric
Smith, Gregory
Ulery, Jordan

Barry, Richard
Burt, John
Coffey, James
Edelblut, Frank
Gagne, Larry
Haefner, Robert
Hogan, Edith
Leishman, Peter
McLean, Mark
Murphy, Keith
Parison, James
Rouillard, Claire
Seidel, Carl
Sullivan, Victoria
Wolf, Terry

MERRIMACK

Bartlett, Christy
Hoell, J.R.
Long, Douglas
Martin, John

French, Harold
Horn, Werner
Luneau, David
McGuire, Dan

Hess, David
Kotowski, Frank
MacKay, James
Myler, Mel

Hill, Gregory
Kuch, Bill
Marple, Richard
Rice, Chip

ROCKINGHAM

Abrami, Patrick
Barnes, Arthur
Cali-Pitts, Jacqueline
Cook, Allen
Doucette, Fred
Gannon, William
Harris, Jeffrey
Introne, Robert
Kolodziej, Walter
McBeath, Rebecca
Nigrello, Robert
Peckham, Michele
Schroadter, Adam
Tilton, Rio
Webb, James

Abramson, Max
Bates, David
Cardon, G. Thomas
Dean-Bailey, Yvonne
Duarte, Joe
Gordon, Pamela
Heffron, Frank
Itse, Daniel
Lovejoy, Patricia
McKinney, Betsy
O'Connor, John
Potucek, John
Simpson, Alexis
True, Chris
Welch, David

Azarian, Gary
Borden, David
Chirichiello, Brian
DeSimone, Debra
Francese, Paula
Green, Dennis
Hodgdon, Bruce
Kappler, Lawrence
Major, Norman
McMahon, Charles
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Vose, Michael
Weyler, Kenneth

Baldasaro, Alfred
Bush, Carol
Christie, Andrew
Devine, James
Friel, William
Griffin, Mary
Hoelzel, Kathleen
Katsakiores, Phyllis
Matthews, Carolyn
Milz, David
Packard, Sherman
Rice, Frederick
Thomas, Douglas
Ward, Joanne

STRAFFORD

Baber, William
Cheney, Catherine
Hannon, Joseph
Kaen, Naida
Schmidt, Peter

Beaudoin, Steven
Graham, Robert
Horrigan, Timothy
Leeman, Don
Southworth, Thomas

Bickford, David
Gray, James
Jones, Laura
Mullen, John
Turcotte, Leonard

Burton, Wayne
Groen, Warren
Kaczynski, Jr., Thomas
Pitre, Joseph

SULLIVAN

Converse, Larry
Schmidt, Andrew

Irwin, Virginia
Smith, Steven

Laware, Thomas

Rollins, Skip

and floor amendment (0956h) failed.

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

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

Minority committee report adopted and ordered to third reading.

HB 1247, relative to permitted gambling by private individuals. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jordan Ulery for the Majority of Ways and Means. The original bill was too open and it was amended in committee. In 2013, Ways and Means retained and then amended and unanimously passed HB 459, which was in turn passed by the House in early 2014. That bill then stalled in the process. The amendment to HB 1247 is the previously passed HB 459 as amended. Currently NH law creates criminals of home owners and their guests who happen to gather for an evening of recreational poker. Enforcement is done on a completely subjective basis. The committee report on HB 459 stated, "This [amended] bill legalizes home poker games as long as the "house" takes no rake, no admission can be charged, odds can't favor any [single] player, there is not a house bank and the games cannot be advertised to the public." If HB 1247 as amended passes, privacy and rights of every person in the state are protected. The state can no longer subjectively criminalize what is essentially recreational behavior of New Hampshire residents in their own homes (including many senior members of law enforcement and the judiciary). Vote 13-6.

Rep. David Hess for the Minority of Ways and Means. This bill as amended is a solution looking for a problem. Despite allegations of potential selective enforcement of current law, the committee received no such evidence. Moreover, as amended the bill creates a massive loophole for unlimited gambling. There are no limits on the amount that may be bet on one evening, one game, or even one hand. There is no definition of what constitutes "poker games." There is no provision which prevents a "host" or third party from making money from concessions on ancillary services provided at the same location to game players. There is no definition as to what "not advertised to the public" means. In short, the amendment is literally a sieve for unintended consequences, and is most certainly the opening round of a slippery slope leading to expanded, unregulated gambling completely bereft of legislative or administrative regulation and oversight. Finally, the amendment received no public hearing, no public input nor meaningful discussion and analysis by and within the Ways and Means Committee.

Majority Amendment (0443h)

Amend the title of the bill to read as follows:

AN ACT relative to poker in private residences.

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

1 New Subparagraph; Poker in Private Residences. Amend RSA 647:2, V by inserting after subparagraph (c) the following new subparagraph:

(d) Poker games held in a private residence so long as there is no rake, the house takes no compensation from the prize pool, no admission fee or seat fee is charged, no one receives any money or anything of value for conducting the game except their own winnings as a player, the game's odds do not favor a "house" or any player, there is no house bank, and the game is not advertised to the public.

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

2016-0443h

AMENDED ANALYSIS

This bill allows the playing of poker games in a private residence.

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

HB 1360-FN, establishing a credit against business profits taxes for media production expenditures in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary Azarian for Ways and Means. This bill calls for a tax credit for media productions filmed in New Hampshire. The committee has heard this proposal in the past and there is no change in this bill as introduced. While such tax credits may work in other states, there would be no offset to business tax revenue lost due lack of an income or sales tax in New Hampshire. The committee strongly objected to the provision that allowed these tax credits to be sold to other companies for their use. If a film is made in NH and creates no profits, no Business Profits Tax is generated. However, a profitable company who purchased the tax credits can utilize them and thus the result is a loss in revenue to the state. The result is all loss to the state and no gain, which is not acceptable. The committee recommended that the sponsor seek to present the proposed tax credit model to an existing study commission that has a reporting date of November 1, 2016 (Chapter 122, Laws of 2015). Any further study findings could be duly considered after the completion of that study. Vote 20-1.

MOTION TO LAY ON THE TABLE

Rep. Azarian moved that **HB 1360-FN**, establishing a credit against business profits taxes for media production expenditures in New Hampshire, be laid on the table.

On a division vote, with 227 members having voted in the affirmative, and 79 in the negative, the motion was adopted.

REGULAR CALENDAR CONT'D

HB 1443-FN, relative to the reasonable compensation deduction from gross business profits under the business profits tax and requiring the department of revenue administration to prepare draft rules relative to auditing. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Patrick Abrami for the Majority of Ways and Means. This bill attempts to roll back a bill passed back in 2011 that resolved the issue of burden of proof related to reasonable compensation for Limited Liability Companies (LLCs). Back in 2011, SB 125 passed the Senate 24-0 and passed the House 340-9 (Ch. 207, Laws of 2011). That bill placed the burden of disapproving the compensation deduction with the Department of Revenue Administration as opposed to the taxpayer proving the compensation deduction. This current bill places the burden of proof back on the taxpayer. SB 125 provided a comprehensive clarification supported by the business community in response to overly aggressive audits. The main argument for this current bill is that business tax revenues have suffered. Given that the business tax revenues are surpassing everyone's estimates this year and have steadily rebounded from 2011 levels, there is no evidence that this argument can be utilized. The business community does not support a reversal back to the pre-2011 approach which everyone recognized as being fraught with problems. The majority of Ways and Means concurred with the view that this approach has been working well and that there is no reason to revert back. Vote 11-8.

Rep. Susan Almy for the Minority of Ways and Means. What do you call it when a taxpayer, knowing he owes a certain amount of tax, manipulates his return to hide the profits he is being taxed on? Tax fraud? What do you call it when a law is passed to let him do that without any fear of being caught by audit? Enabling tax fraud? We have such a law, passed in 2011, which provides this special dispensation to any non-incorporated business that wishes to use it. This law reversed the burden of proof doctrine. Instead of the taxpayer having to prove upon audit that what they reported as compensation was reasonable, now the burden of proof is on the state to prove it is unreasonable. To make matters worse the only way the state auditors have access to the records they would need is to subpoena the records; so effectively the Department of Revenue Administration no longer audits the amount claimed as compensation. A corporate hedge fund manager's salary is declared to the federal government and deducted with other costs from the firm's profits before Business Profits Tax (BPT) is paid. An unincorporated hedge fund firm can declare all of its profits as the earned income of the owner, and there is nothing to tax. Some businesses may think we have changed the law to allow partnerships and proprietorships to no longer pay BPT; but if we had done that, there would be a well-justified lawsuit by corporate filers. This unequal and unprecedented treatment has caused massive losses: \$1.3 billion of new earned income was declared in the first year it could not be audited, or over \$100 million in tax revenue lost. This hurts the honest business owners, leaving them less competitive. It enables businesses to avoid any kind of audit changes; some have told the auditors that if the audit changes another part of their filing, they will simply restate the filing to show the reported expense as earned income, and untaxable. It hurts our state, which has lost significant revenue it could have put into the rainy day fund, opioid treatment, the lawsuits we have had to settle, or other legislative priorities. No other state, and no other New Hampshire tax, has this backward burden of proof doctrine. The law needs to be repealed. This is the only bill to date that our esteemed and apolitical Revenue Commissioner has supported or opposed, because reversing burden of proof undermines the very existence of a tax system. The other two sections clarify, in the businesses' favor, a minor issue in auditing, and provide for putting into administrative rules some of the many procedures the department has adopted in recent years to prevent future over-auditing.

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

Rep. Lovejoy spoke against.

Rep. Abrami spoke in favor.

Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 180 - NAYS 131

YEAS - 180

BELKNAP

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

Dumais, Russell
Gallagher, Brian
Russell, David
Vadney, Herbert

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

Flanders, Donald
Hurt, George
Sylvia, Michael

CARROLL

Avellani, Lino
McConkey, Mark
Umberger, Karen

Comeau, Ed
Nelson, Bill
Wright, Ted

Cordelli, Glenn
Parker, Harold

McCarthy, Frank
Schmidt, Stephen

CHESHIRE

Hunt, John

McConnell, James

Tilton, Benjamin

COOS

Richardson, Herbert

Rideout, Leon

Tholl, John

GRAFTON

Bailey, Brad
Hull, Robert
Piper, Wendy

Darrow, Stephen
Ingbreton, Paul

Gionet, Edmond
Johnson, Eric

Hennessey, Erin
Ladd, Rick

HILLSBOROUGH

Ammon, Keith
Belanger, James
Burt, John
Christie, Rick
Eastman, Eric
Ferreira, Elizabeth
Haefner, Robert
Hopper, Gary
McCarthy, Peggy
Murphy, Keith
Parison, James
Rice, Kimberly
Schleien, Eric
Sullivan, Victoria
Ulery, Jordan

Balcom, John
Biggie, Barbara
Byron, Frank
Coffey, James
Edelblut, Frank
Gagne, Larry
Halstead, Carolyn
Infantine, William
McLean, Mark
Notter, Jeanine
Pellegrino, Anthony
Rouillard, Claire
Seidel, Carl
Sweeney, Shawn
Wolf, Terry

Barry, Richard
Boehm, Ralph
Christensen, Chris
Danielson, David
Edwards, Elizabeth
Gonzalez, Carlos
Hansen, Peter
Lachance, Joseph
Moore, Josh
Ohm, Bill
Peterson, Ken
Rowe, Robert
Simmons, Tammy
Takesian, Charlene

Beaulieu, Jane
Bouldin, Amanda
Christiansen, Lars
Donovan, Daniel
Estevez, Eric
Gould, Linda
Hinch, Richard
LeBrun, Donald
Murotake, David
Palmer, Barry
Proulx, Mark
Sanborn, Laurie
Smith, Gregory
Twombly, Timothy

MERRIMACK

Hess, David
Kotowski, Frank
McGuire, Carol

Hill, Gregory
Kuch, Bill
McGuire, Dan

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

Horn, Werner
Martin, John

ROCKINGHAM

Abrami, Patrick
Bates, David
Chirichiello, Brian
DeSimone, Debra
Emerick, J. Tracy
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
McKinney, Betsy
O'Connor, John
Potucek, John
Spillane, James
True, Chris
Welch, David

Abramson, Max
Bush, Carol
Christie, Andrew
Devine, James
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
McMahon, Charles
Osborne, Jason
Prudhomme-O'Brien, Katherine
Sytek, John
Vose, Michael
Weyler, Kenneth

Azarian, Gary
Cardon, G. Thomas
Cook, Allen
Doucette, Fred
Friel, William
Harris, Jeffrey
Itse, Daniel
Major, Norman
Milz, David
Packard, Sherman
Rice, Frederick
Thomas, Douglas
Ward, Joanne

Baldasaro, Alfred
Chase, Francis
Dean-Bailey, Yvonne
Duarte, Joe
Gannon, William
Hodgdon, Bruce
Kappler, Lawrence
Matthews, Carolyn
Nigrello, Robert
Peckham, Michele
Schroadter, Adam
Tilton, Rio
Webb, James

STRAFFORD

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

Bickford, David
Groen, Warren
Leeman, Don
Turcotte, Leonard

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

Graham, Robert
Jones, Laura
Pitre, Joseph

SULLIVAN

Laware, Thomas

Rollins, Skip

Smith, Steven

NAYS - 131**CARROLL**

Buco, Thomas

Butler, Edward

Ticehurst, Susan

CHESHIRE

Abbott, Michael
Chase, Cynthia
Pearson, William
Shepardson, Marjorie

Ames, Richard
Johnsen, Gladys
Roberts, Kris
Tatro, Bruce

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

Bordenet, John
Mann, John
Sad, Tara

COOS

Fothergill, John
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

Theberge, Robert

GRAFTON

Abel, Richard
Hennessey, Martha
Smith, Suzanne

Almy, Susan
Higgins, Patricia
Sykes, George

Cooney, Mary
Maes, Kevin
Townsend, Charles

Ford, Susan
Massimilla, Linda
White, Andrew

HILLSBOROUGH

Backus, Robert
Cornell, Patricia
Goley, Jeffrey
Hansberry, Daniel
Jack, Martin
Mangipudi, Latha
O'Brien, Michael
Rosenwald, Cindy
Snow, Kendall
Walsh, Robert

Baroody, Benjamin
Cote, David
Gorman, Mary
Harvey, Suzanne
Judy, Jean
Manley, Jonathan
Pierce, David
Shattuck, Gilman
Soucy, Timothy
Williams, Kermit

Brown, Pamela
Freitas, Mary
Griffin, Barbara
Heath, Mary
Leishman, Peter
Marston, Dick
Porter, Marjorie
Shaw, Barbara
Sullivan, Daniel

Cohen, Alan
Gidge, Kenneth
Guerette, C. Lee
Herbert, Christopher
Long, Patrick
McNamara, Richard
Roberts, Carol
Smith, Timothy
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Deloge, Helen
Gile, Mary
Kenison, Linda
Rice, Chip
Turcotte, Alan

Bartlett, Christy
Doherty, David
Henle, Paul
Luneau, David
Saunderson, George
Wheeler, Deborah

Bradley, Paula
Ebel, Karen
Hirsch, Geoffrey
MacKay, James
Schuett, Dianne

Carson, Clyde
French, Barbara
Karrick, David
Myler, Mel
Shurtleff, Stephen

ROCKINGHAM

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

Berrien, Skip
Cushing, Robert
Heffron, Frank
Simpson, Alexis

Borden, David
DiFranco, Debbie
Lovejoy, Patricia
Ward, Gerald

Cahill, Michael
Francese, Paula
McBeath, Rebecca

STRAFFORD

Baber, William
DiSesa, Len
Southworth, Thomas
Wall, Janet

Berube, Roger
Horrigan, Timothy
Spang, Judith

Bixby, Peter
Kaen, Naida
Stevens, Audrey

Burton, Wayne
Schmidt, Peter
Treleaven, Susan

SULLIVAN

Cloutier, John
Grenier, James

Converse, Larry
Irwin, Virginia

Gagnon, Raymond
Oxenham, Lee

Gottling, Suzanne
Schmidt, Andrew

and the majority committee report was adopted.

CACR 16, relating to parental rights. Providing that parents have the natural right to control the health, education, and welfare of their children. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Daniel Itse for the Majority of Children and Family Law. This constitutional amendment makes parental rights, which our state supreme court has recognized as implicit in Part I, Article 2, explicit in a separate Part I, Article 2-b. Though these rights are implicit in Part I, Article 2, this legislature, the executive and even the judicial branches have all too often failed to recognize them. Therefore, the people ought to have the opportunity to make their parental rights explicit in our constitution, just as they made their right to keep and bear arms explicit in 1984 for the same reasons. This amendment would not prevent the state from intervening in cases of abuse or neglect, just as our right to liberty does not prevent being put in jail for a crime. Vote 8-5. Rep. Skip Berrien for the Minority of Children and Family Law. The United States and New Hampshire Supreme Courts have consistently recognized the natural rights of parents to raise their children. This constitutional amendment presents unintended consequences regarding the rights of parents and the best interest of children. RSA 461-A establishes the best interest of the child in parents' rights and responsibility divorce court orders when parents cannot agree. This constitutional amendment will cause confusion at the expense of children. This amendment erodes protections (RSA 173-B) for victims and children in domestic violence. Protection of children in child abuse and neglect proceedings (RSA 169-C) would be jeopardized by this amendment. The House has previously defeated this amendment on four occasions.

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

Rep. Patrick Long spoke against and yielded to questions.

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

YEAS 174 - NAYS 136**YEAS - 174
BELKNAP**

Aldrich, Glen
Gallagher, Brian
Russell, David
Vadney, Herbert

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

Fields, Dennis
Hurt, George
Sylvia, Michael

Fraser, Valerie
LeBreche, Shari
Tilton, Franklin

CARROLL

Avellani, Lino
McConkey, Mark
Umberger, Karen

Comeau, Ed
Nelson, Bill
Wright, Ted

Cordelli, Glenn
Parker, Harold

McCarthy, Frank
Schmidt, Stephen

CHESHIRE

Hunt, John

McConnell, James

COOS

Richardson, Herbert

Rideout, Leon

Tholl, John

GRAFTON

Bailey, Brad
Ingbreton, Paul

Darrow, Stephen
Johnson, Eric

Gionet, Edmond
Ladd, Rick

Hull, Robert

HILLSBOROUGH

Adams, Christopher
Belanger, James
Byron, Frank
Coffey, James
Edelblut, Frank
Gidge, Kenneth
Haefner, Robert
Hogan, Edith
LeBrun, Donald
Moore, Josh
Ohm, Bill
Proulx, Mark
Sanborn, Laurie
Smith, Gregory
Ulery, Jordan

Ammon, Keith
Biggie, Barbara
Christensen, Chris
Danielson, David
Estevez, Eric
Gonzalez, Carlos
Halstead, Carolyn
Hopper, Gary
Marston, Dick
Murotake, David
Parison, James
Rice, Kimberly
Schleien, Eric
Sullivan, Victoria
Wolf, Terry

Balcom, John
Boehm, Ralph
Christiansen, Lars
Donovan, Daniel
Ferreira, Elizabeth
Gould, Linda
Hansen, Peter
Infantine, William
McCarthy, Peggy
Murphy, Keith
Pellegrino, Anthony
Rouillard, Claire
Seidel, Carl
Sweeney, Shawn

Barry, Richard
Burt, John
Christie, Rick
Eastman, Eric
Gagne, Larry
Griffin, Barbara
Hinch, Richard
Lachance, Joseph
McLean, Mark
Notter, Jeanine
Peterson, Ken
Rowe, Robert
Simmons, Tammy
Twombly, Timothy

MERRIMACK

French, Harold
Kotowski, Frank
McGuire, Carol

Hill, Gregory
Kuch, Bill
McGuire, Dan

Hoell, J.R.
Marple, Richard
Rice, Chip

Horn, Werner
Martin, John
Seaworth, Brian

ROCKINGHAM

Abrami, Patrick
Bates, David
Christie, Andrew
Devine, James
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
McMahon, Charles
Osborne, Jason
Prudhomme-O'Brien, Katherine
Sytek, John
Vose, Michael

Abramson, Max
Bush, Carol
Cook, Allen
Doucette, Fred
Friel, William
Harris, Jeffrey
Itse, Daniel
Major, Norman
Milz, David
Packard, Sherman
Rice, Frederick
Thomas, Douglas
Webb, James

Baldasaro, Alfred
Chase, Francis
Dean-Bailey, Yvonne
Duarte, Joe
Gannon, William
Hodgdon, Bruce
Kappler, Lawrence
Matthews, Carolyn
Nigrello, Robert
Peckham, Michele
Schroadter, Adam
Tilton, Rio
Welch, David

Barnes, Arthur
Chirichiello, Brian
DeSimone, Debra
Emerick, J. Tracy
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
McKinney, Betsy
O'Connor, John
Potucek, John
Spillane, James
True, Chris
Weyler, Kenneth

STRAFFORD

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

Bickford, David
Groen, Warren
Leeman, Don
Wuelper, Kurt

Cheney, Catherine
Hannon, Joseph
Mullen, John

Graham, Robert
Jones, Laura
Pitre, Joseph

SULLIVAN

Laware, Thomas

Rollins, Skip

Smith, Steven

NAYS - 136 BELKNAP

Flanders, Donald

CARROLL

Buco, Thomas

Butler, Edward

Ticehurst, Susan

CHESHIRE

Abbott, Michael
Chase, Cynthia
Pearson, William
Shepardson, Marjorie

Ames, Richard
Johnsen, Gladys
Roberts, Kris
Tilton, Benjamin

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

Bordenet, John
Mann, John
Sad, Tara

COOS

Fothergill, John

Moynihan, Wayne

Theberge, Robert

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

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Cohen, Alan
Goley, Jeffrey
Harvey, Suzanne
Jeudy, Jean
Manley, Jonathan
Pierce, David
Shattuck, Gilman
Soucy, Timothy
Walsh, Robert

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Gorman, Mary
Heath, Mary
Leishman, Peter
McNamara, Richard
Porter, Marjorie
Shaw, Barbara
Sullivan, Daniel

Beaulieu, Jane
Cote, David
Guerette, C. Lee
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O'Brien, Michael
Roberts, Carol
Smith, Timothy
Takesian, Charlene

Brown, Pamela
Freitas, Mary
Hansberry, Daniel
Jack, Martin
Mangipudi, Latha
Palmer, Barry
Rosenwald, Cindy
Snow, Kendall
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Hirsch, Geoffrey
MacKay, James
Schuett, Dianne

Bartlett, Christy
Doherty, David
Gile, Mary
Karrick, David
Myler, Mel
Shurtleff, Stephen

Bradley, Paula
Ebel, Karen
Henle, Paul
Kenison, Linda
Ratzki, Mario
Turcotte, Alan

Carson, Clyde
Frazer, June
Hess, David
Luneau, David
Saunderson, George

ROCKINGHAM

Azarian, Gary
Cali-Pitts, Jacqueline
Francese, Paula
McBeath, Rebecca
Ward, Joanne

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

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

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

STRAFFORD

Baber, William
DiSesa, Len
Smith, Marjorie
Stevens, Audrey

Berube, Roger
Horriggan, Timothy
Southworth, Thomas
Treleaven, Susan

Bixby, Peter
Kaen, Naida
Spang, Judith
Wall, Janet

Burton, Wayne
Schmidt, Peter
Sprague, Dale

SULLIVAN

Cloutier, John
Grenier, James

Converse, Larry
Irwin, Virginia

Gagnon, Raymond
Oxenham, Lee

Gottling, Suzanne
Schmidt, Andrew

and the majority committee report failed lacking the necessary three-fifths vote.

MOTION TO LAY ON THE TABLE

Rep. Patrick Long moved that **CACR 16**, relating to parental rights. Providing that parents have the natural right to control the health, education, and welfare of their children, be laid on the table.

Motion adopted.

REGULAR CALENDAR CONT'D

HB 1117, establishing a child support maximum under the guidelines based on the parents' combined income. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kimberly Rice for the Majority of Children and Family Law. The majority of the committee agreed that this bill increases the cap in the child support guidelines in cases where the parents' combined income exceeds

\$150,000. The bill does not make changes to the child support calculations. There is still judicial discretion if cases arise. This bill makes progress to address some long-standing concerns regarding child support issues facing New Hampshire families. Vote 9-7.

Rep. Skip Berrien for the Minority of Children and Family Law. This bill is intended to make a single correction in child support statutes. The minority supports a comprehensive review of modifications to the child support statutes. In addition, the Department of Health and Human Services (DHHS) is required to undertake a review of child support allocations in 2017. This bill was created in isolation of a comprehensive process and includes formulations which appear overly complicated, potentially confusing and potentially restrictive to some children.

On a division vote, with 177 members having voted in the affirmative, and 128 in the negative, the majority committee report was adopted and ordered to third reading.

