



State of
New Hampshire

HOUSE RECORD

Second Year of the 165th General Court Calendar and Journal of the 2018 Session

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Vol. 40

Concord, N.H.

Tuesday, January 9, 2018

No. 2

HOUSE JOURNAL No. 1 (Cont'd)

Wednesday, January 3, 2018

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

HOUSE JOURNAL NO. 2

Tuesday, January 9, 2018

The House assembled at 9:00 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. Faithful God. You accompany us on our individual life journeys; You inspire us when our minds are too crowded to think straight; You delight us when our hearts are heavy; You empower us when we are feeling drained and weak; and You protect us when our defenses fail us. We thank You that You are with us as we work with one another, as we learn to appreciate perspectives that differ from our own, and to respect those who may oppose our views. We thank You that You have created us to live in community, to celebrate the things we accomplish together, and to support one another when we struggle with pain and loss. We remember today our friend and colleague Chip, and Gladys' husband Mel, as You receive them into Your everlasting arms. Comfort all who grieve, and remind us anew of Your faithful presence, Your healing Spirit, and Your abiding love. Amen.

Rep. Burrige, member from Keene, led the Pledge of Allegiance.

Representative Neal Kurk, member from Weare, led the singing of the National Anthem.

LEAVES OF ABSENCE

Reps. Cote, DeSimone, Dontonville, Dowling, Gottling, Robert Graham, Hull, Kenison, James MacKay, Major, Sofikitis, Sprague, Tripp, Varney, Weber and Robert Walsh, the day, illness.

Reps. Butler, Chase, Halstead, Hellwig, Khan, Ohm, Spillane, Valera, Verville, Dan Wolf and Woolpert, the day, important business.

Rep. Theberge, the day, illness in the family.

INTRODUCTION OF GUESTS

Joseph Friel, and Kyle Duffy, students at Timberlane High School in Plaistow, Pages for the day.

Carrie Rubin, Daughter of Rep. Gladys Johnsen. Andrew and Sophia Bouldin, Husband and Daughter of Rep. Bouldin. Omar Hajajra, guest of Reps. Higgins and Brian Sullivan. Rick Naya and Heather Marie Brown, guests of Rep. Aldrich. Denise Preston, guest of Rep. Hinch.

HOUSE RESOLUTION #23

Memorializing State Representative Harold L. "Chip" Rice of Concord

WHEREAS, we have learned with profound sorrow of the death of our friend and colleague Harold L. "Chip" Rice, who was serving his seventh term as a State Representative representing the citizens of Merrimack County District 27, the city of Concord; and

WHEREAS, beyond his service to the House of Representatives, Chip Rice exemplified the notion of service, serving as a member of the United States Navy from 1963 to 1967, serving as a delegate to the 1974 Constitutional Convention, serving as a member of the New Hampshire Senate, and as a member of the well-known service organization, Rotary International; and

WHEREAS, a member of the Labor, Industrial and Rehabilitation Services Committee since he returned to the House after a 30 year break, Chip's past and current Chairmen recounted his gentlemanly nature in committee, his friendship with members, irrespective of party, and his willingness to share candy; and

WHEREAS, a man about town, Chip Rice was known as one of the quintessential, unofficial mayors of Concord, often stopping people on the street or in the bank teller line for conversations and a good story; and

WHEREAS, beyond his civic engagement, Chip Rice made a career of standing up for those who had no voice, sometimes literally as he'd advocate for refugees who couldn't speak the language, he worked for our most vulnerable citizens with disabilities and as the director of Rockingham Community Action Program; now, therefore, be it **RESOLVED**, by the House of Representatives in Regular Session convened, Harold "Chip" Rice be granted the highest praise and accolades and our profound thanks for his service to his country, the state, and the town he called home for many years, and, be it further

RESOLVED, that expressions of our most heartfelt sympathy be extended to his family and that a suitable copy of this Resolution be prepared for presentation to them.

Offered by the House of Representatives.

Adopted unanimously.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of the member from Concord, the Honorable Harold "Chip" Rice.

INTRODUCTION OF SPECIAL GUESTS

Ann Rice, wife, and family of the Honorable Harold "Chip" Rice of Concord.

PRESENTATION OF AWARD

Rep. Patten presented the National Grange Public Service Award to House Clerk, Paul C. Smith.

REGULAR CALENDAR

SPECIAL ORDER

HB 287, establishing a committee to study decriminalizing sex work. **OUGHT TO PASS WITH AMENDMENT.** Rep. Robert Renny Cushing for Criminal Justice and Public Safety. This bill, as amended, establishes a committee to study issues related to changing prostitution laws in New Hampshire. The duties of the committee include: determining the scope of the issue in the state; the mental and physical health and well-being of those involved; the experiences of law enforcement and individuals involved; the availability of services to individuals; the impacts of arrest, conviction and incarceration on individuals and the cost to law enforcement. The majority of the committee believes that further study is important to understanding this issue. Vote 14-6.

Amendment (2524h)

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

AN ACT establishing a committee to study issues related to changing prostitution laws in New Hampshire.

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

1 Committee Established. There is established a committee to study issues related to changing prostitution laws in New Hampshire.

2 Membership and Compensation.

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

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

(b) Two members of the senate, appointed by the president of the senate.

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

3 Duties.

I. The committee shall study:

(a) The scope and scale of engagement in the sex trade in New Hampshire.

(b) The mental and physical health and well-being of those engaged in the sex trade in New Hampshire.

(c) The experiences of law enforcement personnel with individuals engaged in the sex trade in New Hampshire.

(d) The experiences of individuals engaged in the sex trade in New Hampshire with law enforcement personnel.

(e) The needs of individuals engaged in the sex trade in New Hampshire and the availability of services in this state to meet those needs.

(f) The impacts of arrest, conviction, and incarceration on individuals who have been arrested on prostitution offenses.

(g) The costs to state and local law enforcement and corrections budgets of arresting, prosecuting, and incarcerating individuals for prostitution offenses.

(h) The potential costs and benefits of partial or full decriminalization of prostitution, including possible effects on rates of sex trafficking.

II. The committee may solicit advice and testimony from any interested party, including but not limited to:

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

(b) The commissioner of the department of safety, or designee.

(c) The New Hampshire Association of Chiefs of Police.

(d) The New Hampshire Coalition Against Domestic and Sexual Violence.

(e) The New Hampshire Harm Reduction Coalition

(f) Amnesty International.

(g) Child and Family Services.

(h) New Hampshire Legal Assistance.

(i) The Sex Workers Outreach Project.

(j) The American Civil Liberties Union.

(k) The Southern New Hampshire HIV/AIDS Task Force.

(l) Survivors of sex trafficking.

(m) Individuals who are or were engaged in consensual sex work in New Hampshire.

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

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

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

AMENDED ANALYSIS

This bill establishes a committee to study issues related to changing prostitution laws in New Hampshire. Committee amendment adopted.

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

Rep. Altschiller requested a roll call; sufficiently seconded.

YEAS 177 - NAYS 134

YEAS - 177

BELKNAP

Aldrich, Glen
St. Clair, Charlie

Huot, David
Vadney, Herbert

Lang, Timothy

Silber, Norman

CARROLL

Comeau, Ed

DesMarais, Edith

Knirk, Jerry

CHESHIRE

Abbott, Michael
Burridge, Delmar
Faulkner, Barry
Parkhurst, Henry
Pearson, William

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

Berch, Paul
Ley, Douglas
Mann, John
Sterling, Franklin

Bordenet, John
Eaton, Daniel
Meador, David
Tatro, Bruce

COOS

Hatch, William

Laflamme, Larry

Moynihan, Wayne

GRAFTON

Abel, Richard
Darrow, Stephen
Massimilla, Linda
Sykes, George

Almy, Susan
Higgins, Patricia
Mulligan, Mary Jane
White, Andrew

Boutin, Skylar
Josephson, Timothy
Nordgren, Sharon

Campion, Polly
Maes, Kevin
Rand, Steven

HILLSBOROUGH

Ammon, Keith
Burt, John
Christie, Rick
Sullivan, Daniel
Elber, Joel

Ayala, Jessica
Moore, Craig
Cleaver, Skip
DiSilvestro, Linda
Freitas, Mary

Beaulieu, Jane
Chandley, Shannon
Connors, Erika
Donovan, Daniel
Griffin, Gerald

Bouldin, Amanda
Christensen, Chris
Cornell, Patricia
Edwards, Elizabeth
Goley, Jeffrey

Heath, Mary
Jack, Martin
Kurk, Neal
Manley, Jonathan
Newman, Sue
O'Neil, William
Prout, Andrew
Harvey, Suzanne
Van Houten, Connie

Belanger, James
Keane, Amelia
Lewicke, John
Martin, Joelle
Nutting, Allison
Long, Patrick
Ober, Russell
Shaw, Barbara
Vann, Ivy

Moore, Josh
King, Mark
Lisle, David
Martineau, Jesse
O'Brien, Michael
Pellegrino, Anthony
Roberts, Carol
Smith, Timothy

Schmidt, Janice
Klee, Patricia
MacKenzie, Mark
McNamara, Richard
O'Leary, Richard
Porter, Marjorie
Rosenwald, Cindy
Ulery, Jordan

Turcotte, Alan
Carson, Clyde
Henle, Paul
Myler, Mel
Schultz, Kristina
Wallner, Mary Jane

Alicea, Caroletta
Doherty, David
Horn, Werner
Patten, Dick
Seaworth, Brian
Walz, Mary Beth

MERRIMACK

Bartlett, Christy
Gile, Mary
Luneau, David
Rogers, Katherine
Shurtleff, Stephen

Brewster, Michael
Moffett, Howard
McGuire, Carol
Schuett, Dianne
Soucy, Timothy

Berrien, Skip
Edgar, Michael
Gay, Betty
Lerner, Kari
Murray, Kate
Sapareto, Frank
Torosian, Peter

Costable, Michael
Emerick, J. Tracy
Gilman, Julie
Malloy, Dennis
Gordon, Pamela
Somssich, Peter
Ward, Gerald

ROCKINGHAM

Cushing, Robert Renny
Farnham, Betsey
Guthrie, Joseph
Manning, John
Pantelakos, Laura
Stone, Brian

DiLorenzo, Charlotte
Francesse, Paula
Edwards, Jess
McMahon, Charles
Read, Ellen
Le, Tamara

Berube, Roger
Conley, Casey
Gourgue, Amanda
Keans, Sandra
Opderbecke, Linn
Southworth, Thomas

Bixby, Peter
Ellis, Donna
Grassie, Chuck
Krans, Hamilton
Schmidt, Peter
Spang, Judith

STRAFFORD

Burton, Wayne
Fontneau, Timothy
Harrington, Michael
Smith, Marjorie
Phinney, Brandon
Treleven, Susan

Cilley, Jacalyn
Frost, Sherry
Horgan, James
McNally, Jody
Salloway, Jeffrey

Cloutier, John
O'Connor, John
Tanner, Linda

Gauthier, Francis
Oxenham, Lee

SULLIVAN

Grenier, James
Smith, Steven

Irwin, Virginia
Sullivan, Brian

NAYS - 134

BELKNAP

Abear, Marc
Fraser, Valerie

Comtois, Barbara
Howard, Raymond

Tilton, Franklin
Plumer, John

Fields, Dennis
Spanos, Peter

CARROLL

Avellani, Lino
Nelson, Bill

Cordelli, Glenn
Schmidt, Stephen

Crawford, Karel
Umberger, Karen

McCarthy, Frank
Marsh, William

CHESHIRE

Hunt, John

McConnell, James

O'Day, John

COOS

Fothergill, John

Merner, Troy

Richardson, Herbert

Tucker, Edith

GRAFTON

Bailey, Brad
Hennessey, Erin
Johnson, Tiffany

Binford, David
Ladd, Rick

Brown, Duane
Migliore, Vincent Paul

Ham, Bonnie
Schwaegler, Vicki

HILLSBOROUGH

Griffin, Barbara
Burns, Charlie
Fedolfi, Jim
Gould, Linda
Graham, John
Lascelles, Richard
Murotake, David
Pierce, David
Scully, Kevin
Twombly, Timothy

Backus, Robert
Byron, Frank
Ferreira, Elizabeth
Hansen, Peter
Rice, Kimberly
LeBrun, Donald
Negron, Steve
Renzullo, Andrew
Somero, Paul

Barry, Richard
Carr, John
Freeman, Lisa
Hinch, Richard
L'Heureux, Robert
MacKay, Mariellen
Notter, Jeanine
Rouillard, Claire
Souza, Kathleen

Biggie, Barbara
Danielson, David
Gagne, Larry
Hopper, Gary
Ober, Lynne
McLean, Mark
Panasiti, Reed
Sanborn, Laurie
Wolf, Terry

MERRIMACK

Kuch, Bill
Hill, Gregory
Moffett, Michael
Wells, Natalie

Copp, Anne
Hoell, J.R.
Marple, Richard

Long, Douglas
Klose, John
Pearl, Howard

Ebel, Karen
Kotowski, Frank
Testerman, Dave

ROCKINGHAM

Cook, Allen
Baldasaro, Alfred
Cahill, Michael
Elliott, Robert
Marsh, Henry
Janvrin, Jason
Pearson, Mark
Morrison, Sean
Tilton, Rio
Wallace, Scott
Willis, Brenda

Abrami, Patrick
Barnes, Arthur
Cali-Pitts, Jacqueline
Fesh, Robert
Hagan, Joseph
O'Connor, John
Matthews, Carolyn
Osborne, Jason
Sytek, John
Webb, James

Allen, Mary
Bates, David
Chirichiello, Brian
Friel, William
Hoelzel, Kathleen
Lovejoy, Patricia
Messmer, Mindi
Packard, Sherman
True, Chris
Welch, David

Altschiller, Debra
Bean, Philip
Thomas, Douglas
Green, Dennis
Janigian, John
Griffin, Mary
Milz, David
Gordon, Richard
Vose, Michael
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Mullen, John
Wuelper, Kurt

Horrigan, Timothy
Pitre, Joseph

Kaczynski, Thomas
Sandler, Catt

Turcotte, Leonard
Wall, Janet

SULLIVAN

Laware, Thomas

Rollins, Skip

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

MOTION TO REFER TO COMMITTEE

Rep. Stone moved that the matter regarding Rep. Rogers and the allegations against her be referred to the Committee on Legislative Administration for review.

Rep. Stone spoke in favor.

Reps. Horrigan and Shurtleff spoke against.

Rep. Pantelakos requested a roll call; not sufficiently seconded.

On a division vote, with 99 members having voted in the affirmative, and 222 in the negative, the motion failed.

REGULAR CALENDAR CONT'D**SPECIAL ORDER**

HB 656-FN-A-L, relative to the legalization and regulation of marijuana. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Dave Testerman for the Majority of Criminal Justice and Public Safety. This bill legalizes the possession of up to one ounce of marijuana and up to five grams of hashish, possessing or growing up to six marijuana plants, and transferring up to one ounce of marijuana and up to six immature marijuana plants by a person twenty-one years old or older without remuneration. Additionally, this bill establishes a regulatory system for the cultivation, transport, sale, and taxation of marijuana. This bill identifies four regulatory agencies responsible for regulating businesses involved in the production, purchase, and sale of marijuana; (1) Department of Agriculture, Markets and Food, (2) Department of Health and Human Services, (3) New Hampshire Liquor Commission, and (4) Department of Revenue Administration. Currently there is a commission studying issues relative to legalizing marijuana. The findings of that commission won't be realized until the fall of 2018. Of the states that have legalized the sale, possession and manufacture of the substance, much is to be learned about the process. The committee feels the appropriate action is to wait for the final report of the commission. Vote 13-7.

Rep. Frank Sapareto for the Minority of Criminal Justice and Public Safety. The minority of the committee believes the war on pot is over. The minority supports the home-grow option of three immature and three mature plants. It sets specific fines and regulates marijuana related products. The minority supports amending the bill and passing it.

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

Reps. Aldrich and Cushing spoke against and yielded to questions.

Reps. O'Leary and Phinney spoke against.

Rep. Abrami spoke in favor.

Rep. Aldrich requested a roll call; sufficiently seconded.

