



State of
New Hampshire

HOUSE RECORD

First Year of the 165th General Court

Calendar and Journal of the 2017 Session

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Concord, N.H.

Thursday, May 4, 2017

No. 15

HOUSE JOURNAL No. 14 (Cont'd)

Thursday, April 20, 2017

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

HOUSE JOURNAL No. 15

Thursday, May 4, 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. From a prayer by Scott Gunn, Executive Director of Forward Movement.

O god, You hear the prayers of Your people; give us strength to live another day;
let us not turn coward before its difficulties or prove recreant to its duties;
let us not lose faith in other people;
keep us sweet and sound of heart, in spite of ingratitude, treachery, or meanness;
preserve us from minding little stings or giving them;
help us to keep our hearts clean, and to live so honestly and fearlessly
that no outward failure can dishearten us or take away the joy of conscious integrity;
open wide the eyes of our souls that we may see good in all things;
grant us this day some new vision of truth; inspire us with the spirit of joy and gladness;
and make us the cup of strength to suffering souls. Amen.

Representative Robert L'Heureux, member from Merrimack, led the Pledge of Allegiance.

The National Anthem was sung by the Select Choir of Thorntons Ferry School in Merrimack, directed by Music Teacher, Anders Benson.

LEAVES OF ABSENCE

Reps. Alicea, Cordelli, Polewarczyk, Welch and Woitkun, the day, illness.

Reps. Beaudoin, Bove, Jess Edwards, Ham, Kaczynski, Leavitt, Lisle, MacKenzie, Panasiti, Mark Pearson, Schleien, Stephen Schmidt, Silber, Marjorie Smith, Sterling, Testerman and Vann, the day, important business. Rep. Klee, the day, illness in the family.

INTRODUCTION OF GUESTS

Patricia Kent, guest of Rep. Terry Wolf. Alyssa Clogston, guest of Rep. Ryan Smith. Ray Connor, guest of Rep. Gile. Bob and Melissa Marriott, guests of Reps. Hinch and Cushing. The Honorable Frank Heffron, former member from Exeter, guest of Reps. Berrien and Somssich. Marjorie Chiafery, Bridey Bellemare, and families of the singers, guests of the Merrimack delegation. Fourth grade students from Campton Elementary School, guests of Rep. Tiffany Johnson.

PRESENTATION OF AWARD

The Caroline Gross Award was presented to Terry Pfaff by Richard Ober, President and CEO of the New Hampshire Charitable Foundation and former recipients, Representative Shurtleff and Senator D'Allesandro.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Cushing moved that the House reconsider its action whereby, on a voice vote on April 20, 2017, the House adopted the committee report of Ought to Pass on **SB 15**, relative to the law regarding therapeutic use of cannabis.

Reps. Cushing and Kotowski spoke in favor.

Motion adopted.

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

MOTION TO LAY ON THE TABLE

Rep. Kotowski moved that **SB 15**, relative to the law regarding therapeutic use of cannabis, be laid on the table. Motion adopted.

CONSENT CALENDAR

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

SB 247-FN-A, preventing childhood lead poisoning from paint and water and making an appropriation to a special fund, removed by Rep. Prout.

Consent Calendar adopted.

SB 16, reauthorizing the commission to study apportionment of gross business profits under RSA 77-A and the committee to study the process by which business names are authorized by the secretary of state. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill reauthorizes two study groups that were established and terminated last year. The Commission to Study Apportionment of Gross Business Profits has been looking at ways to create fairness for businesses taxed by multiple states. The Committee to Study the Process by Which Business Names are Authorized has been reviewing the recently changed business name approval process adopted by the Secretary of State's Office. The amendment extends the reporting date for both groups from November 1, 2017 to November 1, 2018. In both cases, the Commerce Committee had no objection to granting each group more time to address their charges. Vote 19-0.

Amendment (1427h)

Amend RSA 77-A:23, V as inserted by section 1 of the bill by replacing it with the following:

V. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2018.

Amend the bill by replacing paragraph VI of section 3 with the following:

VI. 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, 2018.

Amend the bill by replacing paragraph I of section 5 with the following:

I. Section 2 of this act shall take effect November 1, 2018.

SB 80, relative to implementation of the all veterans' tax credit, and relative to applications for recovery from the FRM victims' contribution recovery fund. **OUGHT TO PASS.**

Rep. Kermit Williams for Commerce and Consumer Affairs. The committee heard testimony and gave consideration only to the second half of this bill. The first half is out of our area of policy and, we anticipate that it will be referred to another committee for consideration. The second section seeks to change the application deadline for victims applying for relief from the FRM Victims' Contribution Recovery Fund. Under legislation adopted last year, the Attorney General's Charitable Trust Unit is responsible to engage an administrator for the recovery fund. We heard testimony from this unit that they were unable to find someone qualified and willing to take on the task, in spite of spending a significant amount of time and resources searching. The committee wishes to provide victims of the FRM fraud opportunities for recovery if possible, so we support changing the deadline to enable them to apply once an appropriate administrator comes forward. However, we believe that the Charitable Trust Unit should not be required to continue to spend resources searching for a candidate, but should be available to interview candidates put forward by others interested in aiding the FRM victims. Vote 19-0.

Referred to the Committee on Municipal and County Government.

SB 93, relative to adoption of the Uniform Access to Digital Assets Act. **OUGHT TO PASS.**

Rep. Richard Abel for Commerce and Consumer Affairs. This bill establishes the Revised Uniform Fiduciary Access to Digital Assets Act. It addresses access to and management of a decedent's electronic records of asset accounts and other electronic media accounts, in the same way tangible assets are addressed. It specifies legal means by which a user may provide direction and disclosure or nondisclosure of digital assets and

have them managed according to the individual's wishes. It specifies how a court may determine the same in absence of written documentation. The law regulates the fiduciary responsibilities of an heir, beneficiary, estate executor, power of attorney, trustee or custodial agent to carry out fiduciary responsibilities. The law is careful to protect personal privacy according to the user's wishes and specifically excludes medical information protected by the Health Insurance Portability and Accountability Act (HIPAA). Twenty-seven states have already enacted similar legislation. Vote 19-0.

Referred to the Committee on Judiciary.

SB 45, requiring a course in civics for high school graduation. **OUGHT TO PASS WITH AMENDMENT.** Rep. Michael Moffett for Education. As amended, this bill clarifies the state's requirements with regard to the teaching of United States and New Hampshire history in New Hampshire schools. It also specifies the state's expectations concerning the teaching of government/civics to include an emphasis on the United States and New Hampshire Constitutions. Vote 19-0.

Amendment (1447h)

Amend the bill by replacing section 1 with the following:

1 Instruction in National and State History and Government; Civics Instruction. Amend RSA 189:11 to read as follows:

189:11 Instruction in National and State History and Government.

I. In all public and private schools in the state there shall be given regular courses of instruction in the history, government and constitutions of the United States and New Hampshire, including the organization and operation of New Hampshire municipal, county and state government and of the federal government. Such instruction shall begin not later than the [opening] **beginning** of the eighth grade and shall continue in **all** high [school] **schools** as [an identifiable] **a** component of a [year's] **one credit** course **of instruction required for high school graduation** in [the history and government of the] United States and New Hampshire **history and a one-half credit course of instruction required for high school graduation in United States and New Hampshire government/civics. A school district shall develop and offer the United States and New Hampshire government/civics course and at a minimum, the course shall include instruction in the following areas:**

(a) *Opportunities and responsibilities for civic involvement.*

(b) *Skills to effectively participate in civic affairs.*

(c) *The U.S. Constitution and the principles stated in the Articles and Amendments of the U.S. Constitution that provide the foundation for the democratic government of the United States.*

(d) *The New Hampshire constitution and the principles stated in the articles of the New Hampshire constitution that provide the foundation for the democratic government of New Hampshire.*

(e) *The structure and functions of the 3 branches comprising federal and state governments: legislative, judicial, and executive.*

(f) *The role, opportunities, and responsibilities of a citizen to engage in civic activity.*

(g) *The role and interactions of the state of New Hampshire and local governments within the framework of the U.S. Constitution and of extended powers and functions provided to local governments.*

(h) *How federal, state, and local governments address problems and issues by making decisions, creating laws, enforcing regulations, and taking action.*

(i) *The role and actions of government in the flow of economic activity and the regulation of monetary policy.*

II. As a component of instruction under paragraph I, a locally developed competency assessment of United States government and civics that includes, but is not limited to, the nature, purpose, structure, function, and history of the United States government, the rights and responsibilities of citizens, and noteworthy government and civic leaders, shall be administered to students as part of the high school course in history and government of the United States and New Hampshire. Students who attain a passing grade on the competency assessment shall be eligible for a certificate issued by the school district. The United States Citizenship and Immigration Services (USCIS) test may be used to satisfy the requirement of this paragraph.

AMENDED ANALYSIS

This bill provides that a civics course shall be required for high school graduation.

SB 104, relative to career and technical education. **OUGHT TO PASS.**

Rep. James Grenier for Education. This bill changes the term vocational education to "career and technical" education for all relevant statutes. In addition, this bill requires one member of each regional advisory committee be a certified high school counselor. This counselor will help support the career and technical education program in each designated area. Vote 19-0.

SB 21, relative to licensure and continuing education of architects. **OUGHT TO PASS.**

Rep. Carol Roberts for Executive Departments and Administration. This bill modifies the continuing education requirements for architects and clarifies the exemptions from needing an architect's stamp. Evidence presented by the American Institute of Architects board members confirmed the education requirements currently in RSA 310-A:46 were redundant in today's environment. The bill does not change the total number of units of continuing education, only the required subjects. The language in the exemptions is aligned with the building code, for greater understanding by contractors and building officials, as well as architects. There is no change to any required oversight, just a clarification. Vote 17-1.

SB 140, relative to the independent investment committee in the New Hampshire retirement system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark Proulx for Executive Departments and Administration. This bill simply establishes a three year term for the members of the independent investment committee, who currently serve indefinitely. Vote 17-0.

Amendment (1346h)

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:
2 Application; Appointments.

I. The 3 members of the independent investment committee appointed by the governor with the consent of the council, under RSA 100-A:14-b, I as amended by section 1 of this act, shall be appointed for 3-year terms beginning July 1, 2017.

II. The 2 members of the independent investment committee appointed by the chairperson of the board of trustees, under RSA 100-A:14-b, I as amended by section 1 of this act, shall be appointed for 3-year terms beginning July 1, 2018.

SB 53, relative to regulation of appraisal management companies by the real estate appraiser board. **OUGHT TO PASS.**

Rep. Peter Hansen for Executive Departments and Administration. This bill revises some existing definitions and adds new definitions and requirements for the operation of appraisal management companies in New Hampshire, which are registered by the New Hampshire Real Estate Appraisal Board. This bill is necessary to insure that state licensed appraisal management companies meet the federal requirements contained in the most recent federal rules issued to implement the Dodd-Frank legislation. Vote 19-1.

SB 215-FN, permitting the community college system to participate in the state health care plan. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Executive Departments and Administration. This bill, as amended by the Senate, was purely enabling legislation, setting a series of conditions for the Community College System of NH to elect to have its employees covered under the state health plan. Participation would have been permitted only after an assessment of the costs by the Department of Administrative Services (DAS) and an agreement between the two entities to make this change. The committee amendment, which replaces the entire bill, specifically authorizes data sharing between the DAS and the Community College System and requires DAS to analyze the data and report their findings, with a plan, by November 1, 2017. This lets both the Community College System and DAS decide if such coverage is in their best interest, while giving the legislature a chance to review and approve the plan before implementation of this policy change. Vote 19-0.

Amendment (1527h)

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

AN ACT requiring the department of administrative services to assess the costs of allowing the community college system employees to participate in the state health plan.

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

1 Review of Impact of Community College System Employee Participation in the State Health Plan; Report. The department of administrative services and the community college system shall work together to analyze the financial impact of including the employees of the community college system in the state health plan pursuant to RSA 21-I:26. In order to facilitate this analysis, the community college system shall provide the department of administrative services with a de-identified data file of its health and basic life plan members and the cost data associated with their medical and pharmacy insurance claims for the last 2 years. The department of administrative services shall undertake an assessment of the costs and benefits of the community college system's participation in such plan. The commissioner of the department of administrative services shall report the findings, including a plan for future action, to the speaker of the house of representatives, the president of the senate, and the chairpersons of the house and senate executive departments and administration committees on or before November 1, 2017.

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

AMENDED ANALYSIS

This bill requires the department of administrative services and the community college system to analyze the financial impact of including the employees of the community college system in the state health plan. Referred to the Committee on Finance.

SB 155, relative to implementation of the Medicaid managed care program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jess Edwards for Health, Human Services and Elderly Affairs. This bill delays the second phase of Managed Care implementation for nursing homes, choices for independence, and the developmentally disabled to July 1, 2019. The intent of the bill is to give the Department of Health and Human Services an opportunity to create and support a publicly transparent approach to developing the request for proposal and to ensure the greatest number of competitors for the contract." Vote 20-2.

Amendment (1476h)

Amend the bill by replacing section 1 with the following:

1 Medicaid Managed Care Program; Implementation.

I. Notwithstanding any other provision of law to the contrary, 2 of the remaining unimplemented phases of the Medicaid managed care program, established in RSA 126-A:5, XIX, specifically nursing facility services and services provided under the choices for independence waiver, issued by the Centers for Medicare and Medicaid Services (CMS) under 42 U.S.C. section 1396n(c), shall be incorporated into the Medicaid managed care delivery system beginning on July 1, 2019. The remaining provisions of step 2 of the Medicaid managed care program including services provided under the developmental disability waiver shall not be implemented before July 1, 2019.

II. The commissioner shall re-procure contracts with vendors to administer the Medicaid managed care program, with a program start date of July 1, 2019.

SB 157, relative to network adequacy and consumer rights under the managed care law. **OUGHT TO PASS.**

Rep. William Marsh for Health, Human Services and Elderly Affairs. This is a common sense solution requiring carriers to notify consumers of their existing rights, and has been agreed to by practically all parties. It adds rule making for substance abuse disorder to the Managed Care Law. Vote 22-0.

Referred to the Committee on Commerce and Consumer Affairs.

SB 158, relative to authorization for clinician-prescribed substance use disorder services. **OUGHT TO PASS.**

Rep. Jerry Knirk for Health, Human Services and Elderly Affairs. Medication assisted treatment for substance abuse disorders is not a quick process. The requirement for frequent renewal of authorization consumes a great deal of providers' time, which could be better spent treating patients who need this treatment. The requirement for repeat authorization can result in an interruption of treatment with the potential of a patient returning to substance abuse with a risk of overdose and other addiction-related complications. Vote 20-1.

Referred to the Committee on Commerce and Consumer Affairs.

SB 161, establishing a commission to evaluate the direct care workforce and preparedness of long-term care and support services for aging adults with dementia or other cognitive brain injuries. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mindi Messmer for Health, Human Services and Elderly Affairs. As amended, this bill establishes a commission to evaluate the direct care workforce, long term care preparedness, and support services for aging adults with dementia and other cognitive brain injuries. With our substantially aging demographic, and specific health care needs of this population, it is imperative to assess adaptations necessary to provide patient-centered care. Vote 22-0.

Amendment (1524h)

Amend RSA 151-E:21, I(a)(4) and(5) as inserted by section 1 of the bill by replacing them with the following:

(4) A representative of the Alzheimer's Association, appointed by the association.

(5) A representative of AARP New Hampshire, appointed by AARP New Hampshire.

Amend RSA 151-E:21, I(a) as inserted by section 1 of the bill by inserting after subparagraph (10) the following new subparagraph:

(11) A representative of Home Care Association of New Hampshire, appointed by the association.

SB 234-FN, relative to hypodermic syringes and needles containing residual amounts of controlled drugs and authorizing the operation of syringe service programs in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William Marsh for Health, Human Services and Elderly Affairs. This bill establishes Syringe Service Programs, a measure necessary for public health in controlling the spread of Hepatitis C and HIV. This is done in a manner agreed to by all parties, including law enforcement. The amendment adds physician assistants and registration for data collection purposes as requested by the Department of Health and Human Services. Vote 21-0.

Amendment (1376h)

Amend RSA 318:52-c, I as inserted by section 2 of the bill by replacing it with the following:

I. No person shall sell, furnish, or give to any person, under 18 years of age, an instrument commonly known as a hypodermic syringe, hypodermic needle, or any instrument adapted for the administration of drugs by injection without the written or oral prescription of a licensed physician, physician assistant, dentist, veterinarian, podiatrist, or advanced practice registered nurse. Such prescription shall contain the name and address of the patient, the date of the prescription, the description of the instrument prescribed, and the number of instruments prescribed. Amend RSA 318-B:43, II(d) and (e) as inserted by section 7 of the bill by replacing them with the following:

(d) Post its address, phone number, program contact information, if appropriate, hours of operation, and services offered on its Internet website.

(e) Register with the department of health and human services and confirm registration annually on or before November 1 of each subsequent year; provided however, the registration process shall be limited to notification to the department for data collection purposes only.

(f) Report quarterly to the department, which report shall include the following information regarding the program's activities:

- (1) Number of needles/syringes distributed.
- (2) Number of needles/syringes taken back.
- (3) Number of HIV tests performed or delivered by the program.
- (4) Number of HCV tests performed/delivered by program.
- (5) Delivery of substance misuse treatment/care.
- (6) Delivery of HIV care.
- (7) Delivery of HCV care.
- (8) Number of referrals to substance misuse treatment/services.
- (9) Number of referrals to HIV testing.
- (10) Number of referral to HCV testing.
- (11) Number of referrals to HIV care.
- (12) Number of referrals to HCV care.

SB 235-FN, relative to Medicaid reimbursement to schools for students with medical needs. OUGHT TO PASS WITH AMENDMENT.

Rep. Charles McMahon for Health, Human Services and Elderly Affairs. The committee reviewed funding opportunities made available based on federal law changes providing regarding funding for medical services in our school district programs. This bill provides schools the choice to access this funding in those districts covering medical costs for those students who need this assistance. The committee was unanimous in their support of this work. Vote 20-0.

Amendment (1421h)

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

1 New Section; Medicaid to Schools for Medical Services. Amend RSA 167 by inserting after section 3-j the following new section:

167:3-k Medicaid to Schools For Medical Services Program.

I. There is established within the department of health and human services a Medicaid reimbursement program to be known as the "Medicaid to schools for medical services" program providing medical assistance for covered services furnished to children in public schools. The purpose of the program is to seek Medicaid reimbursement for services provided by local school districts and school administrative units to children which are reimbursable under federal law but which would otherwise be fully funded by such districts or administrative units. General fund dollars allocated to the department of health and human services shall not be used for matching the federal financial participation for Medicaid reimbursement. All matching dollars for Medicaid to schools medical services shall come from the local school districts or school administrative units. The program shall be voluntary and administered by the department in the same, or similar, manner as the Medicaid to schools program established in RSA 186-C:25. This section shall not be construed to increase school district responsibility or liability beyond what is required by other state or federal law.

II. Eligible services may be provided to Medicaid-eligible children and may include services defined through rulemaking pursuant to paragraph IV under the following conditions:

(a) The service is a covered Medicaid service, provided in accordance with the approved state plan methodologies, including coverage under the Early and Periodic Screening Diagnostic and Treatment benefit provided to children.

(b) The provider is a Medicaid-participating provider and meets all federal and state provider qualification requirements.

(c) The state plan contains a payment methodology for determining rates that are consistent with efficiency, economy, and quality of care.

- (d) Third party liability requirements are met.
- (e) Medicaid payment does not duplicate other specific payments for the same service.
- (f) The state and provider maintain auditable documentation to support claims for federal financial participation (FFP).
- (g) The state conducts appropriate financial oversight of provider billing practices.
- (h) All other federal and state program requirements for the service, payment, and associated claiming are met.

III. Services provided under this section shall:

- (a) Be provided to children in conformity with any medical criteria necessary for Medicaid reimbursement.
- (b) Be provided only after obtaining informed parental consent.

IV. The commissioner of the department of health and human services, after consultation with the commissioner of the department of education, shall adopt rules, pursuant to RSA 541-A, relative to:

(a) Further defining services eligible for Medicaid reimbursement under this section. In defining such services, the commissioner shall, to the extent practicable, seek to maximize the availability of federal financial assistance to local school districts and school administrative units.

(b) State plans and reimbursement procedures necessary for local school districts or school administrative units to receive appropriate Medicaid reimbursement for eligible services under paragraph II that are provided or paid for by school districts or school administrative units.

(c) Monitoring mechanisms to ensure that services provided under this section meet the requirements of paragraph III. Monitoring responsibilities shall be consistent with the jurisdiction of the different departments.

(d) A financial mechanism by which the federal mandatory matching requirement is met through collection, or other means, of 50 percent of the cost of allowable services from local school districts and/or school administrative units.

V. Billing for services in accordance with this section shall not commence until the administrative rule-making procedure required under paragraph IV is complete and shall be for services provided on or after the effective date of such rules.

VI. New Hampshire local school districts or school administrative units shall be the enrolled Medicaid providers for the purpose of administration and billing.

2 New Paragraph; Medicaid to Schools Program. Amend RSA 186-C:25 by inserting after paragraph VI the following new paragraph:

VII. Beginning on September 1, 2018, the commissioner of the department of health and human services shall submit an annual report to the senate president, the speaker of the house of representatives, and the chairpersons of the house and senate finance committees regarding the total cost of the Medicaid to schools program and the number of students who received services through the program during the prior school year.

3 Department of Health and Human Services; Rulemaking. The department of health and human services shall initiate the rulemaking required under RSA 167:3-k, as inserted by section 1 of this act, no later than September 1, 2017.

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

AMENDED ANALYSIS

This bill establishes a Medicaid to schools for medical services program, which allows schools to pay for services provided to children with medical needs, regardless of whether the student receives special education services through an individualized education plan (IEP). The bill also adds a reporting requirement to the existing Medicaid to schools program.

Referred to the Committee on Finance.

SB 40, relative to electronic wills. INEXPEDIENT TO LEGISLATE.

Rep. Linda Kenison for Judiciary. This bill would authorize wills to be written, created and stored in electronic format and executed using electronic signatures. This bill does not contain sufficient safeguards to protect testators, including vulnerable or marginalized individuals, from exploitation. New Hampshire law requires the "physical presence of two subscribing witnesses." This bill eliminates the "physical presence" requirement, increasing the risk of undue influence or duress. Vote 15-1.

SB 187, clarifying the application of the road toll. OUGHT TO PASS.

Rep. Chris True for Transportation. This bill exempts U.S. Armed Forces vehicles from the road toll and ends the toll exemption for diplomatic personnel. The bill also makes language in current statutes regarding vehicles over 26,000 pounds compliant with the International Fuel Tax Agreement. Vote 14-0.

Referred to the Committee on Ways and Means.

MOTION TO REFER TO COMMITTEE

Rep. Shurtleff moved that the matter regarding Rep. Fisher and the allegations against him be referred to the Committee on Legislative Administration for review.

Rep. Shurtleff spoke in favor and yielded to questions.