HB 1236, relative to hearings on modifications of parental rights and responsibilities. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Paul Ingretson for the Majority of Children and Family Law. This bill as amended provides that when the parties agree to a modification of parental rights and responsibilities, the court shall not hold a hearing on the modification unless requested by both parties. Individuals testified before the committee that their mutually agreed-upon parenting plans were arbitrarily changed by the court leading to enormous unnecessary expenses, losses to children's time with one or more of their parents, and increased conflict, none of which benefits families or children. This bill keeps un-coerced parenting agreements in the control of cooperating parents, avoiding unnecessary litigation and concomitant suffering. Vote 10-4.

Rep. Cynthia Chase for the Minority of Children and Family Law. The minority feels that the bill has the potential for serious unintended consequences. It has not been vetted with many of those who have expertise in this area. This bill is not ready for prime time.

Majority Amendment (0546h)

Amend the bill by replacing section 1 with the following:

1 Modification of Parental Rights and Responsibilities; Agreement of the Parties. Amend RSA 461-A:11, I(a) to read as follows:

(a) The parties agree to a modification. *The court shall not hold a hearing on the modification if so requested by both parties, who also assert they have not been coerced.*

Majority committee amendment adopted.

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

On a division vote, with 202 members having voted in the affirmative, and 108 in the negative, the majority committee report was adopted and ordered to third reading.

The House recessed at 5:45 p.m.

RECESS

The House reconvened at 6:40 p.m.

(Speaker Jasper in the Chair)

SPECIAL ORDERED

Without objection, the Speaker made all bills without debate Special Orders as the next order of business.

HB 1238, relative to income for purposes of child support. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kimberly Rice for the Majority of Children and Family Law. The majority of the committee concluded that putting a displaced homemaker into the child support statute as defined in the labor statute RSA 275-D: 2, I was too broad and promoted more discretion with the judge, therefore potentially creating more conflict. Vote 10-5.

Rep. Paul Ingretson for the Minority of Children and Family Law. Our labor laws define "displaced homemaker" for the purpose of granting welfare support. This bill seeks to protect the maternal base for younger children in divorce cases by use of the same definition by reference in the child support statute. This bill was brought by the representative of a woman who was forced into the marketplace against the best interest of her minor children when her husband divorced her.

Majority committee report adopted.

HB 1248, relative to the waiver of counsel in juvenile delinquency proceedings. **OUGHT TO PASS.**

Rep. Daniel Itse for Children and Family Law. This bill corrects a deficiency in RSA 169-B:12. Currently, the law requires the judge to write specific findings if they grant a waiver of counsel in delinquency hearings. This adds the requirement that the judge write specific findings if they deny the family's request to waive counsel, so that the family can appeal the denial. Vote 9-5.

Committee report adopted and ordered to third reading.

HB 1280, relative to grounds for modification of parental rights and responsibilities. **OUGHT TO PASS.**

Rep. Alethea Froborg for Children and Family Law. This bill provides for modification of a parenting order based on a change in travel time required for the parent's allocation of time, or a change in the parent's work schedule, or the age of the child. The bill also permits the court to modify a parenting order or schedule based on the relocation of a child's residence. Vote 10-1.

Committee report adopted and ordered to third reading.

HB 1188, relative to the brew pub license. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Pamela Tucker for the Majority of Commerce and Consumer Affairs. This bill adds six words to the statutes covering brew pub licensing to permit brew pubs to manufacture cider as well as beer. The processes for fermenting beer and cider are very similar and, rather than create yet another specialty license with the same verbiage, adding cider to the existing license accomplishes the same task. Vote 12-7.

Rep. Rebecca McBeath for the Minority of Commerce and Consumer Affairs. This bill authorizes NH brew pub licensees, presently only authorized to produce beer, to add cider production and sales to their business without paying for a cider manufacturing license. All other categories of liquor licensees remain required to apply and pay for the \$1,200 to \$1,692 cider manufacturer's license. The minority of the committee believes that providing this special exception to statutory requirements to brew pubs is unwarranted. In addition, the minority had concerns regarding this bill's effect of further eroding the "black lines" separating the three tiers (1) manufacturing, (2) distribution and (3) sales of New Hampshire's control of and revenue production from the sale of alcoholic beverages.

Majority committee report adopted and ordered to third reading.

HB 1227, repealing provisions of law regulating Sunday business activities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laurie Sanborn for Commerce and Consumer Affairs. As amended, this bill repeals outdated laws regulating business activities on Sundays and changes allowable Sunday hours for games of chance and bingo, to bring them in line with other days of the week. Vote 16-4.

Amendment (0812h)

Amend the bill by replacing section 1 with the following:

1 Repeal. RSA 332-D, relative to Sunday business activities.

2016-0812h

AMENDED ANALYSIS

This bill repeals the law prohibiting Sunday business activities and removes differing Sunday hours for bingo and games of chance.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 1339, relative to the corporate governance annual disclosure act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward Butler for Commerce and Consumer Affairs. Corporate governance is a framework of systems, policies and procedures through which an insurer provides for sound and prudent management and oversight of the insurer's business while creating security and long-term value for stakeholders and holding its board members and senior management, accountable. This National Association of Insurance Commissioners (NAIC) model law requires insurers to provide the Insurance Commissioner with an annual summary that will permit the commissioner to gain an understanding of the insurer's corporate governance framework and is required for accreditation. Vote 16-4.

Amendment (0594h)

Amend RSA 401-D:3, IV as inserted by section 1 of the bill by replacing it with the following:

IV. For purposes of completing the CGAD, the insurer or insurance group may provide information regarding corporate governance at the ultimate controlling parent level, an intermediate holding company level, and/or the individual legal entity level, depending upon how the insurer or insurance group has structured its system of corporate governance. The insurer or insurance group is encouraged to make CGAD disclosures at the level at which the insurer's or insurance group's risk appetite is determined, or at which the earnings, capital, liquidity, operations, and reputation of the insurer are overseen collectively and at which the supervision of those factors are coordinated and exercised, or the level at which legal liability for failure of general corporate governance duties would be placed. If the insurer or insurance group determines the level of reporting based on these criteria, it shall indicate which of the 3 criteria was used to determine the level of reporting and explain any subsequent changes in the level of reporting.

Amend RSA 401-D:5, I as inserted by section 1 of the bill by replacing it with the following:

I. The insurer or insurance group shall have discretion over the responses to the CGAD inquiries, provided the CGAD shall contain the material information necessary to permit the commissioner to gain an understanding of the insurer's or group's corporate governance structure, policies, and practices. The commissioner may request additional information that he or she deems material and necessary to provide the commissioner with a clear understanding of the corporate governance policies, the reporting or information system, or controls implementing those policies.

Amend RSA 401-D:7, I as inserted by section 1 of the bill by replacing it with the following:

I. The commissioner may retain, at the insurer's expense, third-party consultants, including attorneys, actuaries, accountants, and other experts not otherwise a part of the commissioner's staff as may be reasonably necessary to assist the commissioner in reviewing the CGAD and related information or the insurer's compliance with this chapter.

Amend RSA 401-D:8 as inserted by section 1 of the bill by replacing it with the following:

401-D:8 Sanctions. Any insurer failing, without just cause, to timely file the CGAD as required in this chapter shall be required, after notice and hearing, to pay a penalty of \$100 for each day's delay up to a maximum of \$2,500, to be recovered by the commissioner. The penalty so recovered shall be deposited in the general fund. The commissioner may reduce the penalty if the insurer demonstrates to the commissioner that the imposition of the penalty would constitute a financial hardship to the insurer.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 1340, relative to producer licensing. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Edward Butler for the Majority of Commerce and Consumer Affairs. This is a bill that repeals certain insurance producer fees and explicitly codifies the continuing education requirement for those producers. The fees being removed are those that had been imposed for obtaining qualification and clearance letters and for paper licenses for insurance producers. The licensees may now obtain these documents on-line for free. The second portion of the bill is based on a request from the Joint Legislative Committee on Administrative Rules (JLCAR). The joint committee has asked that the statutory language that implies the long standing requirement that insurance producers take continuing education to maintain their licenses should be stated more explicitly in the statute. Vote 12-7.

Rep. Bart Fromuth for the Minority of Commerce and Consumer Affairs. This bill was written and introduced at the request of the Insurance Department after an audit revealed they have been enforcing rules they had no authority to promulgate regarding continuing education for licensed insurance agents. To correct this "oversight" they have asked this legislature to grant them the necessary authority to legitimize and continue the practice of the last 10 years. The minority felt that passage of this bill inappropriately condones the past improper actions of the department and fails to deter such actions in the future. Further, the department testified that even though they realize that their current rule may not be legal, they continue to enforce compliance. Majority committee report adopted and ordered to third reading.

HB 1342, prohibiting the use of certain information to underwrite insurance. **INEXPEDIENT TO LEGISLATE.**

Rep. John Bordenet for Commerce and Consumer Affairs. This bill makes it a discriminatory and unfair insurance trade practice to charge higher premiums for automobile and homeowners insurance based on credit rating. Current law allows the use of credit reports for such purposes if it is not the sole reason for higher premiums. This bill also prohibits insurers from requesting certain information to underwrite casualty insurance coverage. Credit scoring to determine premium rates is practiced by most insurance carriers. If we forbid the use of this tool, carriers would have to reformulate their rate structure, the Insurance Department would have to evaluate those structures, and premiums have to be adjusted upwards to cover expected returns. Vote 15-4.

Committee report adopted.

HB 1478, establishing a commission to develop a structure for the implementation of an alternative contract for health care payments. **OUGHT TO PASS.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill establishes a commission which will create a framework for alternative medical payments contracts. Alternative contracts that are used by an insurance company to pay for medical services are slowly evolving from the traditional fee-for-service model, but progress in New Hampshire is slow. Alternate payment methods can reduce health care costs while improving outcomes for the patients. The commission will give all stakeholder groups a say in how such contracts should be structured, rather than having a government agency impose one on them. Vote 11-6.

Committee report adopted and ordered to third reading.

HB 1540-FN, relative to direct shipments of beer. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Barbara Biggie for the Majority of Commerce and Consumer Affairs. This bill addresses the distribution of beer labels requested by consumers and licensees that are not currently available through

state-licensed beer distributors by utilizing direct shippers. Shippers can deliver not more than 20 barrels (approximately 610 gallons) before they must offer to sell a matching amount to a New Hampshire wholesale distributor. It is understandable that the small quantities requested may not be economically feasible to distribute, thereby the reason to pass this bill. Building interest generated in new beer labels may perhaps lead to the New Hampshire beer distributors adding them in their deliveries. This would increase beer sales and tax revenues. Vote 13-5.

Rep. Richard Abel for the Minority of Commerce and Consumer Affairs. The minority believes this bill, no matter how well-intentioned, proposes an impractical approach that will not work and that creates the unintended consequence of threatening the 'three tier system' by which the New Hampshire Liquor Commission has successfully regulated alcoholic beverages in the state. Testimony heard by the committee indicated that direct shipment of beer products to licensed businesses would be so expensive that few, if any, businesses in New Hampshire would choose this option. A much better solution is available through the existing beer distributors who already distribute beer throughout the state under existing state regulation. Stakeholders including distributors and the hospitality industry are working on a system to make specialty and other beers available that are currently unavailable in New Hampshire. They should be given time to implement their solution that accords with federal and New Hampshire laws.

Majority committee report adopted and ordered to third reading.

HB 1297, relative to harm to unalienable rights of inhabitants. **INEXPEDIENT TO LEGISLATE.**

Rep. Latha Mangipudi for Criminal Justice and Public Safety. This bill would have allowed an individual to file an affidavit of complaint of trespass against any public servant who the individual feels has wronged them, which must be prosecuted by the county attorney and which carries the effect of a prima facie case. This would create a heavy burden on the county, no matter if the public servant was a state, county or municipal employee. The committee felt that the bill was unnecessary. Vote 10-3.

Committee report adopted.

HB 1321, relative to transportation of alcoholic beverages by a minor. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Len DiSesa for the Majority of Criminal Justice and Public Safety. The Attorney General's Office and the NH Liquor Commission strongly opposed this bill. The current language in the statute allows for the transportation of alcohol in a vehicle or boat by a minor when she or he is accompanied by a parent, legal guardian, or legal age spouse. This bill would eliminate the word "spouse" and substitute instead "family member." It would apply to the operation of both a motor vehicle and a boat. The committee heard testimony from the Attorney General's Office that concluded this change would be create a rabbit hole and make it that much more difficult for police officers to do their jobs. Under the *Weldy v. Kingston* decision, police were held liable for the death of a female juvenile who was killed as a result of an alcohol-related motor vehicle accident. In that decision, police initially stopped a motor vehicle with several juveniles in it who were transporting alcohol. The police confiscated the alcohol and let the juveniles go. The juveniles acquired more alcohol, drank some of it, and were involved in a fatal motor vehicle accident later that evening. Under the "Kingston Decision," police have no leeway when it comes to seizing alcohol and placing the underage driver (and other juveniles in the vehicle) under protective custody. By adding the term "family member" to the existing statute, it creates a whole range of issues that would be difficult to enforce. For example, does family member include cousins? Is it a blood relation or a legal relation? Step-brothers or step-sisters? The committee discussed a range of problem areas that this bill would create, and the majority of the committee - considering the nexus of alcohol to motor vehicle-related accidents and deaths - felt that the current statutory language more than sufficed to allow a minor to transport alcohol. Vote 12-5.

Rep. John Burt for the Minority of Criminal Justice and Public Safety. The minority wished to remove the potential for arrest and the resultant legal fees for innocent situations such as when a grandchild drives a grandparent home from grocery shopping that included a bottle of wine or beer. The minority understood that the legislation and the amendment fixed a situation that may occur rather frequently. The amendment delineated the specific family members who may drive with the underage driver legally.

On a division vote, with 190 members having voted in the affirmative, and 93 in the negative, the majority committee report was adopted.

HB 1330, appointing a former prisoner to the interbranch criminal and juvenile justice council. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura Pantelakos for Criminal Justice and Public Safety. This bill would have added one former prisoner to the Interbranch Criminal and Juvenile Justice Council. The committee felt that there was no place for a former prisoner on the council. The council discusses many different issues and the meetings are open to the public so anyone can come to the meeting and speak to the council about any issues concerning the prison or the juvenile system. Vote 12-3.

Committee report adopted.

HB 1335-FN, relative to state testing of law enforcement officers for steroid use. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura Pantelakos for Criminal Justice and Public Safety. The committee felt that random testing of law enforcement officers for steroids by Police Standards and Training was unworkable. There is no money in the bill for this testing. The committee felt that this issue is better addressed at the local level. Vote 12-3. Committee report adopted.

HB 1435, relative to enforcement of the prohibition on the use of mobile electronic devices while driving. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Geoffrey Hirsch for the Majority of Criminal Justice and Public Safety. This bill cuts the legs out from under existing law by limiting the prohibition on the use of mobile electronic devices while driving to a secondary action when another offense is cited or charged. The three big contributors to fatal car crashes are DUI, speed, and distracted driving due to hand held devices. The committee heard opposition from the AAA of Northern New England, the NH Auto Dealers Association, the NH Department of Safety, and the NH Attorney General's office. The Live Free or Die Alliance offered survey data that showed over 60% of NH citizens polled support leaving current law alone. This proposed legislation moves NH backward in trying to keep our roads and highways safe. Vote 13-5.

Rep. Ed Comeau for the Minority of Criminal Justice and Public Safety. The bill makes changes to the current statute regarding the use of mobile devices while driving. The existing law allows police to pull over a driver if they observe them using a mobile device as a primary reason for the stop. This bill modifies the statute to be a secondary action when another offense is cited or charged. For example, speeding, erratic operation, or defective safety equipment. The Fourth Amendment requires some minimal level of objective justification for making the stop. It is the minority opinion that making a stop primarily due to the observed use of a mobile device does not meet the level of suspicion that the operator is not in control of the vehicle and therefore it is not justified as a primary reason for the stop.

Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 188 - NAYS 115**YEAS - 188****BELKNAP**

Fields, Dennis

Flanders, Donald

Gallagher, Brian

Tilton, Franklin

CARROLL

Butler, Edward

McCarthy, Frank

Schmidt, Stephen

Umberger, Karen

CHESHIRE

Abbott, Michael
Chase, Cynthia
Pearson, William
Shepardson, Marjorie

Ames, Richard
Johnsen, Gladys
Roberts, Kris
Tatro, Bruce

Berch, Paul
Ley, Douglas
Robertson, Timothy
Tilton, Benjamin

Bordenet, John
Mann, John
Sad, Tara
Weber, Lucy

COOS

Fothergill, John
Theberge, Robert

Hatch, William
Tholl, John

Moynihan, Wayne
Thomas, Yvonne

Richardson, Herbert

GRAFTON

Abel, Richard
Ford, Susan
Ladd, Rick
Sykes, George

Almy, Susan
Hennessey, Erin
Maes, Kevin
Townsend, Charles

Cooney, Mary
Hennessey, Martha
Massimilla, Linda
White, Andrew

Darrow, Stephen
Higgins, Patricia
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Beaulieu, Jane
Cornell, Patricia
Freitas, Mary
Gorman, Mary
Harvey, Suzanne
Jeudy, Jean
Mangipudi, Latha
Palmer, Barry
Porter, Marjorie
Rouillard, Claire
Shaw, Barbara
Sullivan, Daniel
Wolf, Terry

Balcom, John
Brown, Pamela
Cote, David
Gagne, Larry
Gould, Linda
Heath, Mary
LeBrun, Donald
Manley, Jonathan
Pellegrino, Anthony
Proulx, Mark
Rowe, Robert
Smith, Timothy
Takesian, Charlene

Baroody, Benjamin
Christensen, Chris
Danielson, David
Gidge, Kenneth
Guerette, C. Lee
Hinch, Richard
Leishman, Peter
McNamara, Richard
Peterson, Ken
Roberts, Carol
Seidel, Carl
Snow, Kendall
Vann, Ivy

Barry, Richard
Cohen, Alan
Donovan, Daniel
Goley, Jeffrey
Haefner, Robert
Jack, Martin
Long, Patrick
O'Brien, Michael
Pierce, David
Rosenwald, Cindy
Shattuck, Gilman
Soucy, Timothy
Walsh, Robert

MERRIMACK

Alicea, Caroletta
Doherty, David
Gile, Mary
Horn, Werner
Luneau, David
Rice, Chip
Turcotte, Alan

Bartlett, Christy
Ebel, Karen
Henle, Paul
Karrick, David
MacKay, James
Saunderson, George
Wheeler, Deborah

Carson, Clyde
Frazer, June
Hess, David
Kenison, Linda
Myler, Mel
Schuett, Dianne

Deloge, Helen
French, Barbara
Hirsch, Geoffrey
Kotowski, Frank
Ratzki, Mario
Shurtleff, Stephen

ROCKINGHAM

Abrami, Patrick
Borden, David
Chase, Francis
DiFranco, Debbie
Gordon, Pamela
Hoelzel, Kathleen
Matthews, Carolyn
Nigrello, Robert
Peckham, Michele
Simpson, Alexis
Weyler, Kenneth

Azarian, Gary
Cahill, Michael
Cushing, Robert
Doucette, Fred
Green, Dennis
Katsakiores, Phyllis
McBeath, Rebecca
O'Connor, John
Potucek, John
Sweeney, Joe

Barnes, Arthur
Cali-Pitts, Jacqueline
DeSimone, Debra
Francese, Paula
Griffin, Mary
Kolodziej, Walter
McKinney, Betsy
Packard, Sherman
Prudhomme-O'Brien, Katherine
Ward, Gerald

Berrien, Skip
Cardon, G. Thomas
Devine, James
Friel, William
Heffron, Frank
Lovejoy, Patricia
Milz, David
Pantelakos, Laura
Rice, Frederick
Welch, David

STRAFFORD

Baber, William
Gray, James
Southworth, Thomas
Wall, Janet

Bixby, Peter
Horrigan, Timothy
Spang, Judith

Burton, Wayne
Schmidt, Peter
Stevens, Audrey

DiSesa, Len
Smith, Marjorie
Treleaven, Susan

SULLIVAN

Cloutier, John
Irwin, Virginia
Smith, Steven

Gagnon, Raymond
Oxenham, Lee

Gottling, Suzanne
Rollins, Skip

Grenier, James
Schmidt, Andrew

NAYS - 115**BELKNAP**

Aldrich, Glen
Hurt, George
Sylvia, Michael

Dumais, Russell
LeBreche, Shari
Vadney, Herbert

Fraser, Valerie
Russell, David

Howard, Jr., Raymond
Spanos, Peter

CARROLL

Avellani, Lino
McConkey, Mark
Wright, Ted

Buco, Thomas
Nelson, Bill

Comeau, Ed
Parker, Harold

Cordelli, Glenn
Ticehurst, Susan

CHESHIRE

Hunt, John

McConnell, James

COOS

Rideout, Leon

GRAFTON

Bailey, Brad
Johnson, Eric

Gionet, Edmond

Hull, Robert

Ingbretson, Paul

HILLSBOROUGH

Adams, Christopher
Boehm, Ralph
Christie, Rick
Edwards, Elizabeth
Hansen, Peter
Lachance, Joseph
Moore, Josh
Ohm, Bill
Schleien, Eric
Twombly, Timothy

Ammon, Keith
Burt, John
Coffey, James
Estevez, Eric
Hogan, Edith
Marston, Dick
Murotake, David
Parison, James
Smith, Gregory
Ulery, Jordan

Belanger, James
Byron, Frank
Eastman, Eric
Ferreira, Elizabeth
Hopper, Gary
McCarthy, Peggy
Murphy, Keith
Rice, Kimberly
Sullivan, Victoria

Biggie, Barbara
Christiansen, Lars
Edelblut, Frank
Griffin, Barbara
Infantine, William
McLean, Mark
Notter, Jeanine
Sanborn, Laurie
Sweeney, Shawn

MERRIMACK

French, Harold
Long, Douglas
McGuire, Dan

Hill, Gregory
Marple, Richard
Seaworth, Brian

Hoell, J.R.
Martin, John

Kuch, Bill
McGuire, Carol

ROCKINGHAM

Abramson, Max
Chirichiello, Brian
Ferrante, Beverly
Itse, Daniel
Spillane, James
True, Chris

Baldasaro, Alfred
Cook, Allen
Gannon, William
Kappler, Lawrence
Sytek, John
Vose, Michael

Bates, David
Duarte, Joe
Harris, Jeffrey
Osborne, Jason
Thomas, Douglas
Ward, Joanne

Bush, Carol
Emerick, J. Tracy
Hodgdon, Bruce
Schroadter, Adam
Tilton, Rio
Webb, James

STRAFFORD

Beaudoin, Steven
Groen, Warren
Leeman, Don
Turcotte, Leonard

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

Cheney, Catherine
Jones, Laura
Pitre, Joseph

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

SULLIVAN

Converse, Larry

Laware, Thomas

and the majority committee report was adopted.

HB 1448, relative to contact between a plaintiff and defendant subject to a protective order. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Len DiSesa for the Majority of Criminal Justice and Public Safety. The language of this bill would effectively level the playing field between a defendant (the abuser in a domestic abuse restraining order) and the plaintiff (the victim in the relationship). It would place similar contact restrictions on both parties in a domestic situation where the defendant is a threat to the health and safety of the plaintiff. If one looks at the current statute as a whole, the first line states that “. . . a finding of abuse shall mean the defendant represents a credible threat to the safety of the plaintiff.” The restraining order is put into effect by the courts to restrain the defendant/abuser, not the plaintiff/victim. This amended version of the statute would make the restraining orders mutual relief orders, and RSA 173:B-5, V, (a) specifically prohibits those types of orders. The purpose of enacting domestic violence laws and, in particular, restraining orders is to make the victims feel more safe, to hold abusers accountable and to give families the support they need to be safe. The majority of the committee felt that there was no need to amend a statute that is already working well. By passing this bill it would effectively remove the interstate enforcement of restraining orders as it would no longer be able to be entered into the interstate compact due to federal regulations, leaving the victim without the protection of the domestic violence restraining order out of state. Vote 13-5. Rep. John Burt for the Minority of Criminal Justice and Public Safety. The adoption of this bill would provide further protection to the victims by preventing contact from either party to the other through any means of communication, unless communicating through a third party. How many citizens realize that when you ask for a protective order that it only protects just one side? This bill is not only about domestic violence, but any victim that asks the court for a protective order. Protective orders are to protect the victim, if a victim is afraid, fearful for their life, why should they be calling, emailing, texting, provoking, etc. to their alleged abuser? The majority stated that protective orders are hard to get; this is not true, what judge would risk this liability? Protective orders are not upheld across state lines; again, not true - in his or her new state of residency, the police must uphold the protection order from another state. Why it is ok for a victim to get a protective order and still have the right to contact that plaintiff with no ramifications, yet the accused abuser can be arrested for responding or answering? Why are we enabling victims instead of teaching them to protect themselves? This bill is just common sense. Regardless of gender, the victim should be protected from their abuser by forbidding contact from either side. Majority committee report adopted.