YEAS 162 - NAYS 183**YEAS - 162
BELKNAP**

Abear, Marc
Spanos, Peter

Tilton, Franklin

Fields, Dennis

Plumer, John

CARROLL

Cordelli, Glenn
Nelson, Bill

Crawford, Karel
Schmidt, Stephen

McCarthy, Frank
Umberger, Karen

McConkey, Mark

CHESHIRE

Ames, Richard

Hunt, John

Parkhurst, Henry

COOS

Fothergill, John
Thomas, Yvonne

Judd, Bing

Merner, Troy

Richardson, Herbert

GRAFTON

Almy, Susan
Ham, Bonnie
Massimilla, Linda
Schwaegler, Vicki

Bailey, Brad
Hennessey, Erin
Migliore, Vincent Paul
Johnson, Tiffany

Binford, David
Higgins, Patricia
Mulligan, Mary Jane

Brown, Duane
Ladd, Rick
Nordgren, Sharon

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Griffin, Barbara
Byron, Frank
Connors, Erika
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Hansen, Peter
Moore, Josh
L'Heureux, Robert
MacKay, Mariellen
Negron, Steve
Pierce, David
Rouillard, Claire
Souza, Kathleen
Van Houten, Connie

Barry, Richard
Moore, Craig
Danielson, David
Gargas, Carolyn
Hinch, Richard
Rice, Kimberly
Lascelles, Richard
McCarthy, Michael
Notter, Jeanine
Porter, Marjorie
Sanborn, Laurie
Wolf, Terry

Biggie, Barbara
Chandle, Shannon
Fedolfi, Jim
Goley, Jeffrey
Belanger, James
Klee, Patricia
LeBrun, Donald
Manley, Jonathan
Long, Patrick
Renzullo, Andrew
Seidel, Carl
Twombly, Timothy

Burns, Charlie
Christensen, Chris
Ferreira, Elizabeth
Gould, Linda
Graham, John
Kurk, Neal
Leishman, Peter
Martin, Joelle
Pellegrino, Anthony
Rosenwald, Cindy
Somero, Paul
Ulery, Jordan

MERRIMACK

Kuch, Bill
Gile, Mary
Klose, John
Myler, Mel
Schuett, Dianne
Wells, Natalie

Copp, Anne
Moffett, Howard
Kotowski, Frank
Patten, Dick
Shurtleff, Stephen

Doherty, David
Hill, Gregory
Luneau, David
Pearl, Howard
Soucy, Timothy

Ebel, Karen
Horn, Werner
Moffett, Michael
Rogers, Katherine
Testerman, Dave

ROCKINGHAM

Cook, Allen
Bates, David
Cali-Pitts, Jacqueline
Fesh, Robert
Green, Dennis
Hoelzel, Kathleen
Griffin, Mary
Matthews, Carolyn
Packard, Sherman
Sytek, John

Abrami, Patrick
Berrien, Skip
Thomas, Douglas
Francese, Paula
Guthrie, Joseph
Janigian, John
Pearson, Mark
McKinney, Betsy
Pantelakos, Laura
Torosian, Peter

Allen, Mary
Bove, Martin
Dean-Bailey, Yvonne
Friel, William
Marsh, Henry
Janvrin, Jason
Malloy, Dennis
McMahon, Charles
Gordon, Richard
Welch, David

Barnes, Arthur
Cahill, Michael
Elliott, Robert
Gay, Betty
Hagan, Joseph
Katsakiores, Phyllis
Manning, John
Nigrello, Robert
Tilton, Rio
Weyler, Kenneth

STRAFFORD

Berube, Roger
Turcotte, Leonard
Pitre, Joseph
Wall, Janet

Ellis, Donna
McNally, Jody
Scruton, Matthew
Wuelper, Kurt

Horgan, James
Mullen, John
Southworth, Thomas

Kaczynski, Thomas
Opderbecke, Linn
Spencer, Matthew

Cloutier, John

Gagnon, Raymond

Rollins, Skip

Smith, Steven

**NAYS - 183
BELKNAP**

Aldrich, Glen
Huot, David
Sylvia, Michael

Comtois, Barbara
Lang, Timothy
Vadney, Herbert

Fraser, Valerie
Silber, Norman

Howard, Raymond
St. Clair, Charlie

CARROLL

Avellani, Lino
Knirk, Jerry

Buco, Thomas
Marsh, William

Comeau, Ed

DesMarais, Edith

CHESHIRE

Abbott, Michael
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
Shepardson, Marjorie

Burridge, Delmar
Faulkner, Barry
McConnell, James
Sterling, Franklin

COOS

Hatch, William

Laflamme, Larry

Moynihan, Wayne

Tucker, Edith

GRAFTON

Abel, Richard
Darrow, Stephen
Smith, Suzanne

Bennett, Travis
Josephson, Timothy
Sykes, George

Boutin, Skylar
Maes, Kevin
White, Andrew

Campion, Polly
Rand, Steven

HILLSBOROUGH

Ammon, Keith
Beaulieu, Jane
Christie, Rick
Dickey, Glen
Edwards, Elizabeth
Fromuth, Bart
Hopper, Gary
Keane, Amelia
Lisle, David
McLean, Mark
Newman, Sue
O'Neil, William
Roberts, Carol
Smith, Timothy

Ayala, Jessica
Bouldin, Amanda
Cleaver, Skip
DiSilvestro, Linda
Elber, Joel
Griffin, Gerald
Schmidt, Janice
King, Mark
MacKenzie, Mark
McNamara, Richard
Nutting, Allison
Panasiti, Reed
Harvey, Suzanne
Sullivan, Victoria

Backus, Robert
Burt, John
Cornell, Patricia
Donovan, Daniel
Freeman, Lisa
Heath, Mary
Jack, Martin
Ober, Lynne
Mangipudi, Latha
Murotake, David
O'Brien, Michael
Prout, Andrew
Scully, Kevin
Vann, Ivy

Baroody, Benjamin
Carr, John
Sullivan, Daniel
Dyer, Caleb
Freitas, Mary
Herbert, Christopher
Judy, Jean
Lewicke, John
Martineau, Jesse
Murphy, Keith
O'Leary, Richard
Ober, Russell
Shaw, Barbara
Williams, Kermit

MERRIMACK

Turcotte, Alan
Carson, Clyde
Marple, Richard
Seaworth, Brian

Alicea, Caroletta
Long, Douglas
McGuire, Carol
Wallner, Mary Jane

Bartlett, Christy
Henle, Paul
Rodd, Beth
Walz, Mary Beth

Brewster, Michael
Hoell, J.R.
Schultz, Kristina

ROCKINGHAM

Altschiller, Debra
Costable, Michael
Emerick, J. Tracy
Edwards, Jess
Lundgren, David
Morrison, Sean
Read, Ellen
Le, Tamara
Ward, Gerald

Baldasaro, Alfred
Cushing, Robert Renny
Farnham, Betsey
O'Connor, John
McBeath, Rebecca
Murray, Kate
Sapareto, Frank
True, Chris
Webb, James

Bean, Philip
DiLorenzo, Charlotte
Gilman, Julie
Lerner, Kari
Messmer, Mindi
Osborne, Jason
Somssich, Peter
Vose, Michael
Willis, Brenda

Chirichiello, Brian
Edgar, Michael
Itse, Daniel
Lovejoy, Patricia
Milz, David
Gordon, Pamela
Stone, Brian
Wallace, Scott

STRAFFORD

Beaudoin, Steven
Conley, Casey
Grassie, Chuck
Krans, Hamilton
Salloway, Jeffrey

Bixby, Peter
Fontneau, Timothy
Harrington, Michael
Smith, Marjorie
Sandler, Catt

Burton, Wayne
Frost, Sherry
Horrigan, Timothy
Schmidt, Peter
Spang, Judith

Cilley, Jacalyn
Gourgue, Amanda
Keans, Sandra
Phinney, Brandon
Treleaven, Susan

SULLIVAN

Gauthier, Francis
Laware, Thomas

Grenier, James
Oxenham, Lee

Irwin, Virginia
Sullivan, Brian

O'Connor, John
Tanner, Linda

and the majority committee report failed.

Rep. Cushing moved the minority committee report of Ought to Pass with Amendment.

Rep. Sapareto offered minority committee amendment (2478h).

Minority Amendment (2478h)

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

AN ACT relative to the home cultivation of marijuana plants and the possession of certain marijuana-infused products.

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

1 Statement of Purpose. The general court finds that:

I. Since 2012, voters in the District of Columbia and 7 states, including Maine and the Commonwealth of Massachusetts, have legalized possession and limited cultivation of marijuana by adults 21 years of age and older.

II. Statewide polls have consistently found that most New Hampshire voters support making marijuana legal for adults 21 years of age and older.

III. Marijuana is less harmful than alcohol to the consumer and to society. It is less toxic, less harmful to the body, less addictive, and less likely to contribute to violent or reckless behavior. Adults should not be punished choosing to use marijuana instead of alcohol, if that is what they prefer.

IV. Home brewing of alcoholic beverages is legal in New Hampshire and every other state in the nation.

V. Allowing adults to cultivate their own limited supply of marijuana will provide them with an alternative to buying marijuana from illicit drug dealers.

2 Other Alcohol and Drug Offenses; Possession of Drugs. Amend RSA 265-A:43 to read as follows:

265-A:43 Possession of Drugs. Any person who drives on any way a vehicle while knowingly having in his or her possession or in any part of the vehicle a controlled drug or controlled drug analog in violation of the provisions of RSA 318-B shall be guilty of a misdemeanor, and his or her license shall be revoked or his or her right to drive denied for a period of 60 days and at the discretion of the court for a period not to exceed 2 years. This section shall not apply to the possession of marijuana or hashish as provided in RSA 318-B:2-c[; or a personal-use amount of a regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b)].

3 Controlled Drug Act; Personal Possession of Marijuana. Amend RSA 318-B:2-c to read as follows:

318-B:2-c Personal Possession of Marijuana.

I. In this section:

(a) "Marijuana" includes the leaves, stems, flowers, and seeds of all species of the plant genus cannabis, but shall not include the resin extracted from any part of such plant and every compound, manufacture, salt, derivative, mixture, or preparation from such resin including hashish, and further, shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.

(b) [~~"Personal-use amount of a regulated marijuana-infused product"~~] **"Marijuana-infused product"** means one or more products that is comprised of marijuana, marijuana extracts, or resins and other ingredients and is intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures[; which was obtained from a state where marijuana sales to adults are legal and regulated under state law, and which is in its original, child-resistant, labeled packaging when it is being stored, and which contains a total of no more than 300 milligrams of tetrahydrocannabinol].

(c) **"Possession limit" means:**

(1) **Three-quarters of an ounce of marijuana, excluding hashish, marijuana-infused products, and growing marijuana plants;**

(2) **Five grams of hashish;**

(3) **Marijuana-infused products containing no more than 300 milligrams of tetrahydrocannabinol (THC);**

(4) **Six marijuana plants, with 3 or fewer being mature, flowering plants; and**

(5) **Any additional marijuana, hashish, or marijuana-infused products produced from the person's marijuana plants, provided that any amount of marijuana in excess of $\frac{3}{4}$ of an ounce of marijuana, 5 grams of hashish, and marijuana-infused products containing no more than 300 milligrams of THC shall be possessed in the same location where the plants were cultivated.**

I-a. Except as provided in paragraphs III and IV, if undertaken by a person 21 years of age or older, the following acts shall not be illegal under New Hampshire law, shall not be a criminal or civil offense under New Hampshire law or the law of any political subdivision of New Hampshire, and shall not be a basis for seizure or forfeiture of assets under New Hampshire law:

(a) **Possessing, consuming, growing, processing, or transporting an amount of marijuana that does not exceed the possession limit; or**

(b) **Transferring $\frac{3}{4}$ of an ounce of marijuana, 5 grams of hashish, marijuana-infused products containing no more than 300 milligrams of THC, or 3 immature, non-flowering marijuana plants to a person who is 21 years of age or older without remuneration; and**

(c) **Manufacturing, possessing, or purchasing marijuana accessories, or distributing or selling marijuana accessories to a person who is 21 years of age or older.**

I-b. No person who is 21 years of age or older shall cultivate marijuana plants except as provided in this section:

(a) **Marijuana plants shall not be cultivated in a location where the plants are subject to public view, including to view from another private property, without the use of binoculars, aircraft, or other optical aids.**

(b) A person who cultivates marijuana shall take reasonable precautions to ensure the plants are secure from unauthorized access. Cultivating marijuana in an enclosed, locked space to which unauthorized persons do not have access, or other similar security precautions, shall be prima facie evidence of reasonable precautions.

(c) Marijuana cultivation shall only occur at the cultivator's primary residence.

(d) A person who violates this section shall be guilty of a violation and may be fined not more than \$750.

I-c. No person shall smoke marijuana in a public place. A person 21 years of age or older who violates this paragraph shall be guilty of a violation and may be fined not more than \$100.

II. Except as provided in RSA 126-X, any person **under 21 years of age** who knowingly possesses 3/4 of an ounce or less of marijuana, including adulterants or dilutants, shall be guilty of a violation, and subject to the penalties provided in paragraph [V] **IV**.

III. Except as provided in RSA 126-X, any person **under 21 years of age** who knowingly possesses 5 grams or less of hashish, including adulterants or dilutants, shall be guilty of a violation, and subject to the penalties provided in paragraph [V] **IV**.

IV. ~~Except as provided in RSA 126-X, any person 21 years of age or older possessing a personal-use amount of a regulated marijuana-infused product shall be guilty of a violation, and subject to the penalties provided in paragraph V. Persons 18 years of age or older and under 21 years of age who knowingly possess marijuana-infused products shall be guilty of a misdemeanor.~~

~~V.](a) Except as provided in this paragraph, any person 18 years of age or older who is convicted of violating paragraph II or III[; or any person 21 years of age or older who is convicted of violating paragraph IV] shall be subject to a fine of \$100 for a first or second offense under this paragraph, or a fine of up to \$300 for any subsequent offense within any 3-year period; however, any person convicted based upon a complaint which alleged that the person had 3 or more prior convictions for violations of paragraph [H, HH, or IV] **II or III**, or under reasonably equivalent offenses in an out-of-state jurisdiction since the effective date of this paragraph, within a 3-year period preceding the fourth offense shall be guilty of a class B misdemeanor. The offender shall forfeit the marijuana [~~regulated marijuana-infused products,~~] or hashish to the state. A court shall waive the fine for a single conviction within a 3-year period upon proof that person has completed a substance abuse assessment by a licensed drug and alcohol counselor within 60 days of the conviction. A person who intends to seek an assessment in lieu of the fine shall notify the court, which shall schedule the matter for review after 180 days. Should proof of completion of an assessment be filed by or before that time, the court shall vacate the fine without a hearing unless requested by a party.~~

~~(b) Any person under 18 years of age who is convicted of violating paragraph II or III shall forfeit the marijuana or hashish and shall be subject to a delinquency petition under RSA 169-B:6.~~

~~[VI.] V.(a) Except as provided in this section, no person shall be subject to arrest for a violation of paragraph [H, HH, or IV] **II or III** and shall be released provided the law enforcement officer does not have lawful grounds for arrest for a different offense.~~

~~(b) Nothing in this chapter shall be construed to prohibit a law enforcement agency from investigating or charging a person for a violation of RSA 265-A.~~

~~(c) Nothing in this chapter shall be construed as forbidding any police officer from taking into custody any minor who is found violating paragraph [H, HH, or IV] **II or III**.~~

~~(d) Any person in possession of an identification card, license, or other form of identification issued by the state or any state, country, city, or town, or any college or university, who fails to produce the same upon request of a police officer or who refuses to truthfully provide his or her name, address, and date of birth to a police officer who has informed the person that he or she has been found to be in possession of what appears to the officer to be 3/4 of an ounce or less of marijuana[~~a personal-use amount of a regulated marijuana-infused product,~~] or 5 grams or less of hashish, may be arrested for a violation of paragraph [H, HH, or IV] **II or III**.~~

~~[VII.] VI. All fines imposed pursuant to this section shall be deposited into the alcohol abuse prevention and treatment fund established in RSA 176-A:1 and utilized for evidence-informed substance abuse prevention programs.~~

~~[VIII.] VII.(a) No record that includes personally identifiable information resulting from a violation of this section shall be made accessible to the public, federal agencies, or agencies from other states or countries.~~

~~(b) Every state, county, or local law enforcement agency that collects and reports data for the Federal Bureau of Investigation Uniform Crime Reporting Program shall collect data on the number of violations of paragraph [H, HH, or IV] **II or III**. The data collected pursuant to this paragraph shall be available to the public. A law enforcement agency may update the data annually and may make this data available on the agency's public Internet website.~~

VIII. Nothing in this section shall:

(a) Be construed to require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growing of marijuana in the workplace or to affect the ability of employers to have policies restricting the use of marijuana by employees.

(b) Be construed to permit driving or operating under the influence of drugs or liquor pursuant to RSA 265-A, nor prevent the state from enacting and imposing penalties for driving under the influence of or while impaired by marijuana.

(c) Be construed to permit the transfer of marijuana, with or without remuneration, to a person under 21 years of age, or to allow a person under 21 years of age to purchase, possess, use, transport, grow, or consume marijuana.

(d) Prohibit a state or county correctional facility from prohibiting the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of marijuana on or in the correctional facility's property.

(e) Prohibit a person or other entity that legally owns, leases, or controls any property from prohibiting or otherwise regulating the sale, use, or growing of marijuana on or in the property.

4 Controlled Drug Act; Penalties. Amend RSA 318-B:26, II(c) and (d) to read as follows:

(c) In the case of more than 3/4 ounce of marijuana, ***marijuana-infused products containing more than 300 milligrams of THC***, or more than 5 grams of hashish, including any adulterants or dilutants, the person shall be guilty of a misdemeanor. In the case of marijuana-infused products possessed by persons under the age of 21 [~~or marijuana-infused products as defined in RSA 318-B:2-c, other than a personal-use amount of a regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b), that are possessed by a person 21 years of age or older~~], the person shall be guilty of a misdemeanor.

(d) In the case of 3/4 ounce or less of marijuana or 5 grams or less of hashish, including any adulterants or dilutants, ***possessed by a person under 21 years of age***, the person shall be guilty of a violation pursuant to RSA 318-B:2-c. [~~In the case of a person 21 years of age or older who possesses a personal-use amount of a regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b), the person shall be guilty of a violation pursuant to RSA 318-B:2-c.~~]

5 New Paragraph; Controlled Drug Act; Penalties. Amend RSA 318-B:26 by inserting after paragraph VIII the following new paragraph:

VIII-a.(a) No person, other than an alternative treatment center approved pursuant to RSA 126-X, shall perform solvent-based extractions on marijuana using solvents other than water, glycerin, propylene glycol, vegetable oil, or food grade ethanol.

(b) No person shall extract compounds from cannabis using ethanol in the presence or vicinity of an open flame.

(c) Any person who violates this paragraph shall be guilty of a class A misdemeanor.

6 Model Drug Dealer Liability Act; Definitions. Amend RSA 318-C:4, I to read as follows:

I. "Illegal drug" means any drug which is a schedule I-IV drug under RSA 318-B, ***the possession, use, manufacture, sale, or transportation of which is not otherwise authorized by law.***

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

AMENDED ANALYSIS

This bill permits adults to possess up to ¾ of an ounce of marijuana, 5 grams of hashish, and certain marijuana-infused products; permits adults to cultivate up to 6 marijuana plants at home in a secure location that is not visible from other properties, and to possess and process the marijuana produced from their plants at the same location; permits adults to give marijuana to other adults, provided it is not more than ¾ of an ounce of marijuana, 5 grams of hashish, or up to 300 mg of marijuana-infused products, or 3 immature plants; provides that smoking or vaporizing marijuana in public by an adult would be punishable by a \$100 fine; provides that violations of the restrictions on cultivation would be a violation punishable by fine of up to \$750; penalizes dangerous, volatile extraction; and permits adults to possess, make, and sell marijuana accessories to other adults.