Rep. Victoria Sullivan moved to amend the motion to include Rep. Frost and spoke in favor.
 Reps. Hoell and Cilley spoke against.
 Rep. Cilley requested a roll call; sufficiently seconded.

YEAS 182 - NAYS 180**YEAS - 182****BELKNAP**

Aldrich, Glen
 Flanders, Donald
 Plumer, John
 Varney, Peter

Comtois, Barbara
 Fraser, Valerie
 Spanos, Peter

Fields, Dennis
 Lang, Timothy
 Sylvia, Michael

Fisher, Robert
 Maloney, Michael
 Vadney, Herbert

CARROLL

Avellani, Lino
 McConkey, Mark

Chandler, Gene
 Nelson, Bill

Comeau, Ed
 Umberger, Karen

McCarthy, Frank
 Marsh, William

CHESHIRE

Hunt, John

O'Day, John

COOS

Fothergill, John

Judd, Bing

Merner, Troy

Richardson, Herbert

GRAFTON

Bailey, Brad
 Hennessey, Erin
 Johnson, Tiffany

Binford, David
 Hull, Robert

Boutin, Skylar
 Ladd, Rick

Brown, Duane
 Schwaegler, Vicki

HILLSBOROUGH

Ammon, Keith
 Burns, Charlie
 Carr, John
 Dyer, Caleb
 Fromuth, Bart
 Gargas, Carolyn
 Hinch, Richard
 Graham, John
 L'Heureux, Robert
 Lewicke, John
 Murphy, Keith
 Pellegrino, Anthony
 Ober, Russell
 Scully, Kevin
 Twombly, Timothy
 Zaricki, Nick

Griffin, Barbara
 Burt, John
 Christie, Rick
 Fedolli, Jim
 Griffin, Gerald
 Gidge, Kenneth
 Hopper, Gary
 Moore, Josh
 Ober, Lynne
 MacKay, Mariellen
 Negron, Steve
 Pierce, David
 Renzullo, Andrew
 Seidel, Carl
 Ulery, Jordan

Barry, Richard
 Byron, Frank
 Danielson, David
 Ferreira, Elizabeth
 Smith, Gregory
 Gould, Linda
 Hynes, Dan
 Rice, Kimberly
 Lascelles, Richard
 McCarthy, Michael
 Notter, Jeanine
 Proulx, Mark
 Rouillard, Claire
 Somero, Paul
 Sullivan, Victoria

Biggie, Barbara
 Moore, Craig
 Dickey, Glen
 Freeman, Lisa
 Gagne, Larry
 Halstead, Carolyn
 Belanger, James
 Kurk, Neal
 LeBrun, Donald
 Murotake, David
 Ohm, Bill
 Prout, Andrew
 Sanborn, Laurie
 Souza, Kathleen
 Valera, John

MERRIMACK

Kuch, Bill
 Hill, Gregory
 Moffett, Michael
 Seaworth, Brian

Copp, Anne
 Horn, Werner
 McGuire, Carol
 Walsh, Thomas

Long, Douglas
 Klose, John
 Pearl, Howard
 Wells, Natalie

Wolf, Dan
 Kotowski, Frank
 Smith, Ryan

ROCKINGHAM

Cook, Allen
 Bean, Philip
 Thomas, Douglas
 Dowling, Patricia
 Friel, William
 Hoelzel, Kathleen
 O'Connor, John
 Lundgren, David
 Matthews, Carolyn
 Nasser, Jim
 Gordon, Richard
 Spillane, James
 True, Chris
 Webb, James

Abrami, Patrick
 Chase, Francis
 Dean-Bailey, Yvonne
 Elliott, Robert
 Green, Dennis
 Itse, Daniel
 Katsakiores, Phyllis
 Griffin, Mary
 McMahon, Charles
 Nigrello, Robert
 Tilton, Rio
 Stone, Brian
 Verville, Kevin
 Willis, Brenda

Azarian, Gary
 Chirichiello, Brian
 DeSimone, Debra
 Emerick, J. Tracy
 Marsh, Henry
 Janigian, John
 Khan, Aboul
 Major, Norman
 Milz, David
 Osborne, Jason
 Rimol, Bob
 Torosian, Peter
 Vose, Michael

Baldasaro, Alfred
 Costable, Michael
 Doucette, Fred
 Fesh, Robert
 Hagan, Joseph
 Janvrin, Jason
 Kolodziej, Walter
 Manning, John
 Morrison, Sean
 Packard, Sherman
 Sapareto, Frank
 Tripp, Richard
 Wallace, Scott

STRAFFORD

Horgan, James
 Pitre, Joseph
 Spencer, Matthew

Turcotte, Leonard
 Graham, Robert
 Wuelper, Kurt

McNally, Jody
 Sandler, Catt

Phinney, Brandon
 Scruton, Matthew

SULLIVAN

Gauthier, Francis
Rollins, Skip

Grenier, James
Smith, Steven

O'Connor, John

Laware, Thomas

NAYS - 180**BELKNAP**

Abear, Marc

Howard, Raymond

Huot, David

CARROLL

Buco, Thomas

Butler, Edward

Crawford, Karel

Knirk, Jerry

CHESHIRE

Abbott, Michael
Burridge, Delmar
Faulkner, Barry
McConnell, James
Tatro, Bruce

Ames, Richard
Harvey, Cathryn
Fenton, Donovan
Meader, David
Pearson, William

Berch, Paul
Ley, Douglas
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Bordenet, John
Eaton, Daniel
Mann, John
Shepardson, Marjorie

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Theberge, Robert

GRAFTON

Abel, Richard
Darrow, Stephen
Maes, Kevin
Rand, Steven

Almy, Susan
Dontonville, Roger
Massimilla, Linda
Smith, Suzanne

Bennett, Travis
Higgins, Patricia
Mulligan, Mary Jane
Sykes, George

Campion, Polly
Josephson, Timothy
Nordgren, Sharon
White, Andrew

HILLSBOROUGH

Ayala, Jessica
Bouldin, Amanda
Cornell, Patricia
Donovan, Daniel
Goley, Jeffrey
Schmidt, Janice
King, Mark
Martin, Joelle
Nutting, Allison
Long, Patrick
Rosenwald, Cindy
Smith, Timothy

Backus, Robert
Chandley, Shannon
Cote, David
Edwards, Elizabeth
Hansen, Peter
Jack, Martin
Leishman, Peter
Martineau, Jesse
O'Brien, Michael
Porter, Marjorie
Harvey, Suzanne
Wolf, Terry

Baroody, Benjamin
Christensen, Chris
Sullivan, Daniel
Elber, Joel
Heath, Mary
Jeudy, Jean
Mangipudi, Latha
McNamara, Richard
O'Leary, Richard
Walsh, Robert
Shaw, Barbara
Van Houten, Connie

Beaulieu, Jane
Cleaver, Skip
DiSilvestro, Linda
Forest, Armand
Herbert, Christopher
Keane, Amelia
Manley, Jonathan
Newman, Sue
O'Neil, William
Roberts, Carol
Sofikitis, Catherine
Williams, Kermit

MERRIMACK

Turcotte, Alan
Carson, Clyde
Moffett, Howard
Kenison, Linda
Patten, Dick
Schuett, Dianne
Walz, Mary Beth

Bartlett, Christy
Doherty, David
Henle, Paul
Luneau, David
Richards, Beth
Shurtleff, Stephen
Woolpert, David

Brewster, Michael
Ebel, Karen
Hoell, J.R.
Marple, Richard
Rodd, Beth
Soucy, Timothy

Rice, Chip
Gile, Mary
MacKay, James
Myler, Mel
Rogers, Katherine
Wallner, Mary Jane

ROCKINGHAM

Allen, Mary
Cahill, Michael
Edgar, Michael
Gilman, Julie
McBeath, Rebecca
Gordon, Pamela
Sytek, John

Altschiller, Debra
Cali-Pitts, Jacqueline
Farnham, Betsey
Guthrie, Joseph
McKinney, Betsy
Pantelakos, Laura
Le, Tamara

Bates, David
Cushing, Robert Renny
Francese, Paula
Lovejoy, Patricia
Messmer, Minda
Read, Ellen
Ward, Gerald

Berrien, Skip
DiLorenzo, Charlotte
Gay, Betty
Malloy, Dennis
Murray, Kate
Somssich, Peter

STRAFFORD

Berube, Roger
Ellis, Donna
Gourgue, Amanda
Keans, Sandra
Schmidt, Peter
Sprague, Dale

Bixby, Peter
Epstein, Isaac
Grassie, Chuck
Krans, Hamilton
Salloway, Jeffrey
Treleaven, Susan

Burton, Wayne
Fontneau, Timothy
Harrington, Michael
Mullen, John
Southworth, Thomas
Vincent, Kenneth

Cilley, Jacalyn
Frost, Sherry
Horrigan, Timothy
Opderbecke, Linn
Spang, Judith
Wall, Janet

SULLIVAN

Schmidt, Andrew
Irwin, Virginia

Cloutier, John
Oxenham, Lee

Gagnon, Raymond
Tanner, Linda

Gottling, Suzanne

and the amendment to the motion was adopted.

The question now being adoption of the motion to send to Committee.
Rep. Harrington spoke against.

MOTION TO LAY ON THE TABLE

Rep. Ammon moved that the motion to send to Committee be laid on the table.
Rep. Weber requested a roll call; sufficiently seconded.

YEAS 67 - NAYS 296

YEAS - 67 BELKNAP

Aldrich, Glen	Fisher, Robert	Howard, Raymond	Lang, Timothy
Vadney, Herbert			

CARROLL

Avellani, Lino	Chandler, Gene	Comeau, Ed
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COOS

Judd, Bing	Moynihan, Wayne	Theberge, Robert	Tucker, Edith
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GRAFTON

Brown, Duane	Hull, Robert	Johnson, Tiffany
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HILLSBOROUGH

Ammon, Keith	Burns, Charlie	Burt, John	Moore, Craig
Christensen, Chris	Christie, Rick	Donovan, Daniel	Fedolfi, Jim
Ferreira, Elizabeth	Fromuth, Bart	Griffin, Gerald	Hansen, Peter
Hellwig, Steve	Hynes, Dan	Moore, Josh	Murotake, David
Murphy, Keith	Notter, Jeanine	Pellegrino, Anthony	Prout, Andrew
Sanborn, Laurie	Twombly, Timothy	Ulery, Jordan	Sullivan, Victoria
Valera, John	Zaricki, Nick		

MERRIMACK

Kuch, Bill	Hill, Gregory	Hoell, J.R.	Horn, Werner
Klose, John	Marple, Richard	McGuire, Carol	Wells, Natalie

ROCKINGHAM

Baldasaro, Alfred	Costable, Michael	Thomas, Douglas	Green, Dennis
Itse, Daniel	Kolodziej, Walter	Osborne, Jason	Sapareto, Frank
Spillane, James	Stone, Brian	Sytek, John	Torosian, Peter
Tripp, Richard	Verville, Kevin	Wallace, Scott	

STRAFFORD

Turcotte, Leonard	Mullen, John
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SULLIVAN

Laware, Thomas

NAYS - 296

BELKNAP

Abear, Marc	Comtois, Barbara	Fields, Dennis	Flanders, Donald
Fraser, Valerie	Huot, David	Maloney, Michael	Plumer, John
Spanos, Peter	Sylvia, Michael	Varney, Peter	

CARROLL

Buco, Thomas	Butler, Edward	Crawford, Karel	McCarthy, Frank
Knirk, Jerry	McConkey, Mark	Nelson, Bill	Umberger, Karen
Marsh, William			

CHESHIRE

Abbott, Michael	Ames, Richard	Berch, Paul	Bordenet, John
Burridge, Delmar	Harvey, Cathryn	Ley, Douglas	Eaton, Daniel
Faulkner, Barry	Fenton, Donovan	Johnsen, Gladys	Hunt, John
Mann, John	McConnell, James	Meador, David	O'Day, John
Parkhurst, Henry	Shepardson, Marjorie	Tatro, Bruce	Pearson, William
Weber, Lucy			

COOS

Fothergill, John	Hatch, William	Laflamme, Larry	Merner, Troy
Richardson, Herbert	Thomas, Yvonne		

GRAFTON

Abel, Richard
Binford, David
Dontonville, Roger
Ladd, Rick
Nordgren, Sharon
Sykes, George

Almy, Susan
Boutin, Skylar
Hennessey, Erin
Maes, Kevin
Rand, Steven
White, Andrew

Bailey, Brad
Campion, Polly
Higgins, Patricia
Massimilla, Linda
Schwaegler, Vicki

Bennett, Travis
Darrow, Stephen
Josephson, Timothy
Mulligan, Mary Jane
Smith, Suzanne

HILLSBOROUGH

Ayala, Jessica
Barry, Richard
Byron, Frank
Cornell, Patricia
Dickey, Glen
Elber, Joel
Gagne, Larry
Gould, Linda
Hinch, Richard
Schmidt, Janice
Keane, Amelia
Ober, Lynne
Lewicke, John
Manley, Jonathan
Negron, Steve
O'Leary, Richard
Pierce, David
Walsh, Robert
Rouillard, Claire
Shaw, Barbara
Smith, Timothy

Griffin, Barbara
Beaulieu, Jane
Carr, John
Cote, David
DiSilvestro, Linda
Forest, Armand
Gargas, Carolyn
Halstead, Carolyn
Hopper, Gary
Jack, Martin
King, Mark
Lascelles, Richard
MacKay, Mariellen
Martin, Joelle
Newman, Sue
O'Neil, William
Porter, Marjorie
Renzullo, Andrew
Harvey, Suzanne
Sofikitis, Catherine
Wolf, Terry

Backus, Robert
Biggie, Barbara
Chandle, Shannon
Sullivan, Daniel
Dyer, Caleb
Freeman, Lisa
Gidge, Kenneth
Heath, Mary
Belanger, James
Judy, Jean
Kurk, Neal
LeBrun, Donald
McCarthy, Michael
Martineau, Jesse
Nutting, Allison
Ohm, Bill
Proulx, Mark
Roberts, Carol
Scully, Kevin
Somero, Paul
Van Houten, Connie

Baroody, Benjamin
Bouldin, Amanda
Cleaver, Skip
Danielson, David
Edwards, Elizabeth
Smith, Gregory
Goley, Jeffrey
Herbert, Christopher
Graham, John
Rice, Kimberly
L'Heureux, Robert
Leishman, Peter
Mangipudi, Latha
McNamara, Richard
O'Brien, Michael
Long, Patrick
Ober, Russell
Rosenwald, Cindy
Seidel, Carl
Souza, Kathleen
Williams, Kermit

MERRIMACK

Turcotte, Alan
Carson, Clyde
Doherty, David
Henle, Paul
Luneau, David
Pearl, Howard
Rogers, Katherine
Soucy, Timothy
Woolpert, David

Bartlett, Christy
Copp, Anne
Ebel, Karen
MacKay, James
Moffett, Michael
Smith, Ryan
Schuett, Dianne
Walsh, Thomas

Brewster, Michael
Long, Douglas
Gile, Mary
Kenison, Linda
Myler, Mel
Richards, Beth
Seaworth, Brian
Wallner, Mary Jane

Rice, Chip
Wolf, Dan
Moffett, Howard
Kotowski, Frank
Patten, Dick
Rodd, Beth
Shurtleff, Stephen
Walz, Mary Beth

ROCKINGHAM

Cook, Allen
Azarian, Gary
Cahill, Michael
Cushing, Robert Renny
Doucette, Fred
Emerick, J. Tracy
Friel, William
Marsh, Henry
Janvrin, Jason
Lovejoy, Patricia
Malloy, Dennis
McKinney, Betsy
Morrison, Sean
Gordon, Pamela
Tilton, Rio
Le, Tamara
Webb, James

Abrami, Patrick
Bates, David
Cali-Pitts, Jacqueline
Dean-Bailey, Yvonne
Dowling, Patricia
Farnham, Betsey
Gay, Betty
Hagan, Joseph
O'Connor, John
Lundgren, David
Manning, John
McMahon, Charles
Murray, Kate
Packard, Sherman
Read, Ellen
True, Chris
Willis, Brenda

Allen, Mary
Bean, Philip
Chase, Francis
DeSimone, Debra
Edgar, Michael
Fesh, Robert
Gilman, Julie
Hoelzel, Kathleen
Katsakiores, Phyllis
Griffin, Mary
Matthews, Carolyn
Messmer, Mindi
Nasser, Jim
Pantelakos, Laura
Rimol, Bob
Vose, Michael

Altschiller, Debra
Berrien, Skip
Chirichello, Brian
DiLorenzo, Charlotte
Elliott, Robert
Francese, Paula
Guthrie, Joseph
Janigian, John
Khan, Aboul
Major, Norman
McBeath, Rebecca
Milz, David
Nigrello, Robert
Gordon, Richard
Somssich, Peter
Ward, Gerald

STRAFFORD

Berube, Roger
Ellis, Donna
Gourgue, Amanda
Horrigan, Timothy
Opderbecke, Linn
Graham, Robert
Southworth, Thomas
Treleven, Susan

Bixby, Peter
Epstein, Isaac
Grassie, Chuck
Keans, Sandra
Schmidt, Peter
Salloway, Jeffrey
Spang, Judith
Vincent, Kenneth

Burton, Wayne
Fontneau, Timothy
Harrington, Michael
Krans, Hamilton
Phinney, Brandon
Sandler, Catt
Spencer, Matthew
Wall, Janet

Cilley, Jacalyn
Frost, Sherry
Horgan, James
McNally, Jody
Pitre, Joseph
Scruton, Matthew
Sprague, Dale
Wuelper, Kurt

SULLIVAN

Schmidt, Andrew
Gottling, Suzanne
Oxenham, Lee

Cloutier, John
Grenier, James
Rollins, Skip

Gagnon, Raymond
Irwin, Virginia
Smith, Steven

Gauthier, Francis
O'Connor, John
Tanner, Linda

and the motion failed.

The question being adoption of the motion to send to Committee.
Rep. Weber requested a roll call; sufficiently seconded.

YEAS 307 - NAYS 56**YEAS - 307****BELKNAP**

Fields, Dennis
Huot, David

Fisher, Robert
Plumer, John

Flanders, Donald
Spanos, Peter

Fraser, Valerie
Varney, Peter

CARROLL

Avellani, Lino
Comeau, Ed
McConkey, Mark

Buco, Thomas
Crawford, Karel
Nelson, Bill

Butler, Edward
McCarthy, Frank
Umberger, Karen

Chandler, Gene
Knirk, Jerry
Marsh, William

CHESHIRE

Abbott, Michael
Burridge, Delmar
Faulkner, Barry
McConnell, James
Shepardson, Marjorie

Ames, Richard
Harvey, Cathryn
Fenton, Donovan
Meador, David
Tatro, Bruce

Berch, Paul
Ley, Douglas
Johnsen, Gladys
O'Day, John
Pearson, William

Bordenet, John
Eaton, Daniel
Mann, John
Parkhurst, Henry
Weber, Lucy

COOS

Fothergill, John
Merner, Troy

Hatch, William
Moynihan, Wayne

Judd, Bing
Richardson, Herbert

Laflamme, Larry
Thomas, Yvonne

GRAFTON

Abel, Richard
Binford, David
Darrow, Stephen
Josephson, Timothy
Mulligan, Mary Jane
Smith, Suzanne

Almy, Susan
Boutin, Skylar
Dontonville, Roger
Ladd, Rick
Nordgren, Sharon
Sykes, George

Bailey, Brad
Brown, Duane
Hennessey, Erin
Maes, Kevin
Rand, Steven
White, Andrew

Bennett, Travis
Campion, Polly
Higgins, Patricia
Massimilla, Linda
Schwaegler, Vicki

HILLSBOROUGH

Ayala, Jessica
Barry, Richard
Byron, Frank
Cleaver, Skip
Dickey, Glen
Elber, Joel
Fromuth, Bart
Gargas, Carolyn
Hansen, Peter
Hopper, Gary
Schmidt, Janice
Keane, Amelia
Ober, Lynne
Lewicke, John
Manley, Jonathan
Murphy, Keith
Nutting, Allison
Ohm, Bill
Porter, Marjorie
Renzullo, Andrew
Sanborn, Laurie
Sofikitis, Catherine
Van Houten, Connie

Griffin, Barbara
Beaulieu, Jane
Moore, Craig
Cornell, Patricia
DiSilvestro, Linda
Fedolfi, Jim
Griffin, Gerald
Gidge, Kenneth
Heath, Mary
Belanger, James
Jack, Martin
King, Mark
Lascelles, Richard
MacKay, Mariellen
Martin, Joelle
Negron, Steve
O'Brien, Michael
Long, Patrick
Proulx, Mark
Roberts, Carol
Scully, Kevin
Somero, Paul
Williams, Kermit

Backus, Robert
Biggie, Barbara
Carr, John
Cote, David
Dyer, Caleb
Forest, Armand
Smith, Gregory
Goley, Jeffrey
Herbert, Christopher
Graham, John
Judy, Jean
Kurk, Neal
LeBrun, Donald
McCarthy, Michael
Martineau, Jesse
Newman, Sue
O'Leary, Richard
Pellegrino, Anthony
Ober, Russell
Rosenwald, Cindy
Seidel, Carl
Smith, Timothy
Zaricki, Nick

Baroody, Benjamin
Bouldin, Amanda
Chandley, Shannon
Danielson, David
Edwards, Elizabeth
Freeman, Lisa
Gagne, Larry
Halstead, Carolyn
Hinch, Richard
Moore, Josh
Rice, Kimberly
L'Heureux, Robert
Leishman, Peter
Mangipudi, Latha
McNamara, Richard
Notter, Jeanine
O'Neil, William
Pierce, David
Walsh, Robert
Harvey, Suzanne
Shaw, Barbara
Twombly, Timothy

MERRIMACK

Turcotte, Alan
Carson, Clyde
Doherty, David
Henle, Paul
Kenison, Linda

Kuch, Bill
Copp, Anne
Ebel, Karen
Hill, Gregory
Klose, John

Bartlett, Christy
Long, Douglas
Gile, Mary
Horn, Werner
Kotowski, Frank

Rice, Chip
Wolf, Dan
Moffett, Howard
MacKay, James
Luneau, David

Moffett, Michael
Smith, Ryan
Schuett, Dianne
Wallner, Mary Jane

Myler, Mel
Richards, Beth
Shurtleff, Stephen
Walz, Mary Beth

Patten, Dick
Rodd, Beth
Soucy, Timothy
Woolpert, David

Pearl, Howard
Rogers, Katherine
Walsh, Thomas

ROCKINGHAM

Cook, Allen
Azarian, Gary
Cali-Pitts, Jacqueline
Dean-Bailey, Yvonne
Dowling, Patricia
Farnham, Betsey
Gay, Betty
Hagan, Joseph
O'Connor, John
Lundgren, David
Manning, John
Messmer, Mindi
Nasser, Jim
Pantelakos, Laura
Somssich, Peter
Tripp, Richard
Webb, James

Abrami, Patrick
Bean, Philip
Chase, Francis
DeSimone, Debra
Edgar, Michael
Fesh, Robert
Gilman, Julie
Hoelzel, Kathleen
Katsakiores, Phyllis
Griffin, Mary
Matthews, Carolyn
Milz, David
Nigrello, Robert
Tilton, Rio
Spillane, James
Verville, Kevin
Willis, Brenda

Allen, Mary
Berrien, Skip
Chirichiello, Brian
DiLorenzo, Charlotte
Elliott, Robert
Francese, Paula
Guthrie, Joseph
Janigian, John
Khan, Aboul
Major, Norman
McBeath, Rebecca
Morrison, Sean
Gordon, Pamela
Read, Ellen
Sytek, John
Vose, Michael

Altschiller, Debra
Cahill, Michael
Cushing, Robert Renny
Doucette, Fred
Emerick, J. Tracy
Friel, William
Marsh, Henry
Janvrin, Jason
Lovejoy, Patricia
Malloy, Dennis
McMahon, Charles
Murray, Kate
Packard, Sherman
Rimol, Bob
Le, Tamara
Ward, Gerald

STRAFFORD

Berube, Roger
Ellis, Donna
Gourgue, Amanda
Keans, Sandra
Opderbecke, Linn
Graham, Robert
Southworth, Thomas
Treleven, Susan

Bixby, Peter
Epstein, Isaac
Grassie, Chuck
Krans, Hamilton
Schmidt, Peter
Salloway, Jeffrey
Spang, Judith
Vincent, Kenneth

Burton, Wayne
Fontneau, Timothy
Horgan, James
McNally, Jody
Phinney, Brandon
Sandler, Catt
Spencer, Matthew
Wall, Janet

Cilley, Jacalyn
Frost, Sherry
Horrigan, Timothy
Mullen, John
Pitre, Joseph
Scruton, Matthew
Sprague, Dale
Wuelper, Kurt

SULLIVAN

Schmidt, Andrew
Gottling, Suzanne
Oxenham, Lee

Cloutier, John
Grenier, James
Rollins, Skip

Gagnon, Raymond
Irwin, Virginia
Smith, Steven

Gauthier, Francis
Laware, Thomas
Tanner, Linda

NAYS - 56 BELKNAP

Abear, Marc
Lang, Timothy

Aldrich, Glen
Maloney, Michael

Comtois, Barbara
Sylvia, Michael

Howard, Raymond
Vadney, Herbert

CHESHIRE

COOS

GRAFTON

HILLSBOROUGH

Ammon, Keith
Christie, Rick
Gould, Linda
Prout, Andrew
Ulery, Jordan

Burns, Charlie
Sullivan, Daniel
Hellwig, Steve
Rouillard, Claire
Sullivan, Victoria

Burt, John
Donovan, Daniel
Hynes, Dan
Souza, Kathleen
Valera, John

Christensen, Chris
Ferreira, Elizabeth
Murotake, David
Wolf, Terry

MERRIMACK

Brewster, Michael
Seaworth, Brian

Hoell, J.R.
Wells, Natalie

Marple, Richard

McGuire, Carol

ROCKINGHAM

Baldasaro, Alfred
Green, Dennis
Osborne, Jason
Torosian, Peter

Bates, David
Itse, Daniel
Gordon, Richard
True, Chris

Costable, Michael
Kolodziej, Walter
Sapareto, Frank
Wallace, Scott

Thomas, Douglas
McKinney, Betsy
Stone, Brian

STRAFFORD

Harrington, Michael

Turcotte, Leonard

SULLIVAN

O'Connor, John

and the motion was adopted.