HB 1451-FN, allowing persons convicted of certain nonviolent first offenses to petition for an annulment of the criminal record. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Welch for Criminal Justice and Public Safety. This bill as amended allows any person who was convicted of a criminal offense whose conviction was subsequently vacated by a court may petition for annulment of the arrest record or court record or both. Vote 18-0.

Amendment (0138)

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

AN ACT relative to the annulment of certain criminal offenses.

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

2016-0138h

AMENDED ANALYSIS

The bill allows a person to petition for an annulment if the person's criminal conviction was subsequently vacated.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 1474, requiring the collection of data relative to firearm related deaths and injuries. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John Martin for the Majority of Criminal Justice and Public Safety. This bill would have required yet another report on firearms-related crimes in New Hampshire. This was seen as unnecessary, as any crime, theft, or incident regarding firearms is already reported, investigated, tabulated and reported by the Department of Safety. It is available by a few keystrokes to access it. It was even demonstrated in one case before the committee where a vague estimate was offered regarding a firearms specific statistic, citing the unknown nature of the exact figure, when it was inadvertently included in the documentary evidence presented. Further, all this information is also contained in the FBI Uniform Crime Report, an annual compendium of crime in the United States. This bill had the possibility of being a "red herring" in regards to furthering an anti-Second Amendment agenda. Vote 11-4.

Rep. Geoffrey Hirsch for the Minority of Criminal Justice and Public Safety. When a car kills a person in the United States, the details all go into a massive database. It is called the Fatality Analysis Reporting System, and it records the number of deaths, the type of car, weather conditions, speed, seatbelt use, age, sex, seating position, and drug use of every single occupant - over 100 variables in total. Those numbers are the backbone of car safety standards. Since the National Highway Traffic Safety Administration started capturing that data in 1975, car deaths have fallen by 27 percent. This bill simply requires the Department of Safety to release in one report the number and types of convictions for firearm-related crimes committed in New Hampshire on a yearly basis to the Speaker of the House, President of the Senate, and the Chairs of the House Criminal Justice Committees and Senate Judiciary. Additionally the department would report on the number of deaths and injuries occurring from firearms in New Hampshire. All of this data does already exist but is spread out in various locations, making it cumbersome to assemble. Reporting can be done with little to no additional expense by the Criminal Records Division of the State Police. While not every town and city reports all information to the State Police, the majority do, and this data would be of great assistance to legislators in making informed decisions regarding firearms and public safety. It is unfortunate that attempts to accumulate this kind of data are met with such resistance. It is time to close the data gaps and understand more about how firearms impact public health and safety.

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

Rep. Ammon requested a roll call; sufficiently seconded.

YEAS 225 - NAYS 80**YEAS - 225****BELKNAP**

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

Dumais, Russell
Gallagher, Brian
Russell, David

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

Flanders, Donald
Hurt, George
Tilton, Franklin

CARROLL

Avellani, Lino
McCarthy, Frank
Schmidt, Stephen

Buco, Thomas
McConkey, Mark
Umberger, Karen

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Nelson, Bill
Wright, Ted

Cordelli, Glenn
Parker, Harold

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Tilton, Benjamin

Hunt, John

McConnell, James

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Rideout, Leon

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Theberge, Robert

Moynihan, Wayne
Tholl, John

Richardson, Herbert

GRAFTON

Bailey, Brad
Hull, Robert
Smith, Suzanne

Darrow, Stephen
Ingretson, Paul
White, Andrew

Gionet, Edmond
Johnson, Eric

Hennessey, Erin
Ladd, Rick

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Adams, Christopher
Beaulieu, Jane
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Christiansen, Lars
Cornell, Patricia
Eastman, Eric
Ferreira, Elizabeth
Gorman, Mary
Hinch, Richard
Jack, Martin

Balcom, John
Belanger, James
Burt, John
Christie, Rick
Cote, David
Edelblut, Frank
Gagne, Larry
Gould, Linda
Hogan, Edith
Jeudy, Jean

Baroody, Benjamin
Biggie, Barbara
Byron, Frank
Coffey, James
Danielson, David
Edwards, Elizabeth
Gidge, Kenneth
Haefner, Robert
Hopper, Gary
Lachance, Joseph

Barry, Richard
Boehm, Ralph
Christensen, Chris
Cohen, Alan
Donovan, Daniel
Estevez, Eric
Goley, Jeffrey
Harvey, Suzanne
Infantine, William
LeBrun, Donald

Long, Patrick
McLean, Mark
Notter, Jeanine
Parison, James
Proulx, Mark
Sanborn, Laurie
Simmons, Tammy
Sullivan, Victoria
Ulery, Jordan

Manley, Jonathan
Moore, Josh
O'Brien, Michael
Pellegrino, Anthony
Rice, Kimberly
Schleien, Eric
Smith, Gregory
Sweeney, Shawn
Walsh, Robert

Marston, Dick
Murotake, David
Ohm, Bill
Peterson, Ken
Rouillard, Claire
Seidel, Carl
Smith, Timothy
Takesian, Charlene
Wolf, Terry

McCarthy, Peggy
Murphy, Keith
Palmer, Barry
Pierce, David
Rowe, Robert
Shaw, Barbara
Snow, Kendall
Twombly, Timothy

MERRIMACK

Carson, Clyde
French, Harold
Horn, Werner
MacKay, James
Myler, Mel
Shurtleff, Stephen

Ebel, Karen
Hess, David
Kotowski, Frank
Marple, Richard
Ratzki, Mario
Wheeler, Deborah

Frazer, June
Hill, Gregory
Kuch, Bill
Martin, John
Rice, Chip

French, Barbara
Hoell, J.R.
Long, Douglas
McGuire, Dan
Seaworth, Brian

ROCKINGHAM

Abrami, Patrick
Barnes, Arthur
Chase, Francis
DeSimone, Debra
Emerick, J. Tracy
Green, Dennis
Hoelzel, Kathleen
Kolodziej, Walter
McKinney, Betsy
Osborne, Jason
Potucek, John
Spillane, James
Tilton, Rio
Webb, James

Abramson, Max
Bates, David
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Lovejoy, Patricia
Milz, David
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sweeney, Joe
True, Chris
Welch, David

Azarian, Gary
Bush, Carol
Cook, Allen
Doucette, Fred
Friel, William
Harris, Jeffrey
Kappler, Lawrence
Matthews, Carolyn
Nigrello, Robert
Pantelakos, Laura
Rice, Frederick
Sytek, John
Vose, Michael
Weyler, Kenneth

Baldasaro, Alfred
Cardon, G. Thomas
Dean-Bailey, Yvonne
Duarte, Joe
Gannon, William
Hodgdon, Bruce
Katsakiores, Phyllis
McBeath, Rebecca
O'Connor, John
Peckham, Michele
Simpson, Alexis
Thomas, Douglas
Ward, Joanne

STRAFFORD

Beaudoin, Steven
DiSesa, Len
Hannon, Joseph
Mullen, John
Turcotte, Leonard

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

Burton, Wayne
Gray, James
Kaczynski, Jr., Thomas
Sprague, Dale

Cheney, Catherine
Groen, Warren
Leeman, Don
Treleaven, Susan

SULLIVAN

Cloutier, John
Laware, Thomas

Gagnon, Raymond
Rollins, Skip

Gottling, Suzanne
Schmidt, Andrew

Grenier, James
Smith, Steven

NAYS - 80 BELKNAP

Sylvia, Michael

CARROLL

Butler, Edward

Ticehurst, Susan

CHESHIRE

Abbott, Michael
Ley, Douglas
Sad, Tara

Ames, Richard
Mann, John
Shepardson, Marjorie

Berch, Paul
Pearson, William
Tatro, Bruce

Johnsen, Gladys
Robertson, Timothy
Weber, Lucy

COOS

Thomas, Yvonne

GRAFTON

Abel, Richard
Hennessey, Martha
Sykes, George

Almy, Susan
Higgins, Patricia
Townsend, Charles

Cooney, Mary
Maes, Kevin

Ford, Susan
Massimilla, Linda

HILLSBOROUGH

Ammon, Keith
Guerette, C. Lee
Mangipudi, Latha
Rosenwald, Cindy
Vann, Ivy

Backus, Robert
Hansen, Peter
McNamara, Richard
Shattuck, Gilman

Freitas, Mary
Heath, Mary
Porter, Marjorie
Soucy, Timothy

Griffin, Barbara
Leishman, Peter
Roberts, Carol
Sullivan, Daniel

MERRIMACK

Alicea, Caroletta
Gile, Mary
Kenison, Linda
Schuett, Dianne

Bartlett, Christy
Henle, Paul
Luneau, David
Turcotte, Alan

Deloge, Helen
Hirsch, Geoffrey
McGuire, Carol

Doherty, David
Karrick, David
Saunderson, George

ROCKINGHAM

Berrien, Skip
Cushing, Robert
Heffron, Frank

Borden, David
DiFranco, Debbie
Schroadter, Adam

Cahill, Michael
Francese, Paula
Ward, Gerald

Cali-Pitts, Jacqueline
Gordon, Pamela

STRAFFORD

Baber, William
Smith, Marjorie
Wuelper, Kurt

Bixby, Peter
Southworth, Thomas

Horriggan, Timothy
Spang, Judith

Schmidt, Peter
Stevens, Audrey

SULLIVAN

Converse, Larry

Irwin, Virginia

Oxenham, Lee

and the majority committee report was adopted.

HB 1543-FN, relative to prosecutorial misconduct. INEXPEDIENT TO LEGISLATE.

Rep. Dick Marston for Criminal Justice and Public Safety. This bill would have subjected an attorney acting as a prosecutor for the state, county, or a municipality to a class B felony if he or she knowingly prosecuted a person knowing that the person was not guilty of the crime. The ability to determine whether or not someone knew with certainty that a person was not guilty is subjective and would open a prosecutor to excessive complaints from defendants. The Attorney General's Office testified against the bill and pointed out that there are already remedies within the law to address the problem. For these reasons, the committee felt that the bill was not necessary. Vote 11-1.

On a division vote, with 256 members having voted in the affirmative, and 49 in the negative, the committee report was adopted.

HB 1547-FN, prohibiting bestiality. OUGHT TO PASS WITH AMENDMENT.

Rep. Laura Pantelakos for Criminal Justice and Public Safety. Our statute on the crime of bestiality was repealed in 1975. Under this bill, the crime of having sex with an animal will once again be a criminal act. The amendment satisfies concerns expressed by NH's farmers and the veterinarian community. Vote 15-0.

Amendment (0775h)

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

AN ACT prohibiting bestiality.

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Bestiality. Amend RSA 632-A by inserting after section 24 the following new subdivision:
Bestiality

632-A:25 Bestiality.

I. A person commits, bestiality by knowingly committing any of the following acts:

(a) Engaging in copulation with an animal.

(b) Offering or accepting the offer of an animal for consideration with the intent that it be subject to sexual contact or sexual penetration by a human.

(c) Photographing or filming or distributing such photographs or films, for the purpose of sexual arousal or gratification, of a person engaged in sexual contact or sexual penetration with an animal.

II. Any person convicted of a violation of this section shall be guilty of a class A misdemeanor for a first offense and a class B felony for a second or subsequent offense.

III. In addition to any other penalty imposed for a violation of this section, the court shall order that the convicted person:

(a) Submit to a psychological assessment and participate in appropriate counseling at the convicted person's own expense.

(b) Reimburse an animal shelter for any reasonable costs incurred for the care and maintenance of any animal that was taken to the animal shelter as a result of conduct proscribed by this section.

(c) Shall not own, harbor, exercise control over, or reside in the same household with any animal for a period of time deemed reasonable by the court.

IV. This section shall not apply to:

(a) Accepted veterinary medical practices.

(b) Insemination of animals for the purpose of procreation.

(c) Accepted animal husbandry practices that provide necessary care for animals.

V. For purposes of this section, "animal" means a nonhuman mammal, bird, reptile, or amphibian, either dead or alive.

2016-0775h
AMENDED ANALYSIS

This bill establishes the crime of bestiality.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 1549-FN, requiring the department of safety to establish a database cataloging certain law enforcement activities. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David Welch for the Majority of Criminal Justice and Public Safety. This bill as introduced requires the Department of Safety to create and maintain a database cataloging law enforcement activities. This would mandate compliance by local and county law enforcement. Since we cannot mandate or pass on to local communities according to the NH Constitution Part I, Article 28-a, the committee voted to find the bill Inexpedient to Legislate. Vote 10-4.

Rep. Ed Comeau for the Minority of Criminal Justice and Public Safety. Law enforcement utilizes the Intelligence Analysis Center to report crime statistics. They report their statistics to this entity. According to its mission statement, "The Center provides an integrated, all-crimes/all-hazards, information sharing network to collect, analyze and disseminate information derived from multiple sources to stakeholders in a timely manner, in an effort to protect the citizens and the critical infrastructure of New Hampshire, while ensuring the protection of civil rights and civil liberties." At present, the actions taken by law enforcement are compiled at the local level and not forwarded to the IAC. The mission statement reads: "while ensuring the protection of civil rights and civil liberties." This bill would establish that this "Law Enforcement Action Data," that is already compiled at the different levels of enforcement be forwarded to the IAC. The public could then acquire information that may be properly redacted when a public Right to Know request is submitted. At present, a citizen must access hundreds of different departments to compile Law Enforcement Action Data. It is the minority opinion that improperly redacted data could be inadvertently released and it would be more secure to have this data and the requests for it in one place.

Rep. Ammon requested a roll call; sufficiently seconded.

YEAS 205 - NAYS 99

YEAS - 205

BELKNAP

Dumais, Russell
Russell, David

Fields, Dennis
Tilton, Franklin

Flanders, Donald

Gallagher, Brian

CARROLL

Butler, Edward
Schmidt, Stephen

McCarthy, Frank
Ticehurst, Susan

McConkey, Mark
Umberger, Karen

Parker, Harold

CHESHIRE

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

Ames, Richard
Hunt, John
Pearson, William
Tilton, Benjamin

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COOS

Fothergill, John
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Hatch, William
Tholl, John

Moynihan, Wayne

Richardson, Herbert

GRAFTON

Abel, Richard
Ford, Susan
Johnson, Eric
Sykes, George

Almy, Susan
Hennessey, Erin
Ladd, Rick
White, Andrew

Cooney, Mary
Hennessey, Martha
Massimilla, Linda

Darrow, Stephen
Higgins, Patricia
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Beaulieu, Jane
Christensen, Chris
Cote, David
Gagne, Larry
Griffin, Barbara
Hinch, Richard
LeBrun, Donald
Manley, Jonathan
O'Brien, Michael
Porter, Marjorie
Rouillard, Claire

Balcom, John
Biggie, Barbara
Christiansen, Lars
Donovan, Daniel
Gidge, Kenneth
Haefner, Robert
Infantine, William
Leishman, Peter
Marston, Dick
Palmer, Barry
Proulx, Mark
Rowe, Robert

Baroody, Benjamin
Brown, Pamela
Cohen, Alan
Edelblut, Frank
Goley, Jeffrey
Harvey, Suzanne
Jack, Martin
Long, Patrick
McCarthy, Peggy
Peterson, Ken
Roberts, Carol
Seidel, Carl

Barry, Richard
Byron, Frank
Cornell, Patricia
Freitas, Mary
Gorman, Mary
Heath, Mary
Jeudy, Jean
Mangipudi, Latha
McNamara, Richard
Pierce, David
Rosenwald, Cindy
Shattuck, Gilman

Shaw, Barbara
Soucy, Timothy
Vann, Ivy

Smith, Gregory
Sullivan, Daniel
Walsh, Robert

Smith, Timothy
Sullivan, Victoria
Wolf, Terry

Snow, Kendall
Takesian, Charlene

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Alicea, Caroletta
Doherty, David
Gile, Mary
Karrick, David
MacKay, James
Rice, Chip
Turcotte, Alan

Bartlett, Christy
Ebel, Karen
Henle, Paul
Kenison, Linda
Martin, John
Saunderson, George
Wheeler, Deborah

Carson, Clyde
Frazer, June
Hess, David
Kotowski, Frank
Myler, Mel
Schuett, Dianne

Deloge, Helen
French, Barbara
Hirsch, Geoffrey
Luneau, David
Ratzki, Mario
Shurtleff, Stephen

ROCKINGHAM

Abrami, Patrick
Borden, David
Chase, Francis
DeSimone, Debra
Ferrante, Beverly
Green, Dennis
Hoelzel, Kathleen
Matthews, Carolyn
Nigrello, Robert
Peckham, Michele
Sweeney, Joe
Webb, James

Azarian, Gary
Cahill, Michael
Christie, Andrew
Devine, James
Francese, Paula
Griffin, Mary
Katsakiores, Phyllis
McBeath, Rebecca
O'Connor, John
Potucek, John
Sytek, John
Welch, David

Barnes, Arthur
Cali-Pitts, Jacqueline
Cook, Allen
DiFranco, Debbie
Friel, William
Harris, Jeffrey
Kolodziej, Walter
McKinney, Betsy
Packard, Sherman
Prudhomme-O'Brien, Katherine
Ward, Gerald
Weyler, Kenneth

Berrien, Skip
Cardon, G. Thomas
Cushing, Robert
Doucette, Fred
Gordon, Pamela
Heffron, Frank
Lovejoy, Patricia
Milz, David
Pantelakos, Laura
Simpson, Alexis
Ward, Joanne

STRAFFORD

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

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

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

Burton, Wayne
Leeman, Don
Spang, Judith
Wall, Janet

SULLIVAN

Cloutier, John
Irwin, Virginia
Smith, Steven

Gagnon, Raymond
Oxenham, Lee

Gottling, Suzanne
Rollins, Skip

Grenier, James
Schmidt, Andrew

NAYS - 99

BELKNAP

Aldrich, Glen
LeBreche, Shari

Fraser, Valerie
Spanos, Peter

Howard, Jr., Raymond
Sylvia, Michael

Hurt, George
Vadney, Herbert

CARROLL

Avellani, Lino
Nelson, Bill

Buco, Thomas
Wright, Ted

Comeau, Ed

Cordelli, Glenn

CHESHIRE

COOS

GRAFTON

Bailey, Brad
Maes, Kevin

Gionet, Edmond
Townsend, Charles

Hull, Robert

Ingbretson, Paul

HILLSBOROUGH

Adams, Christopher
Burt, John
Eastman, Eric
Gould, Linda
Hopper, Gary
Murotake, David
Parison, James
Simmons, Tammy

Ammon, Keith
Christie, Rick
Edwards, Elizabeth
Guerette, C. Lee
Lachance, Joseph
Murphy, Keith
Pellegrino, Anthony
Sweeney, Shawn

Belanger, James
Coffey, James
Estevez, Eric
Hansen, Peter
McLean, Mark
Notter, Jeanine
Rice, Kimberly
Twombly, Timothy

Boehm, Ralph
Danielson, David
Ferreira, Elizabeth
Hogan, Edith
Moore, Josh
Ohm, Bill
Sanborn, Laurie
Ulery, Jordan

MERRIMACK

French, Harold
Kuch, Bill
McGuire, Dan

Hill, Gregory
Long, Douglas
Seaworth, Brian

Hoell, J.R.
Marple, Richard

Horn, Werner
McGuire, Carol

ROCKINGHAM

Abramson, Max
Chirichiello, Brian
Gannon, William
Osborne, Jason
Thomas, Douglas

Baldasaro, Alfred
Dean-Bailey, Yvonne
Hodgdon, Bruce
Rice, Frederick
Tilton, Rio

Bates, David
Duarte, Joe
Itse, Daniel
Schroadter, Adam
True, Chris

Bush, Carol
Emerick, J. Tracy
Kappler, Lawrence
Spillane, James
Vose, Michael

STRAFFORD

Beaudoin, Steven
Hannon, Joseph
Pitre, Joseph

Cheney, Catherine
Jones, Laura
Turcotte, Leonard

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

Groen, Warren
Mullen, John

SULLIVAN

Converse, Larry

Laware, Thomas

and the majority committee report was adopted.

HB 1552-FN, extending the penalty of death to acts of terrorism and civil rights offenses. **INEXPEDIENT TO LEGISLATE.**

Rep. Shawn Sweeney for Criminal Justice and Public Safety. This bill would grow NH's relatively narrow death penalty law to be one of the broadest in the country by adding an expansive definition of "weapon of mass destruction" to include nearly any weapon, device, or drug, and expanding the class of victims to include any person enjoying a right or privilege protected by the constitution (i.e. life.) Not recommending passage of this bill still leaves in place NH's death penalty statute for a list of heinous acts against vulnerable victims and law enforcement. Vote 11-4.

Committee report adopted.

HB 1599-FN, relative to shining a laser pointing device at an aircraft or vessel, or at another person. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Martin for Criminal Justice and Public Safety. This bill as amended establishes penalties for offenses involving shining a laser pointing device at an aircraft or vessel, or at another person. The committee heard testimony from an active multi-engine aircraft pilot who described the experience of being illuminated on landing approach and explained the even greater dangers from the potential blinding of a lone pilot in a multi-engine cargo plane, or even a smaller private aircraft. This is a dangerous practice that has even occurred in New Hampshire and the perpetrators are difficult to locate from a fast moving aircraft. Previously, the only recourse was to notify federal authorities who would not be in a position to respond quickly. The bill also exempts the legal use of lasers used in training classes, construction sites, medical personnel, and law enforcement. Vote 13-0.

Amendment (0252h)

Amend the bill by replacing section 1 with the following:

1 Assault and Related Offenses; Conduct Involving Laser Pointing Devices. Amend RSA 631:3-a to read as follows:

631:3-a Conduct Involving Laser Pointing Devices.

I. **(a)** Any person who knowingly shines the beam of a laser pointing device at an occupied motor vehicle, **vessel, or** window, or **at a** person shall be guilty of a violation **and** the laser pointing device shall be **seized and** forfeited upon conviction.

(b) Any person who knowingly shines the beam of a laser pointing device at an occupied aircraft shall be guilty of a misdemeanor and the laser pointing device shall be seized and forfeited upon conviction.

II. ~~[Notwithstanding the provisions of paragraph I,]~~ Any person who knowingly shines the beam of a laser pointing device at a law enforcement officer or law enforcement vehicle shall be guilty of a class A misdemeanor and the laser pointing device shall be **seized and** forfeited upon conviction.

III. It shall be an affirmative defense under this section if the laser pointing device was used in an organized meeting or training class by the instructor or speaker. Nothing in this section shall be construed so as to limit the use of medical lasers by qualified medical personnel, or construction lasers used by construction personnel **in the course of their work**, or laser devices utilized by law enforcement personnel in the performance of their official duties.

2016-0252h

AMENDED ANALYSIS

This bill establishes penalties for offenses involving shining a laser pointing device at an aircraft or vessel, or at another person.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 1600-FN, prohibiting the possession of a flame thrower. INEXPEDIENT TO LEGISLATE.

Rep. David Welch for Criminal Justice and Public Safety. This bill would prohibit the use or possession of a flame throwing device. The penalty for such action would be a class B misdemeanor. The only entity that could use or possess such a device would be a firefighter employed by a fire department or fire fighting agency of the federal, state or municipality. There have been no reported incidents in the State of NH involving flame throwing so the committee voted unanimously to ITL the bill. Vote 12-0.

Rep. Burt requested a roll call; sufficiently seconded.

