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Thursday, February 9, 2017

No. 6

HOUSE JOURNAL No. 5 (Cont'd)

Thursday, February 2, 2017

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

HOUSE JOURNAL No. 6

Thursday, February 9, 2017

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

His Excellency, Governor Christopher Sununu, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Kate Atkinson, Rector of St. Paul's Church in Concord. Generous God, Source of all good gifts, we give You thanks for all the ways You provide for Your people. As we focus, this day, on the new State Budget, we thank You for blessing us with financial resources and with the wisdom and knowledge we need to use them well. We are deeply grateful for the members of staff who have worked tirelessly over recent weeks, to ensure the wisest designation of income and the most prudent allocation of funds. As this budget is presented today to those responsible for making it a reality in the months to come, we recognize and honor the trust of the people of New Hampshire. Whether they've lived a lifetime in comfort and wealth, or struggle to pay their bills, each of them looks to their government to model careful financial management and thoughtful stewardship of all our resources. And so we present this budget to You first of all, O God, asking for Your guidance and inspiration as each decision is made, and every penny is spent. In this, and in all things, give us an abiding awareness that everything we have comes from You. Amen.

Rep. David Danielson, member from Bedford, led the Pledge of Allegiance.

The member from Manchester, Representative Larry Gagne, led the singing of the National Anthem.

LEAVES OF ABSENCE

Reps. Allen, Cote, DiSilvestro, Dowling, Flanders, Gagnon, Gile, Cathryn Harvey, Mann, Henry Marsh, McKinney, Patten, Porter, Roberts, Rouillard, Janice Schmidt, Sofikitis, Spang, Treleaven and Alan Turcotte, the day, illness. Reps. Abel, Berch, Berrien, Bouldin, Boutin, Cornell, Crawford, Darrow, DiLorenzo, Ebel, Ellis, Fenton, Fesh, Francese, Frost, Gargas, Gilman, Pamela Gordon, Gourgue, Hellwig, Irwin, Katsakiores, Keans, Krans, Lisle, Lundgren, MacKenzie, McBeath, Meader, Mulligan, Myler, Nelson, Nutting, O'Brien, O'Neil, Pantelakos, Parkhurst, Sandler, Shackett, Shepardson, Marjorie Smith, Southworth, Tanner, Vann, Willis, Woitkun and Dan Wolf, the day, important business.

Reps. Backus and Spanos, the day, illness in the family.

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

INTRODUCTION OF GUESTS

Walter Jennings, guest of Rep. Brown. Florian Bochert, guest of Rep. Halstead.

CONSENT CALENDAR

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

HB 558-FN, prohibiting private and for-profit prison contracts, and relative to immigration detention facilities, removed by Rep. Horrigan.

HB 223, prohibiting recipients of county or municipal funds from using such funds for lobbying, removed by Rep. Cordelli.

HB 318-FN-A, relative to a tax on premium cigars, removed by Rep. Horrigan.
Consent Calendar adopted.

HB 355-FN, relative to criminal record checks in adoption proceedings and foster family home licensing. **OUGHT TO PASS.**

Rep. Skip Berrien for Children and Family Law. This bill requires Division of Children, Youth and Families (DCYF) to undertake fingerprint criminal background checks on all adults living in a home being considered to be a foster or adoptive home. This legislation is required to be compliant with Federal Bureau of Investigation (FBI) background checks. Vote 14-0.

Referred to the Committee on Criminal Justice and Public Safety.

HB 149, prohibiting disclosure of certain information obtained by former employees of the insurance department. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald Flanders for Commerce and Consumer Affairs. This bill was requested by the Insurance Department to be in compliance with the confidentiality requirements of international insurance holding companies. These companies may select New Hampshire to be the regulator for their US business, a function also known as a "supervisory" role. Passing this bill will help NH to attract this international business. The amendment was an attempt to calm some fears of the members of the committee who were concerned that the statute would conflict with the state Whistleblowers' Protection Act. Vote 17-1.

Amendment (0070h)

Amend RSA 400-A:12, III as inserted by section 1 of the bill by replacing it with the following:

III. No person who has formerly served as a commissioner, deputy, assistant, actuary, examiner, or otherwise as an employee of the department nor any person that has been retained by the commissioner under Title XXXVII, shall disclose any third party confidential information gained by reason of such public position, nor shall any person otherwise use such information for personal gain or benefit. Nothing in this paragraph shall be construed to limit any protections that an employee or a former employee has under RSA 275-E.

HB 175, relative to the definition of a cigar bar. **OUGHT TO PASS.**

Rep. Bart Fromuth for Commerce and Consumer Affairs. This bill allows cigar bars to provide their patrons with food, so long as they do not charge for it. Under current law there is a prohibition on any food being served to cigar bar patrons and that is at odds with long standing state policy of encouraging food consumption with alcohol intake. Vote 15-2.

HB 379, relative to political advertising in rights-of-way. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory Hill for Election Law. This bill proposes to modify restrictions and requirements for placement and removal of political advertising in rights of way. The bill as presented would allow advertising on private property without the consent of the property owner so long as it was 500 feet from any dwelling. The committee believes it would be problematic in terms of enforcement as a single road might have various types of unmarked state-owned rights of way. It also creates burdens for property owners to remove and store unwanted campaign signage. Vote 20-0.

HB 497, relative to delegates to national party conventions. **INEXPEDIENT TO LEGISLATE.**

Rep. Wayne Moynihan for Election Law. This bill proposes an additional regulation that would empower the state to ban political parties from participation in the NH primary elections if there are delegate disputes within the parties. The committee did not find just cause to create such a penalty. NH election law currently empowers the NH Secretary of State to apportion the delegates to a national party convention among the candidates voted for in the party's primary election (RSA 659:93). The committee was not given reason to think that this has not happened properly in the past or that it would not continue to happen properly in the future. Additionally, the members of political parties have been free to establish internal party rules or requirements associated with their national conventions and candidate selection. Political parties and organizations are supervised and regulated under several current state laws. The committee thought the changes proposed by this bill would create conflicts with other voting rights and would be bad policy. Vote 20-0.

HB 219, establishing a demographic study committee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol Roberts for Executive Departments and Administration. This bill establishes a legislative committee to study New Hampshire's demographic future and the relationship between that future and public sector policies and operations. The amendment establishes an advisory group of experts to assist the committee. The House ED&A Committee agrees with the authors of the proposal that the obvious changes in the demographic changes of our state merit scrutiny. The study committee shall report its findings by November 1, 2017. Vote 15-0.

Amendment (0041h)

Amend the bill by inserting after section 3 the following and renumbering the original sections 4-7 to read as 5-8, respectively:

4 Advisory Group. There shall be an advisory group to assist the committee in fulfilling its duties. The advisory group shall include representatives of the following organizations, selected by those organizations: AARP, New Hampshire Association of Counties, New Hampshire Center for Public Policy Studies, community college system of New Hampshire, university system of New Hampshire, regional planning commissions, and such other organizations or individuals as the committee may appoint.

HB 392-FN, relative to hunting with a crossbow. **INEXPEDIENT TO LEGISLATE.**

Rep. James Spillane for Fish and Game and Marine Resources. This bill would expand crossbows into regular archery season for all hunters. The prime sponsor admitted to some errors and requested that the bill be killed. The committee agrees with this recommendation. Vote 16-0.

CACR 3, relating to disqualification by age. Providing that there be no age disqualification for a judge of any court, judge of probate, or sheriff. **INEXPEDIENT TO LEGISLATE.**

Rep. Claire Rouillard for Judiciary. This resolution seeks to repeal Article 78 of the New Hampshire Constitution which has a mandatory retirement age of 70 years for judges and sheriffs. The resolution sought to have no retirement age for a judge or a sheriff. This resolution has been introduced several times over the past years without success. There was little support for this resolution and the committee believes it is not necessary. Vote 17-0.

HB 374, relative to the process for inhabitants of the state to effectuate the protections of Article 14. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Horrigan for Judiciary. Article 14 guarantees all subjects of the state of the right to a remedy when they are wronged. It is the basis for our state's court system, as well as a wide variety of quasi-judicial hearings processes. This bill, if passed, would allow inhabitants of the state to file something called a "commercial affidavit of truth" with the Secretary of State's office when they had a dispute with a government entity. One of this bill's numerous flaws is that it says nothing about what form those affidavits would take. The government entity would also have just 30 days to respond to the affidavit. If the entity failed to respond, the superior court would be required to assume that everything in the affidavit was true, but the court would be expected to use federal, rather than state rules of civil procedure. It is unclear what would happen if the government entity responded by disagreeing with the affidavit. The committee believes that this bill is both unnecessary and unworkable. Vote 18-0.

HB 382, prohibiting electronic warrants. **INEXPEDIENT TO LEGISLATE.**

Rep. Jordan Ulery for Judiciary. This bill seeks to require all writs, warrants and orders to be original and thus prevents copies being electronically transmitted. The constitutional argument is that all writs must be original. In fact, Part II, Article 87 of the New Hampshire Constitution specifically provides that only writs issued by the clerk of a court need the attest (signature) of a judge. Many warrants are issued by a Justice of the Peace for the protection of life and limb in an emergent situation. Current law requires an oath before a justice. Current law allows copying of that document and the copy being valid for arrest, search or detention and is subsequently heard before a judge. The committee believes that current law best protects human life and that this bill is unnecessary. Vote 18-0.

HB 445, relative to notice of oral arguments in courts. **INEXPEDIENT TO LEGISLATE.**

Rep. Claire Rouillard for Judiciary. This bill directs the New Hampshire Supreme Court to adopt rules to allow any party in a case in any court to request notice by "certified mail" of oral arguments in such a case, with the requesting party paying for the cost. The language of this bill is vague as applied to "any party" in "any court." The testimony was that the bill was meant to apply to any "pro se" party and only in the "supreme court." Further, the testimony as to the "cost" payment was unclear if it was the actual cost of the certified mail or fees charged by the court staff. This bill was brought forward for one constituent who was pro se and did not receive the mailed notice of oral argument from the court. There was no testimony that this was a reoccurring event. Currently, all correspondence, including notices sent by any court in the state to attorneys and pro se litigants, are sent by regular mail. Also, the New Hampshire Supreme Court has had for some time an on-line site available to the general public which contains a listing of all scheduled oral arguments and parties may also call the court to find out when their oral argument is scheduled. The committee felt this bill was not necessary. Vote 17-1.

HB 449, relative to claims against judges. **INEXPEDIENT TO LEGISLATE.**

Rep. Linda Kenison for Judiciary. This bill seeks to allow a plaintiff to attach a judge's paycheck, if the judge is found liable for injury or wrongful conduct to the plaintiff. The bill includes no process for finding a judge liable. The committee found the bill unworkable and without merit. Vote 18-0.

HJR 1-FN-A, making restitution to Jeffery Frost for inappropriate prosecution. **INEXPEDIENT TO LEGISLATE.**

Rep. Phyllis Katsakiores for Legislative Administration. This bill has been killed by the House several times in past sessions. The bill evolved from a complex legal situation which has been the subject of ongoing court litigation. The committee agrees that legislative action appropriating \$176,448.50 for prior court cost is unacceptable. Vote 10-0.

HJR 2-FN-A, making an appropriation for restitution to Joseph Haas as a result of failure of the clerk of the supreme court to process a notice of errors. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert Nigrello for Legislative Administration. This joint resolution would require the payment of \$42,500 plus 10% per annum compounded daily from the performance bond of the NH Supreme Court for an action that occurred in 1994. The committee found that state law prohibits paying damages from any performance bond to any individual. The claimed loss is over 20 years old and is time barred. In addition, no testimony was received convincing the committee of any wrongdoing on the part of the Clerk of the NH Supreme Court at the time of the alleged offense. Vote 10-0.

HJR 3-FN-A, requiring payment of certain money to Timothy Rioux due to malfeasance of a judge in a child support reduction case. **INEXPEDIENT TO LEGISLATE.**

Rep. Allison Nutting for Legislative Administration. This joint resolution would require payment of \$98,000 to Mr. Rioux. As with previous similar claims brought to this House, the committee was unanimous in the opinion that countering a previous court opinion would leave the state open to countless further claims for remuneration. Therefore, the committee believes an appropriation in this case is not appropriate. Vote 10-0.

HB 86, relative to voting on variances. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bruce Tatro for Municipal and County Government. The legislative body of municipalities adopt zoning ordinances to control how their lives will be impacted by growth, and expect the ordinance to be followed. There are always exceptions, and a zoning board addresses requests to deviate from ordinances by granting special exceptions and variances. The conditions for an exception are specified in an ordinance, and if they are met, the Zoning board has little discretion in granting them. The conditions for granting variances are not specified in local ordinances. Instead, there are five conditions in state law, each with its own rationale. Zoning boards must consider these conditions carefully, and not set aside adopted ordinances lightly. This bill requires that each of the five conditions in state law should be examined and voted on separately. Voting on all five at once does not guarantee due consideration, and the decision made would be difficult to support in any legal action taken against it. Previous versions of this bill required a majority vote of the zoning board. This amended version requires that each condition pass with three votes of a five member board, rather than with two votes if only three members were present and voting. Vote 15-0.

Amendment (0129h)

Amend RSA 674:33, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) The zoning board of adjustment shall determine whether to grant a variance by voting on each of the criteria in subparagraph I(a)(2) separately. The board shall grant a variance only if any 3 members of those present vote in the affirmative on all 5 criteria.

HB 87, relative to vacancies in the office of moderator. **OUGHT TO PASS.**

Rep. Richard Tripp for Municipal and County Government. This bill corrects an error in existing statute. The wording of the statute specifies that a vacancy be filled "in like manner" which is deemed to refer to a prior section of the RSA which explained the "manner." That section of the statute was repealed, leaving the statement "in like manner" without meaning. This bill inserts the original wording of the repealed section into this section for the sake of clarity. Vote 16-0.

HB 123, relative to continuation of a public hearing of the zoning board of adjustment. **OUGHT TO PASS.**

Rep. Carolyn Matthews for Municipal and County Government. Since current law is silent on the process for continuing and noticing hearings of the Zoning Board of Adjustment (ZBA), towns are legally vulnerable when the ZBA must continue a hearing, and also vulnerable when they choose not to re-notice. This bill spells out that ZBA's may continue a hearing and need not re-notice the hearing by mail to abutters. The committee believes that this procedure, which is the same procedure in statute for the planning board, makes sense and that abutters are protected in a similar fashion as with planning board hearings that must be continued. Vote 15-0.