REGULAR CALENDAR

SB 131-FN-A, establishing a cross border drug interdiction program and making an appropriation therefor.
MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Laura Pantelakos for the Majority of Criminal Justice and Public Safety. This bill establishes a cross border drug interdiction program. It authorizes the hiring of five state troopers to be trained for the program and includes additional funding for the forensic lab and funding for overtime for the state forensic lab, the state police mobile enforcement unit and narcotics and investigations unit. The money will come from fiscal year budget ending June 30, 2017. This is a comprehensive bill, with excellent cooperation from agencies involved, to make a dent in a deadly problem. Vote 15-3.

Rep. Scott Wallace for the Minority of Criminal Justice and Public Safety. This well intended bill looks to take \$2.1 million from an already strapped operational budget. This additional expenditure is not fiscally prudent at this time.

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

Rep. Bouldin spoke against.

Rep. Chandley spoke in favor and yielded to questions.

Rep. Ammon requested a roll call; sufficiently seconded.

YEAS 252 - NAYS 108**YEAS - 252****BELKNAP**

Fields, Dennis
Plumer, John

Flanders, Donald
Spanos, Peter

Huot, David
Varney, Peter

Lang, Timothy

CARROLL

Buco, Thomas
McCarthy, Frank
Umberger, Karen

Butler, Edward
Knirk, Jerry
Marsh, William

Chandler, Gene
McConkey, Mark

Crawford, Karel
Nelson, Bill

CHESHIRE

Abbott, Michael
Harvey, Cathryn
Fenton, Donovan
Meador, David
Pearson, William

Ames, Richard
Ley, Douglas
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Berch, Paul
Eaton, Daniel
Hunt, John
Shepardson, Marjorie

Burridge, Delmar
Faulkner, Barry
Mann, John
Tatro, Bruce

COOS

Fothergill, John
Richardson, Herbert

Judd, Bing
Theberge, Robert

Laflamme, Larry
Tucker, Edith

Merner, Troy
Thomas, Yvonne

GRAFTON

Abel, Richard
Brown, Duane
Higgins, Patricia
Massimilla, Linda
Smith, Suzanne

Almy, Susan
Campion, Polly
Josephson, Timothy
Mulligan, Mary Jane
Sykes, George

Bailey, Brad
Dontonville, Roger
Ladd, Rick
Nordgren, Sharon
White, Andrew

Boutin, Skylar
Hennessey, Erin
Maes, Kevin
Schwaegler, Vicki

HILLSBOROUGH

Ayala, Jessica
Barry, Richard
Byron, Frank
Cleaver, Skip
Danielson, David
Forest, Armand
Gidge, Kenneth
Hinch, Richard
Jack, Martin
Kurk, Neal
Leishman, Peter
Manley, Jonathan
Negron, Steve
O'Leary, Richard
Pellegrino, Anthony

Griffin, Barbara
Beaulieu, Jane
Carr, John
Cornell, Patricia
DiSilvestro, Linda
Smith, Gregory
Goley, Jeffrey
Hopper, Gary
Judy, Jean
L'Heureux, Robert
MacKay, Mariellen
Martin, Joelle
Newman, Sue
O'Neil, William
Pierce, David

Backus, Robert
Biggie, Barbara
Chandley, Shannon
Cote, David
Donovan, Daniel
Gagne, Larry
Heath, Mary
Graham, John
Rice, Kimberly
Lascelles, Richard
McCarthy, Michael
Martineau, Jesse
Nutting, Allison
Ohm, Bill
Porter, Marjorie

Baroody, Benjamin
Burns, Charlie
Christensen, Chris
Sullivan, Daniel
Elber, Joel
Gargas, Carolyn
Herbert, Christopher
Schmidt, Janice
King, Mark
LeBrun, Donald
Mangipudi, Latha
McNamara, Richard
O'Brien, Michael
Long, Patrick
Proulx, Mark

Walsh, Robert
Harvey, Suzanne
Smith, Timothy

Roberts, Carol
Shaw, Barbara
Wolf, Terry

Rosenwald, Cindy
Sofikitis, Catherine
Van Houten, Connie

Rouillard, Claire
Souza, Kathleen
Williams, Kermit

MERRIMACK

Bartlett, Christy
Ebel, Karen
Horn, Werner
Kotowski, Frank
Smith, Ryan
Schuett, Dianne
Wallner, Mary Jane

Rice, Chip
Gile, Mary
MacKay, James
Luneau, David
Richards, Beth
Shurtleff, Stephen
Walz, Mary Beth

Carson, Clyde
Moffett, Howard
Kenison, Linda
Myler, Mel
Rodd, Beth
Soucy, Timothy
Woolpert, David

Doherty, David
Henle, Paul
Klose, John
Patten, Dick
Rogers, Katherine
Walsh, Thomas

ROCKINGHAM

Abrami, Patrick
Berrien, Skip
Chirichiello, Brian
Dowling, Patricia
Farnham, Betsey
Gay, Betty
Hoelzel, Kathleen
Katsakiores, Phyllis
Griffin, Mary
Matthews, Carolyn
Milz, David
Nigrello, Robert
Tilton, Rio
Sytek, John
Ward, Gerald

Allen, Mary
Cahill, Michael
Dean-Bailey, Yvonne
Edgar, Michael
Fesh, Robert
Guthrie, Joseph
Janigian, John
Khan, Aboul
Major, Norman
McBeath, Rebecca
Morrison, Sean
Gordon, Pamela
Rimol, Bob
Le, Tamara
Webb, James

Altschiller, Debra
Cali-Pitts, Jacqueline
DeSimone, Debra
Elliott, Robert
Francese, Paula
Marsh, Henry
Janvrin, Jason
Lovejoy, Patricia
Malloy, Dennis
McKinney, Betsy
Murray, Kate
Packard, Sherman
Sapareto, Frank
Torosian, Peter
Willis, Brenda

Azarian, Gary
Chase, Francis
Doucette, Fred
Emerick, J. Tracy
Friel, William
Hagan, Joseph
O'Connor, John
Lundgren, David
Manning, John
McMahon, Charles
Nasser, Jim
Pantelakos, Laura
Somssich, Peter
Tripp, Richard

STRAFFORD

Berube, Roger
Ellis, Donna
Grassie, Chuck
McNally, Jody
Graham, Robert
Southworth, Thomas
Vincent, Kenneth

Bixby, Peter
Fontneau, Timothy
Horgan, James
Mullen, John
Salloway, Jeffrey
Spencer, Matthew
Wall, Janet

Burton, Wayne
Frost, Sherry
Horrigan, Timothy
Opderbecke, Linn
Sandler, Catt
Sprague, Dale

Cilley, Jacalyn
Gourgue, Amanda
Krans, Hamilton
Schmidt, Peter
Scruton, Matthew
Treleaven, Susan

SULLIVAN

Schmidt, Andrew
Gottling, Suzanne

Cloutier, John
Grenier, James

Gagnon, Raymond

Gauthier, Francis

NAYS - 108

BELKNAP

Abear, Marc
Fraser, Valerie
Vadney, Herbert

Aldrich, Glen
Howard, Raymond

Comtois, Barbara
Maloney, Michael

Fisher, Robert
Sylvia, Michael

CARROLL

Avellani, Lino

Comeau, Ed

CHESHIRE

Bordenet, John

McConnell, James

O'Day, John

COOS

GRAFTON

Bennett, Travis
Rand, Steven

Binford, David
Johnson, Tiffany

Darrow, Stephen

Hull, Robert

HILLSBOROUGH

Ammon, Keith
Christie, Rick
Fedolfi, Jim
Griffin, Gerald
Hellwig, Steve
Keane, Amelia
Notter, Jeanine
Sanborn, Laurie
Twombly, Timothy
Zaricki, Nick

Bouldin, Amanda
Dickey, Glen
Ferreira, Elizabeth
Gould, Linda
Hynes, Dan
Lewicke, John
Prout, Andrew
Scully, Kevin
Ulery, Jordan

Burt, John
Dyer, Caleb
Freeman, Lisa
Halstead, Carolyn
Belanger, James
Murotake, David
Ober, Russell
Seidel, Carl
Sullivan, Victoria

Moore, Craig
Edwards, Elizabeth
Fromuth, Bart
Hansen, Peter
Moore, Josh
Murphy, Keith
Renzullo, Andrew
Somero, Paul
Valera, John

MERRIMACK

Turcotte, Alan
Long, Douglas
Moffett, Michael
Seaworth, Brian

Kuch, Bill
Wolf, Dan
Marple, Richard
Wells, Natalie

Brewster, Michael
Hill, Gregory
McGuire, Carol

Copp, Anne
Hoell, J.R.
Pearl, Howard

ROCKINGHAM

Cook, Allen
Costable, Michael
Gilman, Julie
Messmer, Mindi
Spillane, James
Vose, Michael

Baldasaro, Alfred
Cushing, Robert Renny
Green, Dennis
Osborne, Jason
Stone, Brian
Wallace, Scott

Bates, David
Thomas, Douglas
Itse, Daniel
Gordon, Richard
True, Chris

Bean, Philip
DiLorenzo, Charlotte
Kolodziej, Walter
Read, Ellen
Verville, Kevin

STRAFFORD

Epstein, Isaac
Phinney, Brandon

Harrington, Michael
Pitre, Joseph

Keans, Sandra
Spang, Judith

Turcotte, Leonard
Wuelper, Kurt

SULLIVAN

Irwin, Virginia
Rollins, Skip

O'Connor, John
Tanner, Linda

Laware, Thomas

Oxenham, Lee

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

SB 101-FN, relative to enrollment eligibility for regional career and technical education programs. OUGHT TO PASS WITH AMENDMENT.

Rep. Terry Wolf for Education. This bill, as amended, has two education policies. The first section allows students to enroll in career and technical education programs after one year of high school. Current law limits participation to juniors and seniors. This will allow seniors more options including internships and earning early college credit. The second portion of the bill establishes a statewide NH dual and concurrent enrollment program. It assures all NH 11th and 12th grade students the opportunity to enroll in and complete quality post-secondary college credit in science, technology, engineering, and math (STEM) courses regardless of where students live in NH and at no cost to the student. This initiative is implemented with the additional goals of increasing participation rates in post-secondary education; retaining more students in NH upon high school graduation; increasing two and four year degree attainment rates; strengthening connections to businesses through alignment of course and program content with manufacturing, information technology, hospitality, and health care needs; and thereby enabling NH to better meet workforce challenges. Eligible high school students participating in approved high school classes taught by a public school teacher will receive high school graduation credit and college credit simultaneously. This portion of the bill previously passed the House on a voice vote, was retained in Finance, then added to HB 2. Vote 19-0.

Amendment (1503h)

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

AN ACT relative to enrollment eligibility for regional career and technical education programs and relative to high school students participating in New Hampshire's dual and concurrent enrollment program and making an appropriation therefor.

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

2 New Subdivision; Dual and Concurrent Enrollment Program. Amend RSA 188-E by inserting after section 24 the following new subdivision:

Dual and Concurrent Enrollment Program

188-E:25 Definitions. In this subdivision:

I. "Concurrent enrollment" means courses taught at the high school by high school teachers approved by the community college system of New Hampshire (CCSNH) in which high school students earn both high school and college or university credit while students are still attending high school or a career technical education center.

II. "Dual enrollment" means college courses taught by instructors from the community college system of New Hampshire (CCSNH) in which high school students earn college credit while students are still enrolled in high school or a career technical education center.

188-E:26 Program Established. There is established a dual and concurrent enrollment program in the department of education. Participation in the program shall be offered to high school and career technical education center students in grades 11 and 12. The program shall provide opportunities for qualified New Hampshire high school students to gain access and support for dual and concurrent enrollment in STEM (science, technology, engineering, and mathematics) and STEM-related courses that are fundamental for success in postsecondary education and to meet New Hampshire's emerging workforce needs.

188-E:27 Enrollment Requirements.

I. An interested high school student in grade 11 or 12 may enroll in a course that is designated by the CCSNH as part of the dual and concurrent enrollment program.

II. A student in the program shall be provided funding for enrollment in no more than 2 dual or concurrent enrollment courses taken in grade 11 and no more than 2 dual or concurrent enrollment courses taken in grade 12. A student may take more than 2 dual or concurrent enrollment courses per year at his or her own expense.

III. The state shall pay up to \$250 to the CCSNH institution where a high school or career and technical education student successfully completes an approved course and the CCSNH shall accept such amount as full payment for course tuition.

IV. Each high school should provide a designated individual to serve as the point of contact on matters related to the program, including but not limited to, student counseling, support services, course scheduling, managing course forms and student registration, program evaluation, course transferability, and assisting with online courses. Each high school shall annually notify all high school students and their parents of dual and concurrent enrollment opportunities.

188-E:28 School Board Policy.

I. No later than July 1, 2018, the school board of each school district shall develop and adopt a policy permitting students residing in the district who are in grade 11 or 12 to participate in the dual and concurrent enrollment program. The policy shall, at a minimum, include compliance with measurable educational standards and criteria approved by the CCSNH and that meet the same standard of quality and rigor as courses offered on campus by the CCSNH. The policy shall also comply with the standards for accreditation and program development established by the National Alliance for Concurrent Enrollment Partnerships. The policy shall include, but not be limited to, student eligibility criteria, standards for course content, standards for faculty approval, program coordination and communication requirements, tuition and fees, textbooks and materials, course grading policy, data collection, maintenance, and security, revenue and expenditure reporting, and process for renewal of the agreement.

II. The department of education and the CCSNH shall develop and approve a model dual and concurrent enrollment agreement that shall be used by the CCSNH and the school board of a school district participating in the dual and concurrent enrollment agreement program. The model agreement shall include standards established by the CCSNH, shall include elements, standards, and criteria that have been approved by the department of education and CCSNH, and shall serve as the framework for the development, implementation, and administration of the dual and concurrent enrollment program in each school district by clearly defining the procedures related to concurrent and dual enrollment of high school students in college classes. The department shall further develop guidelines for the program relating to reporting, accountability, and payment of available funds to the CCSNH.

188-E:29 Budget Requests. The commissioner of the department of education shall submit expenditure requests in accordance with RSA 9:4 to fund the dual and concurrent enrollment program established in this subdivision.

3 Appropriation. The sum of \$850,000 for the fiscal year ending June 30, 2018 and the sum of \$950,000 for the fiscal year ending June 30, 2019 are hereby appropriated to the department of education to fund student participation in the dual and concurrent enrollment program established in RSA 188-E:25-29. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

4 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect July 1, 2017.

AMENDED ANALYSIS

This bill changes the high school attendance requirement for enrolling in a career and technical education program from 2 years to one year. The bill also establishes a dual and concurrent enrollment program allowing certain high school students to enroll in courses for college credit.

Committee amendment adopted.

Committee report adopted and referred to the Committee on Finance.

SB 103, limiting food and beverage advertising and marketing on school property. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Victoria Sullivan for the Majority of Education. This bill would restrict the advertising and marketing of food and beverages that may not be sold on school property during the school day. The majority of the committee takes the position that if enacted, the bill would limit monetary opportunities for school districts and remove local control in making certain fundraising and advertising decisions in school districts where available funds for activities are already scarce. Vote 12-7.

Rep. Linda Tanner for the Minority of Education. The minority believes that this bill has merit and should not be dismissed. Public school students are a captive audience to food and beverage advertising of foods with minimal nutritional value. They see ads on busses, in the cafeteria, in teaching materials and on the playgrounds. Currently, childhood obesity and type II diabetes are at critical levels. Research has shown that food and beverage advertising strongly influence children's choices, their diets, and their health. The minority believes that this bill should have been retained for review and improvement.

Majority committee report adopted.

SB 191-FN, establishing the kindergarten initiative development support grant program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Terry Wolf for the Majority of Education. The Governor's "Kids Grant" offered targeted aid to communities based on property valuation, percentage of free and reduced lunch, and percentage of ESL students. The amendment to this bill fully funds all full-day kindergarten students. Full-day kindergarten provides a strong foundation for kids, increased high school graduation rates, and improved likelihood for a student to go on to college. Students learn skills in kindergarten that set up learning in first grade. In communities with higher poverty, full-day kindergarten provides stability to children and, often, two meals per day. The mayor of Manchester testified there are many children in this state being born to addicted mothers and they will soon enter the school system. Many children are being cared for by grandparents. Kindergarten has also become a workforce issue with our neighboring states offering it and parents of young children feeling it is essential. There was agreement among the community that kindergarten should be developmentally and age appropriate. Vote 15-4.

Rep. Carolyn Halstead for the Minority of Education. This bill as amended expands the scope of government, increases spending, and further limits parents' control of their children's education. Attempts to amend the language of this bill to secure parental control, options for half day programs, and promote developmentally appropriate kindergarten programs were defeated. What the amended bill now provides us is a \$14.5 million expanded program that will increase as other communities expand to full day kindergarten to obtain additional funding. As now part of the adequate education formula, it now also implies that full day kindergarten is a required component of an adequate education.

Majority Amendment (1516h)

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

AN ACT relative to the definition of average daily membership in attendance.

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

1 Adequate Education; Definitions. Amend RSA 198:38, I(a) to read as follows:

(a) "Average daily membership in attendance" or "ADMA" means the average daily membership in attendance, as defined in RSA 189:1-d, III, of pupils in kindergarten through grade 12, in the determination year, provided that ~~[no kindergarten pupil shall count as more than 1/2 day attendance per school year]~~ **a kindergarten pupil shall count as 1/2 day attendance in a school district operating a half-day kindergarten program, and as full day attendance in a school district operating a full-day kindergarten program.** ADMA shall only include pupils who are legal residents of New Hampshire pursuant to RSA 193:12 and educated at school district expense which may include public academies or out-of-district placements. For the purpose of calculating funding for municipalities, the ADMA shall not include pupils attending chartered public schools, but shall include pupils attending a charter conversion school approved by the school district in which the pupil resides.

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

AMENDED ANALYSIS

This bill specifies the manner in which kindergarten pupils are counted in a school district's average daily membership in attendance.

Majority committee amendment adopted.

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

Rep. Prout offered floor amendment (1594h).

Floor Amendment (1594h)

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect July 1, 2018.

Rep. Prout spoke in favor.

Rep. Terry Wolf spoke against and yielded to questions.

Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 99 - NAYS 258**YEAS - 99
BELKNAP**

Abear, Marc
Flanders, Donald
Varney, Peter

Aldrich, Glen
Fraser, Valerie

Comtois, Barbara
Spanos, Peter

Fisher, Robert
Sylvia, Michael

CARROLL

Avellani, Lino

Comeau, Ed

McCarthy, Frank

CHESHIRE

McConnell, James

O'Day, John

COOS

Judd, Bing

GRAFTON

Brown, Duane

Hull, Robert

Johnson, Tiffany

HILLSBOROUGH

Ammon, Keith
Dickey, Glen
Fromuth, Bart
Halstead, Carolyn
Hynes, Dan
LeBrun, Donald
Notter, Jeanine
Rouillard, Claire
Somero, Paul
Valera, John

Burt, John
Dyer, Caleb
Smith, Gregory
Hansen, Peter
Moore, Josh
Lewicke, John
Prout, Andrew
Sanborn, Laurie
Souza, Kathleen
Zaricki, Nick

Moore, Craig
Fedolfi, Jim
Gidge, Kenneth
Hellwig, Steve
Kurk, Neal
Murphy, Keith
Ober, Russell
Scully, Kevin
Twombly, Timothy

Christie, Rick
Ferreira, Elizabeth
Gould, Linda
Hopper, Gary
Ober, Lynne
Negron, Steve
Renzullo, Andrew
Seidel, Carl
Ulery, Jordan

MERRIMACK

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

Rice, Chip
Klose, John
Smith, Ryan

Long, Douglas
Marple, Richard
Seaworth, Brian

Hill, Gregory
McGuire, Carol

ROCKINGHAM

Cook, Allen
Costable, Michael
Friel, William
Itse, Daniel
Major, Norman
Sapareto, Frank
True, Chris

Allen, Mary
Thomas, Douglas
Gay, Betty
O'Connor, John
McKinney, Betsy
Spillane, James
Verville, Kevin

Bates, David
Dowling, Patricia
Green, Dennis
Katsakiores, Phyllis
Osborne, Jason
Torosian, Peter
Vose, Michael

Chirichiello, Brian
Fesh, Robert
Hagan, Joseph
Kolodziej, Walter
Gordon, Richard
Tripp, Richard
Wallace, Scott

STRAFFORD

Harrington, Michael

Turcotte, Leonard

Phinney, Brandon

Wuelper, Kurt

NAYS - 258**BELKNAP**

Fields, Dennis
Plumer, John

Huot, David
Vadney, Herbert

Lang, Timothy

Maloney, Michael

CARROLL

Buco, Thomas
Knirk, Jerry
Marsh, William

Butler, Edward
McConkey, Mark

Chandler, Gene
Nelson, Bill

Crawford, Karel
Umberger, Karen

CHESHIRE

Abbott, Michael
Burridge, Delmar
Faulkner, Barry
Mann, John
Tatro, Bruce

Ames, Richard
Harvey, Cathryn
Fenton, Donovan
Meador, David
Pearson, William

Berch, Paul
Ley, Douglas
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Bordenet, John
Eaton, Daniel
Hunt, John
Shepardson, Marjorie

COOS

Fothergill, John
Richardson, Herbert

Laflamme, Larry
Theberge, Robert

Merner, Troy
Tucker, Edith

Moynihan, Wayne
Thomas, Yvonne

GRAFTON

Abel, Richard
Binford, David
Dontonville, Roger
Ladd, Rick
Nordgren, Sharon
Sykes, George

Almy, Susan
Boutin, Skylar
Hennessey, Erin
Maes, Kevin
Rand, Steven
White, Andrew

Bailey, Brad
Campion, Polly
Higgins, Patricia
Massimilla, Linda
Schwaegler, Vicki

Bennett, Travis
Darrow, Stephen
Josephson, Timothy
Mulligan, Mary Jane
Smith, Suzanne

HILLSBOROUGH

Ayala, Jessica
Barry, Richard
Burns, Charlie
Christensen, Chris
Sullivan, Daniel
Elber, Joel
Gagne, Larry
Herbert, Christopher
Schmidt, Janice
King, Mark
MacKay, Mariellen
Martin, Joelle
Newman, Sue
O'Neil, William
Pierce, David
Roberts, Carol
Sofikitis, Catherine
Van Houten, Connie

Griffin, Barbara
Beaulieu, Jane
Byron, Frank
Cleaver, Skip
Danielson, David
Forest, Armand
Gargas, Carolyn
Hinch, Richard
Jack, Martin
L'Heureux, Robert
McCarthy, Michael
Martineau, Jesse
Nutting, Allison
Ohm, Bill
Porter, Marjorie
Rosenwald, Cindy
Smith, Timothy
Williams, Kermit

Backus, Robert
Biggie, Barbara
Carr, John
Cornell, Patricia
DiSilvestro, Linda
Freeman, Lisa
Goley, Jeffrey
Belanger, James
Jeudy, Jean
Lascelles, Richard
Mangipudi, Latha
McNamara, Richard
O'Brien, Michael
Long, Patrick
Proulx, Mark
Harvey, Suzanne
Wolf, Terry

Barody, Benjamin
Bouldin, Amanda
Chandley, Shannon
Cote, David
Donovan, Daniel
Griffin, Gerald
Heath, Mary
Graham, John
Keane, Amelia
Leishman, Peter
Manley, Jonathan
Murotake, David
O'Leary, Richard
Pellegrino, Anthony
Walsh, Robert
Shaw, Barbara
Sullivan, Victoria

MERRIMACK

Turcotte, Alan
Copp, Anne
Gile, Mary
Kenison, Linda
Myler, Mel
Rogers, Katherine
Wallner, Mary Jane

Bartlett, Christy
Wolf, Dan
Moffett, Howard
Kotowski, Frank
Patten, Dick
Schuett, Dianne
Walz, Mary Beth

Brewster, Michael
Doherty, David
Henle, Paul
Luneau, David
Richards, Beth
Shurtleff, Stephen
Wells, Natalie

Carson, Clyde
Ebel, Karen
MacKay, James
Moffett, Michael
Rodd, Beth
Soucy, Timothy
Woolpert, David

ROCKINGHAM

Abrami, Patrick
Bean, Philip
Chase, Francis
DiLorenzo, Charlotte
Emerick, J. Tracy
Guthrie, Joseph
Janvrin, Jason
Griffin, Mary
McBeath, Rebecca
Morrison, Sean
Gordon, Pamela
Read, Ellen
Sytek, John
Willis, Brenda

Altschiller, Debra
Berrien, Skip
Cushing, Robert Renny
Doucette, Fred
Farnham, Betsey
Marsh, Henry
Khan, Aboul
Malloy, Dennis
McMahon, Charles
Murray, Kate
Packard, Sherman
Rimol, Bob
Le, Tamara

Azarian, Gary
Cahill, Michael
Dean-Bailey, Yvonne
Edgar, Michael
Francese, Paula
Hoelzel, Kathleen
Lovejoy, Patricia
Manning, John
Messmer, Mindi
Nasser, Jim
Pantelakos, Laura
Somssich, Peter
Ward, Gerald

Baldasaro, Alfred
Cali-Pitts, Jacqueline
DeSimone, Debra
Elliott, Robert
Gilman, Julie
Janigian, John
Lundgren, David
Matthews, Carolyn
Milz, David
Nigrello, Robert
Tilton, Rio
Stone, Brian
Webb, James

STRAFFORD

Berube, Roger
Ellis, Donna
Gourgue, Amanda
Keans, Sandra
Opderbecke, Linn
Salloway, Jeffrey
Spang, Judith
Vincent, Kenneth

Bixby, Peter
Epstein, Isaac
Grassie, Chuck
Krans, Hamilton
Schmidt, Peter
Sandler, Catt
Spencer, Matthew
Wall, Janet

Burton, Wayne
Fontneau, Timothy
Horgan, James
McNally, Jody
Pitre, Joseph
Scruton, Matthew
Sprague, Dale

Cilley, Jacalyn
Frost, Sherry
Horrigan, Timothy
Mullen, John
Graham, Robert
Southworth, Thomas
Treleven, Susan

SULLIVAN

Schmidt, Andrew
Gottling, Suzanne
Laware, Thomas
Tanner, Linda

Cloutier, John
Grenier, James
Oxenham, Lee

Gagnon, Raymond
Irwin, Virginia
Rollins, Skip

Gauthier, Francis
O'Connor, John
Smith, Steven

and floor amendment (1594h) failed.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Victoria Sullivan spoke against and yielded to questions.

Reps. Terry Wolf and Ladd spoke in favor.

Reps. Verville and Moore spoke against.

Rep. Ammon requested a roll call; sufficiently seconded.

YEAS 247 - NAYS 116

YEAS - 247

BELKNAP

Fields, Dennis

Fraser, Valerie

Huot, David

Lang, Timothy

Buco, Thomas
Knirk, Jerry
Marsh, William

Butler, Edward
McConkey, Mark

Chandler, Gene
Nelson, Bill

Crawford, Karel
Umberger, Karen

CHESHIRE

Abbott, Michael
Burridge, Delmar
Faulkner, Barry
Meador, David
Pearson, William

Ames, Richard
Harvey, Cathryn
Fenton, Donovan
Parkhurst, Henry
Weber, Lucy

Berch, Paul
Ley, Douglas
Johnsen, Gladys
Shepardson, Marjorie

Bordenet, John
Eaton, Daniel
Mann, John
Tatro, Bruce

COOS

Fothergill, John
Merner, Troy
Thomas, Yvonne

Hatch, William
Moynihan, Wayne

Judd, Bing
Richardson, Herbert

Laflamme, Larry
Tucker, Edith

GRAFTON

Abel, Richard
Binford, David
Dontonville, Roger
Ladd, Rick
Nordgren, Sharon
Sykes, George

Almy, Susan
Boutin, Skylar
Hennessey, Erin
Maes, Kevin
Rand, Steven
White, Andrew

Bailey, Brad
Campion, Polly
Higgins, Patricia
Massimilla, Linda
Schwaegler, Vicki

Bennett, Travis
Darrow, Stephen
Josephson, Timothy
Mulligan, Mary Jane
Smith, Suzanne

HILLSBOROUGH

Ayala, Jessica
Beaulieu, Jane
Carr, John
Cornell, Patricia
DiSilvestro, Linda
Freeman, Lisa
Heath, Mary
Schmidt, Janice
King, Mark
MacKay, Mariellen
Martin, Joelle
Newman, Sue
O'Neil, William
Walsh, Robert
Shaw, Barbara
Van Houten, Connie

Backus, Robert
Biggie, Barbara
Chandley, Shannon
Cote, David
Donovan, Daniel
Gargas, Carolyn
Herbert, Christopher
Jack, Martin
L'Heureux, Robert
McCarthy, Michael
Martineau, Jesse
Nutting, Allison
Long, Patrick
Roberts, Carol
Sofikitis, Catherine
Williams, Kermit

Baroody, Benjamin
Bouldin, Amanda
Christensen, Chris
Sullivan, Daniel
Elber, Joel
Gidge, Kenneth
Hinch, Richard
Jeudy, Jean
Lascelles, Richard
Mangipudi, Latha
McNamara, Richard
O'Brien, Michael
Porter, Marjorie
Rosenwald, Cindy
Smith, Timothy

Barry, Richard
Moore, Craig
Cleaver, Skip
Danielson, David
Forest, Armand
Goley, Jeffrey
Graham, John
Keane, Amelia
Leishman, Peter
Manley, Jonathan
Murotake, David
O'Leary, Richard
Proulx, Mark
Harvey, Suzanne
Wolf, Terry

MERRIMACK

Turcotte, Alan
Carson, Clyde
Ebel, Karen
Horn, Werner
Kotowski, Frank
Patten, Dick
Schuett, Dianne
Walz, Mary Beth

Bartlett, Christy
Long, Douglas
Gile, Mary
MacKay, James
Luneau, David
Richards, Beth
Shurtleff, Stephen
Wells, Natalie

Brewster, Michael
Wolf, Dan
Moffett, Howard
Kenison, Linda
Moffett, Michael
Rodd, Beth
Soucy, Timothy
Woolpert, David

Rice, Chip
Doherty, David
Henle, Paul
Klose, John
Myler, Mel
Rogers, Katherine
Wallner, Mary Jane

ROCKINGHAM

Cook, Allen
Bates, David
Chase, Francis
DeSimone, Debra
Elliott, Robert
Gay, Betty
Hagan, Joseph
Lovejoy, Patricia

Abrami, Patrick
Berrien, Skip
Cushing, Robert Renny
DiLorenzo, Charlotte
Farnham, Betsey
Gilman, Julie
Janigian, John
Griffin, Mary

Altschiller, Debra
Cahill, Michael
Thomas, Douglas
Doucette, Fred
Francese, Paula
Guthrie, Joseph
Janvrin, Jason
Malloy, Dennis

Azarian, Gary
Cali-Pitts, Jacqueline
Dean-Bailey, Yvonne
Edgar, Michael
Friel, William
Marsh, Henry
Khan, Aboul
Manning, John

McBeath, Rebecca
Murray, Kate
Pantelakos, Laura
Somssich, Peter
Ward, Gerald

McMahon, Charles
Nasser, Jim
Tilton, Rio
Stone, Brian
Willis, Brenda

Messmer, Mindi
Nigrello, Robert
Read, Ellen
Sytek, John

Morrison, Sean
Gordon, Pamela
Rimol, Bob
Le, Tamara

STRAFFORD

Berube, Roger
Ellis, Donna
Gourgue, Amanda
Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Spencer, Matthew
Wall, Janet

Bixby, Peter
Epstein, Isaac
Grassie, Chuck
Krans, Hamilton
Schmidt, Peter
Scruton, Matthew
Sprague, Dale

Burton, Wayne
Fontneau, Timothy
Horgan, James
McNally, Jody
Graham, Robert
Southworth, Thomas
Treleven, Susan

Cilley, Jacalyn
Frost, Sherry
Horrigan, Timothy
Mullen, John
Salloway, Jeffrey
Spang, Judith
Vincent, Kenneth

SULLIVAN

Schmidt, Andrew
Gottling, Suzanne
Laware, Thomas
Tanner, Linda

Cloutier, John
Grenier, James
Oxenham, Lee

Gagnon, Raymond
Irwin, Virginia
Rollins, Skip

Gauthier, Francis
O'Connor, John
Smith, Steven

NAYS - 116

BELKNAP

Abear, Marc
Flanders, Donald
Silber, Norman
Varney, Peter

Aldrich, Glen
Howard, Raymond
Spanos, Peter

Comtois, Barbara
Maloney, Michael
Sylvia, Michael

Fisher, Robert
Plumer, John
Vadney, Herbert

CARROLL

McCarthy, Frank

CHESHIRE

O'Day, John

COOS

GRAFTON

Johnson, Tiffany

HILLSBOROUGH

Ammon, Keith
Byron, Frank
Fedolfi, Jim
Smith, Gregory
Hansen, Peter
Belanger, James
Ober, Lynne
Negron, Steve
Pierce, David
Rouillard, Claire
Somero, Paul
Sullivan, Victoria

Griffin, Barbara
Christie, Rick
Ferreira, Elizabeth
Gagne, Larry
Hellwig, Steve
Moore, Josh
LeBrun, Donald
Notter, Jeanine
Prout, Andrew
Sanborn, Laurie
Souza, Kathleen
Valera, John

Burns, Charlie
Dickey, Glen
Fromuth, Bart
Gould, Linda
Hopper, Gary
Rice, Kimberly
Lewicke, John
Ohm, Bill
Ober, Russell
Scully, Kevin
Twombly, Timothy
Zaricki, Nick

Burt, John
Dyer, Caleb
Griffin, Gerald
Halstead, Carolyn
Hynes, Dan
Kurk, Neal
Murphy, Keith
Pellegrino, Anthony
Renzullo, Andrew
Seidel, Carl
Ulery, Jordan

MERRIMACK

Kuch, Bill
Marple, Richard
Seaworth, Brian

Copp, Anne
McGuire, Carol
Walsh, Thomas

Hill, Gregory
Pearl, Howard

Hoell, J.R.
Smith, Ryan

ROCKINGHAM

Allen, Mary
Costable, Michael
Green, Dennis
Katsakiores, Phyllis
Matthews, Carolyn
Packard, Sherman
Torosian, Peter
Vose, Michael

Baldasaro, Alfred
Dowling, Patricia
Hoelzel, Kathleen
Kolodziej, Walter
McKinney, Betsy
Gordon, Richard
Tripp, Richard
Wallace, Scott

Bean, Philip
Emerick, J. Tracy
Itse, Daniel
Lundgren, David
Milz, David
Sapareto, Frank
True, Chris
Webb, James

Chirichiello, Brian
Fesh, Robert
O'Connor, John
Major, Norman
Osborne, Jason
Spillane, James
Verville, Kevin

STRAFFORD

Harrington, Michael
Wuelper, Kurt

Turcotte, Leonard

Phinney, Brandon

Pitre, Joseph

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

REFERRAL DECLINED

Rep. James Belanger, Chairman of the Committee on Municipal and County Government, under the provisions of House Rule 46 (f), declined the referral of **SB 80**, relative to implementation of the all veterans' tax credit, and relative to applications for recovery from the FRM victims' contribution recovery fund.

The House recessed at 12:00 p.m.

RECESS

The House reconvened at 1:15 p.m.

(Speaker Jasper in the Chair)

REGULAR CALENDAR CONT'D

SB 201, relative to providing pamphlets containing the asbestos regulations to persons engaging in renovation or demolition of structures. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven Beaudoin for Executive Departments and Administration. This bill would require that municipal building officials hand out an asbestos safety information pamphlet whenever a demolition permit is issued. The committee felt that the provisions of RSA 141-E, the chapter governing asbestos management and control, along with the common knowledge of the hazards of asbestos, render this bill an unnecessary, costly and burdensome regulation. Vote 12-6.

Committee report adopted.

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

SB 65, relative to vaccines administered by pharmacists. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mark Pearson for the Majority of Health, Human Services and Elderly Affairs. In the past, pharmacists lightened the load of family practice physicians and have provided a convenience to patients by administering flu shots. In recent years the education required of individuals who would become pharmacists has significantly increased, ensuring pharmacists know more and can do more. This bill expands the number of vaccines our now better-educated pharmacists can administer. This action will help the work load of primary care physician offices and further provide a convenience to patients. The requirement in the bill that pharmacists notify the primary care provider when designated by the patient keeps the patient's doctor in the loop to assure a good patient-physician relationship and for more complete record keeping. Vote 14-7.

Rep. John Fothergill for the Minority of Health, Human Services and Elderly Affairs. Although the minority supports vaccinations as part of public health policy, it is unclear if this is the best way to attain this goal. Without a fully functioning vaccine registry a successful immunization program is unlikely. As medical care moves toward a model that attempts to centralize a patient's care in order to improve outcomes and save health care dollars, this bill allows for more splintered care. Finally, although pharmacists are clearly qualified, we heard comments that pharmacists are overworked and asking them to take on this important function in a hurried fashion is ill advised.

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

Rep. Fraser spoke against.

Rep. McMahon spoke in favor.

Rep. Ammon requested a roll call; sufficiently seconded.

YEAS 281 - NAYS 76**YEAS - 281****BELKNAP**

Abear, Marc
Fisher, Robert
Maloney, Michael
Vadney, Herbert

Aldrich, Glen
Flanders, Donald
Silber, Norman
Varney, Peter

Comtois, Barbara
Howard, Raymond
Spanos, Peter

Fields, Dennis
Lang, Timothy
Sylvia, Michael

CARROLL

Avellani, Lino
McConkey, Mark

Buco, Thomas
Umberger, Karen

Comeau, Ed
Marsh, William

McCarthy, Frank

CHESHIRE

Abbott, Michael
Harvey, Cathryn
Fenton, Donovan
McConnell, James

Ames, Richard
Ley, Douglas
Johnsen, Gladys
Meador, David

Bordenet, John
Eaton, Daniel
Hunt, John
Shepardson, Marjorie

Burridge, Delmar
Faulkner, Barry
Mann, John
Tatro, Bruce

COOS

Judd, Bing
Tucker, Edith

Merner, Troy
Thomas, Yvonne

Richardson, Herbert

Theberge, Robert

GRAFTON

Abel, Richard
Boutin, Skylar
Hull, Robert
Mulligan, Mary Jane
Johnson, Tiffany

Bailey, Brad
Brown, Duane
Ladd, Rick
Rand, Steven
White, Andrew

Bennett, Travis
Darrow, Stephen
Maes, Kevin
Schwaegler, Vicki

Binford, David
Hennessey, Erin
Massimilla, Linda
Sykes, George

HILLSBOROUGH

Ammon, Keith
Barry, Richard
Burns, Charlie
Christensen, Chris
Dickey, Glen
Edwards, Elizabeth
Fromuth, Bart
Gargas, Carolyn
Heath, Mary
Hynes, Dan
Schmidt, Janice
Kurk, Neal
LeBrun, Donald
McCarthy, Michael
Martineau, Jesse
Nutting, Allison
Ohm, Bill
Prout, Andrew
Harvey, Suzanne
Somero, Paul
Twombly, Timothy
Williams, Kermit

Ayala, Jessica
Beaulieu, Jane
Burt, John
Cornell, Patricia
DiSilvestro, Linda
Elber, Joel
Griffin, Gerald
Gidge, Kenneth
Hellwig, Steve
Belanger, James
Judy, Jean
L'Heureux, Robert
Leishman, Peter
Mangipudi, Latha
Murotake, David
O'Brien, Michael
Pellegrino, Anthony
Ober, Russell
Sanborn, Laurie
Souza, Kathleen
Ulery, Jordan
Zaricki, Nick

Backus, Robert
Biggie, Barbara
Byron, Frank
Sullivan, Daniel
Donovan, Daniel
Ferreira, Elizabeth
Smith, Gregory
Halstead, Carolyn
Hinch, Richard
Graham, John
Rice, Kimberly
Ober, Lynne
Lewicke, John
Manley, Jonathan
Murphy, Keith
O'Leary, Richard
Pierce, David
Walsh, Robert
Scully, Kevin
Smith, Timothy
Sullivan, Victoria

Baroody, Benjamin
Bouldin, Amanda
Moore, Craig
Danielson, David
Dyer, Caleb
Forest, Armand
Gagne, Larry
Hansen, Peter
Hopper, Gary
Moore, Josh
King, Mark
Lascelles, Richard
MacKay, Mariellen
Martin, Joelle
Negron, Steve
O'Neil, William
Proulx, Mark
Renzullo, Andrew
Seidel, Carl
Wolf, Terry
Valera, John

MERRIMACK

Kuch, Bill
Long, Douglas
Gile, Mary
Kotowski, Frank
McGuire, Carol
Seaworth, Brian
Walz, Mary Beth

Brewster, Michael
Wolf, Dan
Hoell, J.R.
Luneau, David
Myler, Mel
Soucy, Timothy

Rice, Chip
Doherty, David
MacKay, James
Moffett, Michael
Pearl, Howard
Walsh, Thomas

Carson, Clyde
Ebel, Karen
Klose, John
Marple, Richard
Smith, Ryan
Wallner, Mary Jane

ROCKINGHAM

Cook, Allen
Azarian, Gary
Berrien, Skip
Costable, Michael
DeSimone, Debra
Edgar, Michael
Fesh, Robert
Guthrie, Joseph
Janigian, John
Khan, Aboul
Griffin, Mary
Matthews, Carolyn
Morrison, Sean
Packard, Sherman
Sapareto, Frank
Sytek, John
Verville, Kevin
Webb, James

Abrami, Patrick
Baldasaro, Alfred
Cali-Pitts, Jacqueline
Cushing, Robert Renny
DiLorenzo, Charlotte
Elliott, Robert
Friel, William
Marsh, Henry
Janvrin, Jason
Kolodziej, Walter
Major, Norman
McMahon, Charles
Murray, Kate
Pantelakos, Laura
Somssich, Peter
Le, Tamara
Vose, Michael
Willis, Brenda

Allen, Mary
Bates, David
Chase, Francis
Thomas, Douglas
Doucette, Fred
Emerick, J. Tracy
Gay, Betty
Hoelzel, Kathleen
O'Connor, John
Lovejoy, Patricia
Malloy, Dennis
Messmer, Mindi
Nasser, Jim
Gordon, Richard
Spillane, James
Tripp, Richard
Wallace, Scott

Altschiller, Debra
Bean, Philip
Chirichiello, Brian
Dean-Bailey, Yvonne
Dowling, Patricia
Farnham, Betsey
Green, Dennis
Itse, Daniel
Katsakiores, Phyllis
Lundgren, David
Manning, John
Milz, David
Nigrello, Robert
Tilton, Rio
Stone, Brian
True, Chris
Ward, Gerald

STRAFFORD

Berube, Roger
Fontneau, Timothy
Horgan, James
McNally, Jody
Phinney, Brandon
Southworth, Thomas
Vincent, Kenneth

Bixby, Peter
Frost, Sherry
Keans, Sandra
Mullen, John
Pitre, Joseph
Spang, Judith
Wall, Janet

Cilley, Jacalyn
Grassie, Chuck
Krans, Hamilton
Opderbecke, Linn
Sandler, Catt
Spencer, Matthew
Wuelper, Kurt

Epstein, Isaac
Harrington, Michael
Turcotte, Leonard
Schmidt, Peter
Scruton, Matthew
Sprague, Dale

SULLIVAN

Schmidt, Andrew
Gottling, Suzanne
Laware, Thomas

Cloutier, John
Grenier, James
Oxenham, Lee

Gagnon, Raymond
Irwin, Virginia
Rollins, Skip

Gauthier, Francis
O'Connor, John
Smith, Steven

**NAYS - 76
BELKNAP**

Fraser, Valerie	Huot, David	Plumer, John
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CARROLL
Nelson, Bill

Butler, Edward	Knirk, Jerry
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CHESHIRE

Berch, Paul	O'Day, John	Parkhurst, Henry	Pearson, William
Weber, Lucy			

COOS

Fothergill, John	Hatch, William	Laflamme, Larry	Moynihan, Wayne
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GRAFTON

Almy, Susan	Campion, Polly	Dontonville, Roger	Higgins, Patricia
Josephson, Timothy	Nordgren, Sharon	Smith, Suzanne	

HILLSBOROUGH

Carr, John	Chandley, Shannon	Christie, Rick	Cleaver, Skip
Cote, David	Fedolfi, Jim	Freeman, Lisa	Goley, Jeffrey
Gould, Linda	Herbert, Christopher	Jack, Martin	Keane, Amelia
McNamara, Richard	Newman, Sue	Notter, Jeanine	Long, Patrick
Porter, Marjorie	Roberts, Carol	Rosenwald, Cindy	Rouillard, Claire
Shaw, Barbara	Sofikitis, Catherine	Van Houten, Connie	

MERRIMACK

Turcotte, Alan	Bartlett, Christy	Copp, Anne	Moffett, Howard
Henle, Paul	Hill, Gregory	Horn, Werner	Kenison, Linda
Patten, Dick	Richards, Beth	Rodd, Beth	Rogers, Katherine
Schuett, Dianne	Shurtleff, Stephen	Wells, Natalie	Woolpert, David

ROCKINGHAM

Cahill, Michael	Francese, Paula	Gilman, Julie	Hagan, Joseph
McBeath, Rebecca	Gordon, Pamela	Read, Ellen	

STRAFFORD

Burton, Wayne	Ellis, Donna	Gourgue, Amanda	Horrigan, Timothy
Graham, Robert	Salloway, Jeffrey	Treleaven, Susan	

SULLIVAN

Tanner, Linda

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

REFER TO COMMITTEE

The Speaker referred **SB 155**, relative to implementation of the Medicaid managed care program, to the Committee on Finance.