YEAS 294 - NAYS 10**YEAS - 294****BELKNAP**

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

Dumais, Russell
Gallagher, Brian
Russell, David
Vadney, Herbert

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

Flanders, Donald
Hurt, George
Sylvia, Michael

CARROLL

Avellani, Lino
Cordelli, Glenn
Parker, Harold
Wright, Ted

Buco, Thomas
McCarthy, Frank
Schmidt, Stephen

Butler, Edward
McConkey, Mark
Ticehurst, Susan

Comeau, Ed
Nelson, Bill
Umberger, Karen

CHESHIRE

Abbott, Michael
Hunt, John
McConnell, James
Sad, Tara
Weber, Lucy

Ames, Richard
Johnsen, Gladys
Pearson, William
Shepardson, Marjorie

Berch, Paul
Ley, Douglas
Roberts, Kris
Tatro, Bruce

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

COOS

Fothergill, John
Theberge, Robert

Moynihan, Wayne
Tholl, John

Richardson, Herbert
Thomas, Yvonne

Rideout, Leon

GRAFTON

Abel, Richard
Darrow, Stephen
Hennessey, Martha
Johnson, Eric
Smith, Suzanne

Almy, Susan
Ford, Susan
Higgins, Patricia
Ladd, Rick
Sykes, George

Bailey, Brad
Gionet, Edmond
Hull, Robert
Maes, Kevin
Townsend, Charles

Cooney, Mary
Hennessey, Erin
Ingbretson, Paul
Massimilla, Linda
White, Andrew

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Adams, Christopher
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Biggie, Barbara
Byron, Frank
Coffey, James
Danielson, David
Edwards, Elizabeth
Gagne, Larry
Gould, Linda
Hansen, Peter
Hogan, Edith
Jeudy, Jean
Long, Patrick
McLean, Mark
Murphy, Keith
Palmer, Barry
Pierce, David
Rosenwald, Cindy
Seidel, Carl
Smith, Gregory
Sullivan, Daniel
Twombly, Timothy
Wolf, Terry

Ammon, Keith
Barry, Richard
Boehm, Ralph
Christensen, Chris
Cohen, Alan
Donovan, Daniel
Estevez, Eric
Gidge, Kenneth
Griffin, Barbara
Harvey, Suzanne
Hopper, Gary
Lachance, Joseph
Mangipudi, Latha
McNamara, Richard
Notter, Jeanine
Parison, James
Porter, Marjorie
Rouillard, Claire
Shattuck, Gilman
Smith, Timothy
Sullivan, Victoria
Ulery, Jordan

Backus, Robert
Beaulieu, Jane
Brown, Pamela
Christiansen, Lars
Cornell, Patricia
Eastman, Eric
Ferreira, Elizabeth
Goley, Jeffrey
Guerette, C. Lee
Heath, Mary
Infantine, William
LeBrun, Donald
Marston, Dick
Moore, Josh
O'Brien, Michael
Pellegrino, Anthony
Proulx, Mark
Rowe, Robert
Shaw, Barbara
Snow, Kendall
Sweeney, Shawn
Vann, Ivy

Balcom, John
Belanger, James
Burt, John
Christie, Rick
Cote, David
Edelblut, Frank
Freitas, Mary
Gorman, Mary
Haefner, Robert
Hinch, Richard
Jack, Martin
Leishman, Peter
McCarthy, Peggy
Murotake, David
Ohm, Bill
Peterson, Ken
Roberts, Carol
Sanborn, Laurie
Simmons, Tammy
Soucy, Timothy
Takesian, Charlene
Walsh, Robert

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Doherty, David
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Hirsch, Geoffrey

Bartlett, Christy
Ebel, Karen
Gile, Mary
Hoell, J.R.

Carson, Clyde
Frazer, June
Henle, Paul
Horn, Werner

Deloge, Helen
French, Barbara
Hill, Gregory
Karrick, David

Kenison, Linda
Luneau, David
McGuire, Carol
Saunderson, George
Turcotte, Alan

Kotowski, Frank
MacKay, James
McGuire, Dan
Schuett, Dianne
Wheeler, Deborah

Kuch, Bill
Marple, Richard
Myler, Mel
Seaworth, Brian

Long, Douglas
Martin, John
Rice, Chip
Shurtleff, Stephen

ROCKINGHAM

Abrami, Patrick
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Chase, Francis
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Hoelzel, Kathleen
Kolodziej, Walter
McKinney, Betsy
Osborne, Jason
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Bates, David
Cahill, Michael
Chirichiello, Brian
DeSimone, Debra
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Azarian, Gary
Berrien, Skip
Cali-Pitts, Jacqueline
Christie, Andrew
Devine, James
Emerick, J. Tracy
Gannon, William
Harris, Jeffrey
Kappler, Lawrence
Matthews, Carolyn
Nigrello, Robert
Pantelakos, Laura
Rice, Frederick
Sweeney, Joe
True, Chris
Welch, David

Baldasaro, Alfred
Borden, David
Cardon, G. Thomas
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Heffron, Frank
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McBeath, Rebecca
O'Connor, John
Peckham, Michele
Schroadter, Adam
Sytek, John
Ward, Gerald
Weyler, Kenneth

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Baber, William
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Gray, James
Kaczynski, Jr., Thomas
Schmidt, Peter
Sprague, Dale
Wall, Janet

Beaudoin, Steven
Cheney, Catherine
Groen, Warren
Leeman, Don
Smith, Marjorie
Stevens, Audrey
Wuelper, Kurt

Bickford, David
DiSesa, Len
Hannon, Joseph
Mullen, John
Southworth, Thomas
Treleven, Susan

Bixby, Peter
Graham, Robert
Jones, Laura
Pitre, Joseph
Spang, Judith
Turcotte, Leonard

SULLIVAN

Cloutier, John
Grenier, James
Rollins, Skip

Converse, Larry
Irwin, Virginia
Smith, Steven

Gagnon, Raymond
Laware, Thomas

Gottling, Suzanne
Oxenham, Lee

NAYS - 10 CHESHIRE

Bordenet, John

COOS

Hatch, William

HILLSBOROUGH

Manley, Jonathan

MERRIMACK

Hess, David

Ratzki, Mario

ROCKINGHAM

Dean-Bailey, Yvonne

Hodgdon, Bruce

Vose, Michael

STRAFFORD

Horrigan, Timothy

SULLIVAN

Schmidt, Andrew

and the committee report was adopted.

HB 1626-FN, relative to drug take-back programs. OUGHT TO PASS WITH AMENDMENT.

Rep. Arthur Barnes for Criminal Justice and Public Safety. This bill expands the current drug take-back program offered in locations throughout the state. Currently a local, county, regional, state, or other governmental entity or a private entity in conjunction with the chief law enforcement officer of a law enforcement agency may establish a controlled and non-controlled pharmaceutical take back program. This bill would allow such collection locations to add illicit drugs such as cocaine, heroin, and paraphernalia to the program. It also provides amnesty to individuals who voluntarily return unused drugs for collection. It allows collection centers to provide the individual returning the drugs an opportunity to speak with an employee, staff member, or volunteer who may aid them in finding suitable rehabilitation assistance. Vote 13-1.

Amendment (0221h)

Amend RSA 318-E:1, I as inserted by section 2 of the bill by replacing it with the following:

I. A local, county, regional, state, or other governmental entity or private entity in conjunction with the chief law enforcement officer of a law enforcement agency may establish a controlled and non-controlled pharmaceutical [drug] **and illicit drug and drug paraphernalia** take-back program. For the purposes of this chapter, [~~pharmaceutical drug~~] **“drug”** means a prescription or over-the-counter drug, including, but not limited to, controlled drugs as defined in this chapter **and any illicit drugs such as cocaine, heroin, and paraphernalia.**

Amend RSA 318-E:1, VII and VIII as inserted by section 2 of the bill by replacing them with the following:

VII. Persons who return drugs or paraphernalia may be provided with the opportunity to speak with an employee, staff member, or volunteer who shall aid them in finding suitable rehabilitation assistance.

2016-0221h

AMENDED ANALYSIS

This bill adds illicit drugs and drug paraphernalia to the drug take-back programs. Under this bill, the drug take-back program may have an on site employee, staff member, or volunteer to offer aid to persons returning the drugs in finding suitable rehabilitation assistance.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 1632-FN, establishing a criminal penalty for providing a firearm to a person prohibited from possessing a firearm. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John Burt for the Majority of Criminal Justice and Public Safety. This bill is trying to fix an issue which is already in law. Pursuant to RSA 159:7: “No person shall sell, deliver, or otherwise transfer a pistol, revolver or any other firearm, to a person who has been convicted, in any jurisdiction, of a felony. Whoever violates the provisions of this section shall be guilty of a class B felony.” The majority of the committee feels current law is more than adequate. Vote 7-6.

Rep. Len DiSesa for the Minority of Criminal Justice and Public Safety. The minority of the committee believes that this is a reasonable bill. This bill does not impact anyone’s right to possess a firearm as long as they are not prohibited from ownership according to RSA 159. What this bill does is ensure that in a private sale of a firearm, the person selling or giving the firearm could be liable to prosecution if he or she completes the transaction and has knowledge that the person buying the firearm is prohibited from owning it. This is a common sense application of gun safety that makes the community safer. It in no way interferes with anyone’s second amendment right to own a firearm, as long as that person is not prohibited from doing so by already-established law. It is not difficult in this age of easy internet information access to perform a cursory query on anyone. A firearm is not a benign piece of equipment, like a snow blower or an automobile. It has deadly force capabilities and its sale or transfer should have, at the very least, a baseline of information-gathering by the seller to ensure that it will not be sold or given to a person who is prohibited from owning it. The minority of the committee strongly believes that this bill should pass.

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

On a division vote, with 197 members having voted in the affirmative, and 106 in the negative, the majority committee report was adopted.

HB 1635-FN, relative to the theft of a firearm during a burglary. **INEXPEDIENT TO LEGISLATE.**

Rep. Ed Comeau for Criminal Justice and Public Safety. This bill is relative to the penalty for theft of a firearm during a burglary. The bill attempts to make the penalty a class A felony under RSA 651:2, II-g. It is the committee’s opinion that this would be duplicative, as RSA 637:11, I, (b) accomplishes the same, as such theft is already considered a class A felony under that statute. Vote 11-4.

Committee report adopted.

HB 1657-FN, prohibiting firearms in certain public places. **INEXPEDIENT TO LEGISLATE.**

Rep. John Burt for Criminal Justice and Public Safety. This bill sought to prohibit NH citizens from carrying a firearm in private businesses that provide medical services, pharmacies, convenience stores, box stores, other retailers and churches. This bill would subject NH citizens who accidentally go into one of these private businesses or churches with a firearm with being charged with a class B felony. Even if the owner of the private business or the preacher, reverend, etc. of a church had a firearm, they would be charged with a class B felony. It would force some major retailers to stop selling some of their products in NH. If you look line by line on the bill it would disarm the NH citizen throughout the state. The committee heard from only one supporter. We heard from many people who spoke against this bill. Not one private business or church spoke in favor of this bill. This bill will not serve private businesses, churches or NH citizens. Vote 11-2.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 248 - NAYS 55**YEAS - 248****BELKNAP**

Aldrich, Glen
Gallagher, Brian
Russell, David

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

Flanders, Donald
Hurt, George
Sylvia, Michael

Fraser, Valerie
LeBreche, Shari
Vadney, Herbert

CARROLL

Avellani, Lino
Cordelli, Glenn
Parker, Harold
Wright, Ted

Buco, Thomas
McCarthy, Frank
Schmidt, Stephen

Butler, Edward
McConkey, Mark
Ticehurst, Susan

Comeau, Ed
Nelson, Bill
Umberger, Karen

CHESHIRE

Abbott, Michael
Ley, Douglas
Roberts, Kris
Weber, Lucy

Ames, Richard
Mann, John
Robertson, Timothy

Hunt, John
McConnell, James
Sad, Tara

Johnsen, Gladys
Pearson, William
Tilton, Benjamin

COOS

Fothergill, John
Rideout, Leon

Hatch, William
Theberge, Robert

Moynihan, Wayne
Tholl, John

Richardson, Herbert
Thomas, Yvonne

GRAFTON

Almy, Susan
Ford, Susan
Ingbretson, Paul
Massimilla, Linda

Bailey, Brad
Gionet, Edmond
Johnson, Eric
White, Andrew

Cooney, Mary
Hennessey, Erin
Ladd, Rick

Darrow, Stephen
Hull, Robert
Maes, Kevin

HILLSBOROUGH

Adams, Christopher
Baroody, Benjamin
Biggie, Barbara
Christensen, Chris
Cohen, Alan
Eastman, Eric
Freitas, Mary
Gorman, Mary
Hansen, Peter
Infantine, William
LeBrun, Donald
Marston, Dick
Murotake, David
Palmer, Barry
Pierce, David
Rowe, Robert
Shaw, Barbara
Snow, Kendall
Twombly, Timothy

Ammon, Keith
Barry, Richard
Boehm, Ralph
Christiansen, Lars
Cornell, Patricia
Edelblut, Frank
Gagne, Larry
Gould, Linda
Hinch, Richard
Jack, Martin
Leishman, Peter
McCarthy, Peggy
Murphy, Keith
Parison, James
Proulx, Mark
Sanborn, Laurie
Simmons, Tammy
Sullivan, Daniel
Ulery, Jordan

Backus, Robert
Beaulieu, Jane
Bouldin, Amanda
Christie, Rick
Danielson, David
Estevez, Eric
Gidge, Kenneth
Griffin, Barbara
Hogan, Edith
Judy, Jean
Long, Patrick
McNamara, Richard
Notter, Jeanine
Pellegrino, Anthony
Rice, Kimberly
Seidel, Carl
Smith, Gregory
Sullivan, Victoria
Wolf, Terry

Balcom, John
Belanger, James
Burt, John
Coffey, James
Donovan, Daniel
Ferreira, Elizabeth
Goley, Jeffrey
Guerette, C. Lee
Hopper, Gary
Lachance, Joseph
Mangipudi, Latha
Moore, Josh
O'Brien, Michael
Peterson, Ken
Rouillard, Claire
Shattuck, Gilman
Smith, Timothy
Sweeney, Shawn

MERRIMACK

Carson, Clyde
Gile, Mary
Hirsch, Geoffrey
Kuch, Bill
Marple, Richard
Ratzki, Mario
Turcotte, Alan

Deloge, Helen
Henle, Paul
Hoell, J.R.
Long, Douglas
Martin, John
Rice, Chip
Wheeler, Deborah

French, Barbara
Hess, David
Horn, Werner
Luneau, David
McGuire, Carol
Saunderson, George

French, Harold
Hill, Gregory
Kotowski, Frank
MacKay, James
McGuire, Dan
Seaworth, Brian

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Abrami, Patrick
Barnes, Arthur
Chase, Francis
Cushing, Robert
Doucette, Fred
Francese, Paula
Griffin, Mary
Hoelzel, Kathleen
Kolodziej, Walter
McKinney, Betsy
Packard, Sherman
Prudhomme-O'Brien, Katherine

Abramson, Max
Bates, David
Chirichiello, Brian
Dean-Bailey, Yvonne
Duarte, Joe
Friel, William
Harris, Jeffrey
Itse, Daniel
Lovejoy, Patricia
Milz, David
Pantelakos, Laura
Rice, Frederick

Azarian, Gary
Bush, Carol
Christie, Andrew
DeSimone, Debra
Emerick, J. Tracy
Gannon, William
Heffron, Frank
Kappler, Lawrence
Matthews, Carolyn
O'Connor, John
Peckham, Michele
Schroadter, Adam

Baldasaro, Alfred
Cardon, G. Thomas
Cook, Allen
Devine, James
Ferrante, Beverly
Green, Dennis
Hodgdon, Bruce
Katsakiores, Phyllis
McBeath, Rebecca
Osborne, Jason
Potucek, John
Simpson, Alexis

Spillane, James
Tilton, Rio
Ward, Joanne

Sweeney, Joe
True, Chris
Webb, James

Sytek, John
Vose, Michael
Welch, David

Thomas, Douglas
Ward, Gerald
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Gray, James
Kaczynski, Jr., Thomas
Schmidt, Peter
Treleaven, Susan

Bixby, Peter
Groen, Warren
Leeman, Don
Southworth, Thomas
Turcotte, Leonard

DiSesa, Len
Hannon, Joseph
Mullen, John
Sprague, Dale
Wall, Janet

Graham, Robert
Jones, Laura
Pitre, Joseph
Stevens, Audrey
Wuelper, Kurt

SULLIVAN

Cloutier, John
Rollins, Skip

Grenier, James
Schmidt, Andrew

Laware, Thomas
Smith, Steven

Oxenham, Lee

NAYS - 55 BELKNAP

Dumais, Russell

Tilton, Franklin

CHESHIRE

Berch, Paul

Bordenet, John

Shepardson, Marjorie

Tatro, Bruce

GRAFTON

Abel, Richard
Sykes, George

Hennessey, Martha
Townsend, Charles

Higgins, Patricia

Smith, Suzanne

HILLSBOROUGH

Brown, Pamela
Haefner, Robert
McLean, Mark
Rosenwald, Cindy
Walsh, Robert

Byron, Frank
Harvey, Suzanne
Ohm, Bill
Soucy, Timothy

Cote, David
Heath, Mary
Porter, Marjorie
Takesian, Charlene

Edwards, Elizabeth
Manley, Jonathan
Roberts, Carol
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Frazer, June
Schuett, Dianne

Bartlett, Christy
Karrick, David
Shurtleff, Stephen

Doherty, David
Kenison, Linda

Ebel, Karen
Myler, Mel

ROCKINGHAM

Berrien, Skip
Nigrello, Robert

Cahill, Michael

DiFranco, Debbie

Gordon, Pamela

STRAFFORD

Baber, William
Horrigan, Timothy

Bickford, David
Smith, Marjorie

Burton, Wayne
Spang, Judith

Cheney, Catherine

SULLIVAN

Converse, Larry

Gagnon, Raymond

Gottling, Suzanne

Irwin, Virginia

and the committee report was adopted.

Rep. Cynthia Chase did not vote and notified the Clerk that she wished to be recorded against.

Reps. Bickford and McLean voted Nay and intended to vote Yea.

HB 1225, permitting high school students who are members of the armed forces to wear their uniforms at graduation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ralph Boehm for Education. This bill allows students who have completed their armed forces military boot camp to wear their dress uniform instead of the cap and gown at graduation. Some schools already allow this. These students finish high school early, join the military, complete basic training and then come back to graduate with their class. The amendment clarifies the bill by utilizing existing Pennsylvania Law. This act will be known as Brandon's Law. Vote 19-0.

Amendment (0613h)

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

1 Title. This act shall be known as Brandon's Law.

2 New Subdivision; Military Uniforms. Amend RSA 189 by inserting after section 70 the following new subdivision:

Military Uniforms

189:71 Military Uniform. A student shall have the right to wear a dress uniform issued to the student by a branch of the United States armed forces while participating in the graduation ceremony for the student's high school if that student meets the following requirements:

I. The student has fulfilled all of the requirements for receiving a high school diploma in the state of New Hampshire and the school district and is otherwise eligible to participate in the graduation ceremony.

II. The student has completed basic training for and is an active member of a branch of the United States armed forces.

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

2016-0613h

AMENDED ANALYSIS

This bill provides that a student shall have the right to wear a dress uniform issued to the student by a branch of the United States armed forces while participating in the graduation ceremony for the student's high school if the student meets certain requirements.

Committee amendment adopted.

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

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

On a division vote, with 292 members having voted in the affirmative, and 12 in the negative, the committee report was adopted and ordered to third reading.

HB 1232, relative to visits to schools by non-academic government or private organizations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Victoria Sullivan for Education. This bill as amended requires parental notification prior to outside organizations addressing or interacting with students. It was made clear in the committee hearing that the public school system has become a gateway for non academic entities to access children without parental notification. Furthermore, there have been situations where will intentioned organizations have been asked to address students without parental notification, which lead to misunderstandings and in some cases, great embarrassment to school districts. This simply re-enforces communication between parents and districts in order to alleviate such issues in the future. The NH School Board's Association supports HB 1232 as amended. Vote 13-5.

Amendment (0532h)

Amend RSA 186:11, IX-e as inserted by section 1 of the bill by replacing it with the following:

IX-e. Require school districts to adopt a policy governing visits to the school by a non-academic government or private organization that will address the student body or a portion thereof. The policy shall require school districts to notify a parent or legal guardian of such visits and their purpose. The school district shall publish the purpose of such visit at the school and on the school or school district's website, for review by a student's parent or legal guardian at least 10 days prior to the organization's visit. The policy shall also allow a parent or legal guardian to opt their child out of any participation with the organization. In this paragraph, "non-academic government or private organization" means any organization that elicits, presents, or reveals information concerning a student's social behavior, family life, religion, politics, sexual orientation, sexual activity, drug use, or any other information not related to a student's academics.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 1612-FN, relative to the age for purposes of compulsory education. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert Elliott for Education. The State of New Hampshire has moved forward since raising compulsory education attendance to age 18 and believes there are many new and successful programs for those students 16 and over, who do not do well with traditional curriculums. Career Technical Education (CTE), or trade schools as we once called them are tremendously successful. We have a responsibility to provide an education at all levels of intellectual ability. Vote 16-4.

Committee report adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR

HB 1329, relative to prohibited sales of alcoholic beverages. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rebecca McBeath for Commerce and Consumer Affairs. The original purpose of this bill to redefine the meaning of "intoxication," while the committee thought this was a substantive issue, the majority decided it would not pursue this matter at this time. However, the drafters of this bill did bring to the committee's attention two other issues that were ripe for addressing and were relative to the same statute. 1) An issue relative to the shipping companies for the direct shipping law and 2) when an administrative hearing is required of an licensee that the licensee should know what exactly they are being charged with violating. The amendment, which replaces the original bill, clarifies that the NH Liquor Commission shall notify licensed common carriers who bring alcohol into the State of NH (such as UPS and Fed Ex) on a monthly basis of the identity of unauthorized shippers. The licensed carrier shall not transport any liquor, wine, or beverage within a 90-day period once such notification has been published. On the second issue, the Liquor Commission agreed to promulgate rules regarding the specificity of its charging documents under RSA 179:5 Prohibited Sales, to specifically identify the violation as either being because the individual served was "visibly intoxicated," OR the individual was "someone who a reasonable and prudent person would know is intoxicated." Vote 18-0.

Amendment (0848h)

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

AN ACT relative to transportation of alcoholic beverages.

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

1 New Paragraph; Carrier Licenses. Amend RSA 178:14 by inserting after paragraph II the following new paragraph:

III. A licensed carrier shall not transport any liquor, wine, or beverage within a 90-day period that has been identified by the commission as originating from a person who does not hold a valid New Hampshire direct shipper permit, provided that such identification has first been provided to and received by the licensed carrier in writing. The commission shall notify carriers by mail on a monthly basis of the identity of unauthorized shippers, which notification shall be effective 15 days after such mailing. The commission may impose a fine by rule for violations within the reporting month per shipper.

2 Prohibited Sales. Amend RSA 179:5, I to read as follows:

I. No licensee, salesperson, direct shipper, common carrier, delivery agent, nor any other person, shall sell or give away or cause or allow or procure to be sold, delivered, or given away any liquor or beverage to a person under the age of 21 or serve an individual who is visibly intoxicated or who a reasonable and prudent person would know is intoxicated. For all deliveries of packages by common carrier or delivery agent marked "alcoholic beverages" or "alcoholic products," the carrier shall obtain an adult signature. ~~[A licensed carrier shall not transport any liquor, wine, or beverage that has been identified by the commission as originating from a person who does not hold a valid New Hampshire direct shipper permit, provided that such identification has first been provided to and received by the licensed carrier in writing. The commission shall notify carriers by mail on a monthly basis of the identity of unauthorized shippers, which notification shall be effective 15 days after such mailing.]~~

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

2016-0848h

AMENDED ANALYSIS

This bill revises provisions relating to prohibited transportation of alcoholic beverages.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 1311, relative to solitary confinement. **INEXPEDIENT TO LEGISLATE.**

Rep. Dick Marston for Criminal Justice and Public Safety. This bill does not address issues or conditions that arise in New Hampshire state or county prisons. The anecdotal evidence presented in testimony to the committee referred to practices in other states. Solitary confinement, as described in the bill, is not a condition of confinement used by the New Hampshire Department of Corrections or the various counties. This bill is a solution searching for a problem that does not exist in NH prisons or in complaints from inmates. Vote 8-3. Committee report adopted.

HB 1466, relative to labeling requirements for certain homestead food operations. **INEXPEDIENT TO LEGISLATE.**

Rep. Christy Bartlett for Environment and Agriculture. This bill would no longer require that homestead food producers attach labels to their products. This includes the homestead food producers who are not subject to inspection by the Department of Health and Human Services and are unlicensed. The bill would have allowed a producer to use a sign and business card to identify the ingredients and producer information for these products at point of sale. The majority of the committee felt that the minimal requirement of having a label that listed the ingredients was not a burden and we heard no testimony from any producer who felt this caused a hardship. Many people have allergies and must be aware of what they eat. Some foods, such as jams and jellies, might be given as a gift and the end user might not be able to obtain information about the ingredients. From a food safety stand point, it could be very difficult to track a product that did not contain identifying information in the event of a contamination event. For these and other reasons, the committee does not recommend this bill. Vote 15-1. Committee report adopted.