HB 127, relative to vacancies in county offices. **OUGHT TO PASS.**

Rep. Frank McCarthy for Municipal and County Government. This bill allows county conventions to fill vacant county offices by a secret written ballot rather than a public vote. Vote 15-0.

HB 144, relative to procedures for adoption of the budget for Rockingham County. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank McCarthy for Municipal and County Government. The procedure proposed in this bill is already authorized by RSA 31:94a. This bill merely changes RSA 24:13c in order to bring Title II up to date with the proposed budget procedure change. This bill was amended to delay implementation by one year, allowing time to prepare for changes. Vote 14-0.

Amendment (0106h)

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

3 Application. The procedures for the preparation and adoption of the county budget for Rockingham county as established in section 1 of this act shall first apply to the county budget beginning July 1, 2018.

HB 167, relative to audits of county funds. **OUGHT TO PASS.**

Rep. Frank McCarthy for Municipal and County Government. This bill adds county delegations to the list of entities authorized to hire a certified public accountant licensed by the state to conduct an audit within one year of close of the fiscal year. The committee agreed this was an appropriate authority for the county delegations to have. Vote 14-1.

HB 172, relative to tax anticipation notes in counties. **OUGHT TO PASS.**

Rep. Frank McCarthy for Municipal and County Government. Tax Anticipation Notes (TAN) are an essential part of county finance. TAN's allow the timely payment of debts incurred, prior to the receipt of tax revenue. TAN's also provide a cost savings benefit, in that TAN's are required to be liquidated prior to the last day of the financial year; resulting in a less expensive form of borrowing. It is important that the relative regulations, found in RSA 33:7, the Municipal Finance Act, also be contained within Title II of the statutes dealing with county government. Vote 15-0.

HB 189, establishing a homestead right. **INEXPEDIENT TO LEGISLATE.**

Rep. Susan Treleaven for Municipal and County Government. New Hampshire's homestead exemption allows a homeowner to protect up to \$120,000 of equity in their home, and twice that amount if they are a married couple filing jointly. If you have equity in your home (meaning your home is worth more than what you owe on it), the homestead exemption may allow you to keep it if you file for Chapter 7 bankruptcy. The homestead exemption comes into play in Chapter 13 bankruptcy as well. It determines, in part, how much you must pay to your unsecured creditors. The homestead exemption only applies to your residence; you cannot use it for other properties. In 2012, HB 1591 attempted to increase that exempt amount to \$250,000 and was deemed inexpedient to legislate. In 2015, HB 147 increased the amount exempted to \$120,000 and that is the amount set today. In 2016, HB 1277 attempted to change that amount to half the value of the home and it was deemed inexpedient to legislate. This year attempts to do the same as last year's bill, set the exempt amount to half the value. The committee found the language confusing, was concerned it would discourage lenders from entering into loans unless the borrower waived all homestead rights. The current amount of \$120,000 appears to be acceptable to lenders. An exemption of half the assessed value would put no definite cap on the amount, and would not be acceptable to lenders. The amount was increased over the past decade from \$30,000 to \$120,000, and double that for a married couple. This committee agrees with the recommendation of the same committee last year and feels the current statutes are not in need of any revision. Vote 14-0.

HB 299, relative to notice by mail for zoning and planning purposes. **OUGHT TO PASS.**

Rep. Timothy Josephson for Municipal and County Government. New Hampshire law specifies that registered mail is to be used as a method of notice to affected parties for different actions. Planning and Zoning board meetings and other official public meetings have traditionally required registered mail as a method of notices. Over the years, the cost of this method has risen to the point where it can now cost over \$6.00 for a single notice. When a reason for notice arises where there are tens or even hundreds of parties to be notified, as in changes in zoning, this becomes expensive, especially to a single applicant not involved in a commercial undertaking. In recent years an alternative provided by the US Postal Service called Verified Mail has become available which accomplishes the same end result. The cost for such mailing is half the cost of registered mail, provides proof that the mailing was sent and a method for tracking to ensure delivery. This method of notice is currently allowed in other sections of state law and is defined in RSA 451-C:1. Vote 16-0.

HB 340, relative to the sale of the Laconia state school. **OUGHT TO PASS.**

Rep. John Cloutier for Public Works and Highways. This bill would exempt property encumbered by leases from the sale of the Laconia State School. The bill would also require the Long Range Capital and Utilization Committee to approve the conditions and sale of the Laconia State School property. The committee unanimously agrees that the Long Range Committee needs to be part of the process for the sale of surplus state property. Especially since it consists of House and Senate members as well as a representative of the governor's office. Vote 20-0.

HB 383, naming a bridge in the city of Keene. **INEXPEDIENT TO LEGISLATE.**

Rep. Virginia Irwin for Public Works and Highways. At the request of the prime sponsor the committee agreed to find this bill inexpedient to legislature. The naming request was not necessary at this time. Vote 19-0.

HB 508, naming the New Hampshire Army National Guard Regional Training Institute and Barracks facility in Pembroke after Colonel Edward Cross. **OUGHT TO PASS.**

Rep. Virginia Irwin for Public Works and Highways. This bill proposes that the NH Army National Guard Regional Training Institute and Barracks be named for Colonel Edward Cross of the 5th NH Volunteer Infantry Army of the Potomac. The current NH National Guard traces its roots back to the 5th NH Regiment. Col. Cross was a fine example of a Civil War volunteer officer. His men were trained, disciplined hard fighters and much of these characteristics were due to the example and training set for them by him. Naming this facility after him is a fitting tribute as we continue to train our young men and women to accomplish any mission the future may present. Vote 20-0.

HB 77-FN-L, relative to dam fees for nonprofit organizations. **INEXPEDIENT TO LEGISLATE.**

Rep. James McConnell for Resources, Recreation and Development. This bill sought to waive dam fees for nonprofit organizations. The committee felt that waiving dam fees, which partially cover the cost of the Department of Environmental Services Dam Safety Engineers' reviews of dam construction and repairs, would lead to an increase in the number of organizations legitimately claiming nonprofit status and deprive the department of needed revenues. Vote 16-0.

HB 173, relative to regulations restricting the use of water for outdoor usage. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James McConnell for Resources, Recreation and Development. This bill expands municipal authorities' ability to restrict water usage during declared drought conditions beyond the current restriction for residential outdoor lawn watering. Allowing broader restrictions is intended to protect the larger aquifer. The amendment continues to exempt agricultural and nursery operations, but empowers municipal authorities to impose water usage restrictions for any other outdoor purposes as fits the local situation. Vote 15-3.

Amendment (0117h)

Amend RSA 41:11-d, I as inserted by section 1 of the bill by replacing it with the following:

I. The local governing body may establish regulations restricting the use of water from private wells or public water systems for ~~residential outdoor lawn watering~~ **any outdoor purpose** when administrative agencies of the state or federal government have designated the region as being under a declared state or condition of drought. ***Agricultural and nursery operations shall be exempt from this section.***

Referred to the Committee on Municipal and County Government.

HB 211-FN, relative to temporary OHRV registrations for nonresidents. **OUGHT TO PASS.**

Rep. Linda Gould for Resources, Recreation and Development. The committee agreed with Fish and Game that the sunset provisions should be repealed and the ten day non-resident OHRV registrations should continue with no club membership being necessary. The temporary registrations offer an option for people who visit only once. Vote 17-0.

HB 246, relative to timber trespass. **OUGHT TO PASS.**

Rep. John Mullen for Resources, Recreation and Development. The Division of Forests and Lands is the state agency with primary statutory authority for the protection of our forest resources. This is accomplished in several ways, including enforcement of forest protection laws by state forest rangers. Of the almost 1,200 cases handled by the agency over the last two years, 137 have been timber trespass investigations (RSA 227-J:8 and 8-a) where an individual illegally cuts trees on the land of another. The intent of RSA 227-J:8 and 8a and how the statute is enforced was based upon the value of the tree as a forest product. Over time the statute has morphed into a level of penalty based on replacement value rather than the market value of a forest product. Therefore, clarifying that the market value based on the stumpage value of a forest product, not a replacement value, reduces the tendency to exceed values beyond the intent of the statute while still maintaining the ability to penalize trespass violations. People who cut their neighbors decorative trees, say, to improve their view can still be prosecuted under other sections of the law. Vote 17-0.

HB 81, relative to gold star number plates. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Werner Horn for Transportation. This bill attempts to expand access to gold star number plates. It specifically makes a stepmother of a person killed while on duty in the United States armed forces eligible to receive gold star number plates when such plates have not been furnished to the service member's mother. While receiving public testimony and other input from stakeholders, the committee found that the state's current law regarding gold star plates was inadequate and that the bill as written did not go far enough to correct the deficits identified. The committee amended the bill to create a study committee to fully explore the issues. The creation of the study committee will allow many important stakeholders to be present to provide important input and ensure an appropriate level of respect and sensitivity is given to the policy on gold star plates. The committee will study eligibility for gold star number plates and recommend changes to the cur-

rent criteria. The bill, as amended, creates a study committee with members of the House Transportation and State-Federal Relations and Veterans Affairs committees and a member from the Senate who are to report back with any proposed legislation by November 1, 2017. Vote 18-0.

Amendment (0113h)

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

AN ACT establishing a committee to study gold star number plates.

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

1 Committee Established. There is established a committee to study gold star number plates.

2 Membership and Compensation.

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

(a) Four members of the house of representatives, 2 of whom shall be members of the transportation committee and 2 of whom shall be members of the state-federal relations and veterans affairs committee, appointed by the speaker of the house of representatives.

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

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

3 Duties. The committee shall study eligibility for gold star number plates and recommend changes to current criteria.

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

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

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

AMENDED ANALYSIS

This bill establishes a committee to study gold star number plates.

HB 154, relative to interference with traffic devices. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Glen Dickey for Transportation. This bill adds public transit buses to the list of those vehicles exempt from law prohibiting interference with traffic signals. In the course of accepting public testimony, the committee found that it was problematic to place public transit buses on par with emergency vehicles. The committee accepted an amendment which allows public transit buses to use prioritization technology, but not pre-emption technology. Buses are listed clearly as being separate from emergency vehicles, and the bill, as amended, maintains the prohibition on pre-emption devices for buses. The committee hopes that cities and towns will use this enabling legislation to relieve traffic congestion. Vote 18-0.

Amendment (0100h)

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

1 Interference With Traffic Devices; Exemptions. Amend the introductory paragraph of RSA 265:15, II(c) to read as follows:

(c) This paragraph shall not apply to *the following persons, who shall be permitted to use traffic signal preemption technology for emergency response purposes*:

2 New Paragraph; Interference With Traffic Devices; Fixed-Route Public Transportation Buses. Amend RSA 165:15, II by inserting after subparagraph (d) the following new subparagraph:

(e) This paragraph shall not apply to personnel operating fixed-route public transportation buses while in regularly-scheduled service, who shall be permitted to use traffic signal prioritization technology for congestion management purposes.

3 Effective Date. This act shall take effect January 1, 2018.

AMENDED ANALYSIS

This bill modifies exemptions from the prohibition on using a device to change, disrupt, or interfere with the operation of a traffic signal.

HB 359-FN-A-L, relative to returning a percentage of the LCHIP fee to the municipality where the real estate transfer from which the fee originates is located. **INEXPEDIENT TO LEGISLATE.**

Rep. Arthur Barnes for Ways and Means. This bill would amend chapter 478:17-g, II (b) by changing how the fee charged on the registration of land transfers recorded with the ten county registers of deeds would be distributed. Currently, the county registers who collect the fee are allowed to keep 4 percent of the fee for administration purposes and the remainder is transferred to a dedicated fund within the treasury

administered by the Land and Community Heritage Investment Program (LCHIP) to meet the purposes of chapter 227-M. This bill would change that procedure and includes a provision to remit 30% of the total LCHIP fees collected through property transfers to the town or city where the transfers took place for purposes of local conservation efforts. Given that the intent of the LCHIP program is to conserve and preserve the state's most important natural, cultural, and historical resources; the committee felt it would be inappropriate to redirect any of this revenue stream away from a statewide focus. Vote 21-0.

HB 496-FN-A, increasing the beer tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert Theberge for Ways and Means. This bill increases the tax on beer from 30 cents per gallon to 50 cents per gallon. The increase in the tax is far too excessive. The members of the committee felt that such an increase would have negative repercussions for the industry. Vote 18-0.

SPECIAL ORDERED

Without objection, the Speaker made the early bills on today's regular calendar Special Orders as the first order of business.

REGULAR CALENDAR

SPECIAL ORDER

HB 161-FN, relative to beverage sales at farmers' markets. **OUGHT TO PASS.**

Rep. Rebecca McBeath for Commerce and Consumer Affairs. Current law does not require beverage manufacturers to pay the beer tax on product sold at farmers' markets. This bill makes a technical correction to correct this oversight. The NH Liquor Commission requested this bill to align current statutes regarding the sale of beer at farmers' markets with beer sold at all other locations. This change is consistent with current practice of farmers' market sales. Vote 14-3.

Committee report adopted and referred to the Committee on Ways and Means.