REGULAR CALENDAR CONT'D

SB 9, relative to the admissibility of proffered evidence in sexual assault cases. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Linda Kenison for the Majority of Judiciary. This bill establishes a procedure to determine the admissibility of proffered evidence in sexual assault cases. The purpose of rape shield legislation is to encourage victims of sexual assault to report the crimes perpetrated against them without fear that their prior alleged sexual history will be aired in open court. This bill does not affect the due process rights of any defendant, nor does it keep a defense attorney from asking a judge to admit evidence that is ruled admissible. The bill simply clarifies the protections for victims that were intended to exist all along. Vote 11-4.

Rep. Michael Sylvia for the Minority of Judiciary. We have a duty to protect the rights of both the defendant and the victim in a sexual assault case; the former has the right to offer proofs of innocence and the latter the right to privacy in matters unrelated to the case. This bill addresses two main points. The first, for which the minority has no objection, covers the handling of sealed records in sexual assault cases. This material was passed in HB 439 which was amended by the Judiciary Committee (2017-0319h), voted 15-0, and passed by the House on the consent calendar. The second point, for which the minority strongly objects, defines "sexual activity" as it relates to "Prior consensual sexual activity between the victim and any person other than the actor shall not be admitted into evidence in any prosecution under this chapter." The definition offered is overly broad and employs circular logic, using sexual activity as a part of a definition of sexual activity. The same definition in this bill was offered and rejected by the Judiciary Committee in amendment

2017-0204h to HB 439 prior to the adoption of amendment 2017-0319h. This definition of sexual activity does nothing to add protections to the victims of sexual assault and infringes on the right of the defendant to have relevant evidence admitted at trial. It is possible that this poor definition may extend the judicial process as evidence proffered and excluded at trial could then become the subject of appellate review to the Supreme Court and if found to be relevant, remanded back to the trial court. This extension of the process will have a chilling effect on victims. The minority believes that the courts have proper protections in place through rules and precedent, and coupled with the first point in this bill strikes the right balance, protecting victims and those presumed innocent.

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

Reps. Hoell and Sylvia spoke against.

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

YEAS 328 - NAYS 30

YEAS - 328

BELKNAP

Comtois, Barbara
Fraser, Valerie
Plumer, John
Varney, Peter

Fields, Dennis
Huot, David
Silber, Norman

Fisher, Robert
Lang, Timothy
Spanos, Peter

Flanders, Donald
Maloney, Michael
Vadney, Herbert

CARROLL

Avellani, Lino
Comeau, Ed
Nelson, Bill

Buco, Thomas
McCarthy, Frank
Umberger, Karen

Butler, Edward
Knirk, Jerry
Marsh, William

Chandler, Gene
McConkey, Mark

CHESHIRE

Abbott, Michael
Burridge, Delmar
Faulkner, Barry
Mann, John
Parkhurst, Henry
Weber, Lucy

Ames, Richard
Harvey, Cathryn
Fenton, Donovan
McConnell, James
Shepardson, Marjorie

Berch, Paul
Ley, Douglas
Johnsen, Gladys
Meader, David
Tatro, Bruce

Bordenet, John
Eaton, Daniel
Hunt, John
O'Day, John
Pearson, William

COOS

Fothergill, John
Merner, Troy
Tucker, Edith

Hatch, William
Moynihan, Wayne
Thomas, Yvonne

Judd, Bing
Richardson, Herbert

Laflamme, Larry
Theberge, Robert

GRAFTON

Abel, Richard
Boutin, Skylar
Dontonville, Roger
Ladd, Rick
Nordgren, Sharon
Sykes, George

Almy, Susan
Brown, Duane
Hennessey, Erin
Maes, Kevin
Rand, Steven
Johnson, Tiffany

Bailey, Brad
Campion, Polly
Higgins, Patricia
Massimilla, Linda
Schwaegler, Vicki
White, Andrew

Bennett, Travis
Darrow, Stephen
Josephson, Timothy
Mulligan, Mary Jane
Smith, Suzanne

HILLSBOROUGH

Ayala, Jessica
Barry, Richard
Burns, Charlie
Carr, John
Cornell, Patricia
DiSilvestro, Linda
Fedolfi, Jim
Griffin, Gerald
Gidge, Kenneth
Heath, Mary
Moore, Josh
Rice, Kimberly
L'Heureux, Robert
Leishman, Peter
Mangipudi, Latha
McNamara, Richard
Newman, Sue
O'Leary, Richard
Pellegrino, Anthony
Prout, Andrew
Rosenwald, Cindy
Scully, Kevin

Griffin, Barbara
Beaulieu, Jane
Burt, John
Chandle, Shannon
Cote, David
Donovan, Daniel
Forest, Armand
Smith, Gregory
Goley, Jeffrey
Herbert, Christopher
Schmidt, Janice
Keane, Amelia
Ober, Lynne
Lewicke, John
Manley, Jonathan
Murotake, David
Notter, Jeanine
O'Neil, William
Pierce, David
Walsh, Robert
Rouillard, Claire
Seidel, Carl

Backus, Robert
Biggie, Barbara
Byron, Frank
Christensen, Chris
Sullivan, Daniel
Edwards, Elizabeth
Freeman, Lisa
Gagne, Larry
Gould, Linda
Hinch, Richard
Jack, Martin
King, Mark
Lascelles, Richard
MacKay, Mariellen
Martin, Joelle
Murphy, Keith
Nutting, Allison
Ohm, Bill
Porter, Marjorie
Renzullo, Andrew
Harvey, Suzanne
Shaw, Barbara

Baroody, Benjamin
Bouldin, Amanda
Moore, Craig
Cleaver, Skip
Danielson, David
Elber, Joel
Fromuth, Bart
Gargas, Carolyn
Hansen, Peter
Graham, John
Judy, Jean
Kurk, Neal
LeBrun, Donald
McCarthy, Michael
Martineau, Jesse
Negron, Steve
O'Brien, Michael
Long, Patrick
Proulx, Mark
Roberts, Carol
Sanborn, Laurie
Sofikitis, Catherine

Somero, Paul
Twombly, Timothy
Williams, Kermit

Souza, Kathleen
Ulery, Jordan
Zaricki, Nick

Smith, Timothy
Sullivan, Victoria

Wolf, Terry
Van Houten, Connie

MERRIMACK

Turcotte, Alan
Carson, Clyde
Ebel, Karen
Horn, Werner
Kotowski, Frank
Myler, Mel
Richards, Beth
Shurtleff, Stephen
Walz, Mary Beth

Kuch, Bill
Long, Douglas
Gile, Mary
MacKay, James
Luneau, David
Patten, Dick
Rodd, Beth
Soucy, Timothy
Wells, Natalie

Bartlett, Christy
Wolf, Dan
Moffett, Howard
Kenison, Linda
Moffett, Michael
Pearl, Howard
Rogers, Katherine
Walsh, Thomas
Woolpert, David

Rice, Chip
Doherty, David
Henle, Paul
Klose, John
McGuire, Carol
Smith, Ryan
Schuett, Dianne
Wallner, Mary Jane

ROCKINGHAM

Cook, Allen
Azarian, Gary
Berrien, Skip
Chirichiello, Brian
Dean-Bailey, Yvonne
Dowling, Patricia
Farnham, Betsey
Gay, Betty
Hagan, Joseph
Janvrin, Jason
Kolodziej, Walter
Major, Norman
McBeath, Rebecca
Morrison, Sean
Gordon, Pamela
Read, Ellen
Sytek, John
Verville, Kevin
Willis, Brenda

Abrami, Patrick
Baldasaro, Alfred
Cahill, Michael
Costable, Michael
DeSimone, Debra
Edgar, Michael
Fesh, Robert
Gilman, Julie
Hoelzel, Kathleen
O'Connor, John
Lovejoy, Patricia
Malloy, Dennis
McMahon, Charles
Murray, Kate
Packard, Sherman
Rimol, Bob
Le, Tamara
Vose, Michael

Allen, Mary
Bates, David
Cali-Pitts, Jacqueline
Cushing, Robert Renny
DiLorenzo, Charlotte
Elliott, Robert
Francese, Paula
Guthrie, Joseph
Itse, Daniel
Katsakiores, Phyllis
Lundgren, David
Manning, John
Messmer, Mindi
Nasser, Jim
Pantelakos, Laura
Somssich, Peter
Tripp, Richard
Ward, Gerald

Altschiller, Debra
Bean, Philip
Chase, Francis
Thomas, Douglas
Doucette, Fred
Emerick, J. Tracy
Friel, William
Marsh, Henry
Janigian, John
Khan, Aboul
Griffin, Mary
Matthews, Carolyn
Milz, David
Nigrello, Robert
Tilton, Rio
Spillane, James
True, Chris
Webb, James

STRAFFORD

Berube, Roger
Ellis, Donna
Gourgue, Amanda
Keans, Sandra
Opderbecke, Linn
Graham, Robert
Southworth, Thomas
Treleaven, Susan

Bixby, Peter
Epstein, Isaac
Grassie, Chuck
Krans, Hamilton
Schmidt, Peter
Salloway, Jeffrey
Spang, Judith
Vincent, Kenneth

Burton, Wayne
Fontneau, Timothy
Horgan, James
McNally, Jody
Phinney, Brandon
Sandler, Catt
Spencer, Matthew
Wall, Janet

Cilley, Jacalyn
Frost, Sherry
Horrigan, Timothy
Mullen, John
Pitre, Joseph
Scruton, Matthew
Sprague, Dale

SULLIVAN

Schmidt, Andrew
Gottling, Suzanne
Laware, Thomas
Tanner, Linda

Cloutier, John
Grenier, James
Oxenham, Lee

Gagnon, Raymond
Irwin, Virginia
Rollins, Skip

Gauthier, Francis
O'Connor, John
Smith, Steven

NAYS - 30 BELKNAP

Abear, Marc

Aldrich, Glen

Howard, Raymond

Sylvia, Michael

GRAFTON

Binford, David

Hull, Robert

HILLSBOROUGH

Christie, Rick
Halstead, Carolyn
Ober, Russell

Dickey, Glen
Hellwig, Steve
Valera, John

Dyer, Caleb
Hopper, Gary

Ferreira, Elizabeth
Hynes, Dan

MERRIMACK

Brewster, Michael
Marple, Richard

Copp, Anne
Seaworth, Brian

Hill, Gregory

Hoell, J.R.

ROCKINGHAM

Green, Dennis
Wallace, Scott

Osborne, Jason

Gordon, Richard

Stone, Brian

STRAFFORD

Harrington, Michael

Turcotte, Leonard

Wuelper, Kurt

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

MOTION TO PRINT DEBATE

Rep. White moved that the debate on **SB 9**, relative to the admissibility of proffered evidence in sexual assault cases, be printed in the Permanent Journal.

Motion adopted.

DEBATE ON SB 9

Rep. Hoell: Thank you, Mister Speaker. Rarely do we get a chance to see someone who is a co-sponsor on a bill get to speak against their own bill, but this is one of those times. The bill as filed was very different than the bill that came out of the legislative process. The bill as filed made it very clear that evidence that was not admissible in the first court could not be admissible in subsequent appeals. That is not the bill that we have before us today. While I agree completely in terms of the evidence that was prohibited in admission during the first trial should not be included and it should not be included in any appeal and I support that, the further broadening of this to what it is today as a bill is not something I can support. So, as a co-sponsor of the legislation I feel I have the duty to at least say this is not the bill I saw, nor supported and I cannot support it going forward given the increase in the definitions. I urge you to oppose the committee recommendation.

Speaker Jasper: The Chair recognizes the member from Hampton, Representative Cushing to speak in favor of the committee report.

Rep. Cushing: Thank you, Mister Speaker. Members of the House, on October 2012 Lizzi Marriott was a 19-year-old student at the University of New Hampshire who had her entire life ahead of her. Unfortunately she was lured by someone she thought was a friend to an apartment in Dover where she was sexually assaulted and murdered and then the killers went and took her body to Portsmouth and threw it in the Piscataqua River. The body has never been recovered and her parents, who are here with us in the gallery today, never had the opportunity to have a formal burial for their daughter. The person who killed Lizzi Marriott was arrested and went to trial and that's when what is almost inevitable in the criminal justice system happened. Some of the re-dramatization, re-victimization takes place amongst the victims. The killer attempted to raise questions about Lizzi's sexual past or alleged sexual past. In 1975, this House, this legislature passed what is known as a rape shield law. You know misogyny runs deep in our society and prior to 1975 there was almost an implicit assumption that if a woman, a person was not a virgin, that somehow they were fair game to be raped or assaulted and because of that being fair game, many people were reluctant to come forward who were victims of rape, lest their character or history be attacked. The legislature recognized that was an injustice and passed the rape shield law, which is the law that is the subject of this bill today. The rape shield law simply says that something that is irrelevant, whatever evolved in a person's sexual history, is not evidence. It wasn't part of the trial and shouldn't come into evidence. For 30 years that's worked very well. There is a provision because we trust the right; we cherish the right for someone to confront their accusers. There is a right if a defense attorney wishes to introduce evidence that might be somehow otherwise excluded under the rape shield law. They can go into chambers with the judge and present the evidence and the judge can rule whether or not that evidence is admissible. In the case of the killer of Lizzi Marriott, the defense attorney tried several times to open up allegations about activities of the victim and the judge ruled in that case, in that instance that no, that information was not relevant and it would remain under seal. The defendant in that case, as is his right after conviction, appealed to the New Hampshire Supreme Court and included in that appeal was the proceedings that took place in chambers involving the evidence that the defense wanted to introduce and when it got to the supreme court last summer, the supreme court made an interesting ruling. It's said that a matter on appeal that the evidence that was under shield could be open to the public. I will tell you that was a bit of a storm because of this situation. Had the individual been found not guilty the information would still remain under seal but here is somebody who was found guilty and when the case went to the supreme court, the supreme court somehow said initially that the information should become public. Well our supreme court decided to reconsider its ruling and it made a ruling that once information is considered sealed at any level of the court it would remain so. One of the things that was noted in the trial of this killer was that there was an allegation that the activities that the individual wanted to present that the victim had engaged in included some of her random thoughts that weren't clearly identifiable as sexual but really were by all intense meant to be included to protect the privacy of that victim under the rape shield law. The trial court ruled that in fact that information was not relevant. That was an appropriate ruling but what this legislation does very simply is make sure that the protections of the privacy of a victim are clearly more expansive. What this legislation defines as what sexual activity means is conduct or behavior related to sexual activities of the victim including but not limited to, previous or subsequent experience of sexual penetration or sexual contact, sexual predisposition, thoughts or expressions related to sexual issues, use of contraceptives, sexual activities reflected in medical and counseling records, living arrangements, and lifestyle. That's what this bill does. It makes it really clear what extraneous activities of the victim should not be included, should not be allowed to be introduced into evidence. This bill I think has been well received and supported by a number of individuals and organizations who are concerned about the rights of crime victims, who are concerned about seeking justice, and are concerned about privacy. This particular language that is included in this bill was vetted and agreed upon by the Department of Justice,

the Coalition against Domestic and Sexual Violence and the American Civil Liberties Union. It is model legislation. I would ask that the body support this bill and honor ourselves and make sure that no other victim of sexual assault has to worry whether or not they should come forward and seek justice and be protected under the laws of the State of New Hampshire. Thank you.

Speaker Jasper: Does the member yield to a question. The member yields, Rep. Wuelper you may inquire.

Rep. Wuelper: Thank you, Mister Speaker and thank you to the member for taking my question. Isn't it true that the defense in any case has the opportunity to bring any evidence they desire into the chambers and the judge will rule whether or not that can be entered into the case?

Rep. Cushing: Yes.

Speaker Jasper: Further question? Does the member yield? You may inquire.

Rep. Wuelper: So, if we expand this definition, it will in fact exclude no evidence from the trial because all evidence, whatever the defense thinks is evidentiary, can still be brought into the chambers, will still be ruled on by the judge and if the judge so rules, it will become part of the trial. Is that correct?

Rep. Cushing: This will provide explicit guidance to the judge about what constitutes sexual activity and what previous acts by a victim of rape are to be under the umbrella protection of the rape shield law. It's true and remains that the defense attorney has a right to go into chambers and to ask that this information be allowed to be introduced, but when the judge rules no, then it remains separate and not part of the case. It is done to protect the reputation of the victim and to prevent that person to be further victimized by the defense attorneys, by those in the process of criminal justice.

Speaker Jasper: Will the member yield to a follow up question? The member yields you may inquire.

Rep. Wuelper: Thank you for your patience. So, the first part of this bill is the same language that we passed with HB 439 long ago. It protects anything that is protected by the first judge throughout the judicial process and if this redefinition doesn't stop anything from being brought before the judge, how does it actually accomplish anything?

Rep. Cushing: Thank you for your question. It provides guidance and provides a statement of what activity, what information specifically is to be excluded from being introduced as evidence.

Speaker Jasper: The Chair recognizes the member from Belmont, Representative Sylvia to speak against the committee report.

Rep. Sylvia: Thank you, Mister Speaker. I have to first start with expressing my greatest sympathy for the victims of rape, sexual violence and murder. I can't tell you how much I feel. I can't even imagine the pain. I hope that victims will find empowerment in coming forward to testify and put rapists in jail. I brought with me a metaphorical box of my opinions of rapists. I had to leave it in the anteroom. It is full of expletives. This bill has been difficult and emotional. Members of our committee are closely touched by this issue. We have to think not only of past victims but we have to look to the future also and we need to separate this, somewhat the best we can and put it into legal terms. The court reads the words of our statutes and takes them at their clear meaning. In this case, the meaning in this definition is unclear. As it applies to 632-A:6 II, the statute itself has a constitutional issue with it and the courts generously worked their opinion around what the actual words say because we do have to protect the innocent accused and they use what they call 'The Howard Ruling' to determine which evidence is admissible and which is not. We have gone through the definition on this, which is what you'll find in the blurb is my greatest objection, but in thinking of this, very recently, it has stayed with me and I have come to see another problem which does apply to the other part of the bill. The portion that was passed in HB 439, which sits on the other side of the wall, and the exclusion of evidence and the way that this is going to reach the supreme court in an appeal and there will be appeals on many of these cases and the victims will be unfortunately made to endure those also. The way that the supreme court will have to deal with this now will be to hear the appeal outside of the public view, which is of course good for the victims. But it becomes an issue when, let's say, the court upholds the admissibility of the evidence and it is never seen and they need to make a ruling without citing the evidence that they have excluded. This becomes a very large problem in that you have no way for the public, with our right to know what our government is doing, including the courts. The people cannot necessarily know what it is and how the court made its decision and whether or not that decision is correct. So this is where I have come to question even the first part of this bill. If the definition is unnecessary and undefined clearly then that portion certainly is not needed. The bill, HB 439, with the first part which I am currently raising an objection to, is already passed so I would say that this bill creates problems, it creates a constitutional issue and there is a fairly substantial chance that this will go to the United States Supreme Court at some time in the future and that's a very difficult decision so I would ask you to vote against this bill. Thank you.

Speaker Jasper: Does the member yield to a question? The member yields. Representative Baldasaro, you may inquire.

Rep. Baldasaro: Thank you, Mister Speaker and thank you Representative for taking my question. I pulled the bill here and of course I am not a lawyer. Where it says under line 3, section II-a(a), proffered evidence excluded under this section and related pleadings shall remain under seal and exempt from public exposure but it has to go to the supreme court. Does that mean the judge has no say on this here, that it is automatically excluded or does the judge make that decision?

Rep. Sylvia: Thank you for the question. So at the trial court, the trial judge outside from public view evaluates the evidence that is presented and decides whether or not it is included or excluded. If it is excluded, then the defendant has a right to appeal based on that excluded evidence so they would go to the New Hampshire Supreme Court. Under this law, when it goes to the Supreme Court of New Hampshire it would not be heard in public. It would be heard by the court closed from the public and if the supreme court decided that the trial court made an error and that information should be, that evidence should be evaluated, it would be sent back to the trial court and then it would be open to the public.