Minority committee amendment adopted.

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

Rep. Sapareto spoke in favor.

Rep. Burt requested a roll call; sufficiently seconded.

YEAS 207 - NAYS 139

YEAS - 207

BELKNAP

Aldrich, Glen
Huot, David
Sylvia, Michael

Comtois, Barbara
Lang, Timothy
Vadney, Herbert

Fraser, Valerie
Silber, Norman

Howard, Raymond
St. Clair, Charlie

CARROLL

Avellani, Lino
Knirk, Jerry

Buco, Thomas
Marsh, William

Comeau, Ed

DesMarais, Edith

CHESHIRE

Abbott, Michael
Burridge, Delmar
Faulkner, Barry
Mann, John
Shepardson, Marjorie

Ames, Richard
Harvey, Cathryn
Fenton, Donovan
McConnell, James
Sterling, Franklin

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

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

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry

Moynihan, Wayne

Richardson, Herbert

GRAFTON

Abel, Richard
Campion, Polly
Maes, Kevin
Johnson, Tiffany

Almy, Susan
Darrow, Stephen
Rand, Steven
White, Andrew

Bennett, Travis
Hennessey, Erin
Smith, Suzanne

Boutin, Skylar
Josephson, Timothy
Sykes, George

HILLSBOROUGH

Ammon, Keith
Bouldin, Amanda
Carr, John
Cornell, Patricia
Donovan, Daniel
Ferreira, Elizabeth
Griffin, Gerald
Herbert, Christopher
Jack, Martin
King, Mark
Lisle, David
Martineau, Jesse
Murphy, Keith
O'Leary, Richard
Prout, Andrew
Sanborn, Laurie
Ulery, Jordan

Ayala, Jessica
Burns, Charlie
Christie, Rick
Sullivan, Daniel
Dyer, Caleb
Freeman, Lisa
Gagne, Larry
Hopper, Gary
Judy, Jean
Ober, Lynne
MacKay, Mariellen
McLean, Mark
Newman, Sue
O'Neil, William
Ober, Russell
Scully, Kevin
Sullivan, Victoria

Baroody, Benjamin
Burt, John
Cleaver, Skip
Dickey, Glen
Edwards, Elizabeth
Freitas, Mary
Gidge, Kenneth
Belanger, James
Rice, Kimberly
Lascelles, Richard
MacKenzie, Mark
McNamara, Richard
Nutting, Allison
Panasiti, Reed
Roberts, Carol
Shaw, Barbara
Vann, Ivy

Beaulieu, Jane
Byron, Frank
Connors, Erika
DiSilvestro, Linda
Elber, Joel
Fromuth, Bart
Heath, Mary
Schmidt, Janice
Keane, Amelia
Lewicke, John
Martin, Joelle
Murotake, David
O'Brien, Michael
Porter, Marjorie
Harvey, Suzanne
Smith, Timothy
Williams, Kermit

MERRIMACK

Turcotte, Alan
Carson, Clyde
Marple, Richard
Schultz, Kristina

Alicea, Caroletta
Long, Douglas
McGuire, Carol
Seaworth, Brian

Bartlett, Christy
Henle, Paul
Pearl, Howard
Wallner, Mary Jane

Brewster, Michael
Hoell, J.R.
Rodd, Beth
Walz, Mary Beth

ROCKINGHAM

Baldasaro, Alfred
Cushing, Robert Renny
Emerick, J. Tracy
Itse, Daniel
Lerner, Kari
Messmer, Mindi
Osborne, Jason
Somssich, Peter
True, Chris
Webb, James

Bean, Philip
Thomas, Douglas
Farnham, Betsey
Edwards, Jess
Lovejoy, Patricia
Milz, David
Gordon, Pamela
Stone, Brian
Vose, Michael
Willis, Brenda

Chirichiello, Brian
DiLorenzo, Charlotte
Gilman, Julie
O'Connor, John
Lundgren, David
Morrison, Sean
Read, Ellen
Sytek, John
Wallace, Scott

Costable, Michael
Edgar, Michael
Guthrie, Joseph
Katsakiores, Phyllis
McBeath, Rebecca
Murray, Kate
Sapareto, Frank
Le, Tamara
Ward, Gerald

STRAFFORD

Beaudoin, Steven
Conley, Casey
Grassie, Chuck
Keans, Sandra
Phinney, Brandon
Treleaven, Susan

Bixby, Peter
Fontneau, Timothy
Harrington, Michael
Krans, Hamilton
Salloway, Jeffrey
Wall, Janet

Burton, Wayne
Frost, Sherry
Horrigan, Timothy
Smith, Marjorie
Sandler, Catt

Cilley, Jacalyn
Gourgue, Amanda
Kaczynski, Thomas
Schmidt, Peter
Spang, Judith

SULLIVAN

Gauthier, Francis
Laware, Thomas

Grenier, James
Oxenham, Lee

Irwin, Virginia
Sullivan, Brian

O'Connor, John
Tanner, Linda

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Abear, Marc
Spanos, Peter

Tilton, Franklin

Fields, Dennis

Plumer, John

CARROLLCordelli, Glenn
Nelson, BillCrawford, Karel
Schmidt, StephenMcCarthy, Frank
Umberger, Karen

McConkey, Mark

CHESHIRE

Parkhurst, Henry

COOS

Fothergill, John

Judd, Bing

Merner, Troy

Thomas, Yvonne

GRAFTONBailey, Brad
Higgins, Patricia
Mulligan, Mary JaneBinford, David
Ladd, Rick
Nordgren, SharonBrown, Duane
Massimilla, Linda
Schwaegler, VickiHam, Bonnie
Migliore, Vincent Paul**HILLSBOROUGH**Griffin, Barbara
Moore, Craig
Fedolfi, Jim
Hansen, Peter
Klee, Patricia
Leishman, Peter
Negron, Steve
Pierce, David
Seidel, Carl
Twombly, TimothyBackus, Robert
Chandley, Shannon
Gargas, Carolyn
Hinch, Richard
Kurk, Neal
McCarthy, Michael
Notter, Jeanine
Renzullo, Andrew
Somero, Paul
Van Houten, ConnieBarry, Richard
Christensen, Chris
Goley, Jeffrey
Graham, John
L'Heureux, Robert
Mangipudi, Latha
Long, Patrick
Rosenwald, Cindy
Souza, KathleenBiggie, Barbara
Danielson, David
Gould, Linda
Moore, Josh
LeBrun, Donald
Manley, Jonathan
Pellegrino, Anthony
Rouillard, Claire
Wolf, Terry**MERRIMACK**Kuch, Bill
Gile, Mary
Klose, John
Myler, Mel
Shurtleff, StephenCopp, Anne
Moffett, Howard
Kotowski, Frank
Patten, Dick
Soucy, TimothyDoherty, David
Hill, Gregory
Luneau, David
Rogers, Katherine
Testerman, DaveEbel, Karen
Horn, Werner
Moffett, Michael
Schuett, Dianne
Wells, Natalie**ROCKINGHAM**Cook, Allen
Barnes, Arthur
Cahill, Michael
Fesh, Robert
Green, Dennis
Janigian, John
Malloy, Dennis
McMahon, Charles
Gordon, Richard
Weyler, KennethAbrami, Patrick
Bates, David
Cali-Pitts, Jacqueline
Francese, Paula
Marsh, Henry
Janvrin, Jason
Manning, John
Nigrello, Robert
Tilton, RioAllen, Mary
Berrien, Skip
Dean-Bailey, Yvonne
Friel, William
Hagan, Joseph
Griffin, Mary
Matthews, Carolyn
Packard, Sherman
Torosian, PeterAltschiller, Debra
Bove, Martin
Elliott, Robert
Gay, Betty
Hoelzel, Kathleen
Pearson, Mark
McKinney, Betsy
Pantelakos, Laura
Welch, David**STRAFFORD**Berube, Roger
McNally, Jody
Scruton, MatthewEllis, Donna
Mullen, John
Southworth, ThomasHorgan, James
Opderbecke, Linn
Spencer, MatthewTurcotte, Leonard
Pitre, Joseph
Wuelper, Kurt**SULLIVAN**

Cloutier, John

Gagnon, Raymond

Rollins, Skip

Smith, Steven

and the minority committee report was adopted and referred to the Committee on Ways and Means.

SPECIAL ORDER

HB 317, prohibiting the public utilities commission from increasing the system benefits charge without legislative approval. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael Vose for the Majority of Science, Technology and Energy. The NH constitution stipulates that the citizens of our state, through their elected representatives, must agree to the imposition of any "subsidy, charge, tax, impost, or duty." Only the legislature can impose a mandatory taking from its citizens. This retained bill restores to the legislature its constitutional authority over a taking known as the System Benefits Charge (SBC). This charge, inferred by the electricity restructuring law passed in 1996 and imposed since 2002 by the Public Utilities Commission, currently collects approximately \$35 million from NH ratepayers; this amount will increase between now and 2020 to over \$40 million (the average ratepayer pays \$2.21 per month now and will pay nearly \$4 by 2020). In the most recent budget as passed by this legislature and signed by the Governor, language similar to that of this bill protects the budgeting process going forward by requiring legislative approval of any change to the SBC. This bill codifies in statute that already approved budget language. Budget writers felt it was prudent to provide the legislature such oversight because NH

government operations spent an average of \$11.5 million per year on electricity in the three years 2014-2016, which included a total of \$700,000 for the SBC, an amount that will rise to nearly \$1 million over three years by 2020. The SBC funds low-income bill assistance and energy efficiency subsidies. This bill, as amended, does not affect any programs through 2020. The amendment changes the wording of the original bill to match that of the language in the budget. It restores an important measure of constitutional governance, and provides the legislature with the oversight and control needed to prevent a slide into economic stagnation caused by over regulation and excessive taxation. Vote 11-10.

Rep. Robert Backus for the Minority of Science, Technology and Energy. This bill would strip the Public Utilities Commission's (PUC) ability to make changes to the System Benefits Charge. This modest charge (\$2.15 on a typical customer's 650 kWh monthly bill) was authorized in 1996 as part of NH's commitment to ending cost plus regulation of electric generation and instead trusting to the competitive markets to provide the lowest cost power sources. The charge benefits the system by funding low income bill assistance and energy efficiency. It has always been set by the PUC, subject to notice and hearing requirements and a cap on the amount. Instead, with this bill the charge could only be changed by the legislature, which is no better equipped to set the charge than it is to set other parts of electric rates. In addition, the legislature lacks the ability to act in a timely fashion should a need to make changes up or down quickly arise. Testimony before the committee was overwhelmingly opposed to this bill, including that of the Consumer Advocate, the Department of Environmental Services, and the PUC itself. Subjecting this small charge to the political process of the legislature may threaten its very existence, which would eviscerate NH's still modest but vital commitment to achieving all cost effective energy efficiency, as well as threatening low income assistance programs. Testimony indicates that the dollar value obtained exceeds this small cost by four or five to one. The minority believes this bill should not pass.

Majority Amendment (2483h)

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

AN ACT relative to changes in the system benefits charge.

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

1 Electric Utility Restructuring; Policy Principles; System Benefits Charge. Amend RSA 374-F:3, VI to read as follows:

VI. Benefits for All Consumers. Restructuring of the electric utility industry should be implemented in a manner that benefits all consumers equitably and does not benefit one customer class to the detriment of another. Costs should not be shifted unfairly among customers. A nonbypassable and competitively neutral system benefits charge applied to the use of the distribution system may be used to fund public benefits related to the provision of electricity. Such benefits, as approved by regulators, may include, but not necessarily be limited to, programs for low-income customers, energy efficiency programs, funding for the electric utility industry's share of commission expenses pursuant to RSA 363-A, support for research and development, and investments in commercialization strategies for new and beneficial technologies. ***Legislative approval shall be required to modify the system benefits charge except for the 3-year program authorized by Order No. 25,932 issued by the commission, dated August 2, 2016.***

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

AMENDED ANALYSIS

This bill requires legislative approval for modifications to the system benefits charge.

Majority committee amendment adopted.

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

Rep. Mann spoke against.

Rep. Somssich spoke against and yielded to questions.

Rep. Vose spoke in favor.

Rep. Backus requested a roll call; sufficiently seconded.

YEAS 173 - NAYS 171

YEAS - 173

BELKNAP

Abear, Marc
Fields, Dennis
Plumer, John
Vadney, Herbert

Aldrich, Glen
Fraser, Valerie
Silber, Norman

Comtois, Barbara
Howard, Raymond
Spanos, Peter

Tilton, Franklin
Lang, Timothy
Sylvia, Michael

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Avellani, Lino
McCarthy, Frank
Umberger, Karen

Comeau, Ed
McConkey, Mark

Cordelli, Glenn
Nelson, Bill

Crawford, Karel
Schmidt, Stephen

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Hunt, John

McConnell, James

O'Day, John

Sterling, Franklin

COOS

Judd, Bing

Merner, Troy

GRAFTONBailey, Brad
Hennessey, ErinBinford, David
Ladd, RickBrown, Duane
Migliore, Vincent PaulDarrow, Stephen
Johnson, Tiffany**HILLSBOROUGH**Ammon, Keith
Burns, Charlie
Carr, John
Fedolfi, Jim
Griffin, Gerald
Hinch, Richard
Moore, Josh
Ober, Lynne
McCarthy, Michael
Negron, Steve
Pierce, David
Renzullo, Andrew
Seidel, Carl
Ulery, JordanGriffin, Barbara
Burt, John
Christensen, Chris
Ferreira, Elizabeth
Gagne, Larry
Hopper, Gary
Rice, Kimberly
Lascelles, Richard
McLean, Mark
Notter, Jeanine
Proulx, Mark
Rouillard, Claire
Somero, Paul
Sullivan, VictoriaBarry, Richard
Byron, Frank
Christie, Rick
Freeman, Lisa
Gould, Linda
Belanger, James
Kurk, Neal
LeBrun, Donald
Murotake, David
Panasiti, Reed
Prout, Andrew
Sanborn, Laurie
Souza, KathleenBiggie, Barbara
Moore, Craig
Dickey, Glen
Fromuth, Bart
Hansen, Peter
Graham, John
L'Heureux, Robert
Lewicke, John
Murphy, Keith
Pellegrino, Anthony
Ober, Russell
Scully, Kevin
Twombly, Timothy**MERRIMACK**Kuch, Bill
Hill, Gregory
Kotowski, Frank
Pearl, HowardBrewster, Michael
Hoell, J.R.
Moffett, Michael
Seaworth, BrianCopp, Anne
Horn, Werner
Marple, Richard
Testerman, DaveLong, Douglas
Klose, John
McGuire, Carol
Wells, Natalie**ROCKINGHAM**Cook, Allen
Barnes, Arthur
Chirichiello, Brian
Elliott, Robert
Gay, Betty
Hoelzel, Kathleen
Janvrin, Jason
Griffin, Mary
McKinney, Betsy
Nigrello, Robert
Tilton, Rio
Vose, Michael
Weyler, KennethAbrami, Patrick
Bates, David
Costable, Michael
Emerick, J. Tracy
Green, Dennis
Itse, Daniel
O'Connor, John
Pearson, Mark
McMahon, Charles
Osborne, Jason
Sytek, John
Wallace, Scott
Willis, BrendaAllen, Mary
Bean, Philip
Thomas, Douglas
Fesh, Robert
Marsh, Henry
Edwards, Jess
Katsakiores, Phyllis
Manning, John
Milz, David
Packard, Sherman
Torosian, Peter
Webb, JamesBaldasaro, Alfred
Bove, Martin
Dean-Bailey, Yvonne
Friel, William
Hagan, Joseph
Janigian, John
Lundgren, David
Matthews, Carolyn
Morrison, Sean
Gordon, Richard
True, Chris
Welch, David**STRAFFORD**Beaudoin, Steven
Kaczynski, Thomas
Phinney, BrandonBerube, Roger
Turcotte, Leonard
Pitre, JosephHarrington, Michael
McNally, Jody
Spencer, MatthewHorgan, James
Mullen, John
Wuelper, Kurt**SULLIVAN**Gauthier, Francis
Smith, Steven

O'Connor, John

Laware, Thomas

Rollins, Skip

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Huot, David

St. Clair, Charlie

CARROLL

DesMarais, Edith

Knirk, Jerry

Marsh, William

CHESHIREAbbott, Michael
Burridge, Delmar
Faulkner, Barry
Meador, David
Pearson, WilliamAmes, Richard
Harvey, Cathryn
Fenton, Donovan
Parkhurst, HenryBerch, Paul
Ley, Douglas
Johnsen, Gladys
Shepardson, MarjorieBordenet, John
Eaton, Daniel
Mann, John
Tatro, Bruce**COOS**Fothergill, John
Richardson, HerbertHatch, William
Tucker, EdithLaflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

Abel, Richard
Campion, Polly
Massimilla, Linda
Schwaegler, Vicki

Amy, Susan
Higgins, Patricia
Mulligan, Mary Jane
Smith, Suzanne

Bennett, Travis
Josephson, Timothy
Nordgren, Sharon
Sykes, George

Boutin, Skylar
Maes, Kevin
Rand, Steven
White, Andrew

HILLSBOROUGH

Ayala, Jessica
Bouldin, Amanda
Cornell, Patricia
Donovan, Daniel
Gargas, Carolyn
Herbert, Christopher
Keane, Amelia
Lisle, David
Manley, Jonathan
Newman, Sue
O'Neil, William
Rosenwald, Cindy
Van Houten, Connie

Backus, Robert
Chandle, Shannon
Sullivan, Daniel
Edwards, Elizabeth
Gidge, Kenneth
Schmidt, Janice
King, Mark
MacKay, Mariellen
Martin, Joelle
Nutting, Allison
Long, Patrick
Harvey, Suzanne
Vann, Ivy

Baroody, Benjamin
Cleaver, Skip
Danielson, David
Elber, Joel
Goley, Jeffrey
Jack, Martin
Klee, Patricia
MacKenzie, Mark
Martineau, Jesse
O'Brien, Michael
Porter, Marjorie
Shaw, Barbara
Williams, Kermit

Beaulieu, Jane
Connors, Erika
DiSilvestro, Linda
Freitas, Mary
Heath, Mary
Judy, Jean
Leishman, Peter
Mangipudi, Latha
McNamara, Richard
O'Leary, Richard
Roberts, Carol
Smith, Timothy

MERRIMACK

Turcotte, Alan
Doherty, David
Henle, Paul
Richards, Beth
Schultz, Kristina
Walz, Mary Beth

Alicea, Caroletta
Ebel, Karen
Luneau, David
Rodd, Beth
Shurtleff, Stephen

Bartlett, Christy
Gile, Mary
Myler, Mel
Rogers, Katherine
Soucy, Timothy

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

ROCKINGHAM

Altschiller, Debra
Cushing, Robert Renny
Francese, Paula
Lovejoy, Patricia
Murray, Kate
Sapareto, Frank
Ward, Gerald

Berrien, Skip
DiLorenzo, Charlotte
Gilman, Julie
Malloy, Dennis
Gordon, Pamela
Somssich, Peter

Cahill, Michael
Edgar, Michael
Guthrie, Joseph
McBeath, Rebecca
Pantelakos, Laura
Stone, Brian

Cali-Pitts, Jacqueline
Farnham, Betsey
Lerner, Kari
Messmer, Mindi
Read, Ellen
Le, Tamara

STRAFFORD

Bixby, Peter
Ellis, Donna
Grassie, Chuck
Smith, Marjorie
Sandler, Catt
Treleaven, Susan

Burton, Wayne
Fontneau, Timothy
Horrigan, Timothy
Opderbecke, Linn
Scruton, Matthew
Wall, Janet

Cilley, Jacalyn
Frost, Sherry
Keans, Sandra
Schmidt, Peter
Southworth, Thomas

Conley, Casey
Gourgue, Amanda
Krans, Hamilton
Salloway, Jeffrey
Spang, Judith

SULLIVAN

Cloutier, John
Oxenham, Lee

Gagnon, Raymond
Sullivan, Brian

Grenier, James
Tanner, Linda

Irwin, Virginia

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

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. John Graham moved that the House reconsider its action whereby, on a roll call vote of 173-171, the House adopted the majority committee report of Ought to Pass with Amendment on **HB 317**, prohibiting the public utilities commission from increasing the system benefits charge without legislative approval.