HB 1370, relative to termination of tenancy. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Timothy Horrigan for Judiciary. This bill, as amended, represents a compromise between landlord and tenant advocates. Landlords would benefit because 7-day evictions could be carried out when tenants fail to establish utility service, or when unauthorized persons stay on the premises for extended periods. Tenants would benefit because evictions (either 7-day or 30-day) would require a writ of summons, which must be filed in the district court for the municipality where the property is located. Vote 10-1.

Amendment (0433h)

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

3 Actions Against Tenants; Venue. Amend RSA 540:13, I to read as follows:

I. A writ of summons [may] **shall** be issued, returnable before [a] **the** district court **with jurisdiction over the city or town where the property is located**, setting forth in substance that the plaintiff is entitled to the possession of the demanded premises, and that the defendant is in possession thereof without right, after notice in writing, to quit the same at a day named therein.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 1422-FN, creating an exemption from the business profits tax for new businesses in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary Azarian for Ways and Means. This bill proposes an exemption from the Business Profits Tax only for new businesses locating in the state that can show they are employing at least four persons. This legislation establishes no controls over how many times a business entity may apply for the exemption. It creates unrealistic parameters by which an entity could qualify for the exemption. It establishes that the new business employ NH residents, demonstrate good corporate citizenship, and partner with local colleges or universities to offer internships, but provides no clear guidance on how that would be administered or audited. Vote 19-0.

Committee report adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Hinch moved that the House reconsider its action whereby, on a voice vote, the House adopted the committee report of Ought to Pass with Amendment on **HB 2016**, relative to the state 10-year transportation improvement program.

Rep. Hinch spoke against.

Rep. Goley spoke in favor.

Rep. Victoria Sullivan requested a roll call; sufficiently seconded.

YEAS 130 - NAYS 175

YEAS - 130 CARROLL

Buco, Thomas

Butler, Edward

Ticehurst, Susan

CHESHIRE

Ames, Richard
Johnsen, Gladys
Robertson, Timothy
Weber, Lucy

Berch, Paul
Ley, Douglas
Sad, Tara

Bordenet, John
Mann, John
Shepardson, Marjorie

Chase, Cynthia
Pearson, William
Tatro, Bruce

COOS

Hatch, William

Moynihan, Wayne

Theberge, Robert

Thomas, Yvonne

GRAFTON

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

Almy, Susan
Hennessey, Martha
Smith, Suzanne

Cooney, Mary
Higgins, Patricia
Sykes, George

Ford, Susan
Maes, Kevin
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Cohen, Alan
Edwards, Elizabeth
Gorman, Mary
Jack, Martin
Leishman, Peter
McNamara, Richard
Porter, Marjorie
Shattuck, Gilman
Soucy, Timothy

Baroody, Benjamin
Cornell, Patricia
Freitas, Mary
Guerette, C. Lee
Judy, Jean
Long, Patrick
Murotake, David
Roberts, Carol
Shaw, Barbara
Sullivan, Daniel

Beaulieu, Jane
Cote, David
Gidge, Kenneth
Harvey, Suzanne
Lachance, Joseph
Mangipudi, Latha
O'Brien, Michael
Rosenwald, Cindy
Smith, Timothy
Vann, Ivy

Brown, Pamela
Eastman, Eric
Goley, Jeffrey
Heath, Mary
LeBrun, Donald
Manley, Jonathan
Pierce, David
Seidel, Carl
Snow, Kendall
Walsh, Robert

MERRIMACK

Alicea, Caroletta
Doherty, David
Gile, Mary
Kenison, Linda
Ratzki, Mario
Shurtleff, Stephen

Bartlett, Christy
Ebel, Karen
Henle, Paul
Luneau, David
Rice, Chip
Turcotte, Alan

Carson, Clyde
Frazer, June
Hirsch, Geoffrey
MacKay, James
Saunderson, George
Wheeler, Deborah

Deloge, Helen
French, Barbara
Karrick, David
Myler, Mel
Schuett, Dianne

ROCKINGHAM

Barnes, Arthur
Cushing, Robert
Heffron, Frank
Ward, Gerald

Berrien, Skip
DiFranco, Debbie
Lovejoy, Patricia

Borden, David
Francese, Paula
McBeath, Rebecca

Cahill, Michael
Gordon, Pamela
Simpson, Alexis

STRAFFORD

Baber, William
Hannon, Joseph
Southworth, Thomas
Treleaven, Susan

Bixby, Peter
Horrigan, Timothy
Spang, Judith
Wall, Janet

Burton, Wayne
Schmidt, Peter
Sprague, Dale

DiSesa, Len
Smith, Marjorie
Stevens, Audrey

SULLIVAN

Cloutier, John
Irwin, Virginia

Converse, Larry
Oxenham, Lee

Gagnon, Raymond
Schmidt, Andrew

Gottling, Suzanne

NAYS - 175**BELKNAP**

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

Dumais, Russell
Gallagher, Brian
Russell, David
Vadney, Herbert

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

Flanders, Donald
Hurt, George
Sylvia, Michael

CARROLL

Avellani, Lino
McConkey, Mark
Umberger, Karen

Comeau, Ed
Nelson, Bill
Wright, Ted

Cordelli, Glenn
Parker, Harold

McCarthy, Frank
Schmidt, Stephen

CHESHIRE

Abbott, Michael
Tilton, Benjamin

Hunt, John

McConnell, James

Roberts, Kris

COOS

Fothergill, John

Richardson, Herbert

Rideout, Leon

Tholl, John

GRAFTON

Bailey, Brad
Ingretson, Paul

Darrow, Stephen
Johnson, Eric

Hennessey, Erin
Ladd, Rick

Hull, Robert

HILLSBOROUGH

Adams, Christopher
Belanger, James
Byron, Frank
Coffey, James
Estevez, Eric
Griffin, Barbara
Hogan, Edith
McCarthy, Peggy
Notter, Jeanine
Pellegrino, Anthony
Rouillard, Claire
Simmons, Tammy
Takesian, Charlene

Ammon, Keith
Biggie, Barbara
Christensen, Chris
Danielson, David
Ferreira, Elizabeth
Haefner, Robert
Hopper, Gary
McLean, Mark
Ohm, Bill
Peterson, Ken
Rowe, Robert
Smith, Gregory
Twombly, Timothy

Balcom, John
Boehm, Ralph
Christiansen, Lars
Donovan, Daniel
Gagne, Larry
Hansen, Peter
Infantine, William
Moore, Josh
Palmer, Barry
Proulx, Mark
Sanborn, Laurie
Sullivan, Victoria
Ulery, Jordan

Barry, Richard
Burt, John
Christie, Rick
Edelblut, Frank
Gould, Linda
Hinch, Richard
Marston, Dick
Murphy, Keith
Parison, James
Rice, Kimberly
Schleien, Eric
Sweeney, Shawn
Wolf, Terry

MERRIMACK

French, Harold
Horn, Werner
Marple, Richard
Seaworth, Brian

Hess, David
Kotowski, Frank
Martin, John

Hill, Gregory
Kuch, Bill
McGuire, Carol

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

ROCKINGHAM

Abrami, Patrick
Bates, David
Chirichiello, Brian
DeSimone, Debra
Emerick, J. Tracy
Green, Dennis
Hoelzel, Kathleen
Kolodziej, Walter
Nigrello, Robert

Abramson, Max
Bush, Carol
Christie, Andrew
Devine, James
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Matthews, Carolyn
O'Connor, John

Azarian, Gary
Cardon, G. Thomas
Cook, Allen
Doucette, Fred
Friel, William
Harris, Jeffrey
Kappler, Lawrence
McKinney, Betsy
Osborne, Jason

Baldasaro, Alfred
Chase, Francis
Dean-Bailey, Yvonne
Duarte, Joe
Gannon, William
Hodgdon, Bruce
Katsakiores, Phyllis
Milz, David
Packard, Sherman

Pantelakos, Laura
Rice, Frederick
Sytek, John
Vose, Michael
Weyler, Kenneth

Peckham, Michele
Schroadter, Adam
Thomas, Douglas
Ward, Joanne

Potucek, John
Spillane, James
Tilton, Rio
Webb, James

Prudhomme-O'Brien, Katherine
Sweeney, Joe
True, Chris
Welch, David

STRAFFORD

Beaudoin, Steven
Gray, James
Leeman, Don
Wuelper, Kurt

Bickford, David
Groen, Warren
Mullen, John

Cheney, Catherine
Jones, Laura
Pitre, Joseph

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

SULLIVAN

Grenier, James

Laware, Thomas

Rollins, Skip

Smith, Steven

and the motion failed.

REGULAR CALENDAR CONT'D

HB 1250, relative to medical neglect of children. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Daniel Itse for the Majority of Children and Family Law. This bill ensures that parents who have taken their child to the doctor and are following a prescribed treatment are not accused of medical neglect, even if the state identifies and orders an alternative treatment. It does not affect the existing religious exemption, nor does it change the status of parents who do not seek counsel. Vote 7-6.

Rep. Skip Berrien for the Minority of Children and Family Law. This bill, intended to prevent unwarranted allegations of medical neglect, is based on a single unfortunate incident in a neighboring state. Although the bill was appropriately created, it raised complex issues of unintended consequences which could not be resolved.

Majority Amendment (0797h)

Amend RSA 169-C:31-a as inserted by section 1 of the bill by replacing it with the following:

169-C:31-a Medical Neglect. No parent or legal guardian shall be petitioned or charged with abusing or neglecting a child's need for medical care if:

I. The parent or legal guardian has sought medical care for the presenting medical condition of the child from a licensed health care professional;

II. The licensed health care professional has made a diagnosis;

III. The licensed health care professional has prescribed a generally accepted course of standard treatment; and

IV. The parent or legal guardian is following the recommended course of treatment.

2016-0797h

AMENDED ANALYSIS

This bill provides that a parent or legal guardian shall not be petitioned or charged with abuse or neglect of a child's need for medical care if the parent or guardian follows a recommended course of treatment from a licensed health care professional.

Majority committee amendment adopted.

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

Rep. Valerie Fraser offered floor amendment (0971h).

Floor Amendment (0971h)

Amend the bill by replacing section 1 with the following:

1 New Section; Child Protection Act; Reporting Law; Medical Neglect. Amend RSA 169-C by inserting after section 31 the following new section:

169-C:31-a Medical Neglect.

I. No parent or legal guardian of a minor child shall be petitioned or charged with abusing or neglecting a child's need for medical care if:

(a) The parent or legal guardian has sought medical care for the presenting medical condition of the child from a licensed or certified health care professional;

(b) The health care professional has made a diagnosis, if known; and

(c) The parent or legal guardian has given informed consent as described in paragraph II and is following the recommended course of treatment.

II. In order to obtain the parent or guardian's informed consent, the health care professional shall disclose all risks and benefits that might affect the minor child's treatment decisions, which shall include, but are not limited to:

(a) The condition being treated.

(b) The nature and purpose of the proposed treatment or surgical procedure.

- (c) The risks and benefits of proposed treatment or procedures.
 - (d) The anticipated results.
 - (e) The risk and benefits of possible alternative forms of treatment, regardless of cost or extent of insurance coverage.
 - (f) Recognized serious possible risks, complications, and anticipated benefits involved in the treatment or surgical procedure.
 - (g) Risks and benefits of not receiving treatments or undergoing procedures.
 - (h) Any personal or economic interests that may influence his or her judgment.
 - (i) All diagnostic tests that may rule out a possible condition.
- III. Informed consent shall be provided in writing, on a form that contains the following information:
- (a) The name and signature of the minor child's parent or legal guardian.
 - (b) The name of the hospital.
 - (c) The name of the procedure.
 - (d) The name of all practitioners performing the procedure and any significant individual tasks.
 - (e) The risks.
 - (f) The benefits.
 - (g) Alternative procedures and treatments and their risks.
 - (h) The date and time consent is obtained.
 - (i) A statement that the procedure was explained to the child's parent or legal guardian.
 - (j) The signature of the person witnessing the consent.
 - (k) The name and signature of health care professional who explained the procedure to the child's parent or legal guardian.

2016-0971h
AMENDED ANALYSIS

This bill provides that a parent or legal guardian shall not be petitioned or charged with abuse or neglect if the parent or guardian is following the recommended course of treatment of a health care professional. The bill requires the parent or guardian to give informed consent for such treatment and defines informed consent in such cases.

Rep. Valerie Fraser spoke in favor.

Rep. Berrien spoke against.

On a division vote, with 131 members having voted in the affirmative, and 165 in the negative, floor amendment (0971h) failed.

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

Rep. Berrien spoke against.

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

YEAS 155 - NAYS 146

**YEAS - 155
BELKNAP**

Aldrich, Glen
Gallagher, Brian
Russell, David

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

Fields, Dennis
Hurt, George
Sylvia, Michael

Fraser, Valerie
LeBreche, Shari
Vadney, Herbert

CARROLL

Avellani, Lino
McConkey, Mark
Wright, Ted

Comeau, Ed
Nelson, Bill

Cordelli, Glenn
Schmidt, Stephen

McCarthy, Frank
Umberger, Karen

CHESHIRE

Hunt, John

McConnell, James

COOS

Richardson, Herbert

Rideout, Leon

Tholl, John

GRAFTON

Bailey, Brad
Johnson, Eric

Darrow, Stephen
Ladd, Rick

Hull, Robert

Ingbretson, Paul

HILLSBOROUGH

Adams, Christopher
Belanger, James
Byron, Frank
Coffey, James

Ammon, Keith
Biggie, Barbara
Christensen, Chris
Donovan, Daniel

Balcom, John
Boehm, Ralph
Christiansen, Lars
Eastman, Eric

Barry, Richard
Burt, John
Christie, Rick
Edelblut, Frank

Estevez, Eric
Hinch, Richard
LeBrun, Donald
Murotake, David
Pellegrino, Anthony
Rouillard, Claire
Seidel, Carl
Sweeney, Shawn

Gagne, Larry
Hogan, Edith
McCarthy, Peggy
Murphy, Keith
Peterson, Ken
Rowe, Robert
Simmons, Tammy
Twombly, Timothy

Gidge, Kenneth
Hopper, Gary
McLean, Mark
Notter, Jeanine
Proulx, Mark
Sanborn, Laurie
Smith, Gregory
Ulery, Jordan

Haefner, Robert
Lachance, Joseph
Moore, Josh
Ohm, Bill
Rice, Kimberly
Schleien, Eric
Sullivan, Victoria
Wolf, Terry

MERRIMACK

French, Harold
Kuch, Bill
McGuire, Carol

Hill, Gregory
Long, Douglas
McGuire, Dan

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

Horn, Werner
Martin, John

ROCKINGHAM

Abrami, Patrick
Bates, David
Cook, Allen
Doucette, Fred
Green, Dennis
Hoelzel, Kathleen
Kolodziej, Walter
O'Connor, John
Potucek, John
Spillane, James
True, Chris
Welch, David

Abramson, Max
Bush, Carol
Dean-Bailey, Yvonne
Duarte, Joe
Griffin, Mary
Itse, Daniel
Matthews, Carolyn
Osborne, Jason
Prudhomme-O'Brien, Katherine
Sytek, John
Vose, Michael
Weyler, Kenneth

Azarian, Gary
Chase, Francis
DeSimone, Debra
Friel, William
Harris, Jeffrey
Kappler, Lawrence
McKinney, Betsy
Packard, Sherman
Rice, Frederick
Thomas, Douglas
Ward, Joanne

Barnes, Arthur
Chirichiello, Brian
Devine, James
Gannon, William
Hodgdon, Bruce
Katsakiores, Phyllis
Nigrello, Robert
Peckham, Michele
Schroadter, Adam
Tilton, Rio
Webb, James

STRAFFORD

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

Bickford, David
Groen, Warren
Leeman, Don
Wuelper, Kurt

Cheney, Catherine
Hannon, Joseph
Mullen, John

Graham, Robert
Jones, Laura
Pitre, Joseph

SULLIVAN

Converse, Larry

Laware, Thomas

Rollins, Skip

Smith, Steven

NAYS - 146

BELKNAP

Flanders, Donald

Tilton, Franklin

CARROLL

Buco, Thomas

Butler, Edward

Parker, Harold

Ticehurst, Susan

CHESHIRE

Abbott, Michael
Chase, Cynthia
Pearson, William
Shepardson, Marjorie

Ames, Richard
Johnsen, Gladys
Roberts, Kris
Tatro, Bruce

Berch, Paul
Ley, Douglas
Robertson, Timothy
Tilton, Benjamin

Bordenet, John
Mann, John
Sad, Tara
Weber, Lucy

COOS

Fothergill, John
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

Theberge, Robert

GRAFTON

Abel, Richard
Gionet, Edmond
Maes, Kevin
Townsend, Charles

Almy, Susan
Hennessey, Erin
Massimilla, Linda
White, Andrew

Cooney, Mary
Hennessey, Martha
Smith, Suzanne

Ford, Susan
Higgins, Patricia
Sykes, George

HILLSBOROUGH

Backus, Robert
Cornell, Patricia
Freitas, Mary
Griffin, Barbara
Heath, Mary
Leishman, Peter
Marston, Dick
Pierce, David
Shattuck, Gilman
Soucy, Timothy
Walsh, Robert

Baroody, Benjamin
Cote, David
Goley, Jeffrey
Guerette, C. Lee
Infantine, William
Long, Patrick
McNamara, Richard
Porter, Marjorie
Shaw, Barbara
Sullivan, Daniel

Beaulieu, Jane
Danielson, David
Gorman, Mary
Hansen, Peter
Jack, Martin
Mangipudi, Latha
O'Brien, Michael
Roberts, Carol
Smith, Timothy
Takesian, Charlene

Brown, Pamela
Ferreira, Elizabeth
Gould, Linda
Harvey, Suzanne
Judy, Jean
Manley, Jonathan
Palmer, Barry
Rosenwald, Cindy
Snow, Kendall
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Doherty, David
Gile, Mary
Karrick, David
MacKay, James
Saunderson, George
Wheeler, Deborah

Bartlett, Christy
Ebel, Karen
Henle, Paul
Kenison, Linda
Myler, Mel
Schuett, Dianne

Carson, Clyde
Frazer, June
Hess, David
Kotowski, Frank
Ratzki, Mario
Shurtleff, Stephen

Deloge, Helen
French, Barbara
Hirsch, Geoffrey
Luneau, David
Rice, Chip
Turcotte, Alan

ROCKINGHAM

Berrien, Skip
Christie, Andrew
Ferrante, Beverly
Lovejoy, Patricia
Simpson, Alexis

Borden, David
Cushing, Robert
Francese, Paula
McBeath, Rebecca
Sweeney, Joe

Cahill, Michael
DiFranco, Debbie
Gordon, Pamela
Milz, David
Ward, Gerald

Cardon, G. Thomas
Emerick, J. Tracy
Heffron, Frank
Pantelakos, Laura

STRAFFORD

Baber, William
Horriggan, Timothy
Spang, Judith
Wall, Janet

Bixby, Peter
Schmidt, Peter
Sprague, Dale

Burton, Wayne
Smith, Marjorie
Stevens, Audrey

DiSesa, Len
Southworth, Thomas
Treleaven, Susan

SULLIVAN

Cloutier, John
Irwin, Virginia

Gagnon, Raymond
Oxenham, Lee

Gottling, Suzanne
Schmidt, Andrew

Grenier, James

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

HB 1471, relative to parental rights. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Daniel Itse for the Majority of Children and Family Law. This bill recognizes in statute the parental rights that the state supreme court acknowledges are implicit in Part I, Article 2 of our state constitution. This is a statutory implementation of the constitution that is necessary to make it effective. Vote 8-5.

Rep. Skip Berrien for the Minority of Children and Family Law. This bill, asserting the natural rights of parents over their children, presents unintentional consequences regarding the rights of parents and the best interest's standard for children. RSA 461-A establishes the best interest standard in parental rights and responsibility divorce court orders when parents cannot agree. This bill will cause confusion at the expense of children. This erodes protections (RSA 173-B) for victims and children in domestic violence. Protection of children in abuse and neglect proceedings (RSA 169-C) would be jeopardized by this bill. The United States and New Hampshire Supreme Courts have consistently recognized the natural rights of fit parents. This bill is not necessary and threatens the best interest of children.

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

Rep. Berrien spoke against.

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

YEAS 163 - NAYS 135**YEAS - 163****BELKNAP**

Aldrich, Glen
Gallagher, Brian
Russell, David

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

Fields, Dennis
Hurt, George
Sylvia, Michael

Fraser, Valerie
LeBreche, Shari
Vadney, Herbert

CARROLL

Avellani, Lino
McConkey, Mark
Umberger, Karen

Comeau, Ed
Nelson, Bill
Wright, Ted

Cordelli, Glenn
Parker, Harold

McCarthy, Frank
Schmidt, Stephen

CHESHIRE

Hunt, John

McConnell, James

COOS

Richardson, Herbert

Rideout, Leon

Tholl, John

GRAFTON

Bailey, Brad
Ingbreton, Paul

Darrow, Stephen
Johnson, Eric

Hennessey, Erin
Ladd, Rick

Hull, Robert

HILLSBOROUGH

Adams, Christopher
Belanger, James
Byron, Frank
Coffey, James
Edelblut, Frank
Gould, Linda
Hogan, Edith
McCarthy, Peggy
Murphy, Keith
Pellegrino, Anthony
Rouillard, Claire
Seidel, Carl
Sweeney, Shawn

Ammon, Keith
Biggie, Barbara
Christensen, Chris
Danielson, David
Estevez, Eric
Haefner, Robert
Hopper, Gary
McLean, Mark
Notter, Jeanine
Peterson, Ken
Rowe, Robert
Simmons, Tammy
Twombly, Timothy

Balcom, John
Boehm, Ralph
Christiansen, Lars
Donovan, Daniel
Ferreira, Elizabeth
Hansen, Peter
Lachance, Joseph
Moore, Josh
Ohm, Bill
Proulx, Mark
Sanborn, Laurie
Smith, Gregory
Ulery, Jordan

Barry, Richard
Burt, John
Christie, Rick
Eastman, Eric
Gagne, Larry
Hinch, Richard
Marston, Dick
Murotake, David
Parison, James
Rice, Kimberly
Schleien, Eric
Sullivan, Victoria
Wolf, Terry

MERRIMACK

French, Harold
Horn, Werner
Martin, John

Hess, David
Kuch, Bill
McGuire, Carol

Hill, Gregory
Long, Douglas
McGuire, Dan

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

ROCKINGHAM

Abrami, Patrick
Bates, David
Dean-Bailey, Yvonne
Duarte, Joe
Green, Dennis
Hoelzel, Kathleen
Kolodziej, Walter
Nigrello, Robert
Peckham, Michele
Schroadter, Adam
Thomas, Douglas
Webb, James

Abramson, Max
Bush, Carol
DeSimone, Debra
Emerick, J. Tracy
Griffin, Mary
Itse, Daniel
Matthews, Carolyn
O'Connor, John
Potucek, John
Spillane, James
Tilton, Rio
Welch, David

Baldasaro, Alfred
Chase, Francis
Devine, James
Friel, William
Harris, Jeffrey
Kappler, Lawrence
McKinney, Betsy
Osborne, Jason
Prudhomme-O'Brien, Katherine
Sweeney, Joe
True, Chris
Weyler, Kenneth

Barnes, Arthur
Cook, Allen
Doucette, Fred
Gannon, William
Hodgdon, Bruce
Katsakiores, Phyllis
Milz, David
Packard, Sherman
Rice, Frederick
Sytek, John
Vose, Michael

STRAFFORD

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

Bickford, David
Groen, Warren
Leeman, Don
Wuelper, Kurt

Cheney, Catherine
Hannon, Joseph
Mullen, John

Graham, Robert
Jones, Laura
Pitre, Joseph

SULLIVAN

Converse, Larry

Laware, Thomas

Rollins, Skip

Smith, Steven

**NAYS - 135
BELKNAP**

Flanders, Donald

Tilton, Franklin

CARROLL

Buco, Thomas

Butler, Edward

Ticehurst, Susan

CHESHIRE

Abbott, Michael
Chase, Cynthia
Pearson, William
Shepardson, Marjorie

Ames, Richard
Johnsen, Gladys
Roberts, Kris
Tatro, Bruce

Berch, Paul
Ley, Douglas
Robertson, Timothy
Tilton, Benjamin

Bordenet, John
Mann, John
Sad, Tara
Weber, Lucy

COOS

Fothergill, John

Hatch, William

Moynihan, Wayne

Thomas, Yvonne

GRAFTON

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

Almy, Susan
Hennessey, Martha
Smith, Suzanne

Cooney, Mary
Higgins, Patricia
Sykes, George

Ford, Susan
Maes, Kevin
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Cornell, Patricia
Goley, Jeffrey
Harvey, Suzanne

Baroody, Benjamin
Cote, David
Gorman, Mary
Heath, Mary

Beaulieu, Jane
Freitas, Mary
Griffin, Barbara
Jack, Martin

Brown, Pamela
Gidge, Kenneth
Guerette, C. Lee
Jeudy, Jean

LeBrun, Donald
Manley, Jonathan
Pierce, David
Shattuck, Gilman
Soucy, Timothy
Walsh, Robert

Leishman, Peter
McNamara, Richard
Porter, Marjorie
Shaw, Barbara
Sullivan, Daniel

Long, Patrick
O'Brien, Michael
Roberts, Carol
Smith, Timothy
Takesian, Charlene

Mangipudi, Latha
Palmer, Barry
Rosenwald, Cindy
Snow, Kendall
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Doherty, David
Gile, Mary
Kenison, Linda
Myler, Mel
Schuett, Dianne

Bartlett, Christy
Ebel, Karen
Henle, Paul
Kotowski, Frank
Ratzki, Mario
Shurtleff, Stephen

Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Luneau, David
Rice, Chip
Turcotte, Alan

Deloge, Helen
French, Barbara
Karrick, David
MacKay, James
Saunderson, George
Wheeler, Deborah

ROCKINGHAM

Azarian, Gary
Cardon, G. Thomas
Ferrante, Beverly
Pantelakos, Laura

Berrien, Skip
Christie, Andrew
Francese, Paula
Simpson, Alexis

Borden, David
Cushing, Robert
Heffron, Frank
Ward, Gerald

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

STRAFFORD

Baber, William
Horrigan, Timothy
Spang, Judith
Wall, Janet

Bixby, Peter
Schmidt, Peter
Sprague, Dale

Burton, Wayne
Smith, Marjorie
Stevens, Audrey

DiSesa, Len
Southworth, Thomas
Treleven, Susan

SULLIVAN

Cloutier, John
Irwin, Virginia

Gagnon, Raymond
Oxenham, Lee

Gottling, Suzanne
Schmidt, Andrew

Grenier, James

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

HB 1139, establishing a committee to examine state protections from financial fraud. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Harold French for the Majority of Commerce and Consumer Affairs. After deliberations, the majority of the committee determined that creating an entire new state agency in the form of a financial services unit to investigate and prosecute financial crimes was a duplication of duties already performed by the Attorney General's office. Creating a legislative committee to study the feasibility is an unwise use of resources. Vote 12-8.