Speaker Jasper: The Chair recognizes the final speaker of the debate, the member from Chester, Representative Hagan to speak in favor of the committee report.

Rep. Hagan: Thank you, Mister Speaker. Mister Speaker, this is clearly a victims rights bill but one that does not limit the due process rights of the alleged perpetrator. As you remember, this is a response to a recent appeal process of a notorious and vicious crime. Gratefully, ultimately that New Hampshire's Supreme Court got it right and protected the privacy of the victim and the victim's family. This bill would seal proffered evidence and subsequent pleadings until the New Hampshire Supreme Court overturns the trial court evidentiary hearing at which point public disclosure would be limited to that dealt with as admissible by the court. This would have the effect of not victimizing the victim and their family during the appellate process. This bill is necessary to continue having victims come forward without fear that their private lives will be made public. RSA 632-A:6 states under II that prior consensual activity between the victim and any person other than the actor shall not be admitted into evidence in any prosecution under the sexual assault and related offenses criminal code. This bill if passed will improve the law by clearly and comprehensively defining what sexual activity is. Remember that the perpetrator has due process rights which are protected by the constitution, by our excellent judges in this state, by judicial processes, supreme court decisions, etc. Doesn't fundamental fairness require that we get some balance by increasing the rights of victims? Please support the bipartisan position of the Judiciary Committee and press the green button supporting OTP. Thank you, Mister Speaker.

REGULAR CALENDAR CONT'D

SB 230-FN, establishing the Uniform Power of Attorney Act. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Claire Rouillard for the Majority of Judiciary. This bill as amended establishes a Uniform Power of Attorney Act for New Hampshire. The bill compiles current New Hampshire laws dealing with the power of attorneys' into one statute. This will enable the public and practicing attorneys accessibility to the power of attorney process. The language has been tailored to New Hampshire's unique laws in both substance and form. Safeguards are in place for notarization of signatures for general powers of attorney (POA). Notification is provided to family members when agents resign or are replaced. A draft POA is included in this bill for use by all New Hampshire residents. This bill is supported by the AARP, New Hampshire Legal Assistance, elder law attorneys, bankers and practicing attorneys. Vote 12-3.

Rep. Michael Sylvia for the Minority of Judiciary. This bill adds a new chapter, Uniform Power of Attorney Act, under Title LVI - Probates Courts and Decedents' Estates. It repeals three statutory sections: RSA's 506:5, 506:6, and 506:7 relative to powers of attorney under Chapter 506; Prevention of Frauds and Perjuries. The minority is not convinced of the need for this substantial change in powers of attorney. We further are not assured of the veracity of electronic signatures as they relate to the authenticity of the document to which they may be applied. Documents signed under this act, when challenged many years in the future, will likely be seen as archaic and rudimentary; quantum computing is nearing production today. Passage of this bill today may present a large problem for the court system in the future.

Majority Amendment (1504h)

Amend RSA 564-E:102 as inserted by section 1 of the bill by replacing it with the following:

564-E:102 Definitions. In this chapter:

(1) "Agent" means a person granted authority to act for a principal under a power of attorney, whether denominated an agent, attorney-in-fact, or otherwise. The term includes an original agent, coagent, successor agent, and a person to which an agent's authority is delegated.

(2) "Conservator" means a person appointed by a court to administer the estate of an individual pursuant to RSA 464-A:13.

(3) "Court" means a court of competent jurisdiction.

(4) "Durable," with respect to a power of attorney, means not terminated by the principal's incapacity.

(5) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(6) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(7) "General power of attorney" means a power of attorney that is not limited by its terms to a specified transaction or series of transactions, to a specific purpose, or to a specific asset or set of assets, or a power of attorney that grants an agent the authority to do any one or more of the acts described in RSA 564-E:201(a).

(8) "Guardian" means a guardian of the estate, a guardian of the person, or either a guardian of the estate or a guardian of the person, as the context may require.

(9) "Guardian of the estate" means a person appointed by a court to administer the estate of an adult individual, including a person appointed pursuant to RSA 464-A.

(10) "Guardian of the person" means a person appointed by a court to make decisions regarding the support, care, education, health, and welfare of an adult individual, including a person appointed pursuant to RSA 464-A. The term does not include a guardian ad litem.

(11) "Good faith" means honesty in fact.

(12) "Incapacity" means inability of an individual to manage property or business affairs because the individual:

(A) has an impairment in the ability to receive and evaluate information or make or communicate decisions even with the use of technological assistance; or

(B) is:

(i) missing;

(ii) detained, including incarcerated in a penal system; or

(iii) outside the United States and unable to return.

(13) "Include" and "including" means the same as "include, without limitation" and "including, without limitation," regardless of whether expressly specified.

(14) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(15) "Power of attorney" means a writing or other record that grants authority to an agent to act in the place of the principal, whether or not the term power of attorney is used.

(16) "Presently exercisable general power of appointment," with respect to property or a property interest subject to a power of appointment, means power exercisable at the time in question to vest absolute ownership in the principal individually, the principal's estate, the principal's creditors, or the creditors of the principal's estate. The term includes a power of appointment not exercisable until the occurrence of a specified event, the satisfaction of an ascertainable standard, or the passage of a specified period only after the occurrence of the specified event, the satisfaction of the ascertainable standard, or the passage of the specified period. The term does not include a power exercisable in a fiduciary capacity or only by will.

(17) "Principal" means an individual who grants authority to an agent in a power of attorney.

(18) "Property" means anything that may be the subject of ownership, whether real or personal, or legal or equitable, or any interest or right therein.

(19) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(20) "Sign" means, with present intent to authenticate or adopt a record:

(A) to execute or adopt a tangible symbol; or

(B) to attach to or logically associate with the record an electronic sound, symbol, or process.

(21) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band recognized by federal law or formally acknowledged by a state.

(22) "Stocks and bonds" means stocks, bonds, mutual funds, and all other types of securities and financial instruments, whether held directly, indirectly, or in any other manner. The term does not include commodity futures contracts and call or put options on stocks or stock indexes.

Amend RSA 564-E:105 as inserted by section 1 of the bill by replacing it with the following:

564-E:105 Execution Of Power Of Attorney.

(a) With regard to a general power of attorney:

(1) The power of attorney must be signed (other than by electronic signature) by the principal or in the principal's conscious presence by another individual directed by the principal to sign the principal's name on the power of attorney and must be acknowledged before a notary public or other individual authorized by law to take acknowledgments.

(2) A disclosure statement in substantially the following form, signed (other than by electronic signature) by the principal or by another individual directed by the principal to sign the principal's name, must be affixed to the power of attorney:

INFORMATION CONCERNING THE POWER OF ATTORNEY

THIS IS AN IMPORTANT LEGAL DOCUMENT. BEFORE SIGNING THIS DOCUMENT YOU SHOULD KNOW THESE IMPORTANT FACTS:

Notice to the Principal: As the “Principal,” you are using this Power of Attorney to grant power to another person (called the “Agent”) to make decisions, including, but not limited to, decisions concerning your money, property, or both, and to use your money, property, or both on your behalf. If this Power of Attorney does not limit the powers that you give to your Agent, your Agent will have broad and sweeping powers to sell or otherwise dispose of your property, and to spend your money without advance notice to you or approval by you. Unless you have expressly provided otherwise in this Power of Attorney, your Agent will have these powers before you become incapacitated, and unless you have expressly provided otherwise in this Power of Attorney, your Agent will continue to have these powers after you become incapacitated. You have the right to retain this Power of Attorney and to release it later or to request that another person retain this Power of Attorney on your behalf and release it only if one or more conditions specified in advance by you are satisfied. You have the right to revoke or take back this Power of Attorney at any time, so long as you are of sound mind. If there is anything about this Power of Attorney that you do not understand, you should seek professional advice.

(b) A power of attorney to convey real estate must be signed (other than by electronic signature) by the principal or in the principal’s conscious presence by another individual directed by the principal to sign the principal’s name on the general power of attorney and must be acknowledged before a notary public or other individual authorized by law to take acknowledgments.

(c) Any other power of attorney must be signed by the principal or in the principal’s conscious presence by another individual directed by the principal to sign the principal’s name on the power of attorney.

(d) A signature on a power of attorney is presumed to be genuine if the principal acknowledges the signature before a notary public or other individual authorized by law to take acknowledgments.

Amend RSA 564-E:109(c)(1) and (2) as inserted by section 1 of the bill by replacing it with the following:

(1) a physician that the principal is incapacitated within the meaning of RSA 564-E:102(12)(A); or

(2) a judge, or an appropriate governmental official that the principal is incapacitated within the meaning of RSA 564-E:102(12)(B).

Amend RSA 564-E:113(a), as inserted by section 1 of the bill, by replacing it with the following:

(a) A person designated as agent under a general power of attorney shall have no authority to act as agent unless, at any time prior to exercising the power granted under the general power of attorney and not necessarily at the time the general power of attorney is signed by the principal, the person has signed (other than by electronic signature) and affixed to the general power of attorney an acknowledgment in substantially the following form:

I, _____, have read the attached power of attorney and am the person identified as the agent for the principal. I hereby acknowledge that when I act as agent, I am given power under the power of attorney to make decisions about money, property, or both belonging to the principal, and to spend the principal’s money, property, or both on the principal’s behalf, in accordance with the terms of the power of attorney. When acting as agent, I have duties (called “fiduciary duties”) to act in the principal’s best interest, to act in good faith, and to act only within the scope of authority granted in the power of attorney, as well as other duties imposed by law to the extent not provided otherwise in the power of attorney. As an agent, I am not entitled to use the money or property for my own benefit or to make gifts to myself or others unless the power of attorney specifically gives me the authority to do so. As an agent, my authority under the power of attorney will end when the principal dies and I will not have authority to manage or dispose of any property or administer the estate of the principal. If I violate a fiduciary duty under the power of attorney, I may be liable for damages and may be subject to criminal prosecution. If there is anything about the power of attorney, or my duties under it, that I do not understand, I understand that I should seek professional advice. Amend the introductory paragraph of RSA 564-E:116(g) as inserted by section 1 of the bill by replacing it with the following:

(g) With regard to a petition to determine whether a particular gift is authorized,

Amend RSA 564-E:117 as inserted by section 1 of the bill by replacing it with the following:

564-E:117 Agent’s Liability. An agent that violates this chapter may be held liable, and an agent that knowingly, willfully, or recklessly violates this chapter shall be liable, to the principal or the principal’s successors in interest for the amount required to:

(1) restore the value of the principal’s property to what it would have been had the violation not occurred; and

(2) reimburse the principal or the principal’s successors in interest for the attorney’s fees and costs paid on the agent’s behalf.

Amend RSA 564-E:118, as inserted by section 1 of the bill, by replacing it with the following:

564-E:118 Agent’s Resignation; Notice. An agent may resign by substantially complying with a method of resignation provided in the terms of the power of attorney or, if the terms of the power of attorney do not provide a method or the method provided in the terms is not expressly made exclusive or is not possible to achieve, by giving written notice to the principal and, if the principal is incapacitated:

(1) to the conservator or guardian, if one has been appointed for the principal, and a coagent or successor agent; or

(2) if there is no person described in paragraph (1), to:

(A) a parent, spouse, or descendant of the principal;

(B) the principal's caregiver;

(C) another person reasonably believed by the agent to have sufficient interest in the principal's welfare; or

(D) a governmental agency having authority to protect the welfare of the principal.

Amend RSA 564-E:301 as inserted by section 1 of the bill by replacing it with the following:

564-E:301 Statutory Form Power Of Attorney. A document substantially in the following form may be used to create a power of attorney that is in compliance with the provisions of this chapter:

NEW HAMPSHIRE

STATUTORY POWER OF ATTORNEY

INFORMATION CONCERNING THE POWER OF ATTORNEY

THIS IS AN IMPORTANT LEGAL DOCUMENT. BEFORE SIGNING THIS DOCUMENT YOU SHOULD KNOW THESE IMPORTANT FACTS:

Notice to the Principal: As the "Principal," you are using this Power of Attorney to grant power to another person (called the "Agent") to make decisions, including, but not limited to, decisions concerning your money, property, or both, and to use your money, property, or both on your behalf. If this Power of Attorney does not limit the powers that you give to your Agent, your Agent will have broad and sweeping powers to sell or otherwise dispose of your property, and to spend your money without advance notice to you or approval by you. Unless you have expressly provided otherwise in this Power of Attorney, your Agent will have these powers before you become incapacitated, and unless you have expressly provided otherwise in this Power of Attorney, your Agent will continue to have these powers after you become incapacitated. You have the right to retain this Power of Attorney and to release it later or to request that another person retain this Power of Attorney on your behalf and release it only if one or more conditions specified in advance by you are satisfied. You have the right to revoke or take back this Power of Attorney at any time, so long as you are of sound mind. If there is anything about this Power of Attorney that you do not understand, you should seek professional advice.

Principal's Signature: _____

Date: _____

1. DESIGNATION OF AGENT

I, (Name of Principal) _____, of (Address of Principal) _____, name the following person as my agent:

Name of Agent: _____

Agent's Address: _____

2. DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

If my agent is unable or unwilling to act for me, I name the following person as my successor agent:

Name of Successor Agent: _____

Successor Agent's Address: _____

If my successor agent is unable or unwilling to act for me, I name the following person as my second successor agent:

Name of Second Successor Agent: _____

Second Successor Agent's Address: _____

3. REVOCATION OF EXISTING POWERS OF ATTORNEY

(Initial the following statement if it is your choice.)

_____ This Power of Attorney revokes all existing powers of attorney previously executed by me.

4. GRANT OF GENERAL AUTHORITY

(Initial beside your choice of A or B, but not both.)

_____ A. I grant my agent general authority to act for me in all matters, including, without limitation, all of the subjects enumerated in B below.

_____ B. I grant my agent general authority over the following subjects as defined in the following sections of the Uniform Power of Attorney Act:

(Initial each subject you want to include in the agent's general authority.)

_____ Real Property as defined in RSA 564-E:204

_____ Tangible Personal Property as defined in RSA 564-E:205

_____ Stocks and Bonds as defined in RSA 564-E:206

_____ Commodities and Options as defined in RSA 564-E:207

_____ Banks and Other Financial Institutions as defined in RSA 564-E:208

_____ Operation of Entity or Business as defined in RSA 564-E:209

_____ Insurance and Annuities as defined in RSA 564-E:210

_____ Estates, Trusts and Other Beneficial Interests as defined in RSA 564-E:211

_____ Claims and Litigation as defined in RSA 564-E:212

_____ Personal and Family Maintenance as defined in RSA 564-E:213

_____ Benefits from Governmental Programs or Civil or Military Service as defined in RSA 564-E:214

____ Retirement Plans as defined in RSA 564-E:215
 ____ Taxes as defined in RSA 564-E:216
 ____ Digital Assets

5. GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

(Initial each subject you want to include in the agent's authority. CAUTION: As to some of the following subjects, granting your agent authority will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death.)

My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

____ Create, amend, revoke, or terminate an inter vivos trust
 ____ Make a gift, subject to the limitations of RSA 564-E:217 of the Uniform Power of Attorney Act
 (If you have granted your agent the authority to make a gift, then as to each of the following statements, initial beside it if it is your choice.)
 ____ My agent may make a gift, even if it will leave me without sufficient assets or income to provide for my care without relying on Medicaid; other public assistance or charity.
 ____ My agent may make a gift to himself or herself and to any individual to whom my agent owes a legal obligation of support.
 ____ Create or change rights of survivorship
 ____ Create or change a beneficiary designation
 ____ Delegate authority granted under this Power of Attorney to another person
 ____ Waive my right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan
 ____ Exercise the fiduciary power(s) that I have the authority to delegate as specified in the "Special Instructions" in Paragraph 7 of this Power of Attorney
 ____ Exercise authority over the content of electronic communication sent or received by me
 ____ Exercise authority with respect to intellectual property, including, without limitation, copyrights, contracts for payment of royalties, and trademarks

6. LIMITATION ON AGENT'S AUTHORITY (OTHER THAN GIFTING)

(If an agent (including successor agent) named in this Power of Attorney is someone other than an ancestor of yours, your spouse, or a descendant of yours, you must initial the following statement if it is your choice that such agent have the following authority. An agent who is an ancestor of yours, your spouse, or a descendant of yours already has the following authority under New Hampshire law.)

____ My agent may exercise authority under this Power of Attorney to create in my agent, or in an individual to whom my agent owes a legal obligation of support, an interest in my property by any manner (other than a gift), including, without limitation, by right of survivorship, beneficiary designation, or disclaimer.

7. SPECIAL INSTRUCTIONS (OPTIONAL)

(Here you may include special instructions. You may leave this Paragraph blank. You may attach additional pages as necessary.)

8. EFFECTIVE DATE AND AUTHORITY OF AGENT

This Power of Attorney is effective immediately unless I have stated otherwise in the Special Instructions in Paragraph 7 of this Power of Attorney. An agent (including successor agent) named in this Power of Attorney will have no authority to act as my agent until he or she has signed and affixed to this Power of Attorney an acknowledgment that is substantially the same as the Acknowledgment at the end of this Power of Attorney.

9. GOVERNING LAW

This Power of Attorney shall be governed by the laws of the State of New Hampshire.

10. RELIANCE ON THIS POWER OF ATTORNEY

Any person, including my agent, may rely upon this Power of Attorney if it is acknowledged before a notary public or other individual authorized to take acknowledgements (or a copy of the acknowledged Power of Attorney), unless that person knows it is void, invalid, or terminated.

SIGNATURE AND ACKNOWLEDGMENT

(You must date and sign this Power of Attorney. If you are physically unable to sign, it may be signed by someone else writing your name, in your presence and at your express direction. This Power of Attorney must be acknowledged before a notary public or other individual authorized by law to take acknowledgments.)

Principal's Signature: _____

Principal's Printed Name: _____

Principal's Address: _____

Date: _____

STATE OF NEW HAMPSHIRE

COUNTY OF _____

The foregoing Power of Attorney was acknowledged before me on _____, by _____, known to me or satisfactorily proven to be the person named herein

Signature of Notarial Officer: _____

Title (and Rank): _____

My commission expires: _____

AGENT ACKNOWLEDGMENT

Notice to Agent: You will have no authority to act as agent under this Power of Attorney until you sign and affix this acknowledgment to the Power of Attorney.

I, _____, have read the attached power of attorney and am the person identified as the agent for the principal. I hereby acknowledge that when I act as agent I am given power under the power of attorney to make decisions about money, property, or both belonging to the principal, and to spend the principal's money, property, or both on the principal's behalf, in accordance with the terms of the power of attorney. When acting as agent, I have duties (called "fiduciary duties") to act in the principal's best interest, to act in good faith, and to act only within the scope of authority granted in the power of attorney, as well as other duties imposed by law to the extent not provided otherwise in the power of attorney. As an agent, I am not entitled to use the money or property for my own benefit or to make gifts to myself or others unless the power of attorney specifically gives me the authority to do so. As an agent, my authority under the power of attorney will end when the principal dies and I will not have authority to manage or dispose of any property or administer the estate of the principal. If I violate a fiduciary duty under the power of attorney, I may be liable for damages and may be subject to criminal prosecution. If there is anything about this power of attorney, or my duties under it, that I do not understand, I understand that I should seek professional advice.

Agent's Signature: _____

Date: _____

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

SB 232-FN-L, relative to the issuance of a summons instead of arrest. **INEXPEDIENT TO LEGISLATE.**

Rep. Jason Janvrin for Judiciary. This bill proposes to require someone standing accused, who is issued a summons in lieu of arrest, to be of good behavior. Such a requirement is a condition of bail, if arrested. Currently, there is no consistent way for a law enforcement officer to know that a subject has been bailed in another jurisdiction and there is no way to track from jurisdiction to jurisdiction if a summons has been issued. Until a mechanism is in place for police to have this instantaneous information throughout the state, this bill would not be enforced equally. Vote 14-2.

MOTION TO LAY ON THE TABLE

Rep. Janvrin moved that **SB 232-FN-L**, relative to the issuance of a summons instead of arrest, be laid on the table. Motion adopted.

REGULAR CALENDAR CONT'D

SB 190-FN, repealing the sunset provision on the first responder's critical injury benefit fund.

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

Rep. Fred Doucette for the Majority of Labor, Industrial and Rehabilitative Services. This bill repeals the prospective repeal of June 30, 2018 of the first responders critical injury benefit and provides for the benefit to continue in perpetuity. The repeal of the repeal also maintains the appropriation language allowing the governor to draw a warrant from funds not otherwise appropriated to pay any claims made. The bill will limit the benefits for all claimants not to exceed \$500,000 in a biennium, with a total benefit per claimant not to exceed \$125,000 to date, the state has made two payments to claimants: \$125,000 in FY 2015 and \$125,000 in FY 2016. Vote 17-4.

Rep. Brian Seaworth for the Minority of Labor, Industrial and Rehabilitative Services. This legislation is another iteration of a bill that we dealt with in the last session. It involves what was originally intended to be a temporary solution to address the lack of Workers' Compensation coverage for certain kinds of internal injuries. The bill was studied last fall, and that committee recommended that the critical injury benefit fund be continued until a solution in Workers Compensation is developed. By submitting legislation to perpetuating this fund without addressing the underlying problem, this suggests that the legislature does not intend to address the Workers' Compensation issue. Last session, we extended the sunset to the end of the biennium to give this legislature time to create the correct solution. The minority feels that the bill should wait until we see what action occurs on that proposal.

Majority committee report adopted and ordered to third reading.

SB 38-FN, making an appropriation to the department of transportation for local highway aid and aid for municipal bridges. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gene Chandler for Public Works and Highways. As amended, this bill sends \$30,000,000 back to the cities and towns under the regular apportionment A distribution plan already used for this purpose; and

adds \$6.8 million to the state bridge aid program for municipal bridges under RSA 234. The amended portion of the bill incorporates a change recommended by the Department of Revenue Administration allowing municipalities to make use of these new funds during this construction season. Funding for this portion of the bill comes from 2017 surplus funds.

In the governor's version of HB 2 there were two recommendations from the Department of Transportation; one dealing with the highway betterment program, and the other dealing with red listed bridges. The committee made some changes in the betterment funding formula, allowing up to 30 percent of statewide betterment funds to be used in districts that have a higher percentage of substandard roads. The red listed bridge area added state owned railroad bridges that are over highways, and prescribed that all red listed bridges be inspected bi-annually and every municipal red list bridge annually. Additionally, we added a reporting date of red listed bridges of April 1st of each year.

Passage of this bill as amended will strengthen our commitment to improve state and local infrastructure. Vote 16-1.

Amendment (1437h)

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

AN ACT making an appropriation to the department of transportation for local highway aid and aid for municipal bridges, relative to distribution of highway aid, and relative to red list bridges.

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

1 Purpose Statement. The general court recognizes that there is a need to provide targeted funding for local infrastructure projects. Therefore, it is the intent of this act to designate certain surplus funds in the 2016-2017 biennial budget for providing grants to fund local infrastructure projects in accordance with the purposes and provisions of this act and to further clarify the criteria for red list bridges.