Rep. John Graham spoke against.

Rep. Shurtleff spoke in favor.

Rep. Hinch requested a roll call; sufficiently seconded.

YEAS 164 - NAYS 181

**YEAS - 164
BELKNAP**

Huot, David

St. Clair, Charlie

CARROLL

DesMarais, Edith

Knirk, Jerry

CHESHIRE

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

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

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

Burridge, Delmar
Faulkner, Barry
Meader, David
Pearson, William

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Richardson, Herbert

GRAFTON

Abel, Richard
Higgins, Patricia
Mulligan, Mary Jane
Smith, Suzanne

Almy, Susan
Josephson, Timothy
Nordgren, Sharon
Sykes, George

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

Campion, Polly
Massimilla, Linda
Schwaegler, Vicki

HILLSBOROUGH

Ayala, Jessica
Bouldin, Amanda
Cornell, Patricia
Edwards, Elizabeth
Goley, Jeffrey
Jack, Martin
Klee, Patricia
MacKenzie, Mark
Martineau, Jesse
O'Brien, Michael
Porter, Marjorie
Shaw, Barbara
Williams, Kermit

Backus, Robert
Chandley, Shannon
Sullivan, Daniel
Elber, Joel
Heath, Mary
Jeudy, Jean
Leishman, Peter
Mangipudi, Latha
McNamara, Richard
O'Leary, Richard
Roberts, Carol
Smith, Timothy

Baroody, Benjamin
Cleaver, Skip
Danielson, David
Freitas, Mary
Herbert, Christopher
Keane, Amelia
Lisle, David
Manley, Jonathan
Newman, Sue
O'Neil, William
Rosenwald, Cindy
Van Houten, Connie

Beaulieu, Jane
Connors, Erika
DiSilvestro, Linda
Gidge, Kenneth
Schmidt, Janice
King, Mark
MacKay, Mariellen
Martin, Joelle
Nutting, Allison
Long, Patrick
Harvey, Suzanne
Vann, Ivy

MERRIMACK

Turcotte, Alan
Doherty, David
Henle, Paul
Richards, Beth
Schultz, Kristina
Walz, Mary Beth

Alicea, Caroletta
Ebel, Karen
Luneau, David
Rodd, Beth
Shurtleff, Stephen

Bartlett, Christy
Gile, Mary
Myler, Mel
Rogers, Katherine
Soucy, Timothy

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

ROCKINGHAM

Altschiller, Debra
Cushing, Robert Renny
Francese, Paula
Lovejoy, Patricia
Murray, Kate
Somssich, Peter

Berrien, Skip
DiLorenzo, Charlotte
Gilman, Julie
Malloy, Dennis
Gordon, Pamela
Stone, Brian

Cahill, Michael
Edgar, Michael
Guthrie, Joseph
McBeath, Rebecca
Pantelakos, Laura
Le, Tamara

Cali-Pitts, Jacqueline
Farnham, Betsey
Lerner, Kari
Messmer, Mindi
Read, Ellen
Ward, Gerald

STRAFFORD

Bixby, Peter
Ellis, Donna
Grassie, Chuck
Smith, Marjorie
Sandler, Catt
Treleaven, Susan

Burton, Wayne
Fontneau, Timothy
Horrigan, Timothy
Opderbecke, Linn
Scruton, Matthew
Wall, Janet

Cilley, Jacalyn
Frost, Sherry
Keans, Sandra
Schmidt, Peter
Southworth, Thomas

Conley, Casey
Gourgue, Amanda
Krans, Hamilton
Salloway, Jeffrey
Spang, Judith

SULLIVAN

Cloutier, John
Oxenham, Lee

Gagnon, Raymond
Sullivan, Brian

Grenier, James
Tanner, Linda

Irwin, Virginia

NAYS - 181**BELKNAP**

Abear, Marc
Fields, Dennis
Plumer, John
Vadney, Herbert

Aldrich, Glen
Fraser, Valerie
Silber, Norman

Comtois, Barbara
Howard, Raymond
Spanos, Peter

Tilton, Franklin
Lang, Timothy
Sylvia, Michael

CARROLL

Avellani, Lino
McCarthy, Frank
Umberger, Karen

Comeau, Ed
McConkey, Mark
Marsh, William

Cordelli, Glenn
Nelson, Bill

Crawford, Karel
Schmidt, Stephen

CHESHIREAbbott, Michael
Sterling, Franklin

Hunt, John

McConnell, James

O'Day, John

COOS

Fothergill, John

Judd, Bing

Merner, Troy

GRAFTONBailey, Brad
Darrow, Stephen
Johnson, TiffanyBinford, David
Hennessey, ErinBoutin, Skylar
Ladd, RickBrown, Duane
Migliore, Vincent Paul**HILLSBOROUGH**Ammon, Keith
Burns, Charlie
Carr, John
Donovan, Daniel
Freeman, Lisa
Gargas, Carolyn
Hopper, Gary
Rice, Kimberly
Lascelles, Richard
McLean, Mark
Notter, Jeanine
Proulx, Mark
Rouillard, Claire
Somero, Paul
Sullivan, VictoriaGriffin, Barbara
Burt, John
Christensen, Chris
Dyer, Caleb
Fromuth, Bart
Gould, Linda
Belanger, James
Kurk, Neal
LeBrun, Donald
Murotake, David
Panasiti, Reed
Prout, Andrew
Sanborn, Laurie
Souza, KathleenBarry, Richard
Byron, Frank
Christie, Rick
Fedolfi, Jim
Griffin, Gerald
Hansen, Peter
Graham, John
L'Heureux, Robert
Lewicke, John
Murphy, Keith
Pellegrino, Anthony
Ober, Russell
Scully, Kevin
Twombly, TimothyBiggie, Barbara
Moore, Craig
Dickey, Glen
Ferreira, Elizabeth
Gagne, Larry
Hinch, Richard
Moore, Josh
Ober, Lynne
McCarthy, Michael
Negron, Steve
Pierce, David
Renzullo, Andrew
Seidel, Carl
Ulery, Jordan**MERRIMACK**Kuch, Bill
Hill, Gregory
Kotowski, Frank
Pearl, HowardBrewster, Michael
Hoell, J.R.
Moffett, Michael
Seaworth, BrianCopp, Anne
Horn, Werner
Marple, Richard
Testerman, DaveLong, Douglas
Klose, John
McGuire, Carol
Wells, Natalie**ROCKINGHAM**Cook, Allen
Barnes, Arthur
Chirichiello, Brian
Elliott, Robert
Gay, Betty
Hoelzel, Kathleen
Janvrin, Jason
Griffin, Mary
McKinney, Betsy
Nigrello, Robert
Tilton, Rio
True, Chris
Welch, DavidAbrami, Patrick
Bates, David
Costable, Michael
Emerick, J. Tracy
Green, Dennis
Itse, Daniel
O'Connor, John
Pearson, Mark
McMahon, Charles
Osborne, Jason
Sapareto, Frank
Vose, Michael
Weyler, KennethAllen, Mary
Bean, Philip
Thomas, Douglas
Fesh, Robert
Marsh, Henry
Edwards, Jess
Katsakiores, Phyllis
Manning, John
Milz, David
Packard, Sherman
Sytek, John
Wallace, Scott
Willis, BrendaBaldasaro, Alfred
Bove, Martin
Dean-Bailey, Yvonne
Friel, William
Hagan, Joseph
Janigian, John
Lundgren, David
Matthews, Carolyn
Morrison, Sean
Gordon, Richard
Torosian, Peter
Webb, James**STRAFFORD**Beaudoin, Steven
Kaczynski, Thomas
Phinney, BrandonBerube, Roger
Turcotte, Leonard
Pitre, JosephHarrington, Michael
McNally, Jody
Spencer, MatthewHorgan, James
Mullen, John
Wuelper, Kurt**SULLIVAN**Gauthier, Francis
Smith, Steven

O'Connor, John

Laware, Thomas

Rollins, Skip

and the motion failed.

REGULAR CALENDAR CONT'D**SPECIAL ORDER****HB 559-FN**, relative to expenditures from the energy efficiency fund. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Keith Ammon for the Majority of Science, Technology and Energy. The intent of this bill is to remove residential RGGI rebates and to use this money (\$5.25 million) for energy efficiency projects. The bill would preserve rebates to commercial/industrial electricity customers, which effectively would put residential customers in the position of subsidizing business customers. It also would increase the cost of electricity for residential

customers. Since 2012, 80% of NH's share of funds generated by the sale of RGGI auction proceeds has been rebated to customers. This bill would have reduced those rebates for residential customers to zero. Since the non-rebated 20% of RGGI auction proceeds have been used to subsidize a variety of government-sponsored programs, elimination of any increase in subsidies will forestall the growth of government regulation while preventing further cost increases to ratepayers. Vote 11-10.

Rep. Herbert Richardson for the Minority of Science, Technology and Energy. This bill would create close to \$40 million in new energy savings each year. The bill directs the business allocation from the Energy Efficiency Fund to go to rebates for business, thereby driving down electrical costs for our businesses, especially those large energy users. It directs the residential allocation from the Energy Efficiency Fund to support high demand, cost effective energy efficiency programs, all of which are privately managed, award winning statewide programs run by the utilities and overseen by the NH Public Utilities Commission within the so-called CORE docket. Unlike previous proposals, this bill increases money going to low-income weatherization from the current 15% to 35%. This will service over 400 additional low-income renters and homeowners across the state and will cut their household energy bills by up to 30%, allowing them to afford other basic necessities, avoid springtime evictions and foreclosures, and reduce reliance on local welfare. Importantly, the low-income energy efficiency waitlist of over 10,000 households across our state will finally begin to be chipped away at. Hundreds more middle income residential customers falling above the qualification for the low-income program will also receive energy efficiency assistance. Moreover, aging school district and municipal buildings across our state will receive needed upgrades to significantly reduce their energy bills, which directly reduces operating expenses and thereby property tax liability. Finally, our manufacturing sector on the LG electric rate (greater than 1,000 kilowatt demand) will receive an average reduction of \$200 per month. The majority argues we should socialize the residential allocation and give an average of between \$1.30 and \$1.70 per month to every residential customer from the Energy Efficiency Fund, rather than supporting high quality energy efficiency for hundreds of residential households, municipalities, and school districts across the state that are clearly struggling to get their energy bills under control. The minority believes it is a much better return on investment to support hundreds of jobs, provide property tax relief, create about \$40 million in new energy savings each year, and drastically reduce energy and grid demands that drive down prices for all ratepayers. This bill is supported by a wide array of stakeholders, including the Business and Industry Association, the Office of Consumer Advocate (which represents residential ratepayers), NH Legal Assistance which represents low-income residential ratepayers, the NH Municipal Association, and Community Action Programs which provide services to low-income clients across our state.

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

Rep. Hoell spoke in favor.

(Rep. Packard in the Chair)

Rep. Ammon spoke in favor and yielded to questions.

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

YEAS 160 - NAYS 182

YEAS - 160

BELKNAP

Abear, Marc
Fields, Dennis
Plumer, John

Aldrich, Glen
Fraser, Valerie
Silber, Norman

Comtois, Barbara
Howard, Raymond
Sylvia, Michael

Tilton, Franklin
Lang, Timothy
Vadney, Herbert

CARROLL

Avellani, Lino
McCarthy, Frank
Marsh, William

Comeau, Ed
McConkey, Mark

Cordelli, Glenn
Nelson, Bill

Crawford, Karel
Umberger, Karen

CHESHIRE

McConnell, James

O'Day, John

COOS

Judd, Bing

Merner, Troy

GRAFTON

Binford, David
Hennessey, Erin

Boutin, Skylar
Migliore, Vincent Paul

Brown, Duane
Johnson, Tiffany

Ham, Bonnie

HILLSBOROUGH

Ammon, Keith
Burns, Charlie
Carr, John
Donovan, Daniel
Freeman, Lisa
Gargas, Carolyn
Graham, John
L'Heureux, Robert
Lewicke, John
Murphy, Keith
Pellegrino, Anthony
Ober, Russell
Seidel, Carl
Ulery, Jordan

Griffin, Barbara
Burt, John
Christensen, Chris
Dyer, Caleb
Fromuth, Bart
Gould, Linda
Moore, Josh
Ober, Lynne
McCarthy, Michael
Negron, Steve
Pierce, David
Rouillard, Claire
Somero, Paul
Sullivan, Victoria

Barry, Richard
Byron, Frank
Christie, Rick
Fedolfi, Jim
Griffin, Gerald
Hansen, Peter
Rice, Kimberly
Lascelles, Richard
McLean, Mark
Notter, Jeanine
Proulx, Mark
Sanborn, Laurie
Souza, Kathleen

Biggie, Barbara
Moore, Craig
Dickey, Glen
Ferreira, Elizabeth
Gagne, Larry
Hinch, Richard
Kurk, Neal
LeBrun, Donald
Murotake, David
Panasiti, Reed
Prout, Andrew
Scully, Kevin
Twombly, Timothy

MERRIMACK

Kuch, Bill
Hill, Gregory
Moffett, Michael
Wells, Natalie

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

Copp, Anne
Klose, John
Seaworth, Brian

Long, Douglas
Kotowski, Frank
Testerman, Dave

ROCKINGHAM

Cook, Allen
Barnes, Arthur
Costable, Michael
Emerick, J. Tracy
Green, Dennis
Edwards, Jess
Lundgren, David
Matthews, Carolyn
Morrison, Sean
Stone, Brian
Vose, Michael
Weyler, Kenneth

Abrami, Patrick
Bates, David
Thomas, Douglas
Fesh, Robert
Marsh, Henry
Janigian, John
Griffin, Mary
McKinney, Betsy
Osborne, Jason
Sytek, John
Wallace, Scott

Allen, Mary
Bean, Philip
Dean-Bailey, Yvonne
Friel, William
Hagan, Joseph
O'Connor, John
Pearson, Mark
McMahon, Charles
Gordon, Richard
Torosian, Peter
Webb, James

Baldasaro, Alfred
Bove, Martin
Elliott, Robert
Gay, Betty
Hoelzel, Kathleen
Katsakiores, Phyllis
Manning, John
Milz, David
Sapareto, Frank
True, Chris
Welch, David

STRAFFORD

Beaudoin, Steven
Kaczynski, Thomas
Phinney, Brandon

Berube, Roger
Turcotte, Leonard
Spencer, Matthew

Harrington, Michael
McNally, Jody
Wuelper, Kurt

Horgan, James
Mullen, John

SULLIVAN

Gauthier, Francis
Smith, Steven

O'Connor, John

Laware, Thomas

Rollins, Skip

NAYS - 182**BELKNAP**

Huot, David

Spanos, Peter

St. Clair, Charlie

CARROLL

Buco, Thomas

DesMarais, Edith

Knirk, Jerry

CHESHIRE

Abbott, Michael
Burridge, Delmar
Faulkner, Barry
Mann, John
Sterling, Franklin

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

Berch, Paul
Ley, Douglas
Johnsen, Gladys
Parkhurst, Henry
Pearson, William

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

COOS

Fothergill, John
Richardson, Herbert

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

Abel, Richard
Campion, Polly
Ladd, Rick
Nordgren, Sharon
Sykes, George

Almy, Susan
Darrow, Stephen
Maes, Kevin
Rand, Steven
White, Andrew

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

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

HILLSBOROUGH

Ayala, Jessica
Bouldin, Amanda
Cornell, Patricia
Edwards, Elizabeth
Goley, Jeffrey
Belanger, James
Keane, Amelia
Lisle, David
Manley, Jonathan
Newman, Sue
O'Neil, William
Roberts, Carol
Smith, Timothy