SPECIAL ORDER

HB 368-FN-A, relative to the heating of certain state-owned buildings in Concord and making appropriations therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Graham for Public Works and Highways. This bill was at the request of the joint legislative Concord Steam task force which met in the latter part of 2016. The impetus for the formation of the task force was the decision on the part of Concord Steam, a privately owned company, to cease operations on May 31, 2017. Concord Steam is the entity that provides heat and hot water to the buildings at the Gallen Office Park as well as other state buildings including the State House and the LOB in Concord. This decision was conveyed to the Commissioner of DAS on July 20, 2016. Upon the formation of the task force they learned that DAS had already contracted engineers to begin the assessment as to the options for replacing the service provided by Concord Steam. To both DAS and the task force it was readily apparent that a permanent solution to the problem could not be implemented to meet the May 2017 deadline. Therefore a two-fold process was proposed. A temporary solution for the winter of 2017-18 which consists of trailer mounted boilers hooked up to the existing pipes for that heating season. The second phase, to be completed before the 2018-19 heating season, would be the installation of boilers or alternative sources of heat and hot water. The year delay between the two phases allows the state to determine the best method of providing heat and hot water to some 26 separate buildings as well as allowing us the ability to competitively bid this massive project. The bill before you provides the initial funding mechanism for both the temporary and permanent solutions to this project. The amount in the bill (not to exceed \$25 million) is for both phases. The bill allows the Commissioner of DAS to either bond or find alternate sources of funding for the projects. Members of the Public Works & Highways Committee are actively working with both DAS and the State Treasurer to identify ways to fund the bill without recourse to borrowing the full \$25 million. However, because of the tight timeframes associated with bidding the contracts for the temporary solution, as well as those for the design and construction of the permanent one it was felt that any proposed amendment for alternative concrete methods of funding would be introduced during the hearing in the Senate. Make no mistake; this bill must be passed in a timely manner in order to assure that our state buildings have heat by next September. DAS is already readying RFP's for the work, and delays will only exacerbate a serious problem. The committee amendment does two things. First it removes section 5 of the bill, which provided funding for an environmental study of the state owned property currently utilized by Concord Steam. This study has already been conducted using existing funds. The second part of the amendment authorizes the Commissioner of DAS to employ a project manager and for this position to be initially paid from the monies appropriated in the bill. Vote 19-1.

Amendment (0210h)

Amend section 1 of the bill by inserting after paragraph IV the following new paragraph:

V. The commissioner of the department of administrative services is authorized to employ a classified, full-time, permanent project manager in the division of public works design and construction. The initial cost of salary and benefits of such project manager shall be paid from funds appropriated in section 2 or section 3 of this act.

Amend the bill by replacing paragraph I of section 2 with the following:

I. The sum not to exceed \$25,000,000 is hereby appropriated to the department of administrative services for purposes identified in paragraphs I, II, and V of section 1 of this act.

Amend the bill by deleting section 5 and renumbering the original section 6 to read as 5.

Committee Amendment adopted.

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

Rep. Lynne Ober spoke in favor.

Rep. Oxenham spoke against and yielded to questions.

Rep. Shurtleff spoke in favor and yielded to questions.

Rep. Hinch requested a roll call; sufficiently seconded.

YEAS 275 - NAYS 15

YEAS - 275

BELKNAP

Abear, Marc
Howard, Raymond
Silber, Norman

Aldrich, Glen
Lang, Timothy
Sylvia, Michael

Fields, Dennis
Maloney, Michael
Vadney, Herbert

Fraser, Valerie
Plumer, John
Varney, Peter

CARROLL

Avellani, Lino
Comeau, Ed
McConkey, Mark

Buco, Thomas
Cordelli, Glenn
Schmidt, Stephen

Butler, Edward
McCarthy, Frank
Umberger, Karen

Chandler, Gene
Knirk, Jerry
Marsh, William

CHESHIRE

Abbott, Michael
Faulkner, Barry
O'Day, John
Weber, Lucy

Bordenet, John
Johnsen, Gladys
Stallcop, Joseph

Ley, Douglas
Hunt, John
Sterling, Franklin

Eaton, Daniel
McConnell, James
Pearson, William

COOS

Fothergill, John
Merner, Troy

Hatch, William
Moynihan, Wayne

Judd, Bing
Richardson, Herbert

Laflamme, Larry
Tucker, Edith

GRAFTON

Almy, Susan
Ham, Bonnie
Ladd, Rick
Schwaegler, Vicki
White, Andrew

Bailey, Brad
Hennessey, Erin
Maes, Kevin
Smith, Suzanne

Brown, Duane
Hull, Robert
Massimilla, Linda
Sykes, George

Dontonville, Roger
Josephson, Timothy
Rand, Steven
Johnson, Tiffany

HILLSBOROUGH

Ammon, Keith
Barry, Richard
Byron, Frank
Christie, Rick
Dickey, Glen
Elber, Joel
Griffin, Gerald
Gould, Linda
Herbert, Christopher
Belanger, James
Rice, Kimberly
Kurk, Neal
Leishman, Peter
Manley, Jonathan
Murotake, David
Notter, Jeanine
Panasiti, Reed
Prout, Andrew
Harvey, Suzanne
Seidel, Carl
Twombly, Timothy
Valera, John

Ayala, Jessica
Biggie, Barbara
Carr, John
Cleaver, Skip
Donovan, Daniel
Fedolfi, Jim
Smith, Gregory
Halstead, Carolyn
Hinch, Richard
Graham, John
Keane, Amelia
L'Heureux, Robert
MacKay, Mariellen
Martin, Joelle
Murphy, Keith
O'Leary, Richard
Pellegrino, Anthony
Ober, Russell
Sanborn, Laurie
Shaw, Barbara
Ulery, Jordan
Van Houten, Connie

Griffin, Barbara
Burns, Charlie
Chandley, Shannon
Sullivan, Daniel
Dyer, Caleb
Ferreira, Elizabeth
Gagne, Larry
Hansen, Peter
Hopper, Gary
Moore, Josh
King, Mark
Ober, Lynne
McCarthy, Michael
Martineau, Jesse
Negron, Steve
Ohm, Bill
Pierce, David
Renzullo, Andrew
Schleien, Eric
Somero, Paul
Sullivan, Victoria
Williams, Kermit

Baroody, Benjamin
Burt, John
Christensen, Chris
Danielson, David
Edwards, Elizabeth
Freeman, Lisa
Goley, Jeffrey
Heath, Mary
Hynes, Dan
Jack, Martin
Klee, Patricia
Lascelles, Richard
Mangipudi, Latha
McNamara, Richard
Newman, Sue
Long, Patrick
Proulx, Mark
Rosenwald, Cindy
Scully, Kevin
Souza, Kathleen
Vaillancourt, Steve

MERRIMACK

Alicea, Caroletta
 Carson, Clyde
 Hill, Gregory
 Klose, John
 Moffett, Michael
 Smith, Ryan
 Schuett, Dianne
 Walsh, Thomas
 Wells, Natalie

Kuch, Bill
 Long, Douglas
 Horn, Werner
 Kotowski, Frank
 Marple, Richard
 Richards, Beth
 Seaworth, Brian
 Testerman, Dave
 Woolpert, David

Bartlett, Christy
 Doherty, David
 MacKay, James
 Leavitt, John
 McGuire, Carol
 Rodd, Beth
 Shurtleff, Stephen
 Wallner, Mary Jane

Brewster, Michael
 Moffett, Howard
 Kenison, Linda
 Luneau, David
 Pearl, Howard
 Rogers, Katherine
 Soucy, Timothy
 Walz, Mary Beth

ROCKINGHAM

Cook, Allen
 Barnes, Arthur
 Cahill, Michael
 Thomas, Douglas
 Elliott, Robert
 Green, Dennis
 Itse, Daniel
 O'Connor, John
 Griffin, Mary
 Manning, John
 Morrison, Sean
 Packard, Sherman
 Rimol, Bob
 Stone, Brian
 Verville, Kevin
 Webb, James

Abrami, Patrick
 Bates, David
 Cali-Pitts, Jacqueline
 Dean-Bailey, Yvonne
 Emerick, J. Tracy
 Guthrie, Joseph
 Edwards, Jess
 Khan, Aboul
 Pearson, Mark
 Matthews, Carolyn
 Murray, Kate
 Polewarczyk, William
 Sapareto, Frank
 Sytek, John
 Vose, Michael
 Welch, David

Altschiller, Debra
 Bean, Philip
 Chase, Francis
 Doucette, Fred
 Friel, William
 Hagan, Joseph
 Janigian, John
 Kolodziej, Walter
 Major, Norman
 McMahon, Charles
 Nasser, Jim
 Gordon, Richard
 Somssich, Peter
 Torosian, Peter
 Wallace, Scott
 Weyler, Kenneth

Baldasaro, Alfred
 Bove, Martin
 Chirichiello, Brian
 Edgar, Michael
 Gay, Betty
 Hoelzel, Kathleen
 Janvrin, Jason
 Lovejoy, Patricia
 Malloy, Dennis
 Milz, David
 Osborne, Jason
 Tilton, Rio
 Spillane, James
 True, Chris
 Ward, Gerald

STRAFFORD

Beaudoin, Steven
 Grassie, Chuck
 Kaczynski, Thomas
 Opderbecke, Linn
 Scruton, Matthew
 Wall, Janet

Bixby, Peter
 Harrington, Michael
 Turcotte, Leonard
 Schmidt, Peter
 Spencer, Matthew
 Wuelper, Kurt

Burton, Wayne
 Horgan, James
 McNally, Jody
 Phinney, Brandon
 Sprague, Dale

Fontneau, Timothy
 Horrigan, Timothy
 Mullen, John
 Graham, Robert
 Vincent, Kenneth

SULLIVAN

Cloutier, John
 Laware, Thomas

Gauthier, Francis
 Rollins, Skip

Gottling, Suzanne
 Smith, Steven

Grenier, James

**NAYS - 15
BELKNAP**

Comtois, Barbara

Ames, Richard

Binford, David

Bouldin, Amanda

Hoell, J.R.

Costable, Michael
 Le, Tamara

Cilley, Jacalyn

Oxenham, Lee

Higgins, Patricia

Lewicke, John

Cushing, Robert Renny

Epstein, Isaac

CHESHIRE**GRAFTON****HILLSBOROUGH****MERRIMACK****ROCKINGHAM****STRAFFORD****SULLIVAN**

Messmer, Mindi

Read, Ellen

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

REFERRAL DECLINED

Rep. Kurk, Chairman of the Committee on Finance, under the provisions of House Rule 46 (f), declined the referral of **HB 368-FN-A**, relative to the heating of certain state-owned buildings in Concord and making appropriations therefor.

REGULAR CALENDAR CONT'D**SPECIAL ORDER****HB 124-FN**, repealing certain aircraft registration fees. **OUGHT TO PASS.**

Rep. Thomas Walsh for Transportation. In the public hearing on this bill, the committee learned of the disparity in aircraft registration fees between New Hampshire and neighboring states. For example, a plane charged over \$300,000 in registration fees in New Hampshire would be charged only about \$750 in Massachusetts. This fee structure prevents local airports in New Hampshire from being competitive with those located just miles across the border. This bill will reduce revenues to the Department of Transportation, of which 75 percent goes to the general fund. The majority of the committee finds that this bill reflects sound transportation policy and encourages competitiveness and local business growth. This bill should move on to the second committee for further public hearings and a thorough vetting of economic impact. Vote 15-3. Committee report adopted and referred to the Committee on Ways and Means.

HB 112, requiring child resistant packaging for electronic cigarette cartridges. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Costable for Commerce and Consumer Affairs. The purpose of this bill is to require non-refillable e-cigarette cartridges to meet federal standards for special poison prevention packaging. This places an undue burden on manufacturers and goes beyond what the federal statutes already call for relative to cartridges. Vote 16-2.

On a division vote, with 262 members having voted in the affirmative, and 30 in the negative, the Committee report was adopted.

HB 176, relative to the sale of cigar-related products. **INEXPEDIENT TO LEGISLATE.**

Rep. Edward Butler for Commerce and Consumer Affairs. This bill would remove the requirement that cigar bars sell at least 60% of their gross income in cigars and cigar-related products for those businesses that have more than \$75,000 in annual revenue. Cigar bars are the only business entity, other than private clubs, where the public can enjoy smoking in a licensed establishment. The 60/40 ratio was established to ensure that these businesses exist to sell cigars and could not transition into selling a majority of alcoholic products, thus becoming, in essence, cocktail lounges without the necessary licenses and oversight. The committee believes that the restrictions currently in place are reasonable. Vote 13-4.

Rep. Butler spoke in favor.

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

YEAS 201 - NAYS 93**YEAS - 201****BELKNAP**

Abear, Marc
Maloney, Michael

Fields, Dennis
Plumer, John

Fraser, Valerie
Varney, Peter

Lang, Timothy

CARROLL

Buco, Thomas
McConkey, Mark

Butler, Edward
Schmidt, Stephen

Chandler, Gene
Umberger, Karen

Knirk, Jerry
Marsh, William

CHESHIRE

Abbott, Michael
Eaton, Daniel
O'Day, John
Weber, Lucy

Ames, Richard
Faulkner, Barry
Stallcop, Joseph

Bordenet, John
Johnsen, Gladys
Sterling, Franklin

Ley, Douglas
Hunt, John
Pearson, William

COOS

Fothergill, John
Moynihan, Wayne

Hatch, William
Richardson, Herbert

Judd, Bing
Theberge, Robert

Laflamme, Larry
Tucker, Edith

GRAFTON

Almy, Susan
Hennessey, Erin
Ladd, Rick
Rand, Steven
White, Andrew

Bailey, Brad
Higgins, Patricia
Maes, Kevin
Schwaegler, Vicki

Campion, Polly
Hull, Robert
Massimilla, Linda
Smith, Suzanne

Ham, Bonnie
Josephson, Timothy
Nordgren, Sharon
Sykes, George

HILLSBOROUGH

Ayala, Jessica
Biggie, Barbara
Moore, Craig
Cleaver, Skip

Griffin, Barbara
Bouldin, Amanda
Carr, John
Danielson, David

Baroody, Benjamin
Burns, Charlie
Chandley, Shannon
Dickey, Glen

Barry, Richard
Byron, Frank
Christensen, Chris
Dyer, Caleb

Elber, Joel
Gould, Linda
Belanger, James
Keane, Amelia
L'Heureux, Robert
McCarthy, Michael
McNamara, Richard
Ohm, Bill
Proulx, Mark
Somero, Paul

Freeman, Lisa
Heath, Mary
Graham, John
King, Mark
Lascelles, Richard
Mangipudi, Latha
Murotake, David
Long, Patrick
Rosenwald, Cindy
Valera, John

Gagne, Larry
Herbert, Christopher
Jack, Martin
Klee, Patricia
Leishman, Peter
Manley, Jonathan
Newman, Sue
Panasiti, Reed
Harvey, Suzanne
Van Houten, Connie

Goley, Jeffrey
Hinch, Richard
Rice, Kimberly
Kurk, Neal
MacKay, Mariellen
Martineau, Jesse
O'Leary, Richard
Pierce, David
Shaw, Barbara
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Moffett, Howard
Kotowski, Frank
Richards, Beth
Shurtleff, Stephen
Wells, Natalie