Rep. Kermit Williams for the Minority of Commerce and Consumer Affairs. This bill would create a study committee to look at specific solutions to avoid the problems seen in the aftermath of the Financial Resources Mortgage, Inc. (FRM) financial fraud case. Poor decisions made by state regulators and actions taken in the aftermath of the fraud made the impact on fraud victims much worse, launched a years-long series of investigations, and gave New Hampshire's financial regulation a black eye. The minority believes that studying how we should change the state's potential actions in the aftermath of a future financial fraud case – because one will happen sooner or later – is critical to protecting the reputation of New Hampshire as a good state in which to do business and invest your money. The minority also recognizes, as the rest of the legislature should, that as a part-time legislature with very limited staff, study committees are the main mechanism to vet solutions to complex problems and create appropriate legislation. Any issue that doesn't have a black and white answer deserves a study committee – that's how we work together to craft good legislation.

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

On a division vote, with 194 members having voted in the affirmative, and 106 in the negative, the majority committee report was adopted.

HB 1348, repealing the exemption for certain transactions under the consumer protection act. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John Hunt for the Majority of Commerce and Consumer Affairs. The majority of the committee believes this bill is an ill-advised attempt to change an effective and well-designed system of protecting NH consumers that balances protections under laws governing individual highly regulated industries with those under the Consumer Protection Act (CPA). This bill proposed splitting regulation of our financial services industries, banks and credit unions, as well as insurance companies and securities firms, into two different systems by repealing CPA exemptions that have been in place since the Act took effect in 1971. The basis for the current exemption is that these entities are highly regulated by other state and federal agencies, and subject to significant examination and oversight. If this bill were to pass, the state would treat banks, insurers and securities firms differently, depending on how they are chartered. For instance, NH based credit unions and banks that happen to hold a national charter would become subject to individual and class action lawsuits.

Credit unions and banks that happen to be headquartered out of a nearby state, with a strong local presence in NH, would now fall under the CPA. Banks doing business here under a state charter would remain exempt from the Act. Such an action would bifurcate NH's financial services industry, creating an uneven playing field. The legislature has always recognized the importance of maintaining an even playing field, allowing for a diverse and strong financial services community in the state. Some of the smallest local credit unions and local banks that hold national charters - would be exposed to the constant threat of costly and time-consuming lawsuits. The committee heard that this discriminatory approach to regulation would be unconstitutional under the Commerce Clause of the US Constitution. Under the Dodd-Frank Act of 2010, the state would undoubtedly be open to the expense of legal challenges for implementing financial laws that discriminate against institutions based on whether they are chartered by federal or state law. The Insurance Department testified that state insurance regulators have long coordinated their enforcement actions. New Hampshire officials have ordered companies to pay millions of dollars in restitution that the CPA allows, quickly and without the expense of the lengthy court battles that the bill would encourage. State insurance officials testified that they cannot imagine a single instance that would require this passage of this bill. The AG's office argued that the current law blocked it from joining a multi-state settlement against Standard and Poors (S&P). This testimony was countered by testimony from the Bureau of Securities Regulation. In addition, others testified that the AG could have participated in the settlement, and was not limited by the CPA exemption. Only 19 states took part in the S&P lawsuit, despite the fact that many of them have laws that would have allowed them to sign on. New Hampshire securities laws already provide avenues for the state to pursue for deceptive and fraudulent actions. In fact, state securities regulators are now investigating S&P's behavior in the rating of mortgage-backed securities. The S&P situation is a single, isolated incident that has not yet played itself out. It's important to note that the current CPA exemption has not prevented the state from participating in several national settlements involving the financial services industry. If the claim is the AG was barred from participating because of this exemption, why was the state able to participate in similar national settlements? Dodd-Frank also gave state attorneys general the right to file consumer protection actions in federal court and seek hefty penalties of up to \$1 million a day. The AG has the ability to enforce federal consumer protection regulations and need only notify the Consumer Financial Protection Bureau of its intent to do so. The AG can pursue these cases today, without any change in the law. The majority of the Commerce and Consumer Affairs Committee do not believe that the legislature should be changing a well-established and effective law in response to isolated situations like the one the AG described. To do so would discourage relocation and expansion of critical financial services here, at the risk of harming the state's overall business environment. Vote 10-9.

Rep. David Luneau for the Minority of Commerce and Consumer Affairs. When it comes to fraud, New Hampshire citizens have no right under the Consumer Protection Act (CPA) to take legal action against federally chartered financial institutions and insurance companies regulated by other states or the federal government. In fact, according to the Consumer Protection Bureau of the AG, the state even lost out in a \$20M settlement connected with inflated ratings of mortgage-backed securities that helped fuel the financial crisis. New Hampshire has some of the weakest laws in the country when it comes to fraud. This bill repeals the exemptions under the CPA for these products and services used by nearly everyone in the state, and allows citizens and the state to take legal action against these banks, securities firms and insurance companies when they commit fraud.

The question being adoption of the majority committee report of Inexpedient to Legislate.
Rep. Jones requested a roll call; sufficiently seconded.

YEAS 184 - NAYS 116

YEAS - 184

BELKNAP

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

Dumais, Russell
Gallagher, Brian
Russell, David
Vadney, Herbert

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

Flanders, Donald
Hurt, George
Sylvia, Michael

CARROLL

Avellani, Lino
McConkey, Mark
Umberger, Karen

Comeau, Ed
Nelson, Bill
Wright, Ted

Cordelli, Glenn
Parker, Harold

McCarthy, Frank
Schmidt, Stephen

CHESHIRE

Bordenet, John
Tilton, Benjamin

Hunt, John

McConnell, James

Roberts, Kris

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Fothergill, John

Richardson, Herbert

Rideout, Leon

Tholl, John

GRAFTONBailey, Brad
Hull, RobertDarrow, Stephen
Ingbretson, PaulGionet, Edmond
Johnson, EricHennessey, Erin
Ladd, Rick**HILLSBOROUGH**Adams, Christopher
Belanger, James
Byron, Frank
Coffey, James
Edelblut, Frank
Gould, Linda
Hinch, Richard
Lachance, Joseph
McLean, Mark
Notter, Jeanine
Pellegrino, Anthony
Rice, Kimberly
Schleien, Eric
Sullivan, Victoria
Ulery, JordanAmmon, Keith
Biggie, Barbara
Christensen, Chris
Danielson, David
Estevez, Eric
Griffin, Barbara
Hogan, Edith
LeBrun, Donald
Moore, Josh
Ohm, Bill
Peterson, Ken
Rouillard, Claire
Seidel, Carl
Sweeney, Shawn
Wolf, TerryBalcom, John
Boehm, Ralph
Christiansen, Lars
Donovan, Daniel
Ferreira, Elizabeth
Haefner, Robert
Hopper, Gary
Marston, Dick
Murotake, David
Palmer, Barry
Pierce, David
Rowe, Robert
Simmons, Tammy
Takesian, CharleneBarry, Richard
Burt, John
Christie, Rick
Eastman, Eric
Gagne, Larry
Hansen, Peter
Jack, Martin
McCarthy, Peggy
Murphy, Keith
Parison, James
Proulx, Mark
Sanborn, Laurie
Smith, Gregory
Twombly, Timothy**MERRIMACK**French, Harold
Horn, Werner
Marple, Richard
Seaworth, BrianHess, David
Kotowski, Frank
Martin, JohnHill, Gregory
Kuch, Bill
McGuire, CarolHoell, J.R.
Long, Douglas
McGuire, Dan**ROCKINGHAM**Abrami, Patrick
Barnes, Arthur
Chase, Francis
DeSimone, Debra
Emerick, J. Tracy
Green, Dennis
Hoelzel, Kathleen
Kolodziej, Walter
Nigrello, Robert
Peckham, Michele
Schroadter, Adam
Thomas, Douglas
Ward, JoanneAbramson, Max
Bates, David
Christie, Andrew
Devine, James
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Matthews, Carolyn
O'Connor, John
Potucek, John
Spillane, James
Tilton, Rio
Webb, JamesAzarian, Gary
Bush, Carol
Cook, Allen
Doucette, Fred
Friel, William
Harris, Jeffrey
Kappler, Lawrence
McKinney, Betsy
Osborne, Jason
Prudhomme-O'Brien, Katherine
Sweeney, Joe
True, Chris
Welch, DavidBaldasaro, Alfred
Cardon, G. Thomas
Dean-Bailey, Yvonne
Duarte, Joe
Gannon, William
Hodgdon, Bruce
Katsakiores, Phyllis
Milz, David
Packard, Sherman
Rice, Frederick
Sytek, John
Vose, Michael
Weyler, Kenneth**STRAFFORD**Beaudoin, Steven
Gray, James
Jones, Laura
Pitre, JosephBickford, David
Groen, Warren
Kaczynski, Jr., Thomas
Sprague, DaleCheney, Catherine
Hannon, Joseph
Leeman, Don
Turcotte, LeonardGraham, Robert
Horrigan, Timothy
Mullen, John
Wuelper, Kurt**SULLIVAN**

Grenier, James

Laware, Thomas

Rollins, Skip

Smith, Steven

NAYS - 116**CARROLL**

Buco, Thomas

Butler, Edward

Ticehurst, Susan

CHESHIREAbbott, Michael
Johnsen, Gladys
Robertson, Timothy
Weber, LucyAmes, Richard
Ley, Douglas
Sad, TaraBerch, Paul
Mann, John
Shepardson, MarjorieChase, Cynthia
Pearson, William
Tatro, Bruce**COOS**

Hatch, William

Moynihan, Wayne

Thomas, Yvonne

GRAFTONAbel, Richard
Hennessey, Martha
Smith, SuzanneAlmy, Susan
Higgins, Patricia
Sykes, GeorgeCooney, Mary
Maes, Kevin
Townsend, CharlesFord, Susan
Massimilla, Linda
White, Andrew

HILLSBOROUGH

Backus, Robert
Cornell, Patricia
Gidge, Kenneth
Heath, Mary
Mangipudi, Latha
Porter, Marjorie
Shaw, Barbara
Sullivan, Daniel

Baroody, Benjamin
Cote, David
Goley, Jeffrey
Judy, Jean
Manley, Jonathan
Roberts, Carol
Smith, Timothy
Vann, Ivy

Beaulieu, Jane
Edwards, Elizabeth
Gorman, Mary
Leishman, Peter
McNamara, Richard
Rosenwald, Cindy
Snow, Kendall
Walsh, Robert

Brown, Pamela
Freitas, Mary
Guerette, C. Lee
Long, Patrick
O'Brien, Michael
Shattuck, Gilman
Soucy, Timothy

MERRIMACK

Alicea, Caroletta
Doherty, David
Gile, Mary
Kenison, Linda
Ratzki, Mario
Shurtleff, Stephen

Bartlett, Christy
Ebel, Karen
Henle, Paul
Luneau, David
Rice, Chip
Turcotte, Alan

Carson, Clyde
Frazer, June
Hirsch, Geoffrey
MacKay, James
Saunderson, George
Wheeler, Deborah

Deloge, Helen
French, Barbara
Karrick, David
Myler, Mel
Schuett, Dianne

ROCKINGHAM

Berrien, Skip
DiFranco, Debbie
Lovejoy, Patricia
Ward, Gerald

Borden, David
Francese, Paula
McBeath, Rebecca

Cahill, Michael
Gordon, Pamela
Pantelakos, Laura

Cushing, Robert
Heffron, Frank
Simpson, Alexis

STRAFFORD

Baber, William
Schmidt, Peter
Stevens, Audrey

Bixby, Peter
Smith, Marjorie
Treleaven, Susan

Burton, Wayne
Southworth, Thomas
Wall, Janet

DiSesa, Len
Spang, Judith

SULLIVAN

Cloutier, John
Irwin, Virginia

Converse, Larry
Oxenham, Lee

Gagnon, Raymond
Schmidt, Andrew

Gottling, Suzanne

and the majority committee report was adopted.

HB 1608-FN, relative to uniform prior authorization forms. OUGHT TO PASS WITH AMENDMENT.

Rep. Edward Butler for Commerce and Consumer Affairs. This bill requires that the Insurance Department create an acceptable uniform 2-page form that will be used by all health care providers when justifying medication orders to insurance carriers and pharmacy benefit managers. These documents are called prior authorization forms. Currently each health insurance company has its own prior authorization form which could be 1, 2 or even 4 pages and each form requests different information. A uniform process will streamline the administrative burden for health care providers. Several other states are already using uniform prior authorization forms. Managed care organizations are exempt from this bill since this process is regulated differently through the Department of Health and Human Services. Vote 16-2.

Amendment (0799h)

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

1 New Paragraph; Utilization Review; Prior Authorization Forms. Amend RSA 420-J:6 by inserting after paragraph VI the following new paragraph:

VII. All health insurers, health maintenance organizations, health services corporations, medical services corporations and preferred provider programs, including Medicaid managed care entities under RSA 126-A:5, XIX, shall, when requiring prior authorization for a prescription drug, use and accept only the prior authorization form described in this paragraph.

(a) On or before March 1, 2017, the commissioner shall adopt rules, pursuant to RSA 541-A, specifying the contents of the uniform prior authorization form for prescription drug benefits, consistent with the requirements of this paragraph. In developing the form, the commissioner shall seek input from interested stakeholders, and shall consider standards established by the federal Centers for Medicare and Medicaid Services and any other national standards pertaining to prior authorization.

(b) The prior authorization form adopted under this paragraph shall:

- (1) Not exceed 2 pages;
- (2) Be made available electronically; and
- (3) Be capable of being submitted electronically.

(c) If an entity listed in this paragraph fails to use or accept the uniform prior authorization form, or fails to respond within 2 business days after receiving a completed prior authorization request from a provider, the prior authorization request shall be deemed to have been granted.

(d) Nothing in this paragraph shall prohibit use of prior authorization methodology that utilizes an Internet webpage, Internet webpage portal, or similar electronic, Internet, and web-based system in lieu of a paper form, provided that the form used is consistent with the rules developed under this paragraph.

(e) Nothing in this paragraph shall prohibit the use of prior authorization for prescription drug benefits.

2 New Section; Licensure of Medical Utilization Review Entities; Uniform Prior Authorization Forms for Prescription Drug Benefits. Amend RSA 420-E by inserting after section 4 the following new section:

420-E:4-a Uniform Prior Authorization Forms for Prescription Drug Benefits.

I. All licensees under this chapter shall, when requiring prior authorization for a prescription drug, use and accept only the prior authorization form adopted by the commissioner under RSA 420-J:6, VII.

II. If a licensee fails to use or accept the uniform prior authorization form, or fails to respond within 2 business days after receiving a completed prior authorization request from a provider, the prior authorization request shall be deemed to have been granted.

III. Nothing in this section shall prohibit use of prior authorization methodology that utilizes an Internet webpage, Internet webpage portal, or similar electronic, Internet, and web-based system in lieu of a paper form, provided that the form used is consistent with the rules developed under RSA 420-J:6, VII.

IV. Nothing in this section shall prohibit the use of prior authorization for prescription drug benefits.

V. This section shall apply to RSA 420-J and shall not apply to the Medicaid managed care program under RSA 126-A:5, XIX.

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

2016-0799h

AMENDED ANALYSIS

This bill requires health insurers, health maintenance organizations, health services corporations, medical services corporations, preferred provider programs, and Medicaid managed care entities to use and accept only the uniform prior authorization forms developed by the commissioner of insurance in accordance with rules adopted pursuant to RSA 541-A.

Committee amendment adopted.

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

Rep. Butler offered floor amendment (0917h).

Floor Amendment (0917h)

Amend the introductory paragraph of RSA 420-J:6, VII as inserted by section 1 of the bill by replacing it with the following:

VII. All health insurers, health maintenance organizations, health services corporations, medical services corporations, and preferred provider programs shall, when requiring prior authorization for a prescription drug, use and accept only the prior authorization form described in this paragraph.

2016-0917h

AMENDED ANALYSIS

This bill requires health insurers, health maintenance organizations, health services corporations, medical services corporations, and preferred provider programs to use and accept only the uniform prior authorization forms developed by the commissioner of insurance in accordance with rules adopted pursuant to RSA 541-A.

Rep. Butler spoke in favor.

Floor amendment (0917h) adopted.

Committee report adopted and ordered to third reading.

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

Rep. Laurie Sanborn for the Majority of Commerce and Consumer Affairs. This is a pro-consumer and pro-business bill that will enable a new, emerging industry to flourish and offer more transportation choices to NH residents and visitors. As stated by several chambers of commerce throughout our state, this legislation creates a logical, fair, and efficient regulatory framework and avoids the potential for a confusing and inconsistent patchwork of regulations created by individual communities. Importantly, the bill clarifies three different tiers of insurance coverage for when a driver is using his or her personal vehicle, when the driver logs onto the Transportation Network Company's (TNC) digital network but is not engaged in a prearranged ride, and when the driver is engaged in a prearranged ride, to ensure there is no gap in coverage. The committee amendment reduces the minimum amount of liability insurance from \$1,000,000 to \$300,000, allows TNCs to accept cash as a form of payment, and allows non-electronic receipts in an effort to encourage new companies and new types ride sharing models to be created in our state. It also adds requirements to ensure that the driver is notifying their insurance company and becomes aware of any lien holder requirements. Vote 15-2. Rep. Christopher Herbert for the Minority of Commerce and Consumer Affairs. This bill does not pay for itself. There are 1,000 ride sharing vehicles in NH already and unlike any other business under the jurisdiction of the Commerce Committee, this industry does not pay its way. Its' first year costs are over \$100,000 and annual costs are \$70-\$80,000 according to Department of Safety estimates, if they need to hire people. The minority would support Inexpedient to Legislate until a common sense, per driver fee can be imposed to pay the bills.

Majority Amendment (0876h)

Amend RSA 376-A:5 as inserted by section 1 of the bill by replacing it with the following:

376-A:5 Fare. On behalf of a TNC driver, a TNC may charge a fare for the services provided to riders provided that, if a fare is collected from a rider, the TNC shall disclose to the rider the fare calculation method on its website or within the vehicle or the software application service. The TNC shall also provide riders with the applicable rates being charged and the option to receive an estimated fare before the rider enters the TNC driver's vehicle.

Amend RSA 376-A:7 as inserted by section 1 of the bill by replacing it with the following:

376-A:7 Receipt. Within a reasonable period of time following the completion of a trip, a TNC shall transmit an itemized receipt to the rider on behalf of the TNC driver.

Amend RSA 376-A:8, IV(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Primary automobile liability insurance that provides at least \$300,000 for death, bodily injury, and property damage.

Amend RSA 376-A:8 as inserted by section 1 of the bill by inserting after paragraph IX the following new paragraph:

X. Every TNC driver shall contact the driver's personal vehicle insurer or insurance producer to advise the insurer or producer that the driver will be providing TNC services.

Amend RSA 376-A:9 as inserted by section 1 of the bill by replacing it with the following:

376-A:9 Disclosures. Every TNC shall disclose in writing to the TNC driver the following:

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

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

III. That the TNC driver shall contact the driver's personal vehicle insurer or insurance producer to advise the insurer or producer that the driver will be providing TNC services.

IV. That if the personal vehicle that the TNC driver uses to provide TNC services has a lien against it, using the personal vehicle for TNC services without physical damage coverage may violate the terms of the contract with the lienholder.

V. That if a TNC's insurer makes a payment for a claim covered under comprehensive coverage or collision coverage, the TNC shall cause its insurer to issue the payment directly to the business repairing the personal vehicle or jointly to the owner of the personal vehicle and the primary lienholder on the covered personal vehicle.

Amend RSA 376-A:16-376-A:19 as inserted by section 1 of the bill by replacing them with the following:

376-A:16 Discrimination Prohibited Accessibility.

I. The TNC shall adopt a policy of nondiscrimination on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity with respect to riders and potential riders and notify TNC drivers of such policy.

II. TNC drivers shall comply with all applicable laws regarding nondiscrimination against riders or potential riders on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity.

III. TNC drivers shall comply with all applicable laws relating to accommodation of service animals.

IV. No TNC shall impose additional charges for providing services to persons with physical disabilities because of such disabilities.

V. Every TNC shall provide riders an opportunity to indicate whether they require a wheelchair accessible vehicle. If a TNC cannot arrange a wheelchair accessible prearranged ride in any instance, it shall direct the rider to an alternate provider of wheelchair accessible service, if available.

376-A:17 Records Every TNC shall maintain the following customer records:

I. Individual trip records for at least one year from the date each trip was provided.

II. TNC driver records at least until the one year anniversary of the date on which a TNC driver's customer relationship with the TNC has ended.

376-A:18 Controlling Authority. Notwithstanding any other provision of law, TNCs and TNC drivers are governed exclusively by this chapter and any rules by the department of safety consistent with this chapter. No municipality or other local entity may impose a tax on, or require a license for, a TNC, a TNC driver, or a vehicle used by a TNC driver where such tax or licenses relates to providing prearranged rides, or subject a TNC to the municipality's or other local entity's rate, entry, operational, or other requirements.

Majority committee amendment adopted.

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

Rep. Horn spoke against.

Majority committee report adopted and ordered to third reading.

HB 1314, limiting the authority of state entities to regulate the sale, use, and possession of firearms.
INEXPEDIENT TO LEGISLATE.

Rep. Robert Cushing for Criminal Justice and Public Safety. This bill prohibits a state university, institution, or any other entity funded in whole or in part by the State of New Hampshire from instituting a firearms policy unless specifically referenced in statute. This bill would force New Hampshire hospitals, mental health facilities, substance abuse and recovery programs, shelters, halfway houses, visitation centers, and institutions of higher education, among others, to allow firearms on their premises unless specifically prohibited by statute. This far-reaching legislation could have potentially dangerous unintended consequences, and the committee heard testimony in opposition from some of the facilities that would be impacted regarding public safety concerns. The committee also heard compelling testimony from the Attorney General's office regarding the difficult choice that hospitals and service agencies would have to make choosing between the safety of their staff and patients or state funding. Vote 9-4.

Rep. Comeau spoke against.

Rep. Cushing spoke in favor.

Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 179 - NAYS 117

YEAS - 179

BELKNAP

Fields, Dennis	Flanders, Donald	Gallagher, Brian	Russell, David
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CARROLL

Butler, Edward	McCarthy, Frank	McConkey, Mark	Schmidt, Stephen
Ticehurst, Susan	Umberger, Karen		

CHESHIRE

Abbott, Michael	Ames, Richard	Berch, Paul	Bordenet, John
Chase, Cynthia	Johnsen, Gladys	Ley, Douglas	Mann, John
Pearson, William	Roberts, Kris	Robertson, Timothy	Sad, Tara
Shepardson, Marjorie	Tilton, Benjamin	Weber, Lucy	

COOS

Fothergill, John	Hatch, William	Moynihan, Wayne	Tholl, John
Thomas, Yvonne			

GRAFTON

Abel, Richard	Almy, Susan	Bailey, Brad	Cooney, Mary
Ford, Susan	Hennessey, Martha	Higgins, Patricia	Ladd, Rick
Maes, Kevin	Massimilla, Linda	Smith, Suzanne	Sykes, George
Townsend, Charles	White, Andrew		

HILLSBOROUGH

Backus, Robert	Balcom, John	Baroody, Benjamin	Barry, Richard
Beaulieu, Jane	Belanger, James	Brown, Pamela	Christensen, Chris
Cornell, Patricia	Cote, David	Danielson, David	Donovan, Daniel
Edwards, Elizabeth	Freitas, Mary	Gagne, Larry	Gidge, Kenneth
Goley, Jeffrey	Gorman, Mary	Griffin, Barbara	Guerette, C. Lee
Haefner, Robert	Heath, Mary	Hinch, Richard	Infantine, William
Jack, Martin	Judy, Jean	LeBrun, Donald	Leishman, Peter
Long, Patrick	Mangipudi, Latha	Manley, Jonathan	McCarthy, Peggy
McNamara, Richard	O'Brien, Michael	Palmer, Barry	Pellegrino, Anthony
Peterson, Ken	Pierce, David	Porter, Marjorie	Roberts, Carol
Rosenwald, Cindy	Rouillard, Claire	Rowe, Robert	Seidel, Carl
Shattuck, Gilman	Shaw, Barbara	Smith, Timothy	Snow, Kendall
Soucy, Timothy	Sullivan, Daniel	Takesian, Charlene	Vann, Ivy
Walsh, Robert	Wolf, Terry		

MERRIMACK

Alicea, Caroletta	Bartlett, Christy	Carson, Clyde	Deloge, Helen
Doherty, David	Ebel, Karen	Frazer, June	French, Barbara
Gile, Mary	Henle, Paul	Hess, David	Hirsch, Geoffrey
Karrick, David	Kenison, Linda	Kotowski, Frank	Luneau, David
MacKay, James	Myler, Mel	Ratzki, Mario	Rice, Chip
Saunderson, George	Schuett, Dianne	Shurtleff, Stephen	Turcotte, Alan
Wheeler, Deborah			

ROCKINGHAM

Abrami, Patrick	Azarian, Gary	Barnes, Arthur	Berrien, Skip
Borden, David	Cahill, Michael	Christie, Andrew	Cushing, Robert
DeSimone, Debra	Devine, James	DiFranco, Debbie	Ferrante, Beverly

Francese, Paula
Heffron, Frank
Matthews, Carolyn
Nigrello, Robert
Rice, Frederick
Ward, Joanne

Friel, William
Hoelzel, Kathleen
McBeath, Rebecca
O'Connor, John
Simpson, Alexis
Welch, David

Gordon, Pamela
Katsakiores, Phyllis
McKinney, Betsy
Packard, Sherman
Sytek, John

Griffin, Mary
Lovejoy, Patricia
Milz, David
Pantelakos, Laura
Ward, Gerald

STRAFFORD

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

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

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

Burton, Wayne
Mullen, John
Spang, Judith
Wall, Janet

SULLIVAN

Cloutier, John
Oxenham, Lee

Gagnon, Raymond
Schmidt, Andrew

Grenier, James

Irwin, Virginia

NAYS - 117

BELKNAP

Aldrich, Glen
Hurt, George
Tilton, Franklin

Dumais, Russell
LeBreche, Shari
Vadney, Herbert

Fraser, Valerie
Spanos, Peter

Howard, Jr., Raymond
Sylvia, Michael

CARROLL

Avellani, Lino
Nelson, Bill

Buco, Thomas
Parker, Harold

Comeau, Ed
Wright, Ted

Cordelli, Glenn

CHESHIRE

Hunt, John

McConnell, James

COOS

Rideout, Leon

GRAFTON

Darrow, Stephen
Johnson, Eric

Gionet, Edmond

Hull, Robert

Ingbretson, Paul

HILLSBOROUGH

Adams, Christopher
Burt, John
Coffey, James
Ferreira, Elizabeth
Hopper, Gary
Moore, Josh
Ohm, Bill
Sanborn, Laurie
Sullivan, Victoria

Ammon, Keith
Byron, Frank
Eastman, Eric
Gould, Linda
Lachance, Joseph
Murotake, David
Parison, James
Schleien, Eric
Sweeney, Shawn

Biggie, Barbara
Christiansen, Lars
Edelblut, Frank
Hansen, Peter
Marston, Dick
Murphy, Keith
Proulx, Mark
Simmons, Tammy
Twombly, Timothy

Boehm, Ralph
Christie, Rick
Estevez, Eric
Hogan, Edith
McLean, Mark
Notter, Jeanine
Rice, Kimberly
Smith, Gregory
Ulery, Jordan

MERRIMACK

French, Harold
Kuch, Bill
McGuire, Carol

Hill, Gregory
Long, Douglas
McGuire, Dan

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

Horn, Werner
Martin, John

ROCKINGHAM

Abramson, Max
Cardon, G. Thomas
Doucette, Fred
Green, Dennis
Kappler, Lawrence
Potucek, John
Sweeney, Joe
Vose, Michael

Baldasaro, Alfred
Chase, Francis
Duarte, Joe
Harris, Jeffrey
Kolodziej, Walter
Prudhomme-O'Brien, Katherine
Thomas, Douglas
Weyler, Kenneth

Bates, David
Cook, Allen
Emerick, J. Tracy
Hodgdon, Bruce
Osborne, Jason
Schroadter, Adam
Tilton, Rio

Bush, Carol
Dean-Bailey, Yvonne
Gannon, William
Itse, Daniel
Peckham, Michele
Spillane, James
True, Chris

STRAFFORD

Beaudoin, Steven
Hannon, Joseph
Pitre, Joseph

Cheney, Catherine
Jones, Laura
Turcotte, Leonard

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

Groen, Warren
Leeman, Don

SULLIVAN

Converse, Larry

Laware, Thomas

Rollins, Skip

Smith, Steven

and the committee report was adopted.

HB 1400, defining suitable person for the purpose of obtaining a license to carry a firearm and extending the term of the license. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.** Rep. David Welch for the Majority of Criminal Justice and Public Safety. This bill removes the term “suitable person” from the licensing statute for a concealed weapons license. The Department of Safety objects to the change which substitutes the phrase “unless the applicant is prohibited by New Hampshire statute from both owning and possessing a firearm.” This change makes it impossible for a police chief to deny an applicant who may own a firearm but because of that individual’s drinking problem might not be suitable to carry a firearm concealed. If this language is adopted and a NH statute prohibited someone from possessing a firearm but did not prohibit the person from owning a firearm, the license would have to be issued because it states “owning and possessing.” The current language of “suitable person” makes sense because it is difficult to imagine all the possible conditions that may make the applicant an unsuitable person. A person may have a past history of displaying a hair trigger temper or little self control. He may have demonstrated other traits that would make a reasonable person doubt the applicant’s ability to safely handle a firearm. There have been relatively few denials over the years and even fewer problems with those who currently possess a license to carry a concealed, loaded firearm. Vote 13-3.

Rep. Ed Comeau for the Minority of Criminal Justice and Public Safety. This bill removes the term “suitable person” for the purpose of obtaining a license to carry a firearm and it extends the term of the license from four to five years. The existing statute requires a selectman of a town, mayor, chief of police, full time police officer or sheriff to evaluate individuals who have submitted a license application. They are asked to use the undefined term: “and the applicant is a suitable person to be licensed.” The minority argues that this term is too broad and gives no assistance to the issuer. This bill strikes that nebulous term and replaces it with the clear language of “unless the applicant is prohibited by New Hampshire statute from both owning and possessing a firearm.” The minority believes this change will better assist the issuer as to what parameter should be used during evaluation and issuance.

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

Rep. Hoell spoke against.

Rep. Welch spoke in favor.

Rep. Burt requested a roll call; sufficiently seconded.

YEAS 173 - NAYS 123

YEAS - 173 BELKNAP

Fields, Dennis
Spanos, Peter

Flanders, Donald
Tilton, Franklin

Gallagher, Brian

Hurt, George

CARROLL

Butler, Edward
Umberger, Karen

Parker, Harold

Schmidt, Stephen

Ticehurst, Susan

CHESHIRE

Abbott, Michael
Chase, Cynthia
Pearson, William
Shepardson, Marjorie

Ames, Richard
Johnsen, Gladys
Roberts, Kris
Tatro, Bruce

Berch, Paul
Ley, Douglas
Robertson, Timothy
Tilton, Benjamin

Bordenet, John
Mann, John
Sad, Tara
Weber, Lucy

COOS

Fothergill, John
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

Tholl, John

GRAFTON

Abel, Richard
Hennessey, Erin
Maes, Kevin
Townsend, Charles

Almy, Susan
Hennessey, Martha
Massimilla, Linda

Cooney, Mary
Higgins, Patricia
Smith, Suzanne

Ford, Susan
Ladd, Rick
Sykes, George

HILLSBOROUGH

Backus, Robert
Beaulieu, Jane
Christiansen, Lars
Freitas, Mary
Hansen, Peter
Jack, Martin
Mangipudi, Latha
Palmer, Barry

Balcom, John
Belanger, James
Cornell, Patricia
Gidge, Kenneth
Heath, Mary
Jeudy, Jean
Manley, Jonathan
Pellegrino, Anthony

Baroody, Benjamin
Brown, Pamela
Cote, David
Guerette, C. Lee
Hinch, Richard
LeBrun, Donald
McNamara, Richard
Peterson, Ken

Barry, Richard
Christensen, Chris
Donovan, Daniel
Haefner, Robert
Hopper, Gary
Leishman, Peter
O'Brien, Michael
Pierce, David

Porter, Marjorie
Shattuck, Gilman
Soucy, Timothy
Walsh, Robert

Roberts, Carol
Shaw, Barbara
Sullivan, Daniel
Wolf, Terry

Rosenwald, Cindy
Smith, Timothy
Takesian, Charlene

Rowe, Robert
Snow, Kendall
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Doherty, David
Gile, Mary
Karrick, David
MacKay, James
Saunderson, George

Bartlett, Christy
Ebel, Karen
Henle, Paul
Kenison, Linda
Myler, Mel
Schuett, Dianne

Carson, Clyde
Frazer, June
Hess, David
Kotowski, Frank
Ratzki, Mario
Shurtleff, Stephen

Deloge, Helen
French, Barbara
Hirsch, Geoffrey
Luneau, David
Rice, Chip
Wheeler, Deborah

ROCKINGHAM

Abrami, Patrick
Borden, David
Cushing, Robert
Doucette, Fred
Gordon, Pamela
Katsakiores, Phyllis
McBeath, Rebecca
Packard, Sherman
Sytek, John
Weyler, Kenneth

Azarian, Gary
Bush, Carol
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Kolodziej, Walter
Milz, David
Pantelakos, Laura
Thomas, Douglas

Barnes, Arthur
Cahill, Michael
Devine, James
Francesce, Paula
Heffron, Frank
Lovejoy, Patricia
Nigrello, Robert
Peckham, Michele
Ward, Gerald

Berrien, Skip
Christie, Andrew
DiFranco, Debbie
Friel, William
Hoelzel, Kathleen
Matthews, Carolyn
O'Connor, John
Simpson, Alexis
Welch, David

STRAFFORD

Baber, William
Gray, James
Southworth, Thomas
Treleaven, Susan

Bixby, Peter
Horrigan, Timothy
Spang, Judith
Wall, Janet

Burton, Wayne
Schmidt, Peter
Sprague, Dale

DiSesa, Len
Smith, Marjorie
Stevens, Audrey

SULLIVAN

Gagnon, Raymond
Oxenham, Lee

Gottling, Suzanne
Schmidt, Andrew

Grenier, James
Smith, Steven

Irwin, Virginia

NAYS - 123

BELKNAP

Aldrich, Glen
LeBreche, Shari

Dumais, Russell
Sylvia, Michael

Fraser, Valerie
Vadney, Herbert

Howard, Jr., Raymond

CARROLL

Avellani, Lino
McCarthy, Frank

Buco, Thomas
McConkey, Mark

Comeau, Ed
Nelson, Bill

Cordelli, Glenn
Wright, Ted

CHESHIRE

Hunt, John

McConnell, James

COOS

Rideout, Leon

GRAFTON

Bailey, Brad
Ingbretson, Paul

Darrow, Stephen
Johnson, Eric

Gionet, Edmond
White, Andrew

Hull, Robert

HILLSBOROUGH

Adams, Christopher
Burt, John
Danielson, David
Estevez, Eric
Gorman, Mary
Infantine, William
McLean, Mark
Notter, Jeanine
Rice, Kimberly
Seidel, Carl
Sweeney, Shawn

Ammon, Keith
Byron, Frank
Eastman, Eric
Ferreira, Elizabeth
Gould, Linda
Lachance, Joseph
Moore, Josh
Ohm, Bill
Rouillard, Claire
Simmons, Tammy
Twombly, Timothy

Biggie, Barbara
Christie, Rick
Edelblut, Frank
Gagne, Larry
Griffin, Barbara
Marston, Dick
Murotake, David
Parison, James
Sanborn, Laurie
Smith, Gregory
Ulery, Jordan

Boehm, Ralph
Coffey, James
Edwards, Elizabeth
Goley, Jeffrey
Hogan, Edith
McCarthy, Peggy
Murphy, Keith
Proulx, Mark
Schleien, Eric
Sullivan, Victoria

MERRIMACK

French, Harold
Kuch, Bill
McGuire, Carol

Hill, Gregory
Long, Douglas
McGuire, Dan

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

Horn, Werner
Martin, John
Turcotte, Alan

ROCKINGHAM

Abramson, Max
Chase, Francis
Emerick, J. Tracy
Hodgdon, Bruce
Potucek, John
Spillane, James
Vose, Michael

Baldasaro, Alfred
Cook, Allen
Gannon, William
Itse, Daniel
Prudhomme-O'Brien, Katherine
Sweeney, Joe
Ward, Joanne

Bates, David
Dean-Bailey, Yvonne
Green, Dennis
Kappler, Lawrence
Rice, Frederick
Tilton, Rio

Cardon, G. Thomas
Duarte, Joe
Harris, Jeffrey
Osborne, Jason
Schroadter, Adam
True, Chris

STRAFFORD

Beaudoin, Steven
Groen, Warren
Leeman, Don
Wuelper, Kurt

Bickford, David
Hannon, Joseph
Mullen, John

Cheney, Catherine
Jones, Laura
Pitre, Joseph

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

SULLIVAN

Cloutier, John

Converse, Larry

Laware, Thomas

Rollins, Skip

and the majority committee report was adopted.

HB 1546-FN, permitting the audio recording of a public servant performing a public function. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John Burt for the Majority of Criminal Justice and Public Safety. This bill as amended will allow New Hampshire to become a one-party consent state to record oral communications between two people. Currently there are 39 states that allow one-party consent to record oral communications between two people. We also heard that under *Glik v. Cunniffe*, 655 F.3d 78 (1st Cir. 2011) the United States Court of Appeals for the First Circuit held that a private citizen has the right to record video and audio of public officials in a public place, and that the arrest of the citizen for a wiretapping violation violated his First and Fourth Amendment rights. The bipartisan majority agrees it is time for NH to join the other 39 states and allow one-party consent to record oral communications between two people. Vote 10-4.

Rep. Geoffrey Hirsch for the Minority of Criminal Justice and Public Safety. The laudable goal of this bill as introduced was to increase government transparency and accountability and protect the right to free expression. Unfortunately, the practical impact of this bill as amended is to eliminate essential privacy protections that exist under current New Hampshire law. New Hampshire is one of about a dozen states that require all parties to a conversation to consent to be recorded under RSA 570-A:2. This is often referred to as "two-party" or "dual" consent. The purpose of our consent wiretapping statute as currently written is to protect innocent citizens from undue surveillance, whether by the state or other private individuals. It is intended to protect individuals' right to an expectation of privacy in their private conversations. This bill would severely weaken these protections and put the privacy of Granite Staters at risk. Moreover, the right to record the police and other government actors is already protected under the First Amendment of the U.S. Constitution. This protection was just recently confirmed by the federal appellate court with jurisdiction over New Hampshire in the case *Gericke v. Begin*, 753 F. 3d (1st Cir. 2014). NH law needs to protect our rights to privacy, not erode them by passing this bill.

Majority Amendment (0731h)

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

AN ACT relative to the prohibition on interception and disclosure of telecommunication or oral communications.

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

2 Repeal. RSA 570-A:2, I-a, relative to the penalty for knowing interception of a telecommunication or oral communication without consent, is repealed.

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

2016-0731h

AMENDED ANALYSIS

The bill permits the interception of telecommunication or oral communications if at least one party consents to the recording. The bill also repeals the criminal penalty for the knowing interception of a telecommunication or oral communication without the consent of all parties to the communication, or the consent of one party as part of a criminal investigation.

MOTION TO LAY ON THE TABLE

Rep. Burt moved that **HB 1546-FN**, permitting the audio recording of a public servant performing a public function, be laid on the table.

Motion adopted.

MOTION TO PRINT REMARKS

Without objection, the Speaker ordered the remarks made by Rep. Burt during his Parliamentary Inquiry on **HB 1546-FN**, permitting the audio recording of a public servant performing a public function, be printed in the Permanent Journal.

REMARKS

Rep. Burt: Thank you, Mister Speaker. Mister Speaker, I would like to make a motion and I'll speak very briefly on tabling HB 1549, 46, sorry.

Speaker Jasper: Rep. Burt moves that HB 1546 be laid upon the table and he is recognized for a parliamentary inquiry.

Rep. Burt: Parliamentary inquiry? Okay, I'm glad I brought my sheet. Thank you, Mister Speaker. Mister Speaker, if I know that I put in an amendment on this bill, and if I also know, Mister Speaker, that it is rare that I am wrong? But, if I further know, Mister Speaker, I am wrong on this bill and lastly, Mister Speaker, if I promise not to call anymore roll calls, will you please vote no and press the green button to table? Thank you.

REGULAR CALENDAR CONT'D

HB 1614-FN, relative to the criminal penalty for prostitution. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Laura Pantelakos for the Majority of Criminal Justice and Public Safety. The committee heard extensive testimony on this bill about the intersection between prostitution, sexual assault, and human trafficking - all of which are being exacerbated by opioid abuse here in New Hampshire. At the present time, the committee feels that passage of this bill, which, in part, would legalize prostitution for those over the age of 18, would be premature and could result in extensive unintended consequences. The committee has already voted to unanimously pass another bill, HB 1628, that will make it a class B felony to engage in sexual contact with a person under the age of 18, thus enhancing protections for minors who are trafficking victims and achieving what the second part of this bill sought to do, which is a prudent step in the right direction. There are several statewide and regional multidisciplinary commissions working on the issues of prostitution and human trafficking and the committee feels it best to explore these issues further with input from stakeholders including victims, sex workers, law enforcement and victim advocates so that we can move forward knowing what is being done and what remains to be accomplished here in New Hampshire. Vote 13-3.

Rep. Ed Comeau for the Minority of Criminal Justice and Public Safety. This bill establishes that consensual sex between consenting adults should not be illegal. In addition, the bill protects persons under the age of 18 from anyone using force or intimidation to be involved in prostitution. Any person that uses such tactics against a juvenile under this legislation would be subject to a felony. It is the minority opinion that this is a balanced approach toward consensual sex between adults, who mutually agree to the act, and the abhorrent behavior of sex slavery and human trafficking.

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

Rep. Edwards spoke against and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Murphy moved that **HB 1614-FN**, relative to the criminal penalty for prostitution, be laid on the table. On a division vote, with 152 members having voted in the affirmative, and 145 in the negative, the motion was adopted.

REGULAR CALENDAR CONT'D

HB 1631-FN, relative to penalties for possession of marijuana. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John Martin for the Majority of Criminal Justice and Public Safety. The committee heard much testimony both for and against passage of this bill and was also subject to a very intense executive session and there are strong feelings on both sides of the issue. One fact that was frequently raised was that New Hampshire has already passed a medical marijuana bill and that we should take the next step. The only drawback to this argument is that, while medical marijuana has been approved, the system is not yet in place for delivery, and as such there is no information as to the performance or shortfalls of the system. Another argument was over the legalization of tobacco and alcohol and how marijuana would be another revenue stream. Legalizing anything in order to generate revenue is not good legislative policy, let alone another dangerous substance that can be and is abused. Marijuana was recognized as a dangerous substance, and to emphasize that point, some of the angriest testimony we heard was from self-admitted marijuana users. There was also much testimony from treatment providers against the bill and a very well-prepared presentation from high school students outlining the perceived problems in high school. After initially passing in executive session, it was subsequently moved for reconsideration to amend the bill. Although the amendment passed, the bill was voted ITL on the second go around. Another consideration is that New Hampshire is investing a lot of

time and money in the current drug crisis. To that end, we are hearing many bills that deal with expanding the availability of substances with the potential for abuse or addiction. It sends the wrong message to try to reduce one abused substance by offering substitutes. It would be counter-productive to increase the prevalence or facilitate the ease of acquiring any unsafe substance at this time. Vote 7-6.

Rep. Robert Cushing for the Minority of Criminal Justice and Public Safety. The minority believes it is time to stop making citizens who possesses a small amount of marijuana criminals, and instead treat marijuana as a public health matter. This bill reforms NH marijuana laws to make possession of a small amount of marijuana a violation, subject to a fine, instead of a misdemeanor crime subject to arrest, jail time, and a criminal record. It is similar to the steps taken by 19 other states, including all other New England states, to decriminalize marijuana possession, and is similar to decriminalization legislation that has been passed by the House six times since 2008. This bill does not endorse the use of marijuana, nor ignore the problems that can be associated with its use. Instead, it suggests that limited law enforcement and court resources should be applied more wisely and in accordance with public opinion. A UNH/WMUR poll released in July 2015 indicated that 72% of Granite Staters support decriminalizing marijuana. The bill provides that an individual could possess up to one-half ounce of marijuana without being subject to misdemeanor arrest, includes escalating fines for repeat violations and maintains current laws outlawing marijuana cultivation and sale. This bill seeks to stop making criminals out of citizens by placing our marijuana laws more in line with voter opinion, the New Hampshire Constitution, and common sense.

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

Rep. Martin spoke in favor.

Rep. Schroadter spoke against and yielded to questions.

Rep. Marston spoke in favor.

Rep. Maes requested a roll call; sufficiently seconded.