Backus, Robert
Chandley, Shannon
Sullivan, Daniel
Elber, Joel
Heath, Mary
Schmidt, Janice
King, Mark
MacKay, Mariellen
Martin, Joelle
Nutting, Allison
Long, Patrick
Rosenwald, Cindy
Van Houten, Connie

Baroody, Benjamin
Cleaver, Skip
Danielson, David
Freitas, Mary
Herbert, Christopher
Jack, Martin
Klee, Patricia
MacKenzie, Mark
Martineau, Jesse
O'Brien, Michael
Porter, Marjorie
Harvey, Suzanne
Vann, Ivy

Beaulieu, Jane
Connors, Erika
DiSilvestro, Linda
Gidge, Kenneth
Hopper, Gary
Judy, Jean
Leishman, Peter
Mangipudi, Latha
McNamara, Richard
O'Leary, Richard
Renzullo, Andrew
Shaw, Barbara
Williams, Kermit

MERRIMACK

Turcotte, Alan
Doherty, David
Henle, Paul
Myler, Mel
Rodd, Beth
Shurtleff, Stephen

Alicea, Caroletta
Ebel, Karen
Horn, Werner
Patten, Dick
Rogers, Katherine
Soucy, Timothy

Bartlett, Christy
Gile, Mary
Luneau, David
Pearl, Howard
Schuett, Dianne
Wallner, Mary Jane

Carson, Clyde
Moffett, Howard
Marple, Richard
Richards, Beth
Schultz, Kristina
Walz, Mary Beth

ROCKINGHAM

Altschiller, Debra
Cushing, Robert Renny
Francese, Paula
Lerner, Kari
Messmer, Mindi
Pantelakos, Laura
Le, Tamara

Berrien, Skip
DiLorenzo, Charlotte
Gilman, Julie
Lovejoy, Patricia
Murray, Kate
Tilton, Rio
Ward, Gerald

Cahill, Michael
Edgar, Michael
Guthrie, Joseph
Malloy, Dennis
Nigrello, Robert
Read, Ellen

Cali-Pitts, Jacqueline
Farnham, Betsey
Janvrin, Jason
McBeath, Rebecca
Gordon, Pamela
Somssich, Peter

STRAFFORD

Bixby, Peter
Ellis, Donna
Grassie, Chuck
Smith, Marjorie
Salloway, Jeffrey
Spang, Judith

Burton, Wayne
Fontneau, Timothy
Horrigan, Timothy
Opderbecke, Linn
Sandler, Catt
Treleaven, Susan

Cilley, Jacalyn
Frost, Sherry
Keans, Sandra
Schmidt, Peter
Scruton, Matthew
Wall, Janet

Conley, Casey
Gourgue, Amanda
Krans, Hamilton
Pitre, Joseph
Southworth, Thomas

SULLIVAN

Cloutier, John
Oxenham, Lee

Gagnon, Raymond
Sullivan, Brian

Grenier, James
Tanner, Linda

Irwin, Virginia

and the majority committee report failed.

Rep. Richardson moved the minority committee report of Ought to Pass with Amendment and offered minority committee amendment (2479h).

Minority Amendment (2479h)

Amend RSA 123-O:23, III as inserted by section 1 of the bill by replacing it with the following:

III. All remaining proceeds received by the state from the sale of allowances, excluding the amount used for commission and department administration under paragraph I, shall be allocated by the commission as follows:

(a) At least ~~[15]~~ **35** percent to the low-income core energy efficiency program.

(b) Beginning January 1, ~~[2014]~~ **2018**, up to ~~[\$2,000,000]~~ **\$5,000,000** annually to utility core programs for municipal, ***school district***, and local government energy efficiency projects, including projects by local governments that have their own municipal utilities. Funding elements shall include, but not be limited to, funding for direct technical and project management assistance to identify and encourage comprehensive projects and incentives structured to assist municipal and local governments funding energy efficiency projects. In calendar years 2014, 2015, ~~[and]~~ 2016, **2017, and 2018**, any unused funds allocated to municipal and local government projects under this paragraph remaining at the end of the year shall roll over and be added to the new calendar year program funds and continue to be made available exclusively for municipal and local government projects. Beginning in calendar year ~~[2017]~~ **2019**, and all subsequent years, funds allocated to municipal and local government projects under this paragraph shall be offered first to municipal and local governments as described in this paragraph for no less than 4 full calendar months. If, at the end of this time, municipal and local governments have not submitted requests for eligible projects that will expend the funds allocated to municipal and local government projects under this paragraph within that program year, the funds shall ~~[be offered on a first-come, first-serve basis to business and municipal customers who fund the system benefits charge]~~ **go to a fuel neutral residential core energy efficiency program.**

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

YEAS 215 - NAYS 126**YEAS - 215
BELKNAP**

Tilton, Franklin
Lang, Timothy

Fields, Dennis
Spanos, Peter

Fraser, Valerie
St. Clair, Charlie

Huot, David

CARROLL

Buco, Thomas
Marsh, William

DesMarais, Edith

Knirk, Jerry

Nelson, Bill

CHESHIRE

Abbott, Michael
Burridge, Delmar
Faulkner, Barry
Mann, John
Sterling, Franklin

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

Berch, Paul
Ley, Douglas
Johnsen, Gladys
Parkhurst, Henry
Pearson, William

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

COOS

Fothergill, John
Moynihan, Wayne

Hatch, William
Richardson, Herbert

Judd, Bing
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

GRAFTON

Abel, Richard
Boutin, Skylar
Josephson, Timothy
Mulligan, Mary Jane
Smith, Suzanne

Almy, Susan
Campion, Polly
Ladd, Rick
Nordgren, Sharon
Sykes, George

Bailey, Brad
Darrow, Stephen
Maes, Kevin
Rand, Steven
White, Andrew

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

HILLSBOROUGH

Ayala, Jessica
Bouldin, Amanda
Cornell, Patricia
Donovan, Daniel
Gargas, Carolyn
Heath, Mary
Belanger, James
Jeudy, Jean
Kurk, Neal
MacKay, Mariellen
Manley, Jonathan
Newman, Sue
O'Neil, William
Pierce, David
Harvey, Suzanne
Vann, Ivy

Backus, Robert
Chandle, Shannon
Sullivan, Daniel
Edwards, Elizabeth
Gidge, Kenneth
Herbert, Christopher
Graham, John
Keane, Amelia
Ober, Lynne
McCarthy, Michael
Martin, Joelle
Nutting, Allison
Long, Patrick
Porter, Marjorie
Shaw, Barbara
Williams, Kermit

Baroody, Benjamin
Cleaver, Skip
Danielson, David
Elber, Joel
Goley, Jeffrey
Hinch, Richard
Schmidt, Janice
King, Mark
Leishman, Peter
MacKenzie, Mark
Martineau, Jesse
O'Brien, Michael
Panasiti, Reed
Roberts, Carol
Smith, Timothy

Beaulieu, Jane
Connors, Erika
DiSilvestro, Linda
Freitas, Mary
Gould, Linda
Hopper, Gary
Jack, Martin
Klee, Patricia
Lisle, David
Mangipudi, Latha
McNamara, Richard
O'Leary, Richard
Pellegrino, Anthony
Rosenwald, Cindy
Van Houten, Connie

MERRIMACK

Turcotte, Alan
Doherty, David
Henle, Paul
Moffett, Michael
Richards, Beth
Schultz, Kristina
Walz, Mary Beth

Alicea, Caroletta
Ebel, Karen
Horn, Werner
Myler, Mel
Rodd, Beth
Shurtleff, Stephen

Bartlett, Christy
Gile, Mary
Kotowski, Frank
Patten, Dick
Rogers, Katherine
Soucy, Timothy

Carson, Clyde
Moffett, Howard
Luneau, David
Pearl, Howard
Schuett, Dianne
Wallner, Mary Jane

ROCKINGHAM

Cook, Allen
Bove, Martin
DiLorenzo, Charlotte
Friel, William
Hoelzel, Kathleen
Lovejoy, Patricia
McMahon, Charles
Nigrello, Robert
Read, Ellen
Ward, Gerald

Altschiller, Debra
Cahill, Michael
Edgar, Michael
Gay, Betty
Janvrin, Jason
Malloy, Dennis
Messmer, Mindi
Gordon, Pamela
Somssich, Peter
Welch, David

Baldasaro, Alfred
Cali-Pitts, Jacqueline
Farnham, Betsey
Gilman, Julie
Katsakiores, Phyllis
Matthews, Carolyn
Milz, David
Pantelakos, Laura
Sytek, John
Weyler, Kenneth

Berrien, Skip
Cushing, Robert Renny
Francese, Paula
Guthrie, Joseph
Lerner, Kari
McBeath, Rebecca
Murray, Kate
Tilton, Rio
Le, Tamara

STRAFFORD

Berube, Roger
Conley, Casey
Gourgue, Amanda

Bixby, Peter
Ellis, Donna
Grassie, Chuck

Burton, Wayne
Fontneau, Timothy
Horrigan, Timothy

Cilley, Jacalyn
Frost, Sherry
Keans, Sandra

Krans, Hamilton
Pitre, Joseph
Southworth, Thomas

Smith, Marjorie
Salloway, Jeffrey
Spang, Judith

Opderbecke, Linn
Sandler, Catt
Treleven, Susan

Schmidt, Peter
Scruton, Matthew
Wall, Janet

SULLIVAN

Cloutier, John
Oxenham, Lee

Gagnon, Raymond
Sullivan, Brian

Grenier, James
Tanner, Linda

Irwin, Virginia

NAYS - 126

BELKNAP

Abear, Marc
Plumer, John

Aldrich, Glen
Silber, Norman

Comtois, Barbara
Sylvia, Michael

Howard, Raymond
Vadney, Herbert

CARROLL

Avellani, Lino
McCarthy, Frank

Comeau, Ed
McConkey, Mark

Cordelli, Glenn
Umberger, Karen

Crawford, Karel

CHESHIRE

McConnell, James

O'Day, John

COOS

Merner, Troy

GRAFTON

Binford, David
Migliore, Vincent Paul

Brown, Duane
Johnson, Tiffany

Ham, Bonnie

Hennessey, Erin

HILLSBOROUGH

Ammon, Keith
Burns, Charlie
Carr, John
Dyer, Caleb
Fromuth, Bart
Moore, Josh
LeBrun, Donald
Murphy, Keith
Prout, Andrew
Sanborn, Laurie
Souza, Kathleen

Griffin, Barbara
Burt, John
Christensen, Chris
Fedolfi, Jim
Griffin, Gerald
Rice, Kimberly
Lewicke, John
Negron, Steve
Ober, Russell
Scully, Kevin
Twombly, Timothy

Barry, Richard
Byron, Frank
Christie, Rick
Ferreira, Elizabeth
Gagne, Larry
L'Heureux, Robert
McLean, Mark
Notter, Jeanine
Renzullo, Andrew
Seidel, Carl
Ulery, Jordan

Biggie, Barbara
Moore, Craig
Dickey, Glen
Freeman, Lisa
Hansen, Peter
Lascelles, Richard
Murotake, David
Proulx, Mark
Rouillard, Claire
Somero, Paul
Sullivan, Victoria

MERRIMACK

Kuch, Bill
Hill, Gregory
McGuire, Carol

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

Copp, Anne
Klose, John
Testerman, Dave

Long, Douglas
Marple, Richard
Wells, Natalie

ROCKINGHAM

Abrami, Patrick
Bean, Philip
Elliott, Robert
Marsh, Henry
O'Connor, John
Manning, John
Gordon, Richard
True, Chris

Allen, Mary
Costable, Michael
Emerick, J. Tracy
Hagan, Joseph
Lundgren, David
McKinney, Betsy
Sapareto, Frank
Vose, Michael

Barnes, Arthur
Thomas, Douglas
Fesh, Robert
Edwards, Jess
Griffin, Mary
Morrison, Sean
Stone, Brian
Wallace, Scott

Bates, David
Dean-Bailey, Yvonne
Green, Dennis
Janigian, John
Pearson, Mark
Osborne, Jason
Torosian, Peter
Webb, James

STRAFFORD

Harrington, Michael
McNally, Jody
Wuelper, Kurt

Horgan, James
Mullen, John

Kaczynski, Thomas
Phinney, Brandon

Turcotte, Leonard
Spencer, Matthew

SULLIVAN

Gauthier, Francis
Smith, Steven

O'Connor, John

Laware, Thomas

Rollins, Skip

and the minority committee amendment was adopted.

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

MOTION TO LAY ON THE TABLE

Rep. John Graham moved that **HB 559-FN**, relative to expenditures from the energy efficiency fund, be laid on the table.

Rep. Richardson requested a roll call; sufficiently seconded.

YEAS 153 - NAYS 189**YEAS - 153
BELKNAP**

Abear, Marc
Fraser, Valerie
Silber, Norman

Aldrich, Glen
Howard, Raymond
Sylvia, Michael

Comtois, Barbara
Lang, Timothy
Vadney, Herbert

Tilton, Franklin
Plumer, John

CARROLL

Avellani, Lino
McConkey, Mark

Comeau, Ed
Nelson, Bill

Cordelli, Glenn
Umberger, Karen

McCarthy, Frank
Marsh, William

CHESHIRE**COOS****GRAFTON**

Binford, David
Migliore, Vincent Paul

Brown, Duane
Johnson, Tiffany

Ham, Bonnie

Hennessey, Erin

HILLSBOROUGH

Ammon, Keith
Burns, Charlie
Christensen, Chris
Fedolfi, Jim
Griffin, Gerald
Hansen, Peter
Rice, Kimberly
Lascelles, Richard
McLean, Mark
Notter, Jeanine
Proulx, Mark
Rouillard, Claire
Somero, Paul
Sullivan, Victoria

Griffin, Barbara
Burt, John
Christie, Rick
Ferreira, Elizabeth
Gagne, Larry
Hinch, Richard
Kurk, Neal
LeBrun, Donald
Murotake, David
Panasiti, Reed
Prout, Andrew
Sanborn, Laurie
Souza, Kathleen

Barry, Richard
Byron, Frank
Dickey, Glen
Freeman, Lisa
Gargas, Carolyn
Graham, John
L'Heureux, Robert
Lewicke, John
Murphy, Keith
Pellegrino, Anthony
Ober, Russell
Scully, Kevin
Twombly, Timothy

Biggie, Barbara
Moore, Craig
Dyer, Caleb
Fromuth, Bart
Gould, Linda
Moore, Josh
Ober, Lynne
McCarthy, Michael
Negron, Steve
Pierce, David
Renzullo, Andrew
Seidel, Carl
Ulery, Jordan

MERRIMACK

Kuch, Bill
Hill, Gregory
Moffett, Michael
Testerman, Dave

Brewster, Michael
Hoell, J.R.
Marple, Richard
Wells, Natalie

Copp, Anne
Klose, John
McGuire, Carol

Long, Douglas
Kotowski, Frank
Seaworth, Brian

ROCKINGHAM

Abrami, Patrick
Bates, David
Costable, Michael
Emerick, J. Tracy
Green, Dennis
Edwards, Jess
Lundgren, David
Matthews, Carolyn
Morrison, Sean
Stone, Brian
Vose, Michael
Weyler, Kenneth

Allen, Mary
Bean, Philip
Thomas, Douglas
Fesh, Robert
Marsh, Henry
Janigian, John
Griffin, Mary
McKinney, Betsy
Osborne, Jason
Sytek, John
Wallace, Scott

Baldasaro, Alfred
Bove, Martin
Dean-Bailey, Yvonne
Friel, William
Hagan, Joseph
O'Connor, John
Pearson, Mark
McMahon, Charles
Gordon, Richard
Torosian, Peter
Webb, James

Barnes, Arthur
Cali-Pitts, Jacqueline
Elliott, Robert
Gay, Betty
Hoelzel, Kathleen
Katsakiores, Phyllis
Manning, John
Milz, David
Sapareto, Frank
True, Chris
Welch, David

STRAFFORD

Beaudoin, Steven
Turcotte, Leonard
Spencer, Matthew

Harrington, Michael
McNally, Jody
Wuelper, Kurt

Horgan, James
Mullen, John

Kaczynski, Thomas
Phinney, Brandon

SULLIVAN**NAYS - 189
BELKNAP**

Fields, Dennis

Huot, David

Spanos, Peter

St. Clair, Charlie

CARROLL

Buco, Thomas

Crawford, Karel

DesMarais, Edith

Knirk, Jerry

CHESHIRE

Abbott, Michael
Burridge, Delmar
Faulkner, Barry
Mann, John
Sterling, Franklin

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

Berch, Paul
Ley, Douglas
Johnsen, Gladys
Parkhurst, Henry
Pearson, William

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

COOS

Fothergill, John
Richardson, Herbert

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

Abel, Richard
Boutin, Skylar
Josephson, Timothy
Mulligan, Mary Jane
Smith, Suzanne

Almy, Susan
Campion, Polly
Ladd, Rick
Nordgren, Sharon
Sykes, George

Bailey, Brad
Darrow, Stephen
Maes, Kevin
Rand, Steven
White, Andrew

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

HILLSBOROUGH

Ayala, Jessica
Bouldin, Amanda
Connors, Erika
DiSilvestro, Linda
Freitas, Mary
Herbert, Christopher
Jack, Martin
Klee, Patricia
MacKenzie, Mark
Martineau, Jesse
O'Brien, Michael
Porter, Marjorie
Shaw, Barbara
Williams, Kermit

Backus, Robert
Carr, John
Cornell, Patricia
Donovan, Daniel
Gidge, Kenneth
Hopper, Gary
Jeudy, Jean
Leishman, Peter
Mangipudi, Latha
McNamara, Richard
O'Leary, Richard
Roberts, Carol
Smith, Timothy

Baroody, Benjamin
Chandley, Shannon
Sullivan, Daniel
Edwards, Elizabeth
Goley, Jeffrey
Belanger, James
Keane, Amelia
Lisle, David
Manley, Jonathan
Newman, Sue
O'Neil, William
Rosenwald, Cindy
Van Houten, Connie

Beaulieu, Jane
Cleaver, Skip
Danielson, David
Elber, Joel
Heath, Mary
Schmidt, Janice
King, Mark
MacKay, Mariellen
Martin, Joelle
Nutting, Allison
Long, Patrick
Harvey, Suzanne
Vann, Ivy

MERRIMACK

Turcotte, Alan
Doherty, David
Henle, Paul
Patten, Dick
Rogers, Katherine
Soucy, Timothy

Alicea, Caroletta
Ebel, Karen
Horn, Werner
Pearl, Howard
Schuett, Dianne
Wallner, Mary Jane

Bartlett, Christy
Gile, Mary
Luneau, David
Richards, Beth
Schultz, Kristina
Walz, Mary Beth

Carson, Clyde
Moffett, Howard
Myler, Mel
Rodd, Beth
Shurtleff, Stephen

ROCKINGHAM

Cook, Allen
Cushing, Robert Renny
Francese, Paula
Lerner, Kari
Messmer, Mindi
Pantelakos, Laura
Le, Tamara

Altschiller, Debra
DiLorenzo, Charlotte
Gilman, Julie
Lovejoy, Patricia
Murray, Kate
Tilton, Rio
Ward, Gerald

Berrien, Skip
Edgar, Michael
Guthrie, Joseph
Malloy, Dennis
Nigrello, Robert
Read, Ellen

Cahill, Michael
Farnham, Betsey
Janvrin, Jason
McBeath, Rebecca
Gordon, Pamela
Somssich, Peter

STRAFFORD

Berube, Roger
Conley, Casey
Gourgue, Amanda
Krans, Hamilton
Pitre, Joseph
Southworth, Thomas

Bixby, Peter
Ellis, Donna
Grassie, Chuck
Smith, Marjorie
Salloway, Jeffrey
Spang, Judith

Burton, Wayne
Fontneau, Timothy
Horrigan, Timothy
Opderbecke, Linn
Sandler, Catt
Treleaven, Susan

Cilley, Jacalyn
Frost, Sherry
Keans, Sandra
Schmidt, Peter
Scruton, Matthew
Wall, Janet

SULLIVAN

Cloutier, John
O'Connor, John
Sullivan, Brian

Gagnon, Raymond
Oxenham, Lee
Tanner, Linda

Grenier, James
Rollins, Skip

Irwin, Virginia
Smith, Steven

and the motion failed.