Bartlett, Christy
MacKay, James
Leavitt, John
Rodd, Beth
Walsh, Thomas
Woolpert, David

Carson, Clyde
Kenison, Linda
Luneau, David
Rogers, Katherine
Wallner, Mary Jane

Doherty, David
Klose, John
Marple, Richard
Schuett, Dianne
Walz, Mary Beth

ROCKINGHAM

Abrami, Patrick
Bean, Philip
Chase, Francis
Doucette, Fred
Friel, William
Edwards, Jess
Khan, Aboul
Major, Norman
McMahon, Charles
Murray, Kate
Tilton, Rio
Le, Tamara
Webb, James

Baldasaro, Alfred
Bove, Martin
Chirichiello, Brian
Edgar, Michael
Guthrie, Joseph
Janigian, John
Kolodziej, Walter
Malloy, Dennis
Messmer, Minda
Nasser, Jim
Rimol, Bob
Torosian, Peter
Welch, David

Barnes, Arthur
Cahill, Michael
Cushing, Robert Renny
Elliott, Robert
Hagan, Joseph
Janvrin, Jason
Lovejoy, Patricia
Manning, John
Milz, David
Packard, Sherman
Somssich, Peter
Vose, Michael

Bates, David
Cali-Pitts, Jacqueline
Dean-Bailey, Yvonne
Emerick, J. Tracy
Hoelzel, Kathleen
O'Connor, John
Griffin, Mary
Matthews, Carolyn
Morrison, Sean
Polewarczyk, William
Sytek, John
Ward, Gerald

STRAFFORD

Bixby, Peter
Grassie, Chuck
Opderbecke, Linn
Vincent, Kenneth

Burton, Wayne
Horgan, James
Schmidt, Peter
Wall, Janet

Epstein, Isaac
Horrigan, Timothy
Scruton, Matthew

Fontneau, Timothy
Mullen, John
Spencer, Matthew

SULLIVAN

Gottling, Suzanne

Grenier, James

NAYS - 93

BELKNAP

Howard, Raymond

Silber, Norman

CARROLL

Cordelli, Glenn

McCarthy, Frank

CHESHIRE

COOS

GRAFTON

Dontonville, Roger

Johnson, Tiffany

HILLSBOROUGH

Ammon, Keith
Donovan, Daniel
Griffin, Gerald
Hopper, Gary
Lewicke, John
Notter, Jeanine
Sanborn, Laurie
Souza, Kathleen
Vaillancourt, Steve

Burt, John
Edwards, Elizabeth
Smith, Gregory
Hynes, Dan
Martin, Joelle
Pellegrino, Anthony
Schleien, Eric
Twombly, Timothy

Christie, Rick
Fedolfi, Jim
Halstead, Carolyn
Moore, Josh
Murphy, Keith
Prout, Andrew
Scully, Kevin
Ulery, Jordan

Sullivan, Daniel
Ferreira, Elizabeth
Hansen, Peter
Ober, Lynne
Negron, Steve
Renzullo, Andrew
Seidel, Carl
Sullivan, Victoria

MERRIMACK

Kuch, Bill
Hoell, J.R.
Pearl, Howard
Testerman, Dave

Brewster, Michael
Horn, Werner
Smith, Ryan

Long, Douglas
Moffett, Michael
Seaworth, Brian

Hill, Gregory
McGuire, Carol
Soucy, Timothy

ROCKINGHAM

Cook, Allen
Gay, Betty
Osborne, Jason
Spillane, James
Wallace, Scott

Altschiller, Debra
Green, Dennis
Gordon, Richard
Stone, Brian
Weyler, Kenneth

Costable, Michael
Itse, Daniel
Read, Ellen
True, Chris

Thomas, Douglas
Pearson, Mark
Sapareto, Frank
Verville, Kevin

STRAFFORD

Beaudoin, Steven
Turcotte, Leonard
Sprague, Dale

Cilley, Jacalyn
McNally, Jody
Wuelper, Kurt

Harrington, Michael
Phinney, Brandon

Kaczynski, Thomas
Graham, Robert

SULLIVAN

Oxenham, Lee

Rollins, Skip

and the committee report was adopted.

HB 242, relative to the definition of e-cigarette and the sale of tobacco products. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Rebecca McBeath for the Majority of Commerce and Consumer Affairs. As amended, this bill makes technical changes in the NH alcohol and tobacco laws so that the NH Liquor Commission will be able to enforce the Youth Access to Tobacco statutes in the rapidly changing product design of electronic cigarettes. This bill was brought to the committee at the request of the NH Liquor Commission. The language has been thoroughly vetted by the members of the committee in conjunction with input from various state departments. This bill is not intended to abrogate federal law regarding tobacco products, including the federal Food and Drug Administration's deeming regulations, 21 CFR Parts 110, 1140 and 1143, effective August 8, 2016. Vote 15-3.

Rep. Bart Fromuth for the Minority of Commerce and Consumer Affairs. This bill gives the Liquor Commission the ability to regulate vaping devices or "e-cigarettes" regardless of whether or not they contain nicotine. The current definition of e-cigarette exempts devices that do not contain nicotine, which is in line with current state policy. If we pass this bill it would be on par with giving the Liquor Commission authority over nonalcoholic drink mixes.

Majority Amendment (0037h)

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

AN ACT relative to the definition and regulation of e-cigarettes.

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

2 Alcoholic Beverages; Definition of E-Cigarette Added. Amend RSA 175:1, XXXI-a and XXXI-aa to read as follows:

XXXI-a. "E-cigarette" means any electronic smoking device composed of a mouthpiece, a heating element, a battery, and electronic circuits that may or may not contain nicotine. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, or e-pipes, or under any other product name.

XXXI-aa. "Farmers' market" means an event or series of events at which 2 or more vendors of agricultural commodities gather for purposes of offering for sale such commodities to the public. Commodities offered for sale must include, but are not limited to, products of agriculture, as defined in RSA 21:34-a. "Farmers' market" shall not include any event held upon any premises owned, leased, or otherwise controlled by any individual vendor selling therein.

~~[-XXXI-aa.] XXXI-aaa. "Food" means solid nutritive material as distinguished from drink.~~

3 Definition of License. Amend RSA 175:1, XXXIX to read follows:

XXXIX. "License" means the authority granted by the commission to engage in the sale of liquor, wine, beverages, [or] tobacco products, **or e-cigarettes** otherwise unlawful unless evidenced by such document.

4 Definition of Retailer. Amend RSA 175:1, LIX-a to read as follows:

LIX-a. "Retailer," when used with respect to tobacco products **or e-cigarettes**, means any person who sells tobacco products **or e-cigarettes** to consumers, and any vending machine in which tobacco products are sold.

5 The Liquor Commission; Liquor Investigator. Amend RSA 176:9, III to read as follows:

III. The commissioner, deputy commissioner, assistant, or liquor investigator may enter any place where liquor, beverages, [or] tobacco products, **or e-cigarettes** are sold or manufactured, at any time, and may examine any license or permit issued or purported to have been issued under the terms of this title. They shall make complaints for violations of this title.

6 Liquor Licenses and Fees; Licenses Required. Amend RSA 178:1, VI to read as follows:

VI. No person shall sell tobacco products *or e-cigarettes* to individuals or the public in any method or manner, directly or indirectly, or keep for sale any tobacco products *or e-cigarettes* without first registering to do business with the secretary of state and obtaining a license for such activity under the provisions of this title. The commission shall provide a list of persons licensed under this section to the commissioner of the department of revenue administration upon request.

7 Licenses Authorized. Amend RSA 178:2, I to read as follows:

I. The commission may issue licenses to individuals, partnerships, limited liability companies and partnerships, or corporations but not to unincorporated associations, on applications duly made therefor for the manufacture, warehousing, sale, offer for sale, or solicitation of orders for sale of liquor or beverages and for retail sales of tobacco products *or e-cigarettes* within the state, subject to the limitations and restrictions imposed by this title. The commission shall keep a full record of all applications for licenses, of all recommendations for and remonstrances against the granting of licenses, and of the action taken on such applications.

8 Combination License. Amend RSA 178:18 to read as follows:

178:18 Combination License.

I. Off-premises licenses shall be issued only for grocery and drug stores not holding on-premises licenses. Such licenses shall authorize the licensees to sell fortified wine, table wine, and beverages for consumption only off the premises designated in the licenses and not to other licensees for resale. Such sale shall be made only in the immediate container in which the beverage, wine, or fortified wine was received by the off-premises combination licensee; except that in the case of the holder of a wholesale distributor license, beverages may be sold only in such barrels, bottles, or other containers as the commission may by rule prescribe. Off-premises licenses may also authorize the licensee to sell tobacco products *or e-cigarettes*. There shall be no restriction on the number of combination licenses held by any person. The license shall authorize the licensee to transport and deliver beverages, tobacco products, *e-cigarettes*, and table or fortified wines ordered from and sold by the licensee in vehicles operated under the licensee's control or an employee's control.

II. All sales of tobacco, *e-cigarettes*, beverages, fortified wines, and table wine shall be recorded on cash registers. No additional registers shall be added during the remainder of the year without prior approval of the commission. No rebate shall be allowed for cash registers discontinued during the license year.

III. The commission may suspend the tobacco, *e-cigarette*, or alcohol sales portion of the license separately under the provisions of RSA 179:57; any revocation shall revoke the entire license.

9 Retail Wine License. Amend RSA 178:19 to read as follows:

178:19 Retail Wine License.

I. A retail wine license may be issued by the commission to any person operating a retail outlet in this state which shall allow the licensee to sell tobacco products, *e-cigarettes*, fortified wines, and table wines directly to individuals at retail on the premises for consumption off the premises; provided, however, that persons holding any license authorizing the sale of liquor or wine by the glass under this chapter shall sell the wines authorized pursuant to this section in a separate area of the premises from the areas licensed for on-premises consumption. A separate license shall be required with respect to each place of business of an applicant. The license shall authorize the licensee to transport and deliver fortified and table wines ordered from and sold by the commission and sold by the licensee in vehicles operated under the licensee's control or an employee's control.

II. All sales of wine, [and] tobacco products, *and e-cigarettes* shall be recorded on cash registers. No additional registers shall be added during the remainder of the year without prior approval of the commission. No rebate shall be allowed for cash registers discontinued during the license year.

III. On-premises licensees licensed under this chapter shall maintain separate rooms for storage, shelving, display, and sale of tobacco products, *e-cigarettes*, and fortified and table wine for consumption off the premises. Such rooms shall be equipped with at least one cash register which shall be capable of separately registering wine sales, and such rooms shall have an attendant at all times while open for business. Wine purchased for resale by virtue of the retail wine license shall be purchased on separate invoices from that wine intended for consumption in the dining room or lounge, and separate sales records shall be maintained for this purpose.

IV. The commission may suspend the tobacco, *e-cigarette*, or alcohol sales portion of the license separately under the provisions of RSA 179:57; any revocation shall revoke the entire license.

10 Retail Tobacco License. Amend RSA 178:19-a to read as follows:

178:19-a Retail Tobacco License.

I. The commission may issue a retail tobacco license to a person engaged in the business of retail sales and distribution of tobacco products *or e-cigarettes* in this state. Each retail outlet shall have a separate license regardless of the fact that one or more outlets may be owned or controlled by a single person.

II. A retail tobacco license shall be prominently displayed on the premises described in it.

III. The commission, when issuing or renewing a retail tobacco license, shall furnish a sign which shall read or be substantially similar to the following: "State Law prohibits the sale of tobacco products *or e-cigarettes* to persons under age 18. Warning: violators of these provisions may be subject to a fine."

11 Beer Specialty License. Amend RSA 178:19-d, I to read as follows:

I. A beer specialty license may be issued by the commission to any person operating a retail outlet in this state the primary business of which is the sale of beer as defined in RSA 175:1. A beer specialty license shall allow the licensee to sell beverage, wine, [and] tobacco products, **and e-cigarettes** directly to individuals at retail on the premises for consumption off the premises; beer may be sold in such barrels, bottles, or other containers as the commission may by rule prescribe.

12 Beer Specialty License. Amend RSA 178:19-d, V and VI to read as follows:

V. All sales of beer, [and] tobacco products, **and e-cigarettes** shall be recorded on cash registers. No additional registers shall be added during the remainder of the year without prior approval of the commission. No rebate shall be allowed for cash registers discontinued during the license year.

VI. The commission may suspend the tobacco, **e-cigarette**, or alcohol sales portion of the license separately under the provisions of RSA 179:57.