YEAS 104 - NAYS 193

YEAS - 104

BELKNAP

Dumais, Russell
LeBreche, Shari

Fields, Dennis
Russell, David

Flanders, Donald
Spanos, Peter

Hurt, George
Tilton, Franklin

CARROLL

Cordelli, Glenn
Schmidt, Stephen

McCarthy, Frank
Umberger, Karen

McConkey, Mark

Nelson, Bill

CHESHIRE

Abbott, Michael

Hunt, John

COOS

Fothergill, John

Hatch, William

Tholl, John

Thomas, Yvonne

GRAFTON

Almy, Susan

Bailey, Brad

Cooney, Mary

Ladd, Rick

HILLSBOROUGH

Barry, Richard
Christiansen, Lars
Griffin, Barbara
Hinch, Richard
Manley, Jonathan
Peterson, Ken
Seidel, Carl

Belanger, James
Cote, David
Guerette, C. Lee
Hogan, Edith
Marston, Dick
Pierce, David
Snow, Kendall

Biggie, Barbara
Goley, Jeffrey
Haefner, Robert
LeBrun, Donald
Palmer, Barry
Rouillard, Claire

Brown, Pamela
Gould, Linda
Hansen, Peter
Leishman, Peter
Pellegrino, Anthony
Rowe, Robert

MERRIMACK

Ebel, Karen
Kotowski, Frank
Shurtleff, Stephen

Hess, David
Kuch, Bill

Hill, Gregory
Martin, John

Kenison, Linda
Schuett, Dianne

ROCKINGHAM

Abrami, Patrick
Cahill, Michael
Ferrante, Beverly
Green, Dennis
Hoelzel, Kathleen
Matthews, Carolyn
Packard, Sherman
Sytek, John
Webb, James

Azarian, Gary
Chase, Francis
Francese, Paula
Griffin, Mary
Kappler, Lawrence
McKinney, Betsy
Pantelakos, Laura
Thomas, Douglas
Welch, David

Bates, David
DeSimone, Debra
Friel, William
Harris, Jeffrey
Katsakiores, Phyllis
Nigrello, Robert
Prudhomme-O'Brien, Katherine
Tilton, Rio
Weyler, Kenneth

Bush, Carol
Devine, James
Gannon, William
Hodgdon, Bruce
Kolodziej, Walter
O'Connor, John
Rice, Frederick
Ward, Joanne

STRAFFORD

Graham, Robert
Schmidt, Peter

Gray, James
Southworth, Thomas

Groen, Warren
Sprague, Dale

Mullen, John
Wuelper, Kurt

SULLIVAN

Grenier, James

Smith, Steven

NAYS - 193**BELKNAP**

Aldrich, Glen
Sylvia, Michael

Fraser, Valerie
Vadney, Herbert

Gallagher, Brian

Howard, Jr., Raymond

CARROLL

Avellani, Lino
Ticehurst, Susan

Buco, Thomas
Wright, Ted

Butler, Edward

Comeau, Ed

CHESHIRE

Ames, Richard
Johnsen, Gladys
Pearson, William
Shepardson, Marjorie

Berch, Paul
Ley, Douglas
Roberts, Kris
Tatro, Bruce

Bordenet, John
Mann, John
Robertson, Timothy
Tilton, Benjamin

Chase, Cynthia
McConnell, James
Sad, Tara
Weber, Lucy

COOS

Moynihan, Wayne

Rideout, Leon

GRAFTON

Abel, Richard
Hennessey, Martha
Johnson, Eric
Sykes, George

Darrow, Stephen
Higgins, Patricia
Maes, Kevin
Townsend, Charles

Ford, Susan
Hull, Robert
Massimilla, Linda
White, Andrew

Gionet, Edmond
Ingbretson, Paul
Smith, Suzanne

HILLSBOROUGH

Adams, Christopher
Beaulieu, Jane
Christensen, Chris
Danielson, David
Edwards, Elizabeth
Gagne, Larry
Hopper, Gary
Lachance, Joseph
McLean, Mark
Murphy, Keith
Porter, Marjorie
Rosenwald, Cindy
Shaw, Barbara
Soucy, Timothy
Takesian, Charlene
Walsh, Robert

Ammon, Keith
Boehm, Ralph
Christie, Rick
Donovan, Daniel
Estevez, Eric
Gidge, Kenneth
Infantine, William
Long, Patrick
McNamara, Richard
O'Brien, Michael
Proulx, Mark
Sanborn, Laurie
Simmons, Tammy
Sullivan, Daniel
Twombly, Timothy
Wolf, Terry

Backus, Robert
Burt, John
Coffey, James
Eastman, Eric
Ferreira, Elizabeth
Gorman, Mary
Jack, Martin
Mangipudi, Latha
Moore, Josh
Ohm, Bill
Rice, Kimberly
Schleien, Eric
Smith, Gregory
Sullivan, Victoria
Ulery, Jordan

Baroody, Benjamin
Byron, Frank
Cornell, Patricia
Edelblut, Frank
Freitas, Mary
Heath, Mary
Judy, Jean
McCarthy, Peggy
Murotake, David
Parison, James
Roberts, Carol
Shattuck, Gilman
Smith, Timothy
Sweeney, Shawn
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Doherty, David
Gile, Mary
Horn, Werner
MacKay, James
Myler, Mel
Seaworth, Brian

Bartlett, Christy
Frazer, June
Henle, Paul
Karrick, David
Marple, Richard
Ratzki, Mario
Turcotte, Alan

Carson, Clyde
French, Barbara
Hirsch, Geoffrey
Long, Douglas
McGuire, Carol
Rice, Chip
Wheeler, Deborah

Deloge, Helen
French, Harold
Hoell, J.R.
Luneau, David
McGuire, Dan
Saunderson, George

ROCKINGHAM

Abramson, Max
Borden, David
Cook, Allen
Doucette, Fred
Heffron, Frank
Milz, David
Schroadter, Adam
True, Chris

Baldasaro, Alfred
Cardon, G. Thomas
Cushing, Robert
Duarte, Joe
Itse, Daniel
Osborne, Jason
Simpson, Alexis
Vose, Michael

Barnes, Arthur
Chirichiello, Brian
Dean-Bailey, Yvonne
Emerick, J. Tracy
Lovejoy, Patricia
Peckham, Michele
Spillane, James
Ward, Gerald

Berrien, Skip
Christie, Andrew
DiFranco, Debbie
Gordon, Pamela
McBeath, Rebecca
Potucek, John
Sweeney, Joe

STRAFFORD

Baber, William
Burton, Wayne
Horrigan, Timothy
Pitre, Joseph
Treleaven, Susan

Beaudoin, Steven
Cheney, Catherine
Jones, Laura
Smith, Marjorie
Turcotte, Leonard

Bickford, David
DiSesa, Len
Kaczynski, Jr., Thomas
Spang, Judith
Wall, Janet

Bixby, Peter
Hannon, Joseph
Leeman, Don
Stevens, Audrey

SULLIVAN

Cloutier, John
Irwin, Virginia
Schmidt, Andrew

Converse, Larry
Laware, Thomas

Gagnon, Raymond
Oxenham, Lee

Gottling, Suzanne
Rollins, Skip

and the majority committee report failed.

Rep. Cushing moved the minority committee report of Ought to Pass.

Minority committee report adopted and ordered to third reading.

HB 1645, relative to carrying a pistol or revolver without a license. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Geoffrey Hirsch for the Majority of Criminal Justice and Public Safety. This bill makes it lawful to carry a loaded firearm exposed in an automobile. This can create serious safety risks to others in the vehicle, including children. This will also increase potential risks for accidental discharges, expose law enforcement to risks during routine traffic stops, and leave weapons more available for theft. Existing law, which prohibits transportation of loaded guns in vehicles, has served New Hampshire well since 1923 and makes even more sense today. This bill simply creates too many public safety concerns. Vote 8-5.

Rep. Ed Comeau for the Minority of Criminal Justice and Public Safety. This bill amends the statute, RSA 159:4, relating to carrying a pistol or revolver concealed in a vehicle. The open display of a firearm is established in New Hampshire, holstered on the hip, shoulder, or thigh, anywhere it can be secured and in plain view. Existing law is in conflict with open carry when an individual who legally open carries then moves into a vehicle. The law then states that an individual needs to be licensed. The minority argues that the act of concealing can only be described as placing the firearm under a shirt, under a pant leg, obliterating the visual cue of the firearm. For example, if an observer is looking at the left hip of a person openly carrying a firearm, but the firearm is holstered on the right hip, it cannot be seen initially, but is considered "open carry." Therefore, it can be concluded that if the same individual sits in a vehicle with said firearm on the hip, shoulder, or thigh, secured in plain view and the firearm is not visually obliterated, the act is not concealed.

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

Rep. Spillane spoke against and yielded to questions.

Rep. Hirsch spoke in favor.

Rep. Ammon requested a roll call; sufficiently seconded.

YEAS 149 - NAYS 146**YEAS - 149****BELKNAP**

Fields, Dennis

Flanders, Donald

Russell, David

Tilton, Franklin

CARROLL

Butler, Edward
Umberger, Karen

Nelson, Bill

Parker, Harold

Ticehurst, Susan

CHESHIRE

Abbott, Michael
Chase, Cynthia
Pearson, William
Shepardson, Marjorie

Ames, Richard
Johnsen, Gladys
Roberts, Kris
Tatro, Bruce

Berch, Paul
Ley, Douglas
Robertson, Timothy
Tilton, Benjamin

Bordenet, John
Mann, John
Sad, Tara
Weber, Lucy

COOS

Fothergill, John
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

Tholl, John

GRAFTON

Abel, Richard
Hennessey, Martha
Massimilla, Linda
White, Andrew

Almy, Susan
Higgins, Patricia
Smith, Suzanne

Cooney, Mary
Ladd, Rick
Sykes, George

Ford, Susan
Maes, Kevin
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Gorman, Mary
Heath, Mary
Mangipudi, Latha
O'Brien, Michael
Roberts, Carol
Smith, Timothy
Takesian, Charlene

Baroody, Benjamin
Cornell, Patricia
Guerette, C. Lee
Hinch, Richard
Manley, Jonathan
Palmer, Barry
Rosenwald, Cindy
Snow, Kendall
Vann, Ivy

Barry, Richard
Cote, David
Haefner, Robert
Leishman, Peter
Marston, Dick
Pierce, David
Rowe, Robert
Soucy, Timothy
Walsh, Robert

Beaulieu, Jane
Freitas, Mary
Hansen, Peter
Long, Patrick
McNamara, Richard
Porter, Marjorie
Shattuck, Gilman
Sullivan, Daniel

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Doherty, David
Gile, Mary
Karrick, David
Myler, Mel
Schuett, Dianne

Bartlett, Christy
Ebel, Karen
Henle, Paul
Kenison, Linda
Ratzki, Mario
Shurtleff, Stephen

Carson, Clyde
Frazer, June
Hess, David
Kotowski, Frank
Rice, Chip
Turcotte, Alan

Deloge, Helen
French, Barbara
Hirsch, Geoffrey
Luneau, David
Saunderson, George

ROCKINGHAM

Abrami, Patrick
Borden, David
Devine, James
Gordon, Pamela
Lovejoy, Patricia
Peckham, Michele
Webb, James

Azarian, Gary
Cahill, Michael
DiFranco, Debbie
Griffin, Mary
Matthews, Carolyn
Simpson, Alexis
Welch, David

Barnes, Arthur
Christie, Andrew
Ferrante, Beverly
Heffron, Frank
McBeath, Rebecca
Ward, Gerald

Berrien, Skip
Cushing, Robert
Francese, Paula
Hoelzel, Kathleen
Pantelakos, Laura
Ward, Joanne

STRAFFORD

Baber, William
Gray, James
Southworth, Thomas
Treleaven, Susan

Bixby, Peter
Horrigan, Timothy
Spang, Judith
Wall, Janet

Burton, Wayne
Schmidt, Peter
Sprague, Dale

DiSesa, Len
Smith, Marjorie
Stevens, Audrey

SULLIVAN

Cloutier, John
Irwin, Virginia

Gagnon, Raymond
Oxenham, Lee

Gottling, Suzanne
Schmidt, Andrew

Grenier, James
Smith, Steven

NAYS - 146**BELKNAP**

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

Dumais, Russell
Hurt, George
Vadney, Herbert

Fraser, Valerie
LeBreche, Shari

Gallagher, Brian
Spanos, Peter

CARROLL

Avellani, Lino
McCarthy, Frank

Buco, Thomas
McConkey, Mark

Comeau, Ed
Schmidt, Stephen

Cordelli, Glenn
Wright, Ted

CHESHIRE

Hunt, John

McConnell, James

COOS

Rideout, Leon

GRAFTON

Bailey, Brad
Ingbreton, Paul

Darrow, Stephen
Johnson, Eric

Gionet, Edmond

Hull, Robert

HILLSBOROUGH

Adams, Christopher
Biggie, Barbara
Christensen, Chris
Danielson, David
Estevez, Eric
Griffin, Barbara
Jack, Martin
McCarthy, Peggy
Murphy, Keith
Pellegrino, Anthony
Rouillard, Claire
Shaw, Barbara
Sweeney, Shawn

Ammon, Keith
Boehm, Ralph
Christiansen, Lars
Donovan, Daniel
Ferreira, Elizabeth
Hogan, Edith
Judy, Jean
McLean, Mark
Notter, Jeanine
Peterson, Ken
Sanborn, Laurie
Simmons, Tammy
Twombly, Timothy

Balcom, John
Burt, John
Christie, Rick
Eastman, Eric
Gagne, Larry
Hopper, Gary
Lachance, Joseph
Moore, Josh
Ohm, Bill
Proulx, Mark
Schleien, Eric
Smith, Gregory
Ulery, Jordan

Belanger, James
Byron, Frank
Coffey, James
Edelblut, Frank
Goley, Jeffrey
Infantine, William
LeBrun, Donald
Murotake, David
Parison, James
Rice, Kimberly
Seidel, Carl
Sullivan, Victoria
Wolf, Terry

MERRIMACK

French, Harold
Kuch, Bill
Martin, John

Hill, Gregory
Long, Douglas
McGuire, Carol

Hoell, J.R.
MacKay, James
McGuire, Dan

Horn, Werner
Marple, Richard
Seaworth, Brian

ROCKINGHAM

Abramson, Max
Cardon, G. Thomas
Dean-Bailey, Yvonne

Baldasaro, Alfred
Chase, Francis
DeSimone, Debra

Bates, David
Chirichiello, Brian
Doucette, Fred

Bush, Carol
Cook, Allen
Duarte, Joe

Emerick, J. Tracy
Harris, Jeffrey
Katsakiores, Phyllis
O'Connor, John
Prudhomme-O'Brien, Katherine
Sweeney, Joe
True, Chris

Friel, William
Hodgdon, Bruce
Kolodziej, Walter
Osborne, Jason
Rice, Frederick
Sytek, John
Vose, Michael

Gannon, William
Itse, Daniel
Milz, David
Packard, Sherman
Schroadter, Adam
Thomas, Douglas
Weyler, Kenneth

Green, Dennis
Kappler, Lawrence
Nigrello, Robert
Potucek, John
Spillane, James
Tilton, Rio

STRAFFORD

Beaudoin, Steven
Groen, Warren
Leeman, Don
Wuelper, Kurt

Bickford, David
Hannon, Joseph
Mullen, John

Cheney, Catherine
Jones, Laura
Pitre, Joseph

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

SULLIVAN

Converse, Larry

Laware, Thomas

Rollins, Skip

and the majority committee report was adopted.

MOTION TO SUSPEND HOUSE RULES

Rep. Hinch moved that House Rules be so far suspended as to allow the remainder of bills on today's calendar be made Special Orders for the next Session date of March 23, 2016.

On a division vote, with 275 members having voted in the affirmative, and 25 in the negative, the motion was adopted by the necessary two-thirds vote.

RESOLUTION

Rep. Hinch offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet, Wednesday, March 23, 2016 at 10:00 a.m..

LATE SESSION

Third Reading and Final Passage

HB 1252, permitting employers to pay wages to employees weekly or biweekly.

HB 1301, relative to the issuance of youth employment certificates.

HB 1322, relative to reports to the public employee labor relations board.

HB 1219-FN-L, relative to the repurchase of tax-deeded property by the former owner and the costs therefor.

HB 1382, relative to the referendum procedure for public water systems.

HB 1455, relative to the application of the municipal budget law to village districts wholly within a town.

HB 1508, allowing public libraries to run certain privacy software.

HB 1349, relative to the Merrimack county superior court.

HB 2016, relative to the state 10-year transportation improvement program.

HB 297, protecting individual customer data from disclosure by a public utility.

HB 1116, relative to net metering.

HB 1148, relative to pipeline capacity contracts.

HB 1288, relative to the National Guard force protection policy.

HB 1132, relative to carrying a loaded rifle or loaded shotgun in certain vehicles.

HB 1154-FN, authorizing and regulating the use of license plate scanning devices.

HB 1445-FN, relative to tinted windows on motor vehicles.

HB 1198-FN-L, relative to the valuation of poles and conduits owned by telephone utilities.

HB 1247, relative to poker in private residences.

HB 1117, establishing a child support maximum under the guidelines based on the parents' combined income.

HB 1236, relative to hearings on modifications of parental rights and responsibilities.

HB 1248, relative to the waiver of counsel in juvenile delinquency proceedings.

HB 1280, relative to grounds for modification of parental rights and responsibilities.

HB 1188, relative to the brew pub license.

HB 1227, repealing provisions of law regulating Sunday business activities.

HB 1339, relative to the corporate governance annual disclosure act.

HB 1340, relative to producer licensing.

HB 1478, establishing a commission to develop a structure for the implementation of an alternative contract for health care payments.

HB 1540-FN, relative to direct shipments of beer.

HB 1451, relative to the annulment of certain criminal offenses.

HB 1547, prohibiting bestiality.

HB 1599-FN, relative to shining a laser pointing device at an aircraft or vessel, or at another person.

HB 1626-FN, relative to drug take-back programs.

HB 1225, permitting high school students who are members of the armed forces to wear their uniforms at graduation.

HB 1232, relative to visits to schools by non-academic government or private organizations.

HB 1329, relative to transportation of alcoholic beverages.

HB 1370, relative to termination of tenancy.

HB 1250, relative to medical neglect of children.

HB 1471, relative to parental rights.

HB 1608-FN, relative to uniform prior authorization forms.

HB 1697-FN, relative to the operation and insurance of transportation network companies.

HB 1631-FN, relative to penalties for possession of marijuana.

UNANIMOUS CONSENT

Rep. Almy requested Unanimous Consent of the House regarding the correction of a Parliamentary Inquiry and addressed the House.

RECESS MOTION

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

Motion adopted.

The House recessed at 9:30 p.m.

RECESS

(Speaker Jasper in the Chair)

RESOLUTION

Rep. Packard offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 301, 305, 306, 310, 320, 321, 323, 325, 329, 330, 334, 339, 344, 353, 358, 363, 368, 370, 383, 384, 386, 388, 389, 400, 403, 406, 418, 419, 420, 424, 433, 436, 441, 442, 446, 449, 450, 458, 461, 465, 467, 468, 471, 477, 478, 483, 484, 487, 489, 498, 500, 501, 512, 517, 523, 524, 530, 534, 536, 537, 538, 543, 545, 549 and 550 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Motion adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 301, relative to the consumption of liquor at sports complexes. (Commerce and Consumer Affairs)

SB 305, including fermented pear juice in the definition of cider. (Commerce and Consumer Affairs)

SB 306, enabling the sampling of beer or wine at farmers' markets. (Commerce and Consumer Affairs)

SB 310, expanding the defense and indemnification provided under RSA 99-D to certain claims filed with and investigations by professional licensing boards, committees, and regulatory agencies. (Executive Departments and Administration)

SB 320, relative to non-academic surveys administered by a public school to its students. (Education)

SB 321, relative to incentive payments to certain churches which are owners of small renewable energy generation facilities. (Science, Technology and Energy)

SB 323, relative to the use of force by employees of hospitals or other health care facilities. (Health, Human Services and Elderly Affairs)

SB 325, relative to vaccines administered by pharmacists. (Health, Human Services and Elderly Affairs)

SB 329, revising the nurse licensure compact. (Executive Departments and Administration)

SB 330-FN, relative to licensure of medical imaging professionals and radiation therapists. (Executive Departments and Administration)

SB 334, establishing a commission to study the planning functions of the office of energy and planning. (Science, Technology and Energy)

SB 339-FN, relative to required DNA analysis for certain offenses. (Criminal Justice and Public Safety)

SB 344-FN, relative to tax credits applicable to client companies of employee leasing companies. (Ways and Means)

SB 353, relative to names on ballots. (Election Law)

SB 358, relative to use of navigation devices in motor vehicles. (Transportation)

SB 363, relative to the definition of owner of an OHRV or snowmobile. (Resources, Recreation and Development)

SB 368-FN-A, making a capital appropriation for department of environmental services monitoring equipment. (Public Works and Highways)

SB 370, establishing a committee to study real time threat notification systems to link schools with law enforcement when schools are under direct threat. (Education)

SB 383, establishing a commission to study the importance of hiking trails, trail maintenance, and New Hampshire's trail network. (Resources, Recreation and Development)

SB 384, relative to the feeding of wild deer. (Fish and Game and Marine Resources)

SB 386, adding biodiesel to electric renewable energy sources. (Science, Technology and Energy)

SB 388, requiring a public hearing on proposed changes to the state retiree group insurance plan. (Executive Departments and Administration)

SB 389-FN, relative to the penalty for possession of multiple firearms. (Criminal Justice and Public Safety)

SB 400, relative to executive branch ethics. (Executive Departments and Administration)

SB 403, relative to the sale of gift certificates with expiration dates. (Commerce and Consumer Affairs)

SB 406-FN, relative to classification of certain state employee positions. (Executive Departments and Administration)

SB 418, relative to obtaining a ballot to vote and adding National Guard members to the absentee voting laws. (Election Law)

SB 419-FN, relative to requests by law enforcement officials under the law governing the therapeutic use of cannabis. (Health, Human Services and Elderly Affairs)

SB 420-FN, relative to aid to the permanently and totally disabled. (Health, Human Services and Elderly Affairs)

SB 424-FN, relative to transition provisions for licensure of master licensed alcohol and drug counselors, and establishing a committee to study licensure of alcohol and drug counselors. (Executive Departments and Administration)

SB 433, relative to exclusions from seasonal highway weight limit regulation. (Transportation)

SB 436, relative to after market automobile parts. (Transportation)

SB 441-FN, relative to discounts and admission without charge at state parks. (Resources, Recreation and Development)

SB 442-L, establishing a commission to study the taxability of lease interests in public property. (Ways and Means)

SB 446, relative to requirements of the state building code. (Executive Departments and Administration)

SB 449, relative to payment of workers' compensation benefits by direct deposit. (Labor, Industrial and Rehabilitative Services)

SB 450, relative to investments by insurance companies. (Commerce and Consumer Affairs)

SB 458-FN, relative to reporting by political committees. (Election Law)

SB 461-FN, relative to expenditures of the Winnepesaukee River Basin control program funds. (Resources, Recreation and Development)

SB 465-FN, relative to the nonconsensual dissemination of private sexual images. (Criminal Justice and Public Safety)

SB 467-FN, relative to private investigators, security guards, and bail enforcement agents, and relative to unsworn falsification on agency forms. (Executive Departments and Administration)

SB 468-FN, relative to changes to the sex offender registry. (Criminal Justice and Public Safety)

SB 471-FN, relative to parking for persons with disabilities. (Transportation)

SB 477-FN, relative to nonemergency involuntary admissions. (Health, Human Services and Elderly Affairs)

SB 478-FN, permitting the online renewal of a nondriver's picture identification card. (Transportation)

SB 483-FN, establishing a committee to study the necessity of creating a chartered public school program officer position and to study appropriations to chartered public schools for the 2016 and 2017 fiscal years. (Education)

SB 484, relative to the role of the Winnepesaukee River advisory board. (Resources, Recreation and Development)

SB 487, relative to missing vulnerable adults. (Health, Human Services and Elderly Affairs)

SB 489, requiring a demonstration project using a Stirling engine system. (Science, Technology and Energy)

SB 498-FN, relative to penalties for possession of certain controlled drugs. (Criminal Justice and Public Safety)

SB 500-FN, relative to student health insurance plans. (Commerce and Consumer Affairs)

SB 501-FN, prohibiting the possession of powdered or crystalline alcohol. (Commerce and Consumer Affairs)

SB 512, relative to health care associated infections. (Health, Human Services and Elderly Affairs)

SB 517-FN, increasing the amount deducted from a fine for each day of a person's incarceration. (Criminal Justice and Public Safety)

SB 523-FN, relative to the controlled drug prescription health and safety program and establishing a commission to study requiring controlled drugs and controlled drug analogs to be sold in tamper-proof form. (Health, Human Services and Elderly Affairs)

SB 524, relative to state procurement card rebates. (Executive Departments and Administration)

SB 530-FN, (New Title) establishing a commission to study volunteer health care services. (Health, Human Services and Elderly Affairs)

SB 534-FN, to implement a system of care for children's behavioral health. (Health, Human Services and Elderly Affairs)

SB 536, relative to emergency interim relief under the child protection act. (Children and Family Law)

SB 537, relative to record management of abuse and neglect reports. (Children and Family Law)

SB 538, relative to children taken into custody under the child protection act and relative to the commission to review child abuse fatalities. (Children and Family Law)

SB 543-FN, relative to private transferring of adopted children. (Children and Family Law)

SB 545, proclaiming August as Cure all Cancer month. (Executive Departments and Administration)

SB 549-FN, relative to public-private partnerships for intermodal infrastructure and transportation and establishing the public-private infrastructure oversight commission. (Public Works and Highways)

SB 550-FN, relative to the maximum gross weight for dump trailers. (Transportation)

SENATE MESSAGES

CONCURRENCE WITH AMENDMENT

SB 380, establishing the drinking water and groundwater trust fund and establishing the New Hampshire drinking water and groundwater advisory commission.

CONCURRENCE

HB 301, establishing a committee to study New Hampshire's statewide longitudinal data system and any other department of education maintained database that contains student level data.

HB 536, relative to payment for special education services for chartered public school students and relative to federal funds for chartered public schools.

NONCONCURRENCE

HB 359, allowing all municipalities to adopt the property tax exemption to foster commercial and industrial construction.

HB 471, relative to the duties of school boards.

HB 1604-FN-A-L, relative to instructional methods to enable students to acquire and apply requisite knowledge and skills.

RECESS