The question now being adoption of the minority committee report of Ought to Pass with Amendment.
Rep. Richardson requested a roll call; not sufficiently seconded.

On a division vote, with 197 members having voted in the affirmative, and 147 in the negative, the minority committee report was adopted and referred to the Committee on Finance.

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

SPECIAL ORDER

HB 592-FN, repealing the regional greenhouse gas initiative. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael Vose for the Majority of Science, Technology and Energy. The original intent of this retained bill was to repeal the Regional Greenhouse Gas Initiative, commonly known as RGGI. RGGI implements a carbon emissions cap and trade program that requires any electricity generator that emits carbon dioxide to purchase an allowance for each ton of its emissions. An auction process implements the sale of these allowances. Generators pass along the cost of these allowances in the price of the power they sell to the grid. Therefore, all ratepayers pay them. The funds collected from generators then get combined and divided amongst the RGGI participating states according to a formula that accounts for population and other factors. Since all ratepayers pay these costs, but only get a return if they live in a RGGI state, a NH repeal of RGGI would be a net loss to ratepayers. Since 2012, 80% of NH's share of funds generated by the sale of RGGI auction proceeds has been rebated to electricity ratepayers. The amendment recommended by the committee increases that rebate from 80% to 100%, less administrative costs. This change will reduce electricity costs and return funds generated by what is essentially a carbon tax to the pockets of the ratepayers from whom they are extracted. The House passed legislation in 2015 that is identical to the recommended amendment. Vote 11-10.

Rep. Marjorie Shepardson for the Minority of Science, Technology and Energy. This bill, as originally presented, would have repealed the law under which NH participates in the Regional Greenhouse Gas Initiative, or RGGI. On the day the committee was to vote on this repeal, an amendment was offered which entirely replaced the original bill and instead of an outright repeal, zeroed out all funding for energy efficiency projects through the program. The minority believes that, in addition to the other problems with the bill, an opportunity for a public hearing on the amendment should have been provided. RGGI is a cap and trade system among nine northeastern states to cut greenhouse gas emissions. It is a model for the rest of the country because it has been successfully reducing these emissions while providing the states with money for energy efficiency, which cuts their power demand even more. But our state is not using most of this money for efficiency, so we are seeing our energy use continue to rise while other states' use has flattened out. Under this bill, as amended, NH would entirely eliminate the funding that RGGI provides to advance energy efficiency and better our ranking as only the 21st most efficient state. As a result, NH is likely to pay a bigger share of the region's rapidly rising costs for regional transmission projects, perhaps moving us toward the highest electric bills in New England. For less than a dollar a month we can reap the benefits of better health, clean energy jobs, fuel diversity, and keeping more of our energy dollars in the state to work for all of us. There is a substantial wait list for energy efficiency projects and eliminating RGGI funding that can be used for this purpose will only increase this problem. Energy efficiency has long been NH's priority choice for meeting our energy needs. It remains the lowest cost choice and is also the most environmentally friendly. It is the best tool we have to meet the problem of high electric bills in our state, since customers have the power to cut their bills by reducing the number of kilowatt-hours they use.

Majority Amendment (0503h)

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

AN ACT relative to allowance sales under the New Hampshire regional greenhouse gas initiative program.

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

1 Energy Efficiency Fund and Use of Auction Proceeds. Amend RSA 125-O:23, II to read as follows:

II. All amounts in excess of the threshold price, *minus administrative costs*, of [\$1] **\$0** for any allowance sale shall be rebated to all retail electric ratepayers in the state on a per-kilowatt-hour basis, in a timely manner to be determined by the commission.

2 Repeal. The following are repealed:

I. RSA 125-O:23, III-V, relative to use of remaining proceeds received by the state from the sale of allowances.

II. RSA 374-F:6, V, relative to the duty of the oversight committee on electric utility restructuring to monitor core energy efficiency programs pursuant to RSA 125-O:23, III.

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

AMENDED ANALYSIS

This bill requires all amounts from allowance sales under the New Hampshire regional greenhouse gas initiative program to be rebated to retail electric ratepayers in this state.

Majority committee amendment adopted.

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

Rep. Oxenham spoke against.

(Speaker Chandler in the Chair)

Reps. Shepardson and Stone spoke against.

Rep. Vose spoke in favor.

Rep. Harrington spoke in favor and yielded to questions.

Rep. Shepardson requested a roll call; sufficiently seconded.

YEAS 165 - NAYS 180**YEAS - 165
BELKNAP**

Abear, Marc
Fields, Dennis
Silber, Norman

Aldrich, Glen
Fraser, Valerie
Spanos, Peter

Comtois, Barbara
Howard, Raymond
Sylvia, Michael

Tilton, Franklin
Plumer, John
Vadney, Herbert

CARROLL

Avellani, Lino
McConkey, Mark

Comeau, Ed
Nelson, Bill

Cordelli, Glenn
Schmidt, Stephen

McCarthy, Frank
Umberger, Karen

CHESHIRE

Hunt, John

O'Day, John

COOS

Fothergill, John

Judd, Bing

Merner, Troy

GRAFTON

Binford, David
Ladd, Rick

Brown, Duane
Migliore, Vincent Paul

Ham, Bonnie
Johnson, Tiffany

Hennessey, Erin

HILLSBOROUGH

Ammon, Keith
Burns, Charlie
Carr, John
Donovan, Daniel
Fromuth, Bart
Hansen, Peter
Moore, Josh
Ober, Lynne
McCarthy, Michael
Negron, Steve
Pierce, David
Renzullo, Andrew
Seidel, Carl
Ulery, Jordan

Griffin, Barbara
Burt, John
Christensen, Chris
Dyer, Caleb
Griffin, Gerald
Hinch, Richard
Rice, Kimberly
Lascelles, Richard
McLean, Mark
Notter, Jeanine
Proulx, Mark
Rouillard, Claire
Somero, Paul
Sullivan, Victoria

Barry, Richard
Byron, Frank
Christie, Rick
Ferreira, Elizabeth
Gagne, Larry
Hopper, Gary
Kurk, Neal
LeBrun, Donald
Murotake, David
Panasiti, Reed
Prout, Andrew
Sanborn, Laurie
Souza, Kathleen

Biggie, Barbara
Moore, Craig
Dickey, Glen
Freeman, Lisa
Gould, Linda
Graham, John
L'Heureux, Robert
Lewicke, John
Murphy, Keith
Pellegrino, Anthony
Ober, Russell
Scully, Kevin
Twombly, Timothy

MERRIMACK

Kuch, Bill
Hill, Gregory
Kotowski, Frank
Pearl, Howard

Brewster, Michael
Hoell, J.R.
Moffett, Michael
Seaworth, Brian

Copp, Anne
Horn, Werner
Marple, Richard
Testerman, Dave

Long, Douglas
Klose, John
McGuire, Carol
Wells, Natalie

ROCKINGHAM

Cook, Allen
Barnes, Arthur
Chirichiello, Brian
Elliott, Robert
Green, Dennis
Itse, Daniel
Katsakiores, Phyllis
Manning, John
Milz, David
Gordon, Richard
True, Chris
Welch, David

Abrami, Patrick
Bates, David
Costable, Michael
Emerick, J. Tracy
Marsh, Henry
Edwards, Jess
Lundgren, David
Matthews, Carolyn
Morrison, Sean
Sapareto, Frank
Vose, Michael
Weyler, Kenneth

Allen, Mary
Bean, Philip
Thomas, Douglas
Fesh, Robert
Hagan, Joseph
Janigian, John
Griffin, Mary
McKinney, Betsy
Osborne, Jason
Sytek, John
Wallace, Scott
Willis, Brenda

Baldasaro, Alfred
Bove, Martin
Dean-Bailey, Yvonne
Friel, William
Hoelzel, Kathleen
O'Connor, John
Pearson, Mark
McMahon, Charles
Packard, Sherman
Torosian, Peter
Webb, James

STRAFFORD

Beaudoin, Steven
Turcotte, Leonard
Pitre, Joseph

Harrington, Michael
McNally, Jody
Spencer, Matthew

Horgan, James
Mullen, John
Wuelper, Kurt

Kaczynski, Thomas
Phinney, Brandon

SULLIVAN

Gauthier, Francis
Smith, Steven

O'Connor, John

Laware, Thomas

Rollins, Skip

**NAYS - 180
BELKNAP**

Huot, David

Lang, Timothy

St. Clair, Charlie

CARROLL

Buco, Thomas
Marsh, William

Crawford, Karel

DesMarais, Edith

Knirk, Jerry

CHESHIRE

Abbott, Michael
Burridge, Delmar
Faulkner, Barry
McConnell, James
Sterling, Franklin

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

Berch, Paul
Ley, Douglas
Johnsen, Gladys
Parkhurst, Henry
Pearson, William

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

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Richardson, Herbert

GRAFTON

Abel, Richard
Boutin, Skylar
Josephson, Timothy
Nordgren, Sharon
Sykes, George

Almy, Susan
Campion, Polly
Maes, Kevin
Rand, Steven
White, Andrew

Bailey, Brad
Darrow, Stephen
Massimilla, Linda
Schwaegler, Vicki

Bennett, Travis
Higgins, Patricia
Mulligan, Mary Jane
Smith, Suzanne

HILLSBOROUGH

Ayala, Jessica
Bouldin, Amanda
Cornell, Patricia
Edwards, Elizabeth
Gidge, Kenneth
Belanger, James
Keane, Amelia
Lisle, David
Manley, Jonathan
Newman, Sue
Long, Patrick
Harvey, Suzanne
Vann, Ivy

Backus, Robert
Chandlee, Shannon
Sullivan, Daniel
Elber, Joel
Goley, Jeffrey
Schmidt, Janice
King, Mark
MacKay, Mariellen
Martin, Joelle
Nutting, Allison
Porter, Marjorie
Shaw, Barbara
Williams, Kermit

Baroody, Benjamin
Cleaver, Skip
Danielson, David
Freitas, Mary
Heath, Mary
Jack, Martin
Klee, Patricia
MacKenzie, Mark
Martineau, Jesse
O'Brien, Michael
Roberts, Carol
Smith, Timothy

Beaulieu, Jane
Connors, Erika
DiSilvestro, Linda
Gargas, Carolyn
Herbert, Christopher
Jeudy, Jean
Leishman, Peter
Mangipudi, Latha
McNamara, Richard
O'Leary, Richard
Rosenwald, Cindy
Van Houten, Connie

MERRIMACK

Turcotte, Alan
Doherty, David
Henle, Paul
Richards, Beth
Schultz, Kristina
Walz, Mary Beth

Alicea, Caroletta
Ebel, Karen
Luneau, David
Rodd, Beth
Shurtleff, Stephen

Bartlett, Christy
Gile, Mary
Myler, Mel
Rogers, Katherine
Soucy, Timothy

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

ROCKINGHAM

Altschiller, Debra
Cushing, Robert Renny
Francese, Paula
Janvrin, Jason
McBeath, Rebecca
Gordon, Pamela
Somssich, Peter

Berrien, Skip
DiLorenzo, Charlotte
Gay, Betty
Lerner, Kari
Messmer, Mindi
Pantelakos, Laura
Stone, Brian

Cahill, Michael
Edgar, Michael
Gilman, Julie
Lovejoy, Patricia
Murray, Kate
Tilton, Rio
Le, Tamara

Cali-Pitts, Jacqueline
Farnham, Betsey
Guthrie, Joseph
Malloy, Dennis
Nigrello, Robert
Read, Ellen
Ward, Gerald

STRAFFORD

Berube, Roger
Conley, Casey
Gourgue, Amanda
Krans, Hamilton
Salloway, Jeffrey
Spang, Judith

Bixby, Peter
Ellis, Donna
Grassie, Chuck
Smith, Marjorie
Sandler, Catt
Treleaven, Susan

Burton, Wayne
Fontneau, Timothy
Horriggan, Timothy
Opderbecke, Linn
Scruton, Matthew
Wall, Janet

Cilley, Jacalyn
Frost, Sherry
Keans, Sandra
Schmidt, Peter
Southworth, Thomas

SULLIVAN

Cloutier, John
Oxenham, Lee

Gagnon, Raymond
Sullivan, Brian

Grenier, James
Tanner, Linda

Irwin, Virginia

and the majority committee report failed.

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

On a division vote, with 187 members having voted in the affirmative, and 158 in the negative, the minority committee report was adopted.

HB 92, revising the definition of the state building code and ratifying changes to the state building code adopted by the state building code review board. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Steven Beaudoin for the Majority of Executive Departments and Administration. This bill not only updates the building code, but adds a suite of new codes including plumbing, mechanical, pool & spa, existing building, and energy code. During testimony, the committee learned that this round of codes would increase the cost of building a new home or structure by approximately 12%. Since NH suffers from a severe shortage of affordable housing, the majority found no need to add to the problem. Further, since the state building codes only set the minimum standards, businesses and homebuilders are free to build to the new codes, if they wish to enjoy additional energy savings or use new building techniques and materials. Vote 10-7.

Rep. Carol Roberts for the Minority of Executive Departments and Administration. This bill, with the amendment, would update the codes that comprise the state building code from the 2009 to the 2015 versions, with the exception of the International Energy Conservation Code. New Hampshire is in danger of being one of only 12 states using codes that are at least two cycles (6 years) old. This change has the support of all the building trades; the related professional organizations; and several state agencies. The minority is concerned about ignoring the real and the intangible costs of not building to current code, and fears for the health and safety of the public.

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

Rep. Roberts spoke against.

Rep. Beaudoin spoke in favor.

Rep. White requested a roll call; sufficiently seconded.