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

AMENDED ANALYSIS

This bill changes the definition of e-cigarette to provide that the device may or may not contain nicotine. The bill also includes e-cigarettes in the sale and licensure requirements of RSA 176 and RSA 178. Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 197 - NAYS 98

YEAS - 197 BELKNAP

Fields, Dennis
Varney, Peter

Fraser, Valerie

Lang, Timothy

Plumer, John

CARROLL

Butler, Edward
Schmidt, Stephen

Chandler, Gene
Umberger, Karen

Knirk, Jerry
Marsh, William

McConkey, Mark

CHESHIRE

Abbott, Michael
Faulkner, Barry
Stallcop, Joseph

Ames, Richard
Johnsen, Gladys
Sterling, Franklin

Bordenet, John
Hunt, John
Pearson, William

Ley, Douglas
O'Day, John
Weber, Lucy

COOS

Fothergill, John
Richardson, Herbert

Hatch, William
Theberge, Robert

Judd, Bing
Tucker, Edith

Moynihan, Wayne
Thomas, Yvonne

GRAFTON

Almy, Susan
Hennessey, Erin
Maes, Kevin
Schwaegler, Vicki

Bailey, Brad
Higgins, Patricia
Massimilla, Linda
Smith, Suzanne

Campion, Polly
Josephson, Timothy
Nordgren, Sharon
Sykes, George

Ham, Bonnie
Ladd, Rick
Rand, Steven
White, Andrew

HILLSBOROUGH

Ayala, Jessica
Biggie, Barbara
Chandlee, Shannon
Danielson, David
Smith, Gregory
Heath, Mary
Graham, John
King, Mark
Lascelles, Richard
Manley, Jonathan
Murotake, David
Long, Patrick
Proulx, Mark
Shaw, Barbara

Griffin, Barbara
Burns, Charlie
Christensen, Chris
Donovan, Daniel
Gagne, Larry
Herbert, Christopher
Jack, Martin
Klee, Patricia
MacKay, Mariellen
Martin, Joelle
Newman, Sue
Panasiti, Reed
Rosenwald, Cindy
Van Houten, Connie

Baroody, Benjamin
Byron, Frank
Cleaver, Skip
Edwards, Elizabeth
Goley, Jeffrey
Hinch, Richard
Rice, Kimberly
Kurk, Neal
McCarthy, Michael
Martineau, Jesse
O'Leary, Richard
Pellegrino, Anthony
Harvey, Suzanne
Williams, Kermit

Barry, Richard
Carr, John
Sullivan, Daniel
Elber, Joel
Gould, Linda
Belanger, James
Keane, Amelia
L'Heureux, Robert
Mangipudi, Latha
McNamara, Richard
Ohm, Bill
Pierce, David
Scully, Kevin

MERRIMACK

Alicea, Caroletta
Doherty, David
Klose, John

Bartlett, Christy
Moffett, Howard
Kotowski, Frank

Carson, Clyde
MacKay, James
Leavitt, John

Long, Douglas
Kenison, Linda
Luneau, David

Marple, Richard
Rogers, Katherine
Walsh, Thomas

McGuire, Carol
Schuett, Dianne
Wallner, Mary Jane

Richards, Beth
Shurtleff, Stephen
Walz, Mary Beth

Rodd, Beth
Soucy, Timothy
Woolpert, David

ROCKINGHAM

Abrami, Patrick
Bove, Martin
Chirichiello, Brian
Edgar, Michael
Gay, Betty
Janigian, John
Lovejoy, Patricia
Malloy, Dennis
Messmer, Minda
Nasser, Jim
Rimol, Bob
Vose, Michael
Weyler, Kenneth

Altschiller, Debra
Cahill, Michael
Cushing, Robert Renny
Elliott, Robert
Guthrie, Joseph
Janvrin, Jason
Griffin, Mary
Manning, John
Milz, David
Packard, Sherman
Somssich, Peter
Ward, Gerald

Barnes, Arthur
Cali-Pitts, Jacqueline
Dean-Bailey, Yvonne
Emerick, J. Tracy
Hagan, Joseph
O'Connor, John
Pearson, Mark
Matthews, Carolyn
Morrison, Sean
Polewarczyk, William
Sytek, John
Webb, James

Bean, Philip
Chase, Francis
Doucette, Fred
Friel, William
Hoelzel, Kathleen
Khan, Aboul
Major, Norman
McMahon, Charles
Murray, Kate
Tilton, Rio
Le, Tamara
Welch, David

STRAFFORD

Bixby, Peter
Grassie, Chuck
Opderbecke, Linn
Spencer, Matthew

Burton, Wayne
Horgan, James
Schmidt, Peter
Sprague, Dale

Cilley, Jacalyn
Horrigan, Timothy
Graham, Robert
Wall, Janet

Fontneau, Timothy
Mullen, John
Scruton, Matthew

SULLIVAN

Cloutier, John
Oxenham, Lee

Gauthier, Francis
Smith, Steven

Gottling, Suzanne

Grenier, James

NAYS - 98

BELKNAP

Abear, Marc
Maloney, Michael

Aldrich, Glen
Silber, Norman

Comtois, Barbara
Sylvia, Michael

Howard, Raymond
Vadney, Herbert

CARROLL

Avellani, Lino
McCarthy, Frank

Buco, Thomas

Comeau, Ed

Cordelli, Glenn

CHESHIRE

COOS

GRAFTON

Binford, David
Johnson, Tiffany

Brown, Duane

Dontonville, Roger

Hull, Robert

HILLSBOROUGH

Ammon, Keith
Christie, Rick
Ferreira, Elizabeth
Hansen, Peter
Ober, Lynne
Negron, Steve
Renzullo, Andrew
Somero, Paul
Sullivan, Victoria

Bouldin, Amanda
Dickey, Glen
Freeman, Lisa
Hopper, Gary
Leishman, Peter
Notter, Jeanine
Sanborn, Laurie
Souza, Kathleen
Vaillancourt, Steve

Burt, John
Dyer, Caleb
Griffin, Gerald
Hynes, Dan
Lewicke, John
Prout, Andrew
Schleien, Eric
Twombly, Timothy
Valera, John

Moore, Craig
Fedolfi, Jim
Halstead, Carolyn
Moore, Josh
Murphy, Keith
Ober, Russell
Seidel, Carl
Ulery, Jordan
Zaricki, Nick

MERRIMACK

Kuch, Bill
Horn, Werner
Seaworth, Brian

Brewster, Michael
Moffett, Michael
Testerman, Dave

Hill, Gregory
Pearl, Howard
Wells, Natalie

Hoell, J.R.
Smith, Ryan

ROCKINGHAM

Cook, Allen
Thomas, Douglas
Kolodziej, Walter
Sapareto, Frank
True, Chris

Baldasaro, Alfred
Green, Dennis
Osborne, Jason
Spillane, James
Verville, Kevin

Bates, David
Itse, Daniel
Gordon, Richard
Stone, Brian
Wallace, Scott

Costable, Michael
Edwards, Jess
Read, Ellen
Torosian, Peter

STRAFFORD

Beaudoin, Steven
McNally, Jody

Harrington, Michael
Phinney, Brandon

Kaczynski, Thomas
Vincent, Kenneth

Turcotte, Leonard
Wuelper, Kurt

SULLIVAN

Laware, Thomas

Rollins, Skip

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

HB 420-FN, relative to ignition interlock requirements in manslaughter cases involving alcohol. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Larry Gagne for the Majority of Criminal Justice and Public Safety. This bill authorizes a court to require installation of an interlock device as a condition of driver's license reinstatement for a person convicted of manslaughter involving alcohol. This is a request of the Department of Safety. This bill confers authority on the court to order an ignition interlock device or enhanced ignition interlock device for up to 5 years. These changes constitute a reasonable extension of ignition interlock legal authority to include monitoring of individuals convicted of a serious crime such as manslaughter. Due to the severity of this offense and its relationship to alcohol or drug impairment, behavior monitoring through use of these devices is reasonable and necessary to ensure public safety. Vote 16-4.

Rep. Dave Testerman for the Minority of Criminal Justice and Public Safety. This bill would make it possible to punish an individual with an ignition interlock device in the case of manslaughter where alcohol was involved but without a conviction for alcohol. The minority believes that if the state wants to require ignition interlock, then it should require a conviction for alcohol, otherwise a person should not be punished or affected by interlock.

Majority committee report adopted and ordered to third reading.

SB 12-FN, repealing the licensing requirement for carrying a concealed pistol or revolver. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John Burt for the Majority of Criminal Justice and Public Safety. This bill does three things: it restores the right of all law-abiding New Hampshire citizens to discretely carry a firearm loaded; it replaces the unknowable word "suitable" with the plain language of "not prohibited by state or federal law;" and it returns the current pistol license term of 4 years to 5 years. For law-abiding NH citizens, reciprocity with what are now 22 states in total is strengthened by making licenses optional and by urging the Department of Safety to seek reciprocity with even more states. In RSA 159:6, III, which is added to the statute by the bill, the reference to the transportation of a firearm loaded or unloaded in a vehicle is a reference to a loaded or unloaded pistol or revolver. RSA 159:6 is titled Pistols and Revolvers; license to carry. Vote 12-8.

Rep. Richard O'Leary for the Minority of Criminal Justice and Public Safety. The minority of the committee believes that removing this common sense safety measure over the strong objections of New Hampshire law enforcement will not serve the public well. The minimally inconvenient permitting process for carrying a concealed pistol or revolver has worked sufficiently for nearly a century. Our New Hampshire procedure respects the right enumerated in the Second Amendment while offering some valid safeguards to the community.

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

Rep. Chandley spoke against and yielded to questions.

Reps. Hoell and Burt spoke in favor.

Rep. Elliott spoke against.

Rep. Hinch requested a roll call; sufficiently seconded.

YEAS 200 - NAYS 97**YEAS - 200****BELKNAP**

Abear, Marc
Fraser, Valerie
Plumer, John
Varney, Peter

Aldrich, Glen
Howard, Raymond
Silber, Norman

Comtois, Barbara
Lang, Timothy
Sylvia, Michael

Fields, Dennis
Maloney, Michael
Vadney, Herbert

CARROLL

Avellani, Lino
McCarthy, Frank
Marsh, William

Chandler, Gene
McConkey, Mark

Comeau, Ed
Schmidt, Stephen

Cordelli, Glenn
Umberger, Karen

CHESHIRE

Hunt, John
Sterling, Franklin

McConnell, James

O'Day, John

Stallcop, Joseph

COOS

Fothergill, John
Theberge, Robert

Judd, Bing
Tucker, Edith

Merner, Troy

Richardson, Herbert

GRAFTON

Bailey, Brad
Ham, Bonnie
Schwaegler, Vicki

Binford, David
Hennessey, Erin
Johnson, Tiffany

Brown, Duane
Hull, Robert

Dontonville, Roger
Ladd, Rick

HILLSBOROUGH

Ammon, Keith
Barry, Richard
Burt, John
Christensen, Chris
Donovan, Daniel
Ferreira, Elizabeth
Gagne, Larry
Hansen, Peter
Belanger, James
Rice, Kimberly
Lascelles, Richard
Murotake, David
Ohm, Bill
Proulx, Mark
Sanborn, Laurie
Shaw, Barbara
Ulery, Jordan
Zaricki, Nick

Ayala, Jessica
Biggie, Barbara
Byron, Frank
Christie, Rick
Dyer, Caleb
Freeman, Lisa
Goley, Jeffrey
Hinch, Richard
Graham, John
Kurk, Neal
Lewicke, John
Murphy, Keith
Panasiti, Reed
Prout, Andrew
Schleien, Eric
Somero, Paul
Sullivan, Victoria

Griffin, Barbara
Bouldin, Amanda
Moore, Craig
Danielson, David
Edwards, Elizabeth
Griffin, Gerald
Gould, Linda
Hopper, Gary
Moore, Josh
L'Heureux, Robert
McCarthy, Michael
Negron, Steve
Pellegrino, Anthony
Ober, Russell
Scully, Kevin
Souza, Kathleen
Vaillancourt, Steve

Baroody, Benjamin
Burns, Charlie
Carr, John
Dickey, Glen
Fedolfi, Jim
Smith, Gregory
Halstead, Carolyn
Hynes, Dan
Jack, Martin
Ober, Lynne
Martineau, Jesse
Notter, Jeanine
Pierce, David
Renzullo, Andrew
Seidel, Carl
Twombly, Timothy
Valera, John

MERRIMACK

Kuch, Bill
Hoell, J.R.
Leavitt, John
Pearl, Howard
Testerman, Dave

Brewster, Michael
Horn, Werner
Moffett, Michael
Smith, Ryan
Wells, Natalie

Long, Douglas
Klose, John
Marple, Richard
Seaworth, Brian

Hill, Gregory
Kotowski, Frank
McGuire, Carol
Walsh, Thomas

ROCKINGHAM

Cook, Allen
Bates, David
Chirichiello, Brian
Doucette, Fred
Green, Dennis
Itse, Daniel
O'Connor, John
Pearson, Mark
McMahon, Charles
Osborne, Jason
Tilton, Rio
Stone, Brian
Verville, Kevin
Welch, David

Abrami, Patrick
Bean, Philip
Costable, Michael
Emerick, J. Tracy
Guthrie, Joseph
Edwards, Jess
Khan, Aboul
Major, Norman
Milz, David
Packard, Sherman
Rimol, Bob
Sytek, John
Vose, Michael
Weyler, Kenneth

Baldasaro, Alfred
Bove, Martin
Thomas, Douglas
Friel, William
Hagan, Joseph
Janigian, John
Kolodziej, Walter
Manning, John
Morrison, Sean
Polewarczyk, William
Sapareto, Frank
Toriosian, Peter
Wallace, Scott

Barnes, Arthur
Chase, Francis
Dean-Bailey, Yvonne
Gay, Betty
Hoelzel, Kathleen
Janvrin, Jason
Griffin, Mary
Matthews, Carolyn
Nasser, Jim
Gordon, Richard
Spillane, James
True, Chris
Webb, James

STRAFFORD

Beaudoin, Steven
Turcotte, Leonard
Graham, Robert

Harrington, Michael
McNally, Jody
Scruton, Matthew

Horgan, James
Mullen, John
Spencer, Matthew

Kaczynski, Thomas
Phinney, Brandon
Wuelper, Kurt

SULLIVAN

Gauthier, Francis

Laware, Thomas

Rollins, Skip

Smith, Steven

NAYS - 97**CARROLL**

Knirk, Jerry

CHESHIRE

Abbott, Michael
Eaton, Daniel
Weber, Lucy

Ames, Richard
Faulkner, Barry

Bordenet, John
Johnsen, Gladys

Ley, Douglas
Pearson, William

COOS

Hatch, William

Laflamme, Larry

Moynihan, Wayne

Thomas, Yvonne

GRAFTON

Almy, Susan
Maes, Kevin
Smith, Suzanne

Campion, Polly
Massimilla, Linda
Sykes, George

Higgins, Patricia
Nordgren, Sharon
White, Andrew

Josephson, Timothy
Rand, Steven

HILLSBOROUGH

Chandlee, Shannon
Gidge, Kenneth
King, Mark
Mangipudi, Latha
Newman, Sue
Harvey, Suzanne

Cleaver, Skip
Heath, Mary
Klee, Patricia
Manley, Jonathan
O'Leary, Richard
Van Houten, Connie

Sullivan, Daniel
Herbert, Christopher
Leishman, Peter
Martin, Joelle
Long, Patrick
Williams, Kermit

Elber, Joel
Keane, Amelia
MacKay, Mariellen
McNamara, Richard
Rosenwald, Cindy

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Moffett, Howard
Richards, Beth
Shurtleff, Stephen
Woolpert, David

Bartlett, Christy
MacKay, James
Rodd, Beth
Soucy, Timothy

Carson, Clyde
Kenison, Linda
Rogers, Katherine
Wallner, Mary Jane

Doherty, David
Luneau, David
Schuett, Dianne
Walz, Mary Beth

ROCKINGHAM

Altschiller, Debra
Edgar, Michael
Messmer, Mindi
Le, Tamara

Cahill, Michael
Elliott, Robert
Murray, Kate
Ward, Gerald

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Read, Ellen

Cushing, Robert Renny
Malloy, Dennis
Somssich, Peter

STRAFFORD

Bixby, Peter
Fontneau, Timothy
Schmidt, Peter

Burton, Wayne
Grassie, Chuck
Sprague, Dale

Cilley, Jacalyn
Horrigan, Timothy
Vincent, Kenneth

Epstein, Isaac
Opderbecke, Linn
Wall, Janet

SULLIVAN

Cloutier, John

Gottling, Suzanne

Grenier, James

Oxenham, Lee

and the majority committee report was adopted and ordered to third reading.
Rep. Baroody voted Yea and intended to vote Nay.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Hinch moved that the House reconsider its action whereby, on a roll call vote of 200-97, the House adopted the majority committee report of Ought to Pass on **SB 12-FN**, repealing the licensing requirement for carrying a concealed pistol or revolver.