2 Department of Transportation; Appropriation.

I. There is hereby appropriated to the department of transportation the sum of \$36,800,000 for the fiscal year ending June 30, 2017, which shall be nonlapsing and expended pursuant to paragraph II. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The sum appropriated in paragraph I shall be allocated as follows:

- (a) \$30,000,000 shall be expended for additional "Apportionment A" distributions under RSA 235:23, I.
- (b) \$6,800,000 shall be expended for state bridge aid for municipal bridges under RSA 234.

III. No funds appropriated in paragraph I shall be used for supplanting locally budgeted and approved funds for road or bridge maintenance or construction. The funds appropriated in paragraph I may be considered unanticipated money under RSA 31:95-b and may be accepted and expended pursuant to RSA 31:95-b, II through IV, whether or not a town has adopted the provisions of RSA 31:95-b.

3 Federal and State Highway Aid; Construction and Reconstruction. Amend RSA 235:23-a, III to read as follows:

III. The commissioner, **for budgeting purposes**, shall allocate **at least 70 percent of** the funds in the highway and bridge betterment account for the 6 state highway districts in the following priority:

(a) [Repealed.]

(b) For each state highway district in the state, based upon a formula in which 1/2 of the amount of the funds distributed is based upon the proportion which the mileage of state-maintained class I, class II, and class III highways, excluding turnpikes, in each district, as of January 1 of the previous year, bears to the total of such mileage in the state; and 1/2 of the amount of the funds distributed is based upon the proportion which the number of state maintained class I, class II and class III highway bridges, excluding turnpikes, in each district as of January 1 of the previous year bears to the total of such number of bridges in the state. ***The commissioner shall distribute the remaining funds on a statewide basis to achieve regional equity based on condition, taking into account deviations in bid prices and existing infrastructure condition, excluding funds used for emergency repair.***

4 Red List Bridges. Amend RSA 234:25-a, I to read as follows:

I. The commissioner of transportation shall establish and maintain a list of **highway** bridges that are found, after inspection by the department, to be structurally deficient, which shall be known as red list bridges. ***This list shall also include structurally deficient state-owned railroad bridges over highways.***

5 New Paragraph; Red List Bridges; Definition. Amend RSA 234:25-a by inserting after paragraph IV the following new paragraph:

V. In this chapter, a structurally deficient bridge means a bridge with a primary element in poor or worse condition (National Bridge Inventory (NBI) rating of 4 or less).

6 Inspection of Red List Bridges. Amend RSA 234:25-b to read as follows:

234:25-b Inspection of Red List Bridges; Report.

I. The department of transportation shall inspect every **red list** state-owned bridge on the red list biannually and every **red list** municipal bridge annually **as a minimum**.

II. The department of transportation shall annually provide a complete list of state-owned and municipally-owned red list bridges to the governor, the executive council, the speaker of the house of representatives, the president of the senate, and the house and senate standing committees with jurisdiction over highways and bridges. Additionally the department shall annually notify the governing bodies of municipalities of any red list bridges owned by such municipality and any state-owned red list bridge within such municipality. These reports and notifications shall be provided on or before ~~February~~ **April** 1 of each year.

7 Effective Date.

I. Sections 3 through 6 of this act shall take effect July 1, 2017.

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

AMENDED ANALYSIS

This bill:

I. Makes an appropriation to the department of transportation for local highway aid and municipal bridge aid.

II. Modifies the distribution of betterment funds.

III. Clarifies the criteria for red list bridges.

Committee amendment adopted.

Committee report adopted and referred to the Committee on Finance.

SB 242-FN-A-L, relative to video lottery and table gaming. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary Azarian for Ways and Means. This bill allows for the selection and operation of two casinos in New Hampshire, including the operation of video slot machines and table games. Economic viability is the key to supporting casino gaming. Previous versions of casino legislation included what this bill lacks. 1) A key demographic site, 2) a viable operator willing to invest in NH, 3) a community vested in the project. This legislation has none of those important ingredients. The advent of the Wynn casinos multi-billion dollar investment in Boston, the expansion of the Oxford Casino in Maine, and the Connecticut tribal plans for expansion to counter the Springfield and Plainville casinos in Massachusetts further saturate an already limited New England market. The public hearing said it all: no support. The near unanimous vote of the committee summed up the obvious, the time for this legislation in NH has passed. Vote 19-1.

Rep. Azarian spoke in favor.

Rep. Rogers spoke against.

Rep. Lovejoy spoke in favor and yielded to questions.

Rep. Ammon requested a roll call; sufficiently seconded.

YEAS 275 - NAYS 82

YEAS - 275

BELKNAP

Abear, Marc
Flanders, Donald
Maloney, Michael
Vadney, Herbert

Aldrich, Glen
Fraser, Valerie
Silber, Norman
Varney, Peter

Comtois, Barbara
Howard, Raymond
Spanos, Peter

Fisher, Robert
Lang, Timothy
Sylvia, Michael

CARROLL

Avellani, Lino
Knirk, Jerry

Chandler, Gene
Nelson, Bill

Comeau, Ed
Umberger, Karen

McCarthy, Frank
Marsh, William

CHESHIRE

Ames, Richard
Harvey, Cathryn
Hunt, John
O'Day, John
Weber, Lucy

Berch, Paul
Ley, Douglas
Mann, John
Parkhurst, Henry

Bordenet, John
Faulkner, Barry
McConnell, James
Shepardson, Marjorie

Burridge, Delmar
Fenton, Donovan
Meador, David
Pearson, William

COOS

Fothergill, John

Laflamme, Larry

Merner, Troy

Tucker, Edith

GRAFTON

Abel, Richard
Binford, David
Dontonville, Roger
Josephson, Timothy
Rand, Steven
Johnson, Tiffany

Almy, Susan
Brown, Duane
Hennessey, Erin
Maes, Kevin
Schwaegler, Vicki
White, Andrew

Bailey, Brad
Campion, Polly
Higgins, Patricia
Mulligan, Mary Jane
Smith, Suzanne

Bennett, Travis
Darrow, Stephen
Hull, Robert
Nordgren, Sharon
Sykes, George

HILLSBOROUGH

Ammon, Keith
Beaulieu, Jane
Burt, John

Griffin, Barbara
Biggie, Barbara
Byron, Frank

Backus, Robert
Bouldin, Amanda
Carr, John

Barry, Richard
Burns, Charlie
Chandley, Shannon

Christensen, Chris
 Dickey, Glen
 Fedolfi, Jim
 Griffin, Gerald
 Gould, Linda
 Herbert, Christopher
 Belanger, James
 Jack, Martin
 King, Mark
 LeBrun, Donald
 McNamara, Richard
 Newman, Sue
 Long, Patrick
 Renzullo, Andrew
 Harvey, Suzanne
 Sofikitis, Catherine
 Wolf, Terry
 Valera, John

Christie, Rick
 Donovan, Daniel
 Ferreira, Elizabeth
 Smith, Gregory
 Halstead, Carolyn
 Hinch, Richard
 Graham, John
 Judy, Jean
 Kurk, Neal
 Lewicke, John
 Murotake, David
 Notter, Jeanine
 Porter, Marjorie
 Roberts, Carol
 Scully, Kevin
 Somero, Paul
 Twombly, Timothy
 Van Houten, Connie

Cleaver, Skip
 Dyer, Caleb
 Freeman, Lisa
 Gagne, Larry
 Hansen, Peter
 Hopper, Gary
 Moore, Josh
 Rice, Kimberly
 Ober, Lynne
 Mangipudi, Latha
 Murphy, Keith
 Nutting, Allison
 Prout, Andrew
 Rosenwald, Cindy
 Seidel, Carl
 Souza, Kathleen
 Ulery, Jordan
 Zaricki, Nick

Danielson, David
 Edwards, Elizabeth
 Fromuth, Bart
 Gargas, Carolyn
 Hellwig, Steve
 Hynes, Dan
 Schmidt, Janice
 Keane, Amelia
 Lascelles, Richard
 Martin, Joelle
 Negron, Steve
 O'Leary, Richard
 Walsh, Robert
 Rouillard, Claire
 Shaw, Barbara
 Smith, Timothy
 Sullivan, Victoria

MERRIMACK

Turcotte, Alan
 Rice, Chip
 Wolf, Dan
 Henle, Paul
 MacKay, James
 Moffett, Michael
 Pearl, Howard
 Seaworth, Brian
 Walz, Mary Beth

Kuch, Bill
 Carson, Clyde
 Ebel, Karen
 Hill, Gregory
 Kenison, Linda
 Marple, Richard
 Smith, Ryan
 Shurtleff, Stephen
 Wells, Natalie

Bartlett, Christy
 Copp, Anne
 Gile, Mary
 Hoell, J.R.
 Kotowski, Frank
 McGuire, Carol
 Richards, Beth
 Walsh, Thomas
 Woolpert, David

Brewster, Michael
 Long, Douglas
 Moffett, Howard
 Horn, Werner
 Luneau, David
 Myler, Mel
 Rodd, Beth
 Wallner, Mary Jane

ROCKINGHAM

Cook, Allen
 Bates, David
 Thomas, Douglas
 Elliott, Robert
 Francese, Paula
 Green, Dennis
 Itse, Daniel
 Lundgren, David
 Matthews, Carolyn
 Morrison, Sean
 Osborne, Jason
 Read, Ellen
 Stone, Brian
 True, Chris
 Ward, Gerald

Abrami, Patrick
 Bean, Philip
 Dean-Bailey, Yvonne
 Emerick, J. Tracy
 Friel, William
 Marsh, Henry
 Janigian, John
 Griffin, Mary
 McBeath, Rebecca
 Murray, Kate
 Gordon, Pamela
 Rimol, Bob
 Sytek, John
 Verville, Kevin

Altschiller, Debra
 Berrien, Skip
 DiLorenzo, Charlotte
 Farnham, Betsey
 Gay, Betty
 Hagan, Joseph
 O'Connor, John
 Major, Norman
 McMahon, Charles
 Nasser, Jim
 Packard, Sherman
 Somssich, Peter
 Le, Tamara
 Vose, Michael

Azarian, Gary
 Costable, Michael
 Edgar, Michael
 Fesh, Robert
 Gilman, Julie
 Hoelzel, Kathleen
 Lovejoy, Patricia
 Malloy, Dennis
 Messmer, Mindi
 Nigrello, Robert
 Gordon, Richard
 Spillane, James
 Tripp, Richard
 Wallace, Scott

STRAFFORD

Berube, Roger
 Fontneau, Timothy
 Harrington, Michael
 McNally, Jody
 Pitre, Joseph
 Scruton, Matthew
 Vincent, Kenneth

Bixby, Peter
 Frost, Sherry
 Horgan, James
 Opderbecke, Linn
 Graham, Robert
 Southworth, Thomas
 Wall, Janet

Burton, Wayne
 Gourgue, Amanda
 Krans, Hamilton
 Schmidt, Peter
 Salloway, Jeffrey
 Spang, Judith
 Wuelper, Kurt

Epstein, Isaac
 Grassie, Chuck
 Turcotte, Leonard
 Phinney, Brandon
 Sandler, Catt
 Treleaven, Susan

SULLIVAN

Schmidt, Andrew
 Grenier, James

Gagnon, Raymond
 Laware, Thomas

Gauthier, Francis
 Oxenham, Lee

Gottling, Suzanne
 Tanner, Linda

NAYS - 82

BELKNAP

Fields, Dennis

Huot, David

Plumer, John

CARROLL

Buco, Thomas

Butler, Edward

McConkey, Mark

CHESHIRE

Abbott, Michael

Eaton, Daniel

Johnsen, Gladys

Tatro, Bruce

COOSJudd, Bing
Thomas, Yvonne

Moynihan, Wayne

Richardson, Herbert

Theberge, Robert

GRAFTON

Boutin, Skylar

Ladd, Rick

Massimilla, Linda

HILLSBOROUGHAyala, Jessica
Cote, David
Forest, Armand
L'Heureux, Robert
Manley, Jonathan
Ohm, Bill
Ober, RussellBaroody, Benjamin
Sullivan, Daniel
Gidge, Kenneth
Leishman, Peter
Martineau, Jesse
Pellegrino, Anthony
Williams, KermitMoore, Craig
DiSilvestro, Linda
Goley, Jeffrey
MacKay, Mariellen
O'Brien, Michael
Pierce, DavidCornell, Patricia
Elber, Joel
Heath, Mary
McCarthy, Michael
O'Neil, William
Proulx, Mark**MERRIMACK**Doherty, David
Schuett, DianneKlose, John
Soucy, Timothy

Patten, Dick

Rogers, Katherine

ROCKINGHAMAllen, Mary
Chase, Francis
Doucette, Fred
Katsakiores, Phyllis
Milz, David
Willis, BrendaBaldasaro, Alfred
Chirichiello, Brian
Dowling, Patricia
Khan, Aboul
Pantelakos, LauraCahill, Michael
Cushing, Robert Renny
Guthrie, Joseph
Kolodziej, Walter
Tilton, RioCali-Pitts, Jacqueline
DeSimone, Debra
Janvrin, Jason
Manning, John
Webb, James**STRAFFORD**Cilley, Jacalyn
Spencer, MatthewEllis, Donna
Sprague, Dale

Horrigan, Timothy

Mullen, John

SULLIVANCloutier, John
Smith, Steven

Irwin, Virginia

O'Connor, John

Rollins, Skip

and the committee report was adopted.

Reps. Patrick Long and Shaw voted Yea and intended to vote Nay.

MOTION TO INDEFINITELY POSTPONE

Rep. Lovejoy moved that **SB 242-FN-A-L**, relative to video lottery and table gaming, be Indefinitely Postponed. On a division vote, with 228 members having voted in the affirmative, and 129 in the negative, the motion was adopted.

REFERRAL DECLINED

Rep. Kurk, Chairman of the Committee on Finance, under the provisions of House Rule 46 (f), declined the referral of **SB 235-FN**, relative to Medicaid reimbursement to schools for students with medical needs.

BILL REMOVED FROM THE CONSENT CALENDAR

SB 247-FN-A, preventing childhood lead poisoning from paint and water and making an appropriation to a special fund. **OUGHT TO PASS.**

Rep. Martin Bove for Health, Human Services and Elderly Affairs. This bill deals with a serious public health issue, and it represents a balance which stakeholders from all sides of the issue have agreed upon. It is a movement forward to solving lead elevations in children and NH's housing stock. It is important to keep the bill as amended by the Senate. Vote 19-1.

MOTION TO LAY ON THE TABLE

Rep. Verville moved that **SB 247-FN-A**, preventing childhood lead poisoning from paint and water and making an appropriation to a special fund, be laid on the table.

Rep. White requested a roll call; sufficiently seconded.

YEAS 128 - NAYS 225**YEAS - 128****BELKNAP**Abear, Marc
Flanders, Donald
Silber, Norman
Varney, PeterAldrich, Glen
Fraser, Valerie
Spanos, PeterComtois, Barbara
Howard, Raymond
Sylvia, MichaelFisher, Robert
Maloney, Michael
Vadney, Herbert

CARROLL

Avellani, Lino

Comeau, Ed

McCarthy, Frank

CHESHIRE

Johnsen, Gladys

COOS

Judd, Bing

Merner, Troy

GRAFTONBinford, David
Johnson, Tiffany

Brown, Duane

Darrow, Stephen

Hull, Robert

HILLSBOROUGHAmmon, Keith
Burt, John
Dickey, Glen
Ferreira, Elizabeth
Smith, Gregory
Hellwig, Steve
Moore, Josh
Lewicke, John
Notter, Jeanine
Renzullo, Andrew
Somero, Paul
Sullivan, VictoriaGriffin, Barbara
Moore, Craig
Donovan, Daniel
Freeman, Lisa
Gould, Linda
Hopper, Gary
Rice, Kimberly
Murotake, David
Pellegrino, Anthony
Rouillard, Claire
Souza, Kathleen
Valera, JohnBeaulieu, Jane
Christie, Rick
Dyer, Caleb
Fromuth, Bart
Halstead, Carolyn
Hynes, Dan
Kurk, Neal
Murphy, Keith
Proulx, Mark
Scully, Kevin
Twombly, Timothy
Zaricki, NickBiggie, Barbara
Danielson, David
Fedolfi, Jim
Griffin, Gerald
Hansen, Peter
Belanger, James
Ober, Lynne
Negron, Steve
Prout, Andrew
Seidel, Carl
Ulery, Jordan**MERRIMACK**Turcotte, Alan
Wolf, Dan
Klose, John
Pearl, HowardKuch, Bill
Hill, Gregory
Moffett, Michael
Smith, RyanBrewster, Michael
Hoell, J.R.
Marple, Richard
Seaworth, BrianLong, Douglas
Horn, Werner
McGuire, Carol
Wells, Natalie**ROCKINGHAM**Cook, Allen
Bates, David
Costable, Michael
Green, Dennis
Janigian, John
Griffin, Mary
Rimol, Bob
Verville, KevinAllen, Mary
Bean, Philip
Thomas, Douglas
Marsh, Henry
Katsakiores, Phyllis
Manning, John
Spillane, James
Vose, MichaelAzarian, Gary
Chase, Francis
Dowling, Patricia
Hagan, Joseph
Kolodziej, Walter
Pantelakos, Laura
Tripp, Richard
Wallace, ScottBaldasaro, Alfred
Chirichiello, Brian
Gay, Betty
Itse, Daniel
Lundgren, David
Gordon, Richard
True, Chris
Webb, James**STRAFFORD**Harrington, Michael
Pitre, JosephTurcotte, Leonard
Graham, RobertMullen, John
Sprague, DalePhinney, Brandon
Wuelper, Kurt**SULLIVAN**

Rollins, Skip

NAYS - 225**BELKNAP**

Fields, Dennis

Huot, David

Lang, Timothy

Plumer, John

CARROLLBuco, Thomas
McConkey, MarkButler, Edward
Nelson, BillChandler, Gene
Umberger, KarenKnirk, Jerry
Marsh, William**CHESHIRE**Abbott, Michael
Burridge, Delmar
Faulkner, Barry
McConnell, James
Shepardson, MarjorieAmes, Richard
Harvey, Cathryn
Fenton, Donovan
Meador, David
Tatro, BruceBerch, Paul
Ley, Douglas
Hunt, John
O'Day, John
Pearson, WilliamBordenet, John
Eaton, Daniel
Mann, John
Parkhurst, Henry
Weber, Lucy**COOS**Fothergill, John
Theberge, RobertLaflamme, Larry
Tucker, EdithMoynihan, Wayne
Thomas, Yvonne

Richardson, Herbert

GRAFTON

Abel, Richard
Boutin, Skylar
Higgins, Patricia
Massimilla, Linda
Schwaegler, Vicki

Almy, Susan
Campion, Polly
Josephson, Timothy
Mulligan, Mary Jane
Smith, Suzanne

Bailey, Brad
Dontonville, Roger
Ladd, Rick
Nordgren, Sharon
Sykes, George

Bennett, Travis
Hennessey, Erin
Maes, Kevin
Rand, Steven
White, Andrew

HILLSBOROUGH

Ayala, Jessica
Bouldin, Amanda
Chandley, Shannon
Cote, David
Forest, Armand
Goley, Jeffrey
Graham, John
Keane, Amelia
LeBrun, Donald
Mangipudi, Latha
McNamara, Richard
O'Leary, Richard
Pierce, David
Rosenwald, Cindy
Smith, Timothy

Backus, Robert
Burns, Charlie
Christensen, Chris
Sullivan, Daniel
Gagne, Larry
Heath, Mary
Schmidt, Janice
King, Mark
Leishman, Peter
Manley, Jonathan
Newman, Sue
O'Neil, William
Porter, Marjorie
Harvey, Suzanne
Wolf, Terry

Baroody, Benjamin
Byron, Frank
Cleaver, Skip
DiSilvestro, Linda
Gargas, Carolyn
Herbert, Christopher
Jack, Martin
L'Heureux, Robert
MacKay, Mariellen
Martin, Joelle
Nutting, Allison
Ohm, Bill
Walsh, Robert
Shaw, Barbara
Van Houten, Connie

Barry, Richard
Carr, John
Cornell, Patricia
Elber, Joel
Gidge, Kenneth
Hinch, Richard
Judy, Jean
Lascelles, Richard
McCarthy, Michael
Martineau, Jesse
O'Brien, Michael
Long, Patrick
Roberts, Carol
Sofikitis, Catherine
Williams, Kermit

MERRIMACK

Bartlett, Christy
Doherty, David
Henle, Paul
Luneau, David
Rodd, Beth
Soucy, Timothy
Woolpert, David

Rice, Chip
Ebel, Karen
MacKay, James
Myler, Mel
Rogers, Katherine
Walsh, Thomas

Carson, Clyde
Gile, Mary
Kenison, Linda
Patten, Dick
Schuett, Dianne
Wallner, Mary Jane

Copp, Anne
Moffett, Howard
Kotowski, Frank
Richards, Beth
Shurtleff, Stephen
Walz, Mary Beth

ROCKINGHAM

Abrami, Patrick
Cali-Pitts, Jacqueline
Doucette, Fred
Farnham, Betsey
Gilman, Julie
O'Connor, John
Malloy, Dennis
Messmer, Mindi
Nigrello, Robert
Read, Ellen
Le, Tamara

Altschiller, Debra
Cushing, Robert Renny
Edgar, Michael
Fesh, Robert
Guthrie, Joseph
Khan, Aboul
Matthews, Carolyn
Milz, David
Gordon, Pamela
Somssich, Peter
Ward, Gerald

Berrien, Skip
DeSimone, Debra
Elliott, Robert
Francesca, Paula
Hoelzel, Kathleen
Lovejoy, Patricia
McBeath, Rebecca
Murray, Kate
Packard, Sherman
Stone, Brian
Willis, Brenda

Cahill, Michael
DiLorenzo, Charlotte
Emerick, J. Tracy
Friel, William
Janvrin, Jason
Major, Norman
McMahon, Charles
Nasser, Jim
Tilton, Rio
Sytek, John

STRAFFORD

Berube, Roger
Ellis, Donna
Gourgue, Amanda
Keans, Sandra
Schmidt, Peter
Southworth, Thomas
Vincent, Kenneth

Bixby, Peter
Epstein, Isaac
Grassie, Chuck
Krans, Hamilton
Salloway, Jeffrey
Spang, Judith
Wall, Janet

Burton, Wayne
Fontneau, Timothy
Horgan, James
McNally, Jody
Sandler, Catt
Spencer, Matthew

Cilley, Jacalyn
Frost, Sherry
Horrigan, Timothy
Opderbecke, Linn
Scruton, Matthew
Treleaven, Susan

SULLIVAN

Schmidt, Andrew
Gottling, Suzanne
Laware, Thomas

Cloutier, John
Grenier, James
Oxenham, Lee

Gagnon, Raymond
Irwin, Virginia
Smith, Steven

Gauthier, Francis
O'Connor, John
Tanner, Linda

and the motion failed.

The question being adoption of the committee report of Ought to Pass.
Rep. John Graham offered floor amendment (1628h).