YEAS 188 - NAYS 157

YEAS - 188

BELKNAP

Abear, Marc
Fields, Dennis
Silber, Norman

Aldrich, Glen
Fraser, Valerie
Spanos, Peter

Comtois, Barbara
Howard, Raymond
Sylvia, Michael

Tilton, Franklin
Plumer, John
Vadney, Herbert

CARROLL

Avellani, Lino
McCarthy, Frank
Umberger, Karen

Comeau, Ed
McConkey, Mark
Marsh, William

Cordelli, Glenn
Nelson, Bill

Crawford, Karel
Schmidt, Stephen

CHESHIRE

Hunt, John

McConnell, James

O'Day, John

Sterling, Franklin

COOS

Fothergill, John

Judd, Bing

Merner, Troy

Richardson, Herbert

GRAFTON

Bailey, Brad
Darrow, Stephen
Migliore, Vincent Paul

Binford, David
Ham, Bonnie
Schwaegler, Vicki

Boutin, Skylar
Hennessey, Erin
Johnson, Tiffany

Brown, Duane
Ladd, Rick

HILLSBOROUGH

Ammon, Keith
Burns, Charlie
Christensen, Chris
Donovan, Daniel
Freeman, Lisa
Gould, Linda
Belanger, James
Kurk, Neal
LeBrun, Donald
McLean, Mark
Notter, Jeanine
Proulx, Mark
Rouillard, Claire
Shaw, Barbara
Ulery, Jordan

Griffin, Barbara
Burt, John
Christie, Rick
Dyer, Caleb
Fromuth, Bart
Hansen, Peter
Graham, John
L'Heureux, Robert
Lewicke, John
Murotake, David
Panasiti, Reed
Prout, Andrew
Sanborn, Laurie
Souza, Kathleen
Sullivan, Victoria

Barry, Richard
Byron, Frank
Danielson, David
Edwards, Elizabeth
Griffin, Gerald
Hinch, Richard
Moore, Josh
Ober, Lynne
McCarthy, Michael
Murphy, Keith
Pellegrino, Anthony
Ober, Russell
Scully, Kevin
Wolf, Terry

Biggie, Barbara
Carr, John
Dickey, Glen
Ferreira, Elizabeth
Gagne, Larry
Hopper, Gary
Rice, Kimberly
Lascelles, Richard
Martin, Joelle
Negron, Steve
Pierce, David
Renzullo, Andrew
Seidel, Carl
Twombly, Timothy

MERRIMACK

Turcotte, Alan
Long, Douglas
Klose, John
McGuire, Carol
Wells, Natalie

Kuch, Bill
Hill, Gregory
Kotowski, Frank
Pearl, Howard

Brewster, Michael
Hoell, J.R.
Moffett, Michael
Seaworth, Brian

Copp, Anne
Horn, Werner
Marple, Richard
Testerman, Dave

ROCKINGHAM

Cook, Allen
Barnes, Arthur
Chirichiello, Brian
Elliott, Robert
Green, Dennis
Hoelzel, Kathleen
Janvrin, Jason
Griffin, Mary
McKinney, Betsy
Nigrello, Robert
Tilton, Rio
True, Chris
Welch, David

Abrami, Patrick
Bates, David
Costable, Michael
Emerick, J. Tracy
Guthrie, Joseph
Itse, Daniel
O'Connor, John
Pearson, Mark
McMahon, Charles
Osborne, Jason
Sapareto, Frank
Vose, Michael
Weyler, Kenneth

Allen, Mary
Bean, Philip
Thomas, Douglas
Fesh, Robert
Marsh, Henry
Edwards, Jess
Katsakiores, Phyllis
Manning, John
Milz, David
Packard, Sherman
Stone, Brian
Wallace, Scott
Willis, Brenda

Baldasaro, Alfred
Bove, Martin
Dean-Bailey, Yvonne
Gay, Betty
Hagan, Joseph
Janigian, John
Lundgren, David
Matthews, Carolyn
Morrison, Sean
Gordon, Richard
Torosian, Peter
Webb, James

STRAFFORD

Beaudoin, Steven
Horgan, James
McNally, Jody
Scruton, Matthew

Fontneau, Timothy
Kaczynski, Thomas
Mullen, John
Spencer, Matthew

Grassie, Chuck
Keans, Sandra
Phinney, Brandon
Wuelper, Kurt

Harrington, Michael
Turcotte, Leonard
Pitre, Joseph

SULLIVAN

Gauthier, Francis
Rollins, Skip

Grenier, James
Smith, Steven

O'Connor, John

Laware, Thomas

NAYS - 157**BELKNAP**

Huot, David

Lang, Timothy

St. Clair, Charlie

CARROLL

Buco, Thomas

DesMarais, Edith

Knirk, Jerry

CHESHIRE

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

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

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

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

COOS

Hatch, William
Thomas, Yvonne

Laflamme, Larry

Moynihan, Wayne

Tucker, Edith

GRAFTON

Abel, Richard
Higgins, Patricia
Mulligan, Mary Jane
Sykes, George

Almy, Susan
Josephson, Timothy
Nordgren, Sharon
White, Andrew

Bennett, Travis
Maes, Kevin
Rand, Steven

Campion, Polly
Massimilla, Linda
Smith, Suzanne

HILLSBOROUGH

Ayala, Jessica
Bouldin, Amanda
Connors, Erika
Elber, Joel
Goley, Jeffrey
Jack, Martin
Klee, Patricia
MacKenzie, Mark
McNamara, Richard
O'Leary, Richard
Rosenwald, Cindy
Van Houten, Connie

Backus, Robert
Moore, Craig
Cornell, Patricia
Freitas, Mary
Heath, Mary
Judy, Jean
Leishman, Peter
Mangipudi, Latha
Newman, Sue
Long, Patrick
Harvey, Suzanne
Vann, Ivy

Baroody, Benjamin
Chandley, Shannon
Sullivan, Daniel
Gargasz, Carolyn
Herbert, Christopher
Keane, Amelia
Lisle, David
Manley, Jonathan
Nutting, Allison
Porter, Marjorie
Somero, Paul
Williams, Kermit

Beaulieu, Jane
Cleaver, Skip
DiSilvestro, Linda
Gidge, Kenneth
Schmidt, Janice
King, Mark
MacKay, Mariellen
Martineau, Jesse
O'Brien, Michael
Roberts, Carol
Smith, Timothy

MERRIMACK

Alicea, Caroletta
Ebel, Karen
Luneau, David
Rodd, Beth
Shurtleff, Stephen

Bartlett, Christy
Gile, Mary
Myler, Mel
Rogers, Katherine
Soucy, Timothy

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

Doherty, David
Henle, Paul
Richards, Beth
Schultz, Kristina
Walz, Mary Beth

ROCKINGHAM

Altschiller, Debra
Cushing, Robert Renny
Francese, Paula
Lovejoy, Patricia
Murray, Kate
Somssich, Peter

Berrien, Skip
DiLorenzo, Charlotte
Friel, William
Malloy, Dennis
Gordon, Pamela
Le, Tamara

Cahill, Michael
Edgar, Michael
Gilman, Julie
McBeath, Rebecca
Pantelakos, Laura
Ward, Gerald

Cali-Pitts, Jacqueline
Farnham, Betsey
Lerner, Kari
Messmer, Mindi
Read, Ellen

STRAFFORD

Berube, Roger
Conley, Casey
Horrigan, Timothy
Schmidt, Peter
Spang, Judith

Bixby, Peter
Ellis, Donna
Krans, Hamilton
Salloway, Jeffrey
Treleven, Susan

Burton, Wayne
Frost, Sherry
Smith, Marjorie
Sandler, Catt
Wall, Janet

Cilley, Jacalyn
Gourgue, Amanda
Opderbecke, Linn
Southworth, Thomas

SULLIVAN

Cloutier, John
Sullivan, Brian

Gagnon, Raymond
Tanner, Linda

Irwin, Virginia

Oxenham, Lee

and the majority committee report was adopted.

The House recessed at 12:09 p.m.

RECESS

The House reconvened at 1:15 p.m.

(Speaker Chandler in the Chair)

MOTION TO SPECIAL ORDER

Rep. Lisle moved that **SB 224-FN**, relative to conversion therapy seeking to change a person's sexual orientation, be made a Special Order as the next order of business.

On a division vote, with 148 members having voted in the affirmative, and 158 in the negative, the motion failed.

REGULAR CALENDAR CONT'D

HB 168, relative to the definition of the New Hampshire fire code. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Steven Beaudoin for the Majority of Executive Departments and Administration. This bill would adopt the 2015 version of NFPA 1, the Fire Safety Code, and by default, the 2012 version as well. Along with the hundreds of code compliance requirements explicit in the documents, they incorporate by reference 15 more codes not currently adopted, adding dozens of regulated areas and over 2300 pages of new regulations. The majority felt that NH's business climate would suffer from this new round of expensive regulation. The committee heard compelling testimony to adopt only one section of the code, protection from the life safety dangers of lightweight construction during a fire. The majority believes this single issue can be appropriately addressed in rules adopted by the Fire Safety Board or the Building Code Review Board, since it is within their existing authority. The other new requirements had no demonstrated need for adoption. Vote 10-7.

Rep. Carol Roberts for the Minority of Executive Departments and Administration. The 2009 Fire Code is the prevailing fire and life safety code in New Hampshire. Many states have adopted the 2015 edition of this code. This bill would move New Hampshire to the 2015 code. It is important to realize that fire insurance rates may be increased when a state does not operate under the newest codes. Reviewing and updating codes in a timely way leads to new code sets that are not overwhelming to decipher. The eleven members of the Board of Fire Control support this bill. This board is responsible for providing advice on fire safety codes, reports to the governor and brings their experience in industry, construction standards, engineering, propane gas distribution as well as management of fire personnel to the table. The minority holds that life and fire safety codes are crucial; and furthermore, life safety issues addressed in the 2015 code were previously unknown to the building community. It is in the best interest of all citizens when the newest fire and safety code is in place.

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

Rep. Roberts spoke against.

Rep. Beaudoin spoke in favor and yielded to questions.

On a division vote, with 183 members having voted in the affirmative, and 149 in the negative, the majority committee report was adopted.

HB 413-FN-A-L, relative to payment by the state of a portion of retirement system contributions of political subdivision employers. **INEXPEDIENT TO LEGISLATE.**

Rep. J. Tracy Emerick for Finance. This bill is relative to payment by the state of a portion of retirement system contributions of political subdivision employers. As part of the budgeting process, payment of a percent of retirement payments was discussed and dismissed as an uncontrollable cost to the state. An amount of \$50 million was included in the house budget for distribution to municipalities to offset rising taxes, in lieu of a percentage payment. This funding did not make it through the budgeting process and was not included in the final budget signed by the Governor. Vote 17-9.

Rep. Cushing spoke against and yielded to questions.

Rep. Lynne Ober spoke in favor.

Rep. Rosenwald requested a roll call; sufficiently seconded.

YEAS 172 - NAYS 166

YEAS - 172

BELKNAP

Abear, Marc
Fields, Dennis
Plumer, John
Vadney, Herbert

Aldrich, Glen
Fraser, Valerie
Silber, Norman

Comtois, Barbara
Howard, Raymond
Spanos, Peter

Tilton, Franklin
Lang, Timothy
Sylvia, Michael

CARROLL

Avellani, Lino
McConkey, Mark
Marsh, William

Comeau, Ed
Nelson, Bill

Cordelli, Glenn
Schmidt, Stephen

McCarthy, Frank
Umberger, Karen

CHESHIRE

Hunt, John

McConnell, James

O'Day, John

Sterling, Franklin

COOS

Fothergill, John

Merner, Troy

Richardson, Herbert

Tucker, Edith

GRAFTON

Bailey, Brad
Hennessey, Erin
Schwaegler, Vicki

Binford, David
Ladd, Rick
Johnson, Tiffany

Brown, Duane
Migliore, Vincent Paul

Darrow, Stephen
Rand, Steven

HILLSBOROUGH

Ammon, Keith
Burt, John
Christie, Rick
Dyer, Caleb
Griffin, Gerald
Hansen, Peter
Graham, John
L'Heureux, Robert
Leishman, Peter
Murotake, David
Panasiti, Reed
Ober, Russell
Scully, Kevin
Wolf, Terry

Griffin, Barbara
Byron, Frank
Danielson, David
Ferreira, Elizabeth
Gagne, Larry
Hinch, Richard
Moore, Josh
Ober, Lynne
Lewicke, John
Murphy, Keith
Pellegrino, Anthony
Renzullo, Andrew
Seidel, Carl
Twombly, Timothy

Barry, Richard
Carr, John
Dickey, Glen
Freeman, Lisa
Gargas, Carolyn
Hopper, Gary
Rice, Kimberly
Lascelles, Richard
MacKay, Mariellen
Negron, Steve
Pierce, David
Rouillard, Claire
Somero, Paul
Ulery, Jordan

Burns, Charlie
Christensen, Chris
Donovan, Daniel
Fromuth, Bart
Gould, Linda
Belanger, James
Kurk, Neal
LeBrun, Donald
McLean, Mark
Nottter, Jeanine
Prout, Andrew
Sanborn, Laurie
Souza, Kathleen
Sullivan, Victoria

MERRIMACK

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

Brewster, Michael
Hoell, J.R.
Marple, Richard
Testerman, Dave

Copp, Anne
Horn, Werner
McGuire, Carol
Wells, Natalie

Long, Douglas
Kotowski, Frank
Pearl, Howard

ROCKINGHAM

Cook, Allen
Barnes, Arthur
Thomas, Douglas
Fesh, Robert
Guthrie, Joseph
Edwards, Jess
Lovejoy, Patricia
Matthews, Carolyn
Nigrello, Robert
Sapareto, Frank
Vose, Michael
Weyler, Kenneth

Abrami, Patrick
Bates, David
Dean-Bailey, Yvonne
Friel, William
Hagan, Joseph
Janigian, John
Lundgren, David
McKinney, Betsy
Osborne, Jason
Stone, Brian
Wallace, Scott
Willis, Brenda

Allen, Mary
Bove, Martin
Elliott, Robert
Gay, Betty
Hoelzel, Kathleen
O'Connor, John
Griffin, Mary
McMahon, Charles
Packard, Sherman
Torosian, Peter
Webb, James

Baldasaro, Alfred
Costable, Michael
Emerick, J. Tracy
Green, Dennis
Itse, Daniel
Katsakiores, Phyllis
Manning, John
Milz, David
Gordon, Richard
True, Chris
Welch, David

STRAFFORD

Beaudoin, Steven
Turcotte, Leonard
Pitre, Joseph
Spencer, Matthew

Harrington, Michael
McNally, Jody
Graham, Robert
Wuelper, Kurt

Horgan, James
Mullen, John
Sandler, Catt

Kaczynski, Thomas
Phinney, Brandon
Scruton, Matthew

SULLIVAN

Rollins, Skip

**NAYS - 166
BELKNAP**

Huot, David

St. Clair, Charlie

CARROLL

Buco, Thomas

Crawford, Karel

DesMarais, Edith

Knirk, Jerry

CHESHIREAbbott, Michael
Burridge, Delmar
Faulkner, Barry
Meader, David
Pearson, WilliamAmes, Richard
Harvey, Cathryn
Fenton, Donovan
Parkhurst, HenryBerch, Paul
Ley, Douglas
Johnsen, Gladys
Shepardson, MarjorieBordenet, John
Eaton, Daniel
Mann, John
Tatro, Bruce**COOS**

Hatch, William

Judd, Bing

Moynihan, Wayne

Thomas, Yvonne

GRAFTONAbel, Richard
Campion, Polly
Massimilla, Linda
Sykes, GeorgeAlmy, Susan
Higgins, Patricia
Mulligan, Mary Jane
White, AndrewBennett, Travis
Josephson, Timothy
Nordgren, SharonBoutin, Skylar
Maes, Kevin
Smith, Suzanne**HILLSBOROUGH**Ayala, Jessica
Bouldin, Amanda
Connors, Erika
Edwards, Elizabeth
Goley, Jeffrey
Jack, Martin
Klee, Patricia
Mangipudi, Latha
McNamara, Richard
O'Leary, Richard
Proulx, Mark
Shaw, Barbara
Williams, KermitBackus, Robert
Moore, Craig
Cornell, Patricia
Elber, Joel
Heath, Mary
Judy, Jean
Lisle, David
Manley, Jonathan
Newman, Sue
O'Neil, William
Roberts, Carol
Smith, TimothyBaroody, Benjamin
Chandley, Shannon
Sullivan, Daniel
Freitas, Mary
Herbert, Christopher
Keane, Amelia
McCarthy, Michael
Martin, Joelle
Nutting, Allison
Long, Patrick
Rosenwald, Cindy
Van Houten, ConnieBeaulieu, Jane
Cleaver, Skip
DiSilvestro, Linda
Gidge, Kenneth
Schmidt, Janice
King, Mark
MacKenzie, Mark
Martineau, Jesse
O'Brien, Michael
Porter, Marjorie
Harvey, Suzanne
Vann, Ivy**MERRIMACK**Turcotte, Alan
Doherty, David
Henle, Paul
Richards, Beth
Schultz, Kristina
Walz, Mary BethAlicea, Caroletta
Ebel, Karen
Klose, John
Rodd, Beth
Shurtleff, StephenBartlett, Christy
Gile, Mary
Luneau, David
Rogers, Katherine
Soucy, TimothyCarson, Clyde
Moffett, Howard
Myler, Mel
Schuett, Dianne
Wallner, Mary Jane**ROCKINGHAM**Altschiller, Debra
Cali-Pitts, Jacqueline
Francese, Paula
Lerner, Kari
Messmer, Mindi
Pantelakos, Laura
Ward, GeraldBean, Philip
Cushing, Robert Renny
Gilman, Julie
Pearson, Mark
Morrison, Sean
Tilton, RioBerrien, Skip
Edgar, Michael
Marsh, Henry
Malloy, Dennis
Murray, Kate
Somssich, PeterCahill, Michael
Farnham, Betsey
Janvrin, Jason
McBeath, Rebecca
Gordon, Pamela
Le, Tamara**STRAFFORD**Berube, Roger
Ellis, Donna
Grassie, Chuck
Smith, Marjorie
Southworth, ThomasBixby, Peter
Fontneau, Timothy
Horrigan, Timothy
Opderbecke, Linn
Spang, JudithBurton, Wayne
Frost, Sherry
Keans, Sandra
Schmidt, Peter
Treleven, SusanConley, Casey
Gourgue, Amanda
Krans, Hamilton
Salloway, Jeffrey
Wall, Janet**SULLIVAN**Cloutier, John
Irwin, Virginia
Sullivan, BrianGagnon, Raymond
Laware, Thomas
Tanner, LindaGauthier, Francis
Oxenham, LeeGrenier, James
Smith, Steven

and the committee report was adopted.

SB 48, establishing a commission to study the efficiency and effectiveness of the fish and game department's operations, governance, and management structure. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. James Webb for the Majority of Fish and Game and Marine Resources. The committee heard much testimony from the public and formed a subcommittee to consider the bill more extensively over the fall. The bill as it was written has many components to it, too many that should be conducted in one study. The majority of the committee therefore felt that the formation of a new study commission was not needed at this time. Vote 12-4.

Rep. Jonathan Manley for the Minority of Fish and Game and Marine Resources. The Fish and Game Department is in need of being put on a strong financial basis. In order to do this, a commission to study and recommend possibilities is needed. To put this off is not going to solve this issue. We should proceed now.

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

Rep. Manley spoke against.

Rep. Long spoke in favor and yielded to questions.

On a division vote, with 160 members having voted in the affirmative, and 177 in the negative, the majority committee report failed.

Rep. Manley moved the minority committee report of Ought to Pass with Amendment and offered minority committee amendment (2474h).