Rep. Hinch spoke against.

Motion failed.

REGULAR CALENDAR CONT'D

HB 109, exempting certain building plans from the right-to-know law. **INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for Judiciary. This bill seeks to protect privacy rights, primarily to special security data in building plans, by removing them from the public's right to know under the right-to-know law. The committee heard about citizens' need to know about buildings plans to ensure fair application of tax assessments, public safety codes, occupancy permits, etc. That law already exempts "other files whose disclosure would constitute invasion of privacy," and the committee believes that such detailed security data could be protected by that language or by redaction. Vote 12-5.

Committee report adopted.

HB 133, relative to a jury's determination as to the applicability of law. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gary Hopper for the Majority of Judiciary. This bill can be considered a "Jury Right to Know" instruction. The current jury instruction given by a judge is, "If you have a reasonable doubt as to whether the state has proved any one or more of the elements of a crime required you 'must' find the defendant not guilty. However, if you find that the state has proved all the elements of the offense charged beyond a reasonable doubt, you 'should' find the defendant guilty." To a lawyer or a legislator, the word "should" would clearly mean "may or can;" however, to the layman, the word "should" has been lost with all the other jury instructions given. This bill clarifies the word "should" by adding the last sentence, "Even if you find that the state has proved all of the elements of the offense charged beyond a reasonable doubt, you may still find that based upon the facts of this case a guilty verdict will yield an unjust result, and you may find the defendant not guilty." Vote 10-8. Rep. Paul Berch for the Minority of Judiciary. The minority of the committee agrees with the Attorney General's office that this jury nullification bill would create huge problems in the administration of our

criminal justice system, conflict with basic rules of evidence and ethical obligations of attorneys, create roadblocks in the prosecution of sexual and domestic offenders, and undermine a bedrock principle of American justice - that we are a society under the rule of law and not of men. It would force prosecutors in jury trial after jury trial, every time that a defendant claims jury nullification, to prove that a law is just and reasonable. It could make victims of crime who are unpopular less likely to obtain justice in New Hampshire courts. The philosophy behind this bill has been uniformly rejected in the United States and has failed to pass at least 12 times in the past 23 years in New Hampshire.

MOTION TO SPECIAL ORDER

Rep. Horrigan moved that **HB 133**, relative to a jury's determination as to the applicability of law, be made a Special Order to next week in its regular calendar order.
Motion adopted.

REGULAR CALENDAR CONT'D

HB 365-FN, relative to awarding attorney's fees under the right-to-know law. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Dan Hynes for the Majority of Judiciary. This bill amends RSA 91-A:8 to mandate attorney's fees whenever a petitioner is successful in a 91-A lawsuit at superior court. Under the present law, attorney's fees can only be awarded if "the court finds that the public body, public agency, or person knew or should have known that the conduct engaged in was in violation of this chapter." As determined in the methodology related in the bill's fiscal note: "The Department of Justice reports that during the past two years, 10 lawsuits have been filed under RSA 91-A. The state was ordered to pay attorney's fees in one matter during the last two years, in the amount of \$9,348. Other litigants unsuccessfully sought attorneys' fees but the court denied the fees because it could not conclude the state knew or should have known there was a violation of the statute." Since attorney's fees have been awarded only once (10% of the time), there is little incentive for the government to provide required information under the right to know law. In many circumstances it would appear cost effective for the government agency to deny the request and hope the person does not pursue litigation. Even if the person is ultimately successful, the government agency will not have to make that person whole by paying their attorney's fees. This bill would encourage the government to provide information under the right to know law. If the government does not properly respond to a right to know request, there is additional accountability. Presumably, more lawyers would take right to know cases and more cases would be filed. The present law already has adequate protection for the government entities. Under RSA 91-A:8, II: "The court may award attorney's fees to a public body or public agency or employee or member thereof, for having to defend against a lawsuit under the provisions of this chapter, when the court finds that the lawsuit is in bad faith, frivolous, unjust, vexatious, wanton, or oppressive." If passed, this law would likely only allow fees to the petitioner where they hire an attorney, not where they proceed pro se. Under Rule 3.1 of the Rules of Professional Conduct for lawyers: "A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law." Presumably, there should not be any increase in frivolous litigation as the current laws already effectively prohibit such conduct. It would not be appropriate to allow either party to recover attorney's fees if they are successful in litigation. This would have the effect of even fewer litigants pursuing complaints if they are likely to have to pay thousands of dollars in the event their lawsuit is not successful. Vote 10-8.

Rep. Sandra Keans for the Minority of Judiciary. The minority of the committee believes this bill is unnecessary and may in fact have unintended consequences. Since the passage of the original right-to-know law there have been changes to strengthen it almost every year, either by the legislature or the court. Plaintiffs currently can make a showing to the court that they deserve reimbursements of their costs if they prevail. Under this legislation, if they win, they would always be reimbursed. That is not true for your local community. That plaintiff may be just a citizen or a huge corporation. Your community would need to appropriate money to cover. Also, through the years, as word of suits become published, more and more communities are training employees to recognize valid requests in response.

MOTION TO SPECIAL ORDER

Rep. Shurtleff moved that **HB 365-FN**, relative to awarding attorney's fees under the right-to-know law, be made a Special Order to next week in its regular calendar order.
Motion adopted.

REGULAR CALENDAR CONT'D

HB 108, relative to municipal record retention and conversion. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Franklin Sterling for Municipal and County Government. The obligation of storing records in paper form has become burdensome, and history has shown us that many paper records can be lost as a result of

natural causes or devastating fires. The electronic age has brought us methods to retain these documents in an electronic format, and have several options of backup files to guard against potential losses. This bill, as amended, allows a municipality the option of scanning in records as well as the option of disposing of the paper copies which have been scanned in and stored electronically. Vote 12-1.

Amendment (0081h)

Amend RSA 33-A:5-a, II as inserted by section 1 of the bill by replacing it with the following:

II. Electronic records designated on the disposition schedule to be retained for less than 10 years may be retained solely electronically if so approved by the record committee of the municipality responsible for the records. The municipality is responsible for assuring the accessibility of the records for the mandated period. ***The municipality may scan paper records to be retained for less than 10 years into PDF/A format. The municipality may elect to dispose of the original paper records as it so chooses, subject to the requirements of other state or federal laws.***

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 118, relative to appropriations in petitioned warrant articles. **INEXPEDIENT TO LEGISLATE.**

Rep. Clyde Carson for Municipal and County Government. Under current law, the governing body and budget committee of a municipality must indicate whether they recommend appropriations in a warrant article. This bill would eliminate that requirement for appropriations contained in petition warrant articles. The majority of the committee feels that elected officials have an obligation to provide guidance to voters in the form of a recommendation on all appropriations. Vote 10-5.

Committee report adopted.

HB 145, requiring municipal approval for siting high voltage transmission lines. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven Rand for Municipal and County Government. High voltage electric transmission lines are by their nature projects of regional or state-wide impact. This bill would allow a single municipality to deny them site access. Even though the interests of individual municipalities should be given every consideration and accommodation within the SEC process, the interests of the region or state should prevail. A municipal veto should not be an option. Vote 16-0.

Rep. Burton spoke against and yielded to questions.

Rep. James Belanger spoke in favor and yielded to questions.

Rep. Gay requested a roll call; sufficiently seconded.

YEAS 229 - NAYS 60

YEAS - 229

BELKNAP

Abear, Marc
Howard, Raymond
Silber, Norman

Aldrich, Glen
Lang, Timothy
Sylvia, Michael

Comtois, Barbara
Maloney, Michael
Vadney, Herbert

Fields, Dennis
Plumer, John
Varney, Peter

CARROLL

Avellani, Lino
Cordelli, Glenn
Schmidt, Stephen

Buco, Thomas
McCarthy, Frank
Umberger, Karen

Chandler, Gene
Knirk, Jerry
Marsh, William

Comeau, Ed
McConkey, Mark

CHESHIRE

Abbott, Michael
Eaton, Daniel
McConnell, James
Weber, Lucy

Ames, Richard
Faulkner, Barry
O'Day, John

Bordenet, John
Johnsen, Gladys
Sterling, Franklin

Ley, Douglas
Hunt, John
Pearson, William

COOS

Judd, Bing
Richardson, Herbert

Laflamme, Larry
Theberge, Robert

Merner, Troy
Tucker, Edith

Moynihan, Wayne

GRAFTON

Almy, Susan
Ladd, Rick
White, Andrew

Campion, Polly
Maes, Kevin

Higgins, Patricia
Sykes, George

Josephson, Timothy
Johnson, Tiffany

HILLSBOROUGH

Ammon, Keith
Bouldin, Amanda
Carr, John

Baroody, Benjamin
Burns, Charlie
Chandley, Shannon

Barry, Richard
Burt, John
Christensen, Chris

Biggie, Barbara
Moore, Craig
Christie, Rick

Cleaver, Skip
 Donovan, Daniel
 Griffin, Gerald
 Gould, Linda
 Herbert, Christopher
 Belanger, James
 Keane, Amelia
 Leishman, Peter
 Martin, Joelle
 Newman, Sue
 Panasiti, Reed
 Prout, Andrew
 Schleien, Eric
 Twombly, Timothy
 Valera, John

Sullivan, Daniel
 Edwards, Elizabeth
 Smith, Gregory
 Halstead, Carolyn
 Hinch, Richard
 Graham, John
 Kurk, Neal
 Lewicke, John
 Murotake, David
 Notter, Jeanine
 Pellegrino, Anthony
 Renzullo, Andrew
 Scully, Kevin
 Ulery, Jordan
 Zaricki, Nick

Danielson, David
 Ferreira, Elizabeth
 Gagne, Larry
 Hansen, Peter
 Hopper, Gary
 Moore, Josh
 L'Heureux, Robert
 MacKay, Mariellen
 Murphy, Keith
 O'Leary, Richard
 Pierce, David
 Rosenwald, Cindy
 Seidel, Carl
 Sullivan, Victoria

Dickey, Glen
 Freeman, Lisa
 Goley, Jeffrey
 Heath, Mary
 Hynes, Dan
 Jack, Martin
 Lascelles, Richard
 Mangipudi, Latha
 Negron, Steve
 Ohm, Bill
 Proulx, Mark
 Sanborn, Laurie
 Somero, Paul
 Vaillancourt, Steve

MERRIMACK

Kuch, Bill
 Horn, Werner
 Kotowski, Frank
 Marple, Richard
 Richards, Beth
 Seaworth, Brian
 Testerman, Dave
 Woolpert, David

Carson, Clyde
 MacKay, James
 Leavitt, John
 McGuire, Carol
 Rodd, Beth
 Shurtleff, Stephen
 Wallner, Mary Jane

Moffett, Howard
 Kenison, Linda
 Luneau, David
 Pearl, Howard
 Rogers, Katherine
 Soucy, Timothy
 Walz, Mary Beth

Hoell, J.R.
 Klose, John
 Moffett, Michael
 Smith, Ryan
 Schuett, Dianne
 Walsh, Thomas
 Wells, Natalie

ROCKINGHAM

Cook, Allen
 Bates, David
 Cali-Pitts, Jacqueline
 Thomas, Douglas
 Green, Dennis
 Itse, Daniel
 O'Connor, John
 Griffin, Mary
 Manning, John
 Murray, Kate
 Polewarczyk, William
 Sapareto, Frank
 Torosian, Peter
 Wallace, Scott

Abrami, Patrick
 Bean, Philip
 Chase, Francis
 Elliott, Robert
 Guthrie, Joseph
 Edwards, Jess
 Khan, Aboul
 Pearson, Mark
 Matthews, Carolyn
 Nasser, Jim
 Gordon, Richard
 Spillane, James
 True, Chris
 Webb, James

Baldasaro, Alfred
 Bove, Martin
 Chirichiello, Brian
 Emerick, J. Tracy
 Hagan, Joseph
 Janigian, John
 Kolodziej, Walter
 Major, Norman
 McMahon, Charles
 Osborne, Jason
 Tilton, Rio
 Stone, Brian
 Verville, Kevin
 Welch, David

Barnes, Arthur
 Cahill, Michael
 Costable, Michael
 Friel, William
 Hoelzel, Kathleen
 Janvrin, Jason
 Lovejoy, Patricia
 Malloy, Dennis
 Milz, David
 Packard, Sherman
 Rimol, Bob
 Sytek, John
 Vose, Michael
 Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
 Kaczynski, Thomas
 Opderbecke, Linn
 Scruton, Matthew
 Wuelper, Kurt

Grassie, Chuck
 Turcotte, Leonard
 Schmidt, Peter
 Spencer, Matthew

Harrington, Michael
 McNally, Jody
 Phinney, Brandon
 Sprague, Dale

Horgan, James
 Mullen, John
 Graham, Robert
 Vincent, Kenneth

SULLIVAN

Gauthier, Francis
 Smith, Steven

Gottling, Suzanne

Laware, Thomas

Rollins, Skip

NAYS - 60 BELKNAP

Fraser, Valerie

CARROLL

Butler, Edward

CHESHIRE

Stallcop, Joseph

COOS

Fothergill, John

Hatch, William

Thomas, Yvonne

GRAFTON

Bailey, Brad
 Ham, Bonnie
 Nordgren, Sharon

Binford, David
 Hennessey, Erin
 Rand, Steven

Brown, Duane
 Hull, Robert
 Schwaegler, Vicki

Dontonville, Roger
 Massimilla, Linda
 Smith, Suzanne

HILLSBOROUGH

Ayala, Jessica
Elber, Joel
Manley, Jonathan
Shaw, Barbara

Griffin, Barbara
Gidge, Kenneth
Martineau, Jesse
Souza, Kathleen

Byron, Frank
King, Mark
McNamara, Richard
Van Houten, Connie

Dyer, Caleb
Klee, Patricia
Long, Patrick
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Hill, Gregory

Bartlett, Christy

Long, Douglas

Doherty, David

ROCKINGHAM

Altschiller, Debra
Gay, Betty
Somssich, Peter

Cushing, Robert Renny
Messmer, Mindi
Le, Tamara

Dean-Bailey, Yvonne
Morrison, Sean
Ward, Gerald

Edgar, Michael
Read, Ellen

STRAFFORD

Bixby, Peter
Fontneau, Timothy

Burton, Wayne
Horrigan, Timothy

Cilley, Jacalyn
Wall, Janet

Epstein, Isaac

SULLIVAN

Cloutier, John

Grenier, James

Oxenham, Lee

and the committee report was adopted.