Floor Amendment (1628h)

Amend RSA 130-A:5-c, I as inserted by section 4 of the bill by replacing it with the following:

I. All parents or legal guardians shall have their children who are residing in this state tested for blood lead level at the ages of one and 2. Effective July 1, 2019, no child 6 years old or younger shall be admitted or enrolled in any school or child day care agency, as defined in RSA 170-E:2, IV, public or private, unless it is demonstrated that such child has been tested for blood lead level at the ages of one and 2 or, should it

not be possible to demonstrate testing at these ages, testing on at least one occasion prior to admission or enrollment shall be performed. Notwithstanding the foregoing, parents shall be provided a period of 30 days following admission or enrollment to obtain a blood lead level test or documentation of an appointment within 30 days or to obtain and provide proof of testing.

Rep. John Graham spoke in favor.

Floor amendment (1628h) adopted.

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

Rep. Prout offered floor amendment (1611h).

Floor Amendment (1611h)

Amend the bill by replacing section 3 with the following:

3 Lead Paint Poisoning Prevention and Control, Testing for Blood Levels. Amend RSA 130-A:5-a to read as follows:

130-A:5-a Health Care Providers; Not Liable. All health care providers who provide primary medical care shall ensure that parents and guardians of children 6 years of age or younger are advised of the availability and advisability of screening and testing their children for lead ***at the ages of one and 2, or if the child is older than 2 years and it is not known to the provider that testing was previously performed, then at least once before 6 years of age*** in accordance with this chapter. A health care provider shall not be liable for not performing a screening or confirmation test for blood lead level when a parent or guardian has been informed of the availability and advisability of screening and has refused to consent or has failed to follow through in response to a referral for a screening or confirmation test. ***Nothing in this section shall prevent a health care provider from recommending blood testing for children younger than one year or older than 2 years should circumstances, including potential lead hazard exposures, warrant such testing.***

Amend the bill by deleting section 4 and renumbering the original sections 5-24 to read as 4-23, respectively.

Amend the bill by replacing all after section 19 with the following:

20 Effective Date.

I. Sections 8, 9, 10, and 12 shall take effect October 1, 2017 at 12:03 a.m.

II. Sections 11 and 13 shall take effect January 1, 2021 at 12:02 a.m.

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

2017-1611h

AMENDED ANALYSIS

This bill makes various changes in the laws regarding lead. Some of the changes are as follows:

I. Changes the blood levels for parental notification and property owners relative to blood lead levels in children.

II. Requires health care providers to advise parents and guardians of testing for blood lead levels in children at the ages of one and 2.

III. Establishes a remediation of lead in water and rental housing fund and makes an appropriation for the purposes of the fund.

IV. Requires insurance coverage for blood lead level testing.

V. Requires certain notification regarding lead for the purchase and sale of certain real estate.

VI. Requires testing for lead in drinking water in child care facilities and schools.

Reps. Prout and Murphy spoke in favor and yielded to questions.

Rep. Kotowski spoke against.

Rep. James MacKay requested a roll call; sufficiently seconded.

YEAS 112 - NAYS 238

YEAS - 112

BELKNAP

Abear, Marc
Flanders, Donald
Maloney, Michael
Varney, Peter

Aldrich, Glen
Fraser, Valerie
Spanos, Peter

Comtois, Barbara
Howard, Raymond
Sylvia, Michael

Fisher, Robert
Lang, Timothy
Vadney, Herbert

CARROLL

Avellani, Lino

Comeau, Ed

McCarthy, Frank

CHESHIRE

O'Day, John

GRAFTON

Binford, David
Johnson, Tiffany

Boutin, Skylar

Brown, Duane

Hull, Robert

HILLSBOROUGH

Ammon, Keith
Christie, Rick
Ferreira, Elizabeth
Smith, Gregory
Hellwig, Steve
Moore, Josh
Lewicke, John
Notter, Jeanine
Rouillard, Claire
Souza, Kathleen
Valera, John

Griffin, Barbara
Dickey, Glen
Freeman, Lisa
Gould, Linda
Hopper, Gary
Kurk, Neal
Murotake, David
Prout, Andrew
Scully, Kevin
Twombly, Timothy
Zaricki, Nick

Burt, John
Dyer, Caleb
Fromuth, Bart
Halstead, Carolyn
Hynes, Dan
Ober, Lynne
Murphy, Keith
Ober, Russell
Seidel, Carl
Ulery, Jordan

Moore, Craig
Fedolff, Jim
Griffin, Gerald
Hansen, Peter
Belanger, James
Lascelles, Richard
Negron, Steve
Renzullo, Andrew
Somero, Paul
Sullivan, Victoria

MERRIMACK

Turcotte, Alan
Long, Douglas
Horn, Werner
Pearl, Howard

Kuch, Bill
Wolf, Dan
Moffett, Michael
Smith, Ryan

Brewster, Michael
Hill, Gregory
Marple, Richard
Seaworth, Brian

Copp, Anne
Hoell, J.R.
McGuire, Carol
Wells, Natalie

ROCKINGHAM

Cook, Allen
Bean, Philip
Dowling, Patricia
Itse, Daniel
Gordon, Richard
Verville, Kevin
Willis, Brenda

Allen, Mary
Chirichiello, Brian
Gay, Betty
Katsakiores, Phyllis
Spillane, James
Vose, Michael

Baldasaro, Alfred
Costable, Michael
Green, Dennis
Kolodziej, Walter
Tripp, Richard
Wallace, Scott

Bates, David
Thomas, Douglas
Hagan, Joseph
Osborne, Jason
True, Chris
Webb, James

STRAFFORD

Harrington, Michael
Graham, Robert

Turcotte, Leonard
Wuelper, Kurt

Phinney, Brandon

Pitre, Joseph

SULLIVAN**NAYS - 238****BELKNAP**

Fields, Dennis

Huot, David

Plumer, John

Silber, Norman

CARROLL

Buco, Thomas
McConkey, Mark

Butler, Edward
Nelson, Bill

Chandler, Gene
Umberger, Karen

Knirk, Jerry
Marsh, William

CHESHIRE

Abbott, Michael
Burridge, Delmar
Faulkner, Barry
McConnell, James
Tatro, Bruce

Ames, Richard
Harvey, Cathryn
Fenton, Donovan
Meader, David
Pearson, William

Berch, Paul
Ley, Douglas
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Bordenet, John
Eaton, Daniel
Mann, John
Shepardson, Marjorie

COOS

Fothergill, John
Merner, Troy
Tucker, Edith

Hatch, William
Moynihan, Wayne
Thomas, Yvonne

Judd, Bing
Richardson, Herbert

Laflamme, Larry
Theberge, Robert

GRAFTON

Abel, Richard
Campion, Polly
Higgins, Patricia
Massimilla, Linda
Smith, Suzanne

Almy, Susan
Darrow, Stephen
Josephson, Timothy
Mulligan, Mary Jane
Sykes, George

Bailey, Brad
Dontonville, Roger
Ladd, Rick
Nordgren, Sharon
White, Andrew

Bennett, Travis
Hennessey, Erin
Maes, Kevin
Schwaegler, Vicki

HILLSBOROUGH

Ayala, Jessica
Beaulieu, Jane
Byron, Frank
Cleaver, Skip
Danielson, David
Forest, Armand
Goley, Jeffrey
Graham, John
Rice, Kimberly
LeBrun, Donald
Mangipudi, Latha

Backus, Robert
Biggie, Barbara
Carr, John
Cornell, Patricia
DiSilvestro, Linda
Gagne, Larry
Heath, Mary
Schmidt, Janice
Keane, Amelia
Leishman, Peter
Manley, Jonathan

Baroody, Benjamin
Bouldin, Amanda
Chandley, Shannon
Cote, David
Donovan, Daniel
Gargas, Carolyn
Herbert, Christopher
Jack, Martin
King, Mark
MacKay, Mariellen
Martin, Joelle

Barry, Richard
Burns, Charlie
Christensen, Chris
Sullivan, Daniel
Elber, Joel
Gidge, Kenneth
Hinch, Richard
Jeudy, Jean
L'Heureux, Robert
McCarthy, Michael
Martineau, Jesse

McNamara, Richard
O'Leary, Richard
Pellegrino, Anthony
Walsh, Robert
Sofikitis, Catherine
Williams, Kermit

Newman, Sue
O'Neil, William
Pierce, David
Roberts, Carol
Smith, Timothy

Nutting, Allison
Ohm, Bill
Porter, Marjorie
Rosenwald, Cindy
Wolf, Terry

O'Brien, Michael
Long, Patrick
Proulx, Mark
Harvey, Suzanne
Van Houten, Connie

MERRIMACK

Bartlett, Christy
Ebel, Karen
MacKay, James
Luneau, David
Rodd, Beth
Soucy, Timothy
Woolpert, David

Rice, Chip
Gile, Mary
Kenison, Linda
Myler, Mel
Rogers, Katherine
Walsh, Thomas

Carson, Clyde
Moffett, Howard
Klose, John
Patten, Dick
Schuett, Dianne
Wallner, Mary Jane

Doherty, David
Henle, Paul
Kotowski, Frank
Richards, Beth
Shurtleff, Stephen
Walz, Mary Beth

ROCKINGHAM

Abrami, Patrick
Cahill, Michael
DeSimone, Debra
Elliott, Robert
Francese, Paula
Marsh, Henry
O'Connor, John
Major, Norman
McMahon, Charles
Murray, Kate
Packard, Sherman
Rimol, Bob
Le, Tamara

Altschiller, Debra
Cali-Pitts, Jacqueline
DiLorenzo, Charlotte
Emerick, J. Tracy
Friel, William
Hoelzel, Kathleen
Khan, Aboul
Malloy, Dennis
Messmer, Mindi
Nasser, Jim
Pantelakos, Laura
Somssich, Peter
Ward, Gerald

Azarian, Gary
Chase, Francis
Doucette, Fred
Farnham, Betsey
Gilman, Julie
Janigian, John
Lovejoy, Patricia
Matthews, Carolyn
Milz, David
Nigrello, Robert
Tilton, Rio
Stone, Brian

Berrien, Skip
Cushing, Robert Renny
Edgar, Michael
Fesh, Robert
Guthrie, Joseph
Janvrin, Jason
Griffin, Mary
McBeath, Rebecca
Morrison, Sean
Gordon, Pamela
Read, Ellen
Sytek, John

STRAFFORD

Berube, Roger
Ellis, Donna
Gourgue, Amanda
Keans, Sandra
Opderbecke, Linn
Scruton, Matthew
Treleaven, Susan

Bixby, Peter
Epstein, Isaac
Grassie, Chuck
Krans, Hamilton
Schmidt, Peter
Spang, Judith
Vincent, Kenneth

Burton, Wayne
Fontneau, Timothy
Horgan, James
McNally, Jody
Salloway, Jeffrey
Spencer, Matthew
Wall, Janet

Cilley, Jacalyn
Frost, Sherry
Horriggan, Timothy
Mullen, John
Sandler, Catt
Sprague, Dale

SULLIVAN

Schmidt, Andrew
Grenier, James
Oxenham, Lee

Cloutier, John
Irwin, Virginia
Smith, Steven

Gauthier, Francis
O'Connor, John
Tanner, Linda

Gottling, Suzanne
Laware, Thomas

and floor amendment (1611h) failed.

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

Rep. William Marsh spoke in favor and yielded to questions.

Rep. Spillane spoke against.

Rep. Kotowski spoke in favor.

Rep. Ammon requested a roll call; sufficiently seconded.

YEAS 233 - NAYS 109

YEAS - 233

BELKNAP

Fields, Dennis

Flanders, Donald

Huot, David

CARROLL

Buco, Thomas
McConkey, Mark

Butler, Edward
Nelson, Bill

Chandler, Gene
Umberger, Karen

Knirk, Jerry
Marsh, William

CHESHIRE

Abbott, Michael
Burridge, Delmar
Faulkner, Barry
McConnell, James
Tatro, Bruce

Ames, Richard
Harvey, Cathryn
Fenton, Donovan
Meador, David
Pearson, William

Berch, Paul
Ley, Douglas
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Bordenet, John
Eaton, Daniel
Mann, John
Shepardson, Marjorie

COOS

Fothergill, John
Moynihan, Wayne
Thomas, Yvonne

Hatch, William
Richardson, Herbert

Laflamme, Larry
Theberge, Robert

Merner, Troy
Tucker, Edith

GRAFTON

Abel, Richard
Campion, Polly
Higgins, Patricia
Massimilla, Linda
Smith, Suzanne

Almy, Susan
Darrow, Stephen
Josephson, Timothy
Mulligan, Mary Jane
Sykes, George

Bailey, Brad
Dontonville, Roger
Ladd, Rick
Nordgren, Sharon
White, Andrew

Bennett, Travis
Hennessey, Erin
Maes, Kevin
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Ohm, Bill
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Wolf, Terry

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Burns, Charlie
Christensen, Chris
Sullivan, Daniel
Elber, Joel
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Martineau, Jesse
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Woolpert, David

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Walsh, Thomas

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Khan, Aboul
Malloy, Dennis
Messmer, Mindi
Nasser, Jim
Pantelakos, Laura
Somssich, Peter
Ward, Gerald

Altschiller, Debra
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DiLorenzo, Charlotte
Emerick, J. Tracy
Gilman, Julie
Janigian, John
Lovejoy, Patricia
Matthews, Carolyn
Milz, David
Nigrello, Robert
Tilton, Rio
Stone, Brian
Willis, Brenda

Azarian, Gary
Chase, Francis
Doucette, Fred
Farnham, Betsey
Guthrie, Joseph
Janvrin, Jason
Griffin, Mary
McBeath, Rebecca
Morrison, Sean
Gordon, Pamela
Read, Ellen
Sytek, John

Berrien, Skip
Cushing, Robert Renny
Edgar, Michael
Fesh, Robert
Hagan, Joseph
O'Connor, John
Major, Norman
McMahon, Charles
Murray, Kate
Packard, Sherman
Rimol, Bob
Le, Tamara

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Ellis, Donna
Gourgue, Amanda
Keans, Sandra
Opderbecke, Linn
Spang, Judith
Wall, Janet

Bixby, Peter
Epstein, Isaac
Grassie, Chuck
Krans, Hamilton
Schmidt, Peter
Spencer, Matthew

Burton, Wayne
Fontneau, Timothy
Horgan, James
McNally, Jody
Salloway, Jeffrey
Sprague, Dale

Cilley, Jacalyn
Frost, Sherry
Horrigan, Timothy
Mullen, John
Scruton, Matthew
Treleaven, Susan

SULLIVAN

Schmidt, Andrew
Grenier, James
Smith, Steven

Cloutier, John
Irwin, Virginia
Tanner, Linda

Gauthier, Francis
O'Connor, John

Gottling, Suzanne
Oxenham, Lee

NAYS - 109**BELKNAP**

Abear, Marc
Fraser, Valerie
Plumer, John
Vadney, Herbert

Aldrich, Glen
Howard, Raymond
Silber, Norman
Varney, Peter

Comtois, Barbara
Lang, Timothy
Spanos, Peter

Fisher, Robert
Maloney, Michael
Sylvia, Michael

CARROLL

Avellani, Lino

Comeau, Ed

McCarthy, Frank

CHESHIRE

O'Day, John

GRAFTON

Binford, David

Brown, Duane

Hull, Robert

Johnson, Tiffany

HILLSBOROUGH

Ammon, Keith
Christie, Rick
Ferreira, Elizabeth
Smith, Gregory
Hellwig, Steve
Moore, Josh
Murphy, Keith
Ober, Russell
Somero, Paul
Zaricki, Nick

Griffin, Barbara
Dickey, Glen
Freeman, Lisa
Gould, Linda
Hopper, Gary
Ober, Lynne
Negron, Steve
Renzullo, Andrew
Souza, Kathleen

Burt, John
Dyer, Caleb
Fromuth, Bart
Halstead, Carolyn
Hynes, Dan
Lewicke, John
Notter, Jeanine
Rouillard, Claire
Sullivan, Victoria

Moore, Craig
Fedolfi, Jim
Griffin, Gerald
Hansen, Peter
Belanger, James
Murotake, David
Prout, Andrew
Scully, Kevin
Valera, John

MERRIMACK

Turcotte, Alan
Long, Douglas
Horn, Werner
Pearl, Howard

Kuch, Bill
Wolf, Dan
Moffett, Michael
Smith, Ryan

Brewster, Michael
Hill, Gregory
Marple, Richard
Seaworth, Brian

Copp, Anne
Hoell, J.R.
McGuire, Carol
Wells, Natalie

ROCKINGHAM

Cook, Allen
Bean, Philip
Dowling, Patricia
Itse, Daniel
Gordon, Richard
Verville, Kevin

Allen, Mary
Chirichiello, Brian
Friel, William
Katsakiores, Phyllis
Spillane, James
Vose, Michael

Baldasaro, Alfred
Costable, Michael
Gay, Betty
Kolodziej, Walter
Tripp, Richard
Wallace, Scott

Bates, David
Thomas, Douglas
Marsh, Henry
Osborne, Jason
True, Chris
Webb, James

STRAFFORD

Harrington, Michael
Graham, Robert

Turcotte, Leonard
Sandler, Catt

Phinney, Brandon
Vincent, Kenneth

Pitre, Joseph
Wuelper, Kurt

SULLIVAN

Laware, Thomas

Rollins, Skip

and the committee report was adopted and referred to the Committee on Finance.
Rep. Rand declared a conflict of interest and did not participate.

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 at the Call of the Chair.

LATE SESSION**Third Reading and Final Passage**

SB 16, reauthorizing the commission to study apportionment of gross business profits under RSA 77-A and the committee to study the process by which business names are authorized by the secretary of state.

SB 45, requiring a course in civics for high school graduation.

SB 104, relative to career and technical education.

SB 21, relative to licensure and continuing education of architects.

SB 140, relative to the independent investment committee in the New Hampshire retirement system.

SB 53, relative to regulation of appraisal management companies by the real estate appraiser board.

SB 161, establishing a commission to evaluate the direct care workforce and preparedness of long-term care and support services for aging adults with dementia or other cognitive brain injuries.

SB 234-FN, relative to hypodermic syringes and needles containing residual amounts of controlled drugs and authorizing the operation of syringe service programs in New Hampshire.

SB 80, relative to implementation of the all veterans' tax credit, and relative to applications for recovery from the FRM victims' contribution recovery fund.

SB 65, relative to vaccines administered by pharmacists.

SB 9, relative to the admissibility of proffered evidence in sexual assault cases.

SB 230-FN, establishing the Uniform Power of Attorney Act.

SB 190-FN, repealing the sunset provision on the first responder's critical injury benefit fund.

SB 235-FN, relative to Medicaid reimbursement to schools for students with medical needs.

UNANIMOUS CONSENT

Rep. Altschiller requested Unanimous Consent of the House regarding decorum for the House.
Rep. Howard Moffett requested Unanimous Consent of the House regarding a day without coal.

RECESS MOTION

Rep. Hoelzel moved that the House stand in recess for the purposes of the introduction of bills, receiving Senate messages, enrolled bill amendments, enrolled bill reports and forming Committees of Conference.
Motion adopted.

The House recessed at 3:30 p.m.

RECESS

(Speaker Jasper in the Chair)

ENROLLED BILL AMENDMENTS

SB 65, relative to vaccines administered by pharmacists. (Amendment printed SJ 4/27/17)
Motion adopted.

SB 104, relative to career and technical education. (Amendment printed SJ 4/27/17)
Motion adopted.

RECESS

(Rep. Hinch in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 157, 166, 288, 290, 430, 475, 545, 595 and 624 and Senate Bills numbered 17, 20, 31, 51, 58, 125, 148, 167 and 200.

Rep. Hinch, Sen. Avard for the Committee

SENATE MESSAGES**CONCURRENCE**

HB 98-FN, relative to brewpub licenses.

HB 99, relative to beverage containers.

HB 100, relative to the definition and use of toy smoke devices.

HB 310, relative to insurance group-wide supervision and relative to supervisory college confidentiality.

HB 323, relative to standards for revaluations established by the assessing standards board.

HB 330-FN, relative to form and rate filing fees.

HB 373, relative to rulemaking on forms for allied health professionals and relative to information on court cases concerning the validity of administrative rules.

HB 380-FN, relative to the oil discharge and disposal cleanup fund.

HB 457-FN, relative to consumer credit division entities.

HB 473, relative to the sale of gift certificates.

HB 600-FN, relative to requirements for certain alcoholic beverage licenses.

RECESS**NONCONCURRENCE**

HB 97-FN, relative to the use of drones.

HB 133, relative to a jury's determination as to the applicability of law.

HB 136, clarifying the equity jurisdiction of the judicial branch family division.

HB 171, prohibiting the state or its political subdivisions from assisting a federal agency in the collection of electronic data without a warrant.

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

HB 209, relative to the adoption of Atlantic standard time.

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

HB 250, establishing a committee to consider revisions to the New Hampshire health insurance laws.

HB 461, relative to the acceptance of grants by Carroll county.

HB 524, relative to the definition of "emergency" for purposes of a quorum under the right-to-know law.

SENATE MESSAGES**REREFERRED TO COMMITTEE**

HB 79-FN, relative to New Hampshire products purchased and sold by the liquor commission.

HB 151, relative to industrial hemp as a controlled substance.

HB 472, permitting qualifying patients to cultivate cannabis for their own therapeutic use.

HB 549-FN, relative to beverage vendor fees.

HB 561-FN, relative to contributions by retirement system employers for certain full-time positions changed to part-time or interim employment and relative to enforcement of provisions concerning retired members working part-time after retirement.

HB 614-FN, relative to forfeiture of personal property.

CONCURRENCE WITH AMENDMENTS

SB 16, reauthorizing the commission to study apportionment of gross business profits under RSA 77-A and the committee to study the process by which business names are authorized by the secretary of state.

SB 45, requiring a course in civics for high school graduation.

SB 61, relative to medical records of a deceased spouse or next of kin.

SB 161, establishing a commission to evaluate the direct care workforce and preparedness of long-term care and support services for aging adults with dementia or other cognitive brain injuries.

SB 166, relative to termination of the parent-child relationship in cases of sexual assault.

SB 230-FN, establishing the Uniform Power of Attorney Act.

SB 234-FN, relative to hypodermic syringes and needles containing residual amounts of controlled drugs and authorizing the operation of syringe service programs in New Hampshire.

COMMITTEE ASSIGNMENTS

The Speaker made the following changes to committee assignments:

Rep. Schuett on the Committee on Legislative Administration in addition to her assignment on the Committee on Executive Departments and Administration.

Rep. Stallcop off the Committee on Legislative Administration.

Rep. Merner on the Committee on Science, Technology and Energy in addition to his assignment on the Committee on Labor, Industrial and Rehabilitative Services.

RECESS

(Rep. Eaton in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 154, 178, 220, 251, 355, 362 and 458 and Senate Bills numbered 9, 21, 53, 80 and 190.

Rep. Hinch, Sen. Avaré for the Committee

COMMITTEE ASSIGNMENTS

The Speaker made the following changes to committee assignments:

Rep. Theberge on the Committee on Finance as a second committee to Ways and Means.

RECESS