HCR 3, rescinding all applications by the New Hampshire legislature for a federal constitutional convention and urging other states to withdraw similar requests. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David Woolpert for the Majority of State-Federal Relations and Veterans Affairs. The majority opposed this resolution for several reasons. It might send a negative message to those calling for a federal constitutional convention in the future, regardless of the purpose. It might set a precedent of restricting the ability of the states to limit the actions of the federal government. It would negate all the work done in previous sessions of the New Hampshire legislature without being specific about which prior applications or requests should be rescinded. Vote 11-6.

Rep. Patricia Dowling for the Minority of State-Federal Relations and Veterans Affairs. This House Concurrent Resolution seeks to rescind all New Hampshire applications for a Federal Constitutional Convention. The ability of such conventions to limit their agenda is subject to considerable debate, and as such, risks wholesale changes to our constitution.

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

Rep. McConnell spoke against.

MOTION TO LAY ON THE TABLE

Rep. Hinch moved that **HCR 3**, rescinding all applications by the New Hampshire legislature for a federal constitutional convention and urging other states to withdraw similar requests, be laid on the table.

Motion adopted.

REGULAR CALENDAR CONT'D

HR 7, calling on the United States Senate and House of Representatives to consider a constitutional amendment prohibiting campaign contributions unless the donor is eligible to vote in that federal election. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Alfred Baldasaro for the Majority of State-Federal Relations and Veterans Affairs. This resolution, if adopted as a constitutional amendment, ensures that only those eligible to vote in a federal election may contribute to that federal campaign. This eliminates outside entities and anonymous donors. This resolution, if adopted as a constitutional amendment, ensures that only those eligible to vote in a federal election may contribute to campaigns in that election. This eliminates outside entities and anonymous donors. Vote. 15-3.

Rep. Elizabeth Edwards for the Minority of State-Federal Relations and Veterans Affairs. While the minority sympathizes with the intent of the resolution, we believe transparency in political contributions, including to PACs, has more advantages and fewer downsides than donation restrictions. For example, donation restrictions favor wealthy or well-known candidates. We're also concerned with vague wording such as non-public means of communication.

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

Rep. McConnell requested a roll call; sufficiently seconded.

YEAS 211 - NAYS 75**YEAS - 211
BELKNAP**

Aldrich, Glen
Plumer, John

Fields, Dennis
Sylvia, Michael

Fraser, Valerie
Varney, Peter

Lang, Timothy

CARROLL

Butler, Edward
Umberger, Karen

Chandler, Gene
Marsh, William

Knirk, Jerry

Schmidt, Stephen

CHESHIRE

Abbott, Michael
Eaton, Daniel
O'Day, John

Ames, Richard
Faulkner, Barry
Stallcop, Joseph

Bordenet, John
Johnsen, Gladys
Pearson, William

Ley, Douglas
McConnell, James

COOS

Fothergill, John
Merner, Troy
Tucker, Edith

Hatch, William
Moynihan, Wayne
Thomas, Yvonne

Judd, Bing
Richardson, Herbert

Laflamme, Larry
Theberge, Robert

GRAFTON

Almy, Susan
Dontonville, Roger
Josephson, Timothy
Smith, Suzanne

Bailey, Brad
Ham, Bonnie
Maes, Kevin
Sykes, George

Brown, Duane
Higgins, Patricia
Massimilla, Linda
Johnson, Tiffany

Campion, Polly
Hull, Robert
Rand, Steven
White, Andrew

HILLSBOROUGH

Ayala, Jessica
Burns, Charlie
Chandlee, Shannon
Danielson, David
Elber, Joel
Goley, Jeffrey
Hopper, Gary
Rice, Kimberly
Kurk, Neal
Lewicke, John
Martin, Joelle
Negron, Steve
Long, Patrick
Proulx, Mark
Shaw, Barbara
Ulery, Jordan
Williams, Kermit

Griffin, Barbara
Byron, Frank
Christensen, Chris
Dickey, Glen
Ferreira, Elizabeth
Gould, Linda
Belanger, James
Keane, Amelia
L'Heureux, Robert
MacKay, Mariellen
Martineau, Jesse
Newman, Sue
Panasiti, Reed
Rosenwald, Cindy
Somero, Paul
Sullivan, Victoria
Zaricki, Nick

Barry, Richard
Moore, Craig
Christie, Rick
Donovan, Daniel
Gagne, Larry
Herbert, Christopher
Graham, John
King, Mark
Lascelles, Richard
Mangipudi, Latha
McNamara, Richard
O'Leary, Richard
Pellegrino, Anthony
Scully, Kevin
Souza, Kathleen
Valera, John

Biggie, Barbara
Carr, John
Cleaver, Skip
Dyer, Caleb
Gidge, Kenneth
Hinch, Richard
Jack, Martin
Klee, Patricia
Leishman, Peter
Manley, Jonathan
Murotake, David
Ohm, Bill
Pierce, David
Seidel, Carl
Twombly, Timothy
Van Houten, Connie

MERRIMACK

Alicea, Caroletta
Long, Douglas
MacKay, James
Leavitt, John
Walsh, Thomas

Bartlett, Christy
Doherty, David
Kenison, Linda
Smith, Ryan
Wallner, Mary Jane

Brewster, Michael
Moffett, Howard
Klose, John
Rogers, Katherine
Walz, Mary Beth

Carson, Clyde
Horn, Werner
Kotowski, Frank
Shurtleff, Stephen
Woolpert, David

ROCKINGHAM

Cook, Allen
Barnes, Arthur
Chirichiello, Brian
Edgar, Michael
Gay, Betty
Hoelzel, Kathleen
O'Connor, John
Griffin, Mary
Matthews, Carolyn
Murray, Kate
Tilton, Rio
Somssich, Peter
Vose, Michael

Abrami, Patrick
Bove, Martin
Cushing, Robert Renny
Elliott, Robert
Green, Dennis
Itse, Daniel
Khan, Aboul
Pearson, Mark
McMahon, Charles
Nasser, Jim
Read, Ellen
Le, Tamara
Webb, James

Altschiller, Debra
Cahill, Michael
Thomas, Douglas
Emerick, J. Tracy
Guthrie, Joseph
Janigian, John
Kolodziej, Walter
Malloy, Dennis
Messmer, Mindi
Polewarczyk, William
Rimol, Bob
Torosian, Peter
Welch, David

Baldasaro, Alfred
Chase, Francis
Dean-Bailey, Yvonne
Friel, William
Hagan, Joseph
Janvrin, Jason
Lovejoy, Patricia
Manning, John
Morrison, Sean
Gordon, Richard
Sapareto, Frank
True, Chris
Weyler, Kenneth

STRAFFORD

Bixby, Peter
Grassie, Chuck
McNally, Jody
Scruton, Matthew

Burton, Wayne
Harrington, Michael
Opderbecke, Linn
Spencer, Matthew

Epstein, Isaac
Horgan, James
Schmidt, Peter
Sprague, Dale

Fontneau, Timothy
Turcotte, Leonard
Graham, Robert
Vincent, Kenneth

SULLIVAN

Gauthier, Francis
Oxenham, Lee

Gottling, Suzanne
Rollins, Skip

Grenier, James
Smith, Steven

Laware, Thomas

NAYS - 75**BELKNAP**

Abear, Marc
Silber, Norman

Comtois, Barbara
Vadney, Herbert

Howard, Raymond

Maloney, Michael

CARROLL

Avellani, Lino
McCarthy, Frank

Buco, Thomas
McConkey, Mark

Comeau, Ed

Cordelli, Glenn

CHESHIRE

Hunt, John

Weber, Lucy

GRAFTON

Binford, David
Schwaegler, Vicki

Hennessey, Erin

Ladd, Rick

Nordgren, Sharon

HILLSBOROUGH

Ammon, Keith
Sullivan, Daniel
Smith, Gregory
Hynes, Dan
Prout, Andrew
Vaillancourt, Steve

Baroody, Benjamin
Edwards, Elizabeth
Halstead, Carolyn
Moore, Josh
Renzullo, Andrew

Bouldin, Amanda
Freeman, Lisa
Hansen, Peter
Murphy, Keith
Sanborn, Laurie

Burt, John
Griffin, Gerald
Heath, Mary
Notter, Jeanine
Schleien, Eric

MERRIMACK

Kuch, Bill
Moffett, Michael
Richards, Beth
Soucy, Timothy

Hill, Gregory
Marple, Richard
Rodd, Beth
Testerman, Dave

Hoell, J.R.
McGuire, Carol
Schuett, Dianne
Wells, Natalie

Luneau, David
Pearl, Howard
Seaworth, Brian

ROCKINGHAM

Bates, David
Milz, David
Sytek, John

Bean, Philip
Packard, Sherman
Verville, Kevin

Costable, Michael
Spillane, James
Wallace, Scott

Edwards, Jess
Stone, Brian
Ward, Gerald

STRAFFORD

Beaudoin, Steven
Phinney, Brandon

Horrigan, Timothy
Wall, Janet

Kaczynski, Thomas
Wuelper, Kurt

Mullen, John

SULLIVAN

Cloutier, John

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

SPECIAL ORDERED

Without objection, the Speaker made the remaining bills on today's calendar Special Orders for the Session of February 15, 2017 in their regular calendar order.

RESOLUTION

Reps. Hinch and Shurtleff offered the following: RESOLVED, that the House of Representatives notify the Honorable Senate it is ready to meet in Joint Convention for the purpose of hearing the Budget Address by his Excellency, Governor Christopher Sununu.

Motion adopted.

SENATE MESSAGE

The Senate is ready to meet with the Honorable House of Representatives in Joint Convention for the purpose of hearing the budget address by his Excellency, the Governor Chris Sununu.

INTRODUCTION OF SENATE

The Sergeant-at-Arms introduced the Honorable Senate and Senate President, Chuck Morse of Salem.

JOINT CONVENTION
(Speaker Jasper presiding)

The Sergeant-at-Arms introduced the Honorable Executive Councilors.

The Sergeant-at-Arms introduced the Governor, his Excellency, Christopher Sununu.

BUDGET ADDRESS

Thank you. Great to see everyone here braving the elements. Mr. Speaker, Mr. Senate President, honorable members of the House, the Senate, the Executive Councilors who have joined us today, the commissioners who have joined us, my fellow citizens: It is an honor to stand here to present our budget for Fiscal Years 2018 and 2019. But first let me take a moment to say to the people watching at home that given our snow-storm today, please be safe, take your time, venture out only as necessary and be sure to check on neighbors and loved ones that may need some extra assistance. This storm will make for a great winter weekend in New Hampshire, which is great up in the mountains, but today we have to be smart and safe through today. Today I am proud and honored to stand before you to bring forth a fiscally responsible budget designed to focus state government on the most critical and important public policy and program priorities. We want to ensure fairness, transparency and quality of customer service. The priorities laid out in this budget aim to achieve three major goals: First, to create a fiscal and regulatory environment that promises greater job growth, job retention, workforce development and economic opportunity for all. Second, to both enhance and strengthen opportunities and services for our children and families. And third, to improve the safety and well-being of New Hampshire's all citizenry. This is a true balanced budget, without an Income Tax or a Sales Tax and without increasing fees or taxes of any kind. And we will continue our responsible reductions in business taxes already set to take place. This true balance is achieved by ensuring that spending in Fiscal 2018 and 2019 is based entirely on revenue for Fiscal Years 2018 and 2019 and does not anticipate nor rely on revenue carried forward as surpluses from prior fiscal years. Those are one-time revenue sources in those instances that should be strictly used for one-time expenditures and not appropriated for long-term programming. These have been – and will continue to be – some of the guiding principles in developing this budget. It may stand in stark contrast from the actions of previous administrations, but it is responsible, it is practical and it addresses our state's true priorities. This budget was developed by using conservative revenue projections, rather than unrealistic assumptions, speculative revenue sources, or by kicking the can down the road in order to achieve the appearance of balance. And No, we cannot get everything we want. We cannot reshape the state of our finances overnight, but we can take sensible steps forward. One of the underlying principles of this budget is that we can use one-time revenue to fund one-time existing pressing needs of the state. And many of those needs are happening at the local level. Through good management practices and controlling wasteful spending as we close out the current fiscal year, we are hopeful that by the end on June we will have filled in the budget gaps we inherited and bring the balance back into the black. Any surplus beyond increasing our Rainy Day Fund to a total of \$100 million will be placed in a newly created Infrastructure Revitalization Fund. And barring unexpected expenses, savings beyond those funds will be sent directly to our local communities. We have the opportunity to support their critical infrastructure needs as well as dedicating resources to fight our opioid crisis. For years we have heard how the state cannot control local property taxes, but what we can do is use infrastructure grants to give our towns more financial flexibility and target key areas of need to our communities. Specifically, we're going to double grants to towns for roads and bridges – a chronic deferred maintenance issue in New Hampshire at the local level. And for the first time in a long time we are going to give a boost to school building aid by granting dollars directly to communities to rebuild our classroom infrastructure. Specifically, schools with health and safety issues in towns that might not be able to otherwise address things like asbestos, lead paint, or other critical safety issues and these are where our school building aid will be targeted and funded. One of the other critical areas of public health and safety that this administration is making a priority is drinking water. There is no bigger public trust than every time we as citizens turn on that faucet. We trust that our government has done their job in ensuring clean water for us and our children. Thanks to Senator Chuck Morse and his leadership in the Senate over the past few years, New Hampshire has protected the Drinking Water and Groundwater Trust Fund. This fund of nearly \$300 Million stands ready to be invested in vital infrastructure improvements across the state. Funds that can now be used in partnership with local communities to secure one of our most precious resources. I want to thank Senator Morse for his leadership and I've asked him to lead the state's efforts as we get this most critical project off the ground. Heath Care continues to be another area of critical need in our state – across the entire country, frankly. And where we have failed in the past, I am pushing for a true accounting of our Medicaid program, so we can reconcile estimated Medicaid payments to actual costs. And as we go forward, be sure that we won't wait two years to check in on them again. This budget requires the Commissioner of Health and Human Services to make quarterly reports, not just to me, but to Legislative leadership about where we actually stand on our true costs so we can become a more nimble government that is responsive not just reactive. As governor, I won't

make people wait until after an election to discover we may have a shortfall. We have to be transparent. We have to be honest with the people and honest with ourselves. I am working directly with the Commissioner and with the Department to manage the problem to find savings inside Health and Human Services. I believe, strongly, that this budget is a bold step in the right direction – a step toward restoring the New Hampshire advantage, and reaffirming our place as the jobs engine of New England. This budget cuts nearly \$500 million from state agency budget requests and it does so without a single layoff. It simply re-targets resources where they are needed the most and accounts for real liabilities we hold today by including payments to settle the Dover education funding lawsuit and other payments that will be required by the end of the year. We don't kick the can down the road. We don't defer liabilities. We take care of our fiscal house today. So as we look forward to the 2018/2019 state budget, we have worked with the House and Senate to keep our revenue estimates within reasonable expectations, while increasing spending in the General and Education Fund by just 2% in Fiscal Year 2018 and a 1% increase in 2019. It's almost impossible to produce a budget in just four weeks. Boy, have I learned it is quite a task. I couldn't have done this without the dedicated men and women across our 43 state agencies – and I really do mean this. Between my team and the folks out there who have really worked to put this together, tirelessly, day-in and day-out. I can honestly say it has been very pleasant – tough at times – but a very pleasant collaborative effort and I just want to thank all the agencies and their folks for everything that they've done. With their help, we've been able to craft a sound budget and bring it before this Legislature ahead of schedule. Our state's – and our country's – dynamics are truly changing, often rapidly. As leaders, it is our duty to not just recognize issues facing the people of our state and the businesses that power our economy, but to work together and address problems thoughtfully and in the spirit of what the people of New Hampshire expect of us: With a focus on people – and on achieving results. We cannot – and should not – allow progress towards a better, stronger New Hampshire to be delayed by petty partisanship and political games. We all know that our economy is improving, but I think we can all agree that it could be doing better – and we must do more to boost the opportunities of our workforce. I've traveled the state; I've talked to business owners. It is an indisputable fact that New Hampshire's workforce is a critical issue. With this in mind, I am moving our economic development division to a broader department – a new department of Business and Economic Affairs, where we can better coordinate ALL of our business-centric agencies; we need to unleash the potential of our economy to spur job growth and provide better opportunities for both businesses and workers throughout the state. I have tasked Taylor Caswell of the Community Development Finance Authority to help build a collaboration of partner agencies to make sure everyone is working together on our shared goals. In addition, there will be a Small Business Advocate as part of this department, whose emphasis will be to represent the interests of New Hampshire's small business owners before state agencies, ensuring the voice of New Hampshire's small business community is heard, loud and clear, during the design and discussion of any new rules, regulations or policies. We have reorganized the Department of Revenue Administration to include a Division of Taxpayer Services to improve the experience for taxpayers themselves and the efficiency of the department as a whole. We are also reorganizing a new Department of Natural and Cultural Resources to create more comprehensive management and promotion of New Hampshire's most treasured natural and cultural assets. In doing this, we want to acknowledge the natural beauty of New Hampshire, while supporting what we call 'the creative economy' to, I believe, to date has been really left on the sidelines. But, it is vital to the New Hampshire advantage and something that must be supported. This budget and this administration recognize local control in public education as the touchstone of policymaking, and that state government's role in shaping education policy should be focused strictly on benefitting students and their families. A major goal of this budget is to expand educational opportunity and choice for kids and their families. This budget proposes a targeted full-day kindergarten program that will provide financial support to communities that choose to support and create full-day kindergarten programs. Under the new program, the Department of Education would be directed to distribute \$18 million over the biennium to communities that have approved full-day kindergarten. State aid would be allocated among communities based on a measure of relative need, with factors including: a community's relative property wealth to that in relative to the rest of the state; participation rates for free and reduced lunch programs compared to statewide averages; and communities with high percentages of English language learner students. I've heard from many young parents that this is a priority of theirs – in both considering the quality of a community's public education and in their decision-making process when choosing a place to raise their children. So, I am proud today, to be the first governor to deliver a real full day kindergarten program for communities across the state. In addition to fully funding the adequacy formula, funding for charter schools is stabilized and enhanced in this budget by linking funding to the state's average per pupil expenditure. This will increase funding for our charter schools by \$15 Million helping eliminate uncertainty and volatility for administrators, teachers and parents. Our higher education system is a critical part of ensuring New Hampshire students have an opportunity to learn beyond their high school years and enter the New Hampshire workforce with real world skills. Too often, I believe we think of post-secondary education in terms of institutions. That's

old school thinking. My budget approaches post-secondary education in terms of students and outcomes. The University and Community College Systems of New Hampshire are key to these effort and we will continue to make investments in our partnership. In doing so, my budget proposes a significant increase to the operating budget of the Community College System, which is doing a great job in providing a gateway to New Hampshire's workforce development. My budget proposes \$10 million in capital investment into community college infrastructure. Further, we need to incentivize out younger workforce in key areas of need to stay, work, and build their careers right here in New Hampshire. Therefore, I am allocating \$5 Million of our 2017 Infrastructure Fund to enhance the state's debt assistance program for Nurses, Care Workers and Clinicians that have committed themselves to helping fight our state's substance abuse crisis. Also, today I am proud to establish the Governor's Scholarship program, with \$5 million to directly assist high school students to attend colleges and universities, or workforce training programs of their choosing, right here in New Hampshire. We have to understand not every student travels the same workforce path and we need to build a system that provides the flexibility to work within their lifestyle. This scholarship program is designed not to help 10, or 20, or even 100 students, but at least 1,000 students each year and will open workforce gateways like never before. This is a very frugal budget – but there are some areas where we need to look at doing things differently and address some serious issues that we all know must be prioritized. We have a crisis at our Division of Children Youth and Families, there's no denying that. This budget addresses many of their concerns including increasing staffing levels based on the recommendations provided in the Quality Assurance Review of the Division of Children, Youth and Families. I do not see this is not a choice but a moral obligation and is the start of transformational changes needed within the department, and within our state. We need new leadership but also a new approach to the way we protect our most vulnerable children. We will work to rethink how we partner with the community to not just shoring up the existing system but build a better model with the best practices from around the country. And for the first time, the state of New Hampshire will provide \$250,000 in funding to help curb online predators and Internet crimes against children. We cannot sit idly by while these predators take advantage of our kids. We also have a significant wait list for the developmentally disabled. Families that require our utmost attention are often left on the sidelines. So I am calling today in my budget, increasing the funding for the developmentally disabled community by \$57 million, which is the largest increase in recent history – substantial by any measure – so we can make real impacts for these families. Partnership - Partnership is an important concept. As a state we need to move ahead in making long-term care part of our managed care. I believe we can do this smart and sensibly and that having the same people in charge of the full continuum of care is the right thing to do. It is better for patients and better financially for people to stay in their homes as long as possible. It is one of the rare instances in which financial interests and human interests are aligned. Home care providers, nursing homes and our partners in county government are all part of the solution and they need to be at the table, as we move forward to fully implement managed long-term care by the end of this year. We need to appreciate the realities of our economy, something I say a lot: markets matter. We have a serious workforce issues in virtually every area of health care. This is no secret, we know the realities, and we've seen the numbers. When you don't pay anyone any more money, it shouldn't come as a surprise to any of us who believe in capitalism that you're going to have serious shortages, and that's exactly what we have today. We pay people more money to wash dishes than we pay them to watch and care for our loved ones. In New Hampshire, we pay toll collectors more than nursing assistants. Does anyone wonder why we have shortages among healthcare workers? To start to address this, I've created a \$5 million Workforce Initiative Program so that we can work with the Commissioner, the Department and the Legislature to find out where we can make the most difference. This budget also increases funding for behavioral health workers by \$3 million to strengthen New Hampshire's community mental health safety net. We also know retiree health costs are growing rapidly and would cost an additional \$25 million if nothing were done. Now, rather than force retirees to pay all of the increase, this budget proposes that the state and the retirees share in the increase equally. It's fair and it's viable. We are building a new women's prison – as we speak - a desperately needed asset and we're going to get it open. We are going to be aggressive and fully fund our corrections system to end the pattern of forced overtime and personnel shortfalls. We all know that our energy rates are among the highest in the nation. It's an economic development issue and an affordability issue for our citizens. We need to work on energy rates for everyone, but the people struggling the most are on fixed incomes, often low-income ratepayers, and are struggling to afford their energy bill. I propose to dedicate 20% of the renewable energy fund to supplement our current electricity relief programs for low-income families. Fixing energy is a long-term problem, but some people can't wait. And we simply have to provide them resources today. In a world of evolving threats, we must maintain heightened vigilance, ensuring continual safety and security of our people. Recently, our state has faced a series of cyber attacks. So, for the first time, we're funding cyber security program enhancements across state government. Finally, we talk a lot about the opiate crisis - one that has plagued us too long and too hard. There is no easy solution, but it is the most critical public health and safety issue in New Hampshire. Our comprehensive strategy must be to

continue supporting investments in law enforcement, but also in treatment, recovery and prevention. We have studied this crisis - and now it's time to act. First, I propose we double the Alcohol Fund, increasing these important resources by more than \$3 million and creating incentives to ensure that those funds are truly spent. I believe that we need a renewed emphasis on recovery programs in this state. So, I have established within the Office of Substance Abuse, a specialist to work alongside with our Drug Czar, James Vara, who has done a tremendous job for us, but to help coordinate policy focused on treatment, recovery, and prevention – providing pathways for folks battling addiction back in our communities. We have \$6.2 in CARES Act funds coming into New Hampshire, that is a great opportunity for us, and we're going to focus on treatment and recovery programs and we're going to be aggressive about them throughout our entire state. I believe that leadership in this area is fundamental and essential to our efforts in putting an end to this public health crisis. In this budget, I am proposing the hiring of ten additional state troopers over the biennium – five in the first year and five in the second – to focus narrowly on drug interdiction. Additionally, we are going to fully reinstate Granite Hammer and provide targeted student loan debt forgiveness for clinicians and nurses working on the front lines of the opioid crisis. In just one speech it's hard to summarize where we're going to spend \$12 billion dollars over the next two years. It's a lot of money. It's a huge responsibility. Not just myself as the one having the honor of making the initial proposal, but for each and every one of you. Our 24 Senators, our 400 legislators, so many folks in our communities who have an impact on how we're going to be spending our dollars. We have to make sure that this is simply not the end of the conversation. I want to work collaboratively with the Legislature, keep listening to our citizens, and make our state system the most responsive and customer driven effort we've ever had. Together, we can achieve real results for our people and secure a brighter, stronger future for the State of New Hampshire. Thank you so much. Keep working hard, and let's get this thing done.

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

Motion adopted.

The Joint Convention adjourned.

HOUSE SESSION

(Speaker Jasper in the Chair)

The Speaker reconvened the House session.

RESOLUTION

Rep. Hinch offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet, Wednesday, February 15, 2017 at 10:00 a.m.

LATE SESSION

Third Reading and Final Passage

HB 149, prohibiting disclosure of certain information obtained by former employees of the insurance department.

HB 175, relative to the definition of a cigar bar.

HB 219, establishing a demographic study committee.

HB 86, relative to voting on variances.

HB 87, relative to vacancies in the office of moderator.

HB 123, relative to continuation of a public hearing of the zoning board of adjustment.

HB 127, relative to vacancies in county offices.

HB 144, relative to procedures for adoption of the budget for Rockingham County.

HB 167, relative to audits of county funds.

HB 172, relative to tax anticipation notes in counties.

HB 299, relative to notice by mail for zoning and planning purposes.

HB 340, relative to the sale of the Laconia state school.

HB 508, naming the New Hampshire Army National Guard Regional Training Institute and Barracks facility in Pembroke after Colonel Edward Cross.

HB 368-FN-A, relative to the heating of certain state-owned buildings in Concord and making appropriations therefor.

HB 242, relative to the definition and regulation of e-cigarettes.

HB 420-FN, relative to ignition interlock requirements in manslaughter cases involving alcohol.

SB 12-FN, repealing the licensing requirement for carrying a concealed pistol or revolver.

HB 108, relative to municipal record retention and conversion.

HR 7, calling on the United States Senate and House of Representatives to consider a constitutional amendment prohibiting campaign contributions unless the donor is eligible to vote in that federal election.

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 12:40 p.m.

RECESS

(Speaker Jasper in the Chair)

RESOLUTION

Rep. Kurk offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 1 shall be by this resolution read a first and second time by the therein listed title, sent for printing and referred to the therein designated committee.
Motion adopted.

INTRODUCTION OF HOUSE BILLS**First, second reading and referral**

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2018 and June 30, 2019. (Kurk, Hills. 2; Finance)

RECESS

(Speaker Jasper in the Chair)

COMMITTEE ASSIGNMENTS

The Speaker made the following changes to committee assignments:

Reps. Friel, Varney and DeSimone off the Committee on Municipal and County Government.

Rep. Sandler off the Committee on Executive Departments and Administration and on the Committee on Legislative Administration.

Rep. Schuett off the Committee on Legislative Administration and on the Committee on Executive Departments and Administration.

Rep. Walz on the Committee on Ways and Means as a second Committee to Children and Family Law.

RECESS