Minority Amendment (2474h)

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

AN ACT establishing a commission to study the efficiency and effectiveness of fish and game department operations.

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

1 Declaration of Purpose. The duties of the fish and game department include management of the state's fish, wildlife, and habitat; off-highway recreational vehicle training and enforcement; conducting search and rescue operations; and administering the statewide public boat access program. Over the past several years, the department has seen declining revenue from license fees and an increase in operating expenses, including information technology, retiree health insurance, employee benefits, utility costs, and search and rescue costs. While the number of the department's hunting, fishing, and trapping constituents has been declining, non-consumptive users who benefit from the department's efforts to conserve and protect wildlife species and habitats have been on the rise. It was noted in the January 2008 audit of the department that this broader user base has not been well integrated into the governance, policy making, and financial support of the department. It is in the best interests of both wildlife and the people of New Hampshire that the financial operations of the department are structured in a way that is representative, efficient, effective, and financially secure.

2 New Section; Fish and Game; Study Commission Established. Amend RSA 206 by inserting after section 1-c the following new section:

206:1-d Commission Established.

I. There is established a commission to study the efficiency and effectiveness of fish and game department operations.

II. The members of the commission shall be as follows:

(a) One member of the senate appointed by the president of the senate.

(b) Three members of the house of representatives, at least one of whom shall be from the fish and game and marine resources committee, and one of whom shall be from the finance committee, appointed by the speaker of the house of representatives.

(c) The executive director of the fish and game department.

(d) One member of the fish and game commission, appointed by the chairperson of the fish and game commission.

(e) One person representing hunting, fishing, or trapping, appointed by the speaker of the house of representatives.

(f) One person representing a land conservation organization, appointed by the governor.

(g) One member representing the New Hampshire Guides' Association, appointed by the association.

(h) One member representing recreational interests, appointed by the president of the senate.

(i) One member representing the general public with a background in agricultural interests, appointed by the governor.

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

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

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

V. The commission shall make recommendations to improve the management and long-term financial health of the fish and game department, the department's name, new revenue sources, and other organizational and structural improvements that will better enable the department to carry out its statutory responsibilities. In developing recommendations, the commission shall:

(a) Review the findings of the 2008 legislative budget assistant's performance audit of the fish and game department.

(b) Solicit input from the fish and game department, the fish and game commission, and the public.

(c) Review governance structures and long-term funding mechanisms of other states' wildlife agencies.

(d) Review additional reports and studies it deems appropriate to its purpose.

VI. Appropriate legislative research entities shall provide assistance and support to the commission as necessary and as requested by the chairperson.

VII. The commission may form subcommittees or appoint technical committees composed of commission members and nonmembers to advance the goals of this section.

VIII. The commission shall report its findings and recommendations to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, the chairperson of the house fish and game and marine resources committee, the chairperson of the senate energy and natural resources committee, and the state library on or before January 1, 2019.

3 Repeal. RSA 206:1-d, relative to the commission to study changes to the fish and game commission and department, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect January 1, 2019.

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

AMENDED ANALYSIS

This bill establishes a commission to study the efficiency and effectiveness of fish and game department operations.

Rep. Manley spoke in favor and yielded to questions.

Minority committee amendment adopted.

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

Rep. Hoell offered floor amendment (0034h).

Floor Amendment (0034h)

Amend RSA 206:1-d, III as inserted by section 2 of the bill by replacing it with the following:

III. Each member of the commission appointed under subparagraphs II(e) through (j) shall be an active outdoorsman holding a resident fishing, hunting, or trapping license in at least 5 of the 10 years preceding the appointment. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Seven members of the commission shall constitute a quorum.

Amend RSA 206:1-d, IX as inserted by section 2 of the bill by replacing it with the following:

IX. The commission shall report its findings and 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, the chairperson of the house fish and game and marine resources committee, the chairperson of the senate energy and natural resources committee, and the state library on or before January 1, 2019.

Amend the bill by replacing paragraph I of section 4 with the following:

I. Section 3 of this act shall take effect January 1, 2019.

Rep. Hoell spoke in favor and yielded to questions.

Rep. Webb spoke in favor and requested a roll call; not sufficiently seconded.

On a division vote, with 145 members having voted in the affirmative, and 193 in the negative, floor amendment (0034h) failed.

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

MOTION TO LAY ON THE TABLE

Rep. Christensen moved that **SB 48**, establishing a commission to study the efficiency and effectiveness of the fish and game department's operations, governance, and management structure, be laid on the table.

On a division vote, with 164 members having voted in the affirmative, and 175 in the negative, the motion failed.

Minority committee report adopted and ordered to third reading.

HB 587-FN, relative to conversion therapy seeking to change a person's sexual orientation. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jess Edwards for the Majority of Health, Human Services and Elderly Affairs. The committee voted to recommend this bill as Inexpedient to Legislate primarily because the definition of the practice was consistently over reaching beyond a strong consensus against the practice. New Hampshire licensing boards already have the authority to regulate and discipline practitioners. There is also a duty to report child abuse. There is no evidence that the practice is occurring in New Hampshire, therefore there is time to get the statutory language right. Vote 12-8.

Rep. Lucy Weber for the Minority of Health, Human Services and Elderly Affairs. This legislation would have protected minors from a coercive therapy designed to change a young person's self-perceived sexual orientation or gender identity. The minority of the committee believes we should clearly prohibit this inappropriate and harmful practice. Young people subjected to this practice have experienced severe and lasting trauma, have suffered long-term damage to their family relationships, and are at an increased risk for suicide.

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

Rep. Stone spoke against.

Rep. Mark Pearson spoke in favor and yielded to questions.

Rep. Jess Edwards spoke in favor.

Rep. Victoria Sullivan requested a roll call; sufficiently seconded.

YEAS 166 - NAYS 165**YEAS - 166****BELKNAP**

Abear, Marc
Fields, Dennis
Silber, Norman

Aldrich, Glen
Fraser, Valerie
Spanos, Peter

Comtois, Barbara
Lang, Timothy
Sylvia, Michael

Tilton, Franklin
Plumer, John

CARROLL

Avellani, Lino
Cordelli, Glenn
Schmidt, Stephen

Buco, Thomas
McCarthy, Frank
Umberger, Karen

Chandler, Gene
McConkey, Mark
Marsh, William

Comeau, Ed
Nelson, Bill

CHESHIRE

Hunt, John

McConnell, James

O'Day, John

Parkhurst, Henry

COOS

Judd, Bing

Merner, Troy

Richardson, Herbert

GRAFTON

Binford, David
Ladd, Rick

Brown, Duane
Migliore, Vincent Paul

Darrow, Stephen
Johnson, Tiffany

Ham, Bonnie

HILLSBOROUGH

Ammon, Keith
Burt, John
Christensen, Chris
Donovan, Daniel
Griffin, Gerald
Hansen, Peter
Moore, Josh
Lascelles, Richard
McLean, Mark
Notter, Jeanine
Prout, Andrew
Sanborn, Laurie
Souza, Kathleen

Griffin, Barbara
Byron, Frank
Christie, Rick
Ferreira, Elizabeth
Gagne, Larry
Hinch, Richard
Kurk, Neal
LeBrun, Donald
Murotake, David
Panasiti, Reed
Ober, Russell
Scully, Kevin
Twombly, Timothy

Barry, Richard
Moore, Craig
Danielson, David
Freeman, Lisa
Gargas, Carolyn
Hopper, Gary
L'Heureux, Robert
Lewicke, John
Murphy, Keith
Pellegrino, Anthony
Renzullo, Andrew
Seidel, Carl
Ulery, Jordan

Burns, Charlie
Carr, John
Dickey, Glen
Fromuth, Bart
Gould, Linda
Graham, John
Ober, Lynne
McCarthy, Michael
Negron, Steve
Pierce, David
Rouillard, Claire
Somero, Paul
Sullivan, Victoria

MERRIMACK

Kuch, Bill
Hill, Gregory
Kotowski, Frank
Pearl, Howard

Brewster, Michael
Hoell, J.R.
Moffett, Michael
Seaworth, Brian

Copp, Anne
Horn, Werner
Marple, Richard
Testerman, Dave

Long, Douglas
Klose, John
McGuire, Carol
Wells, Natalie

ROCKINGHAM

Cook, Allen
Barnes, Arthur
Chirichiello, Brian
Emerick, J. Tracy

Abrami, Patrick
Bates, David
Costable, Michael
Fesh, Robert

Allen, Mary
Bean, Philip
Thomas, Douglas
Gay, Betty

Baldasaro, Alfred
Bove, Martin
Elliott, Robert
Green, Dennis

Guthrie, Joseph
Itse, Daniel
Katsakiores, Phyllis
Manning, John
Morrison, Sean
Gordon, Richard
True, Chris
Welch, David

Marsh, Henry
Edwards, Jess
Lundgren, David
Matthews, Carolyn
Nigrello, Robert
Tilton, Rio
Vose, Michael
Weyler, Kenneth

Hagan, Joseph
Janigian, John
Griffin, Mary
McKinney, Betsy
Osborne, Jason
Sapareto, Frank
Wallace, Scott
Willis, Brenda

Hoelzel, Kathleen
O'Connor, John
Pearson, Mark
McMahon, Charles
Packard, Sherman
Torosian, Peter
Webb, James

Harrington, Michael
McNally, Jody
Scruton, Matthew

Horgan, James
Mullen, John
Spencer, Matthew

STRAFFORD

Kaczynski, Thomas
Pitre, Joseph
Wuelper, Kurt

Turcotte, Leonard
Graham, Robert

Gauthier, Francis

Grenier, James

SULLIVAN

Laware, Thomas

Rollins, Skip

NAYS - 165

BELKNAP

Vadney, Herbert

Huot, David

St. Clair, Charlie

CARROLL

Knirk, Jerry

Crawford, Karel

DesMarais, Edith

CHESHIRE

Berch, Paul
Ley, Douglas
Johnsen, Gladys
Sterling, Franklin

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

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

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

COOS

Moynihan, Wayne

Fothergill, John
Thomas, Yvonne

Hatch, William

Tucker, Edith

GRAFTON

Bailey, Brad
Hennessey, Erin
Massimilla, Linda
Schwaegler, Vicki

Abel, Richard
Boutin, Skylar
Josephson, Timothy
Nordgren, Sharon
Sykes, George

Almy, Susan
Campion, Polly
Maes, Kevin
Rand, Steven
White, Andrew

Bennett, Travis
Higgins, Patricia
Mulligan, Mary Jane
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Cleaver, Skip
DiSilvestro, Linda
Freitas, Mary
Herbert, Christopher
Judy, Jean
Leishman, Peter
Manley, Jonathan
Newman, Sue
O'Neil, William
Roberts, Carol
Wolf, Terry

Ayala, Jessica
Bouldin, Amanda
Cornell, Patricia
Edwards, Elizabeth
Goley, Jeffrey
Schmidt, Janice
King, Mark
MacKenzie, Mark
Martineau, Jesse
O'Brien, Michael
Porter, Marjorie
Harvey, Suzanne
Vann, Ivy

Backus, Robert
Chandlee, Shannon
Sullivan, Daniel
Elber, Joel
Heath, Mary
Jack, Martin
Klee, Patricia
Mangipudi, Latha
McNamara, Richard
O'Leary, Richard
Proulx, Mark
Smith, Timothy
Williams, Kermit

Beaulieu, Jane
Connors, Erika
Dyer, Caleb
Gidge, Kenneth
Belanger, James
Keane, Amelia
Lisle, David
Martin, Joelle
Nutting, Allison
Long, Patrick
Rosenwald, Cindy
Van Houten, Connie

MERRIMACK

Bartlett, Christy
Gile, Mary
Myler, Mel
Schuett, Dianne
Wallner, Mary Jane

Turcotte, Alan
Doherty, David
Henle, Paul
Rodd, Beth
Shurtleff, Stephen

Alicea, Caroletta
Ebel, Karen
Luneau, David
Rogers, Katherine
Soucy, Timothy

Carson, Clyde
Moffett, Howard
Richards, Beth
Schultz, Kristina
Walz, Mary Beth

ROCKINGHAM

Cahill, Michael
Edgar, Michael
Lerner, Kari
Messmer, Mindi
Somssich, Peter

Altschiller, Debra
Cushing, Robert Renny
Francesca, Paula
Malloy, Dennis
Gordon, Pamela
Le, Tamara

Berrien, Skip
Dean-Bailey, Yvonne
Gilman, Julie
McBeath, Rebecca
Pantelakos, Laura
Ward, Gerald

Cali-Pitts, Jacqueline
Farnham, Betsey
Lovejoy, Patricia
Murray, Kate
Stone, Brian

STRAFFORD

Berube, Roger
Ellis, Donna
Horrigan, Timothy
Opderbecke, Linn
Sandler, Catt
Wall, Janet

Bixby, Peter
Fontneau, Timothy
Keans, Sandra
Schmidt, Peter
Southworth, Thomas

Burton, Wayne
Gourgue, Amanda
Krans, Hamilton
Phinney, Brandon
Spang, Judith

Conley, Casey
Grassie, Chuck
Smith, Marjorie
Salloway, Jeffrey
Treleven, Susan

SULLIVAN

Cloutier, John
Sullivan, Brian

Gagnon, Raymond
Tanner, Linda

Irwin, Virginia

Oxenham, Lee

and the majority committee report was adopted.

Rep. Parkhurst voted Yea and intended to vote Nay.

SB 224-FN, relative to conversion therapy seeking to change a person's sexual orientation. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Jess Edwards for the Majority of Health, Human Services and Elderly Affairs. The committee voted to recommend this bill as Inexpedient to Legislate primarily because the definition of the practice was consistently overreaching beyond a strong consensus against the practice. New Hampshire licensing boards already have the authority to regulate and discipline practitioners. There is also a duty to report child abuse. There is no evidence that the practice is occurring in New Hampshire, therefore there is time to get the statutory language right. Vote 12-8.

Rep. Mindi Messmer for the Minority of Health, Human Services and Elderly Affairs. This legislation would have protected minors from a coercive therapy designed to change a young person's self-perceived sexual orientation or gender identity. The minority of the committee believes we should clearly prohibit this inappropriate and harmful practice. Young people subjected to this practice have experienced severe and lasting trauma, have suffered long-term damage to their family relationships, and are at an increased risk for suicide.

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

Reps. Fothergill and Knirk spoke against and yielded to questions.

Rep. Mark Pearson spoke in favor and yielded to questions.

Rep. Silber spoke in favor.

Rep. Mark Pearson requested a roll call; sufficiently seconded.

YEAS 170 - NAYS 169

YEAS - 170**BELKNAP**

Abear, Marc
Fields, Dennis
Plumer, John

Aldrich, Glen
Fraser, Valerie
Silber, Norman

Comtois, Barbara
Howard, Raymond
Spanos, Peter

Tilton, Franklin
Lang, Timothy
Sylvia, Michael

CARROLL

Avellani, Lino
Cordelli, Glenn
Schmidt, Stephen

Buco, Thomas
McCarthy, Frank
Umberger, Karen

Chandler, Gene
McConkey, Mark
Marsh, William

Comeau, Ed
Nelson, Bill

CHESHIRE

Hunt, John

McConnell, James

O'Day, John

COOS

Judd, Bing

Merner, Troy

GRAFTON

Binford, David
Ladd, Rick

Brown, Duane
Migliore, Vincent Paul

Darrow, Stephen
Johnson, Tiffany

Ham, Bonnie

HILLSBOROUGH

Ammon, Keith
Burt, John
Christensen, Chris
Donovan, Daniel
Griffin, Gerald
Hinch, Richard
Rice, Kimberly
Lascelles, Richard
McCarthy, Michael
Negron, Steve
Pierce, David

Griffin, Barbara
Byron, Frank
Christie, Rick
Ferreira, Elizabeth
Gagne, Larry
Hopper, Gary
Kurk, Neal
LeBrun, Donald
McLean, Mark
Notter, Jeanine
Proulx, Mark

Barry, Richard
Moore, Craig
Danielson, David
Freeman, Lisa
Gould, Linda
Graham, John
L'Heureux, Robert
Lewicke, John
Murotake, David
Panasiti, Reed
Prout, Andrew

Burns, Charlie
Carr, John
Dickey, Glen
Fromuth, Bart
Hansen, Peter
Moore, Josh
Ober, Lynne
MacKay, Mariellen
Murphy, Keith
Pellegrino, Anthony
Ober, Russell

Renzullo, Andrew
Seidel, Carl
Ulery, Jordan

Rouillard, Claire
Somero, Paul
Sullivan, Victoria

Sanborn, Laurie
Souza, Kathleen

Scully, Kevin
Twombly, Timothy

MERRIMACK

Kuch, Bill
Hill, Gregory
Kotowski, Frank
Pearl, Howard

Brewster, Michael
Hoell, J.R.
Moffett, Michael
Seaworth, Brian

Copp, Anne
Horn, Werner
Marple, Richard
Testerman, Dave

Long, Douglas
Klose, John
McGuire, Carol
Wells, Natalie

ROCKINGHAM

Cook, Allen
Barnes, Arthur
Chirichiello, Brian
Emerick, J. Tracy
Guthrie, Joseph
Itse, Daniel
O'Connor, John
Pearson, Mark
McMahon, Charles
Osborne, Jason
Sapareto, Frank
Wallace, Scott

Abrami, Patrick
Bates, David
Costable, Michael
Fesh, Robert
Marsh, Henry
Edwards, Jess
Katsakiores, Phyllis
Manning, John
Milz, David
Packard, Sherman
Torosian, Peter
Webb, James

Allen, Mary
Bean, Philip
Thomas, Douglas
Gay, Betty
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Janigian, John
Lundgren, David
Matthews, Carolyn
Morrison, Sean
Gordon, Richard
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Baldasaro, Alfred
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Elliott, Robert
Green, Dennis
Hoelzel, Kathleen
Janvrin, Jason
Griffin, Mary
McKinney, Betsy
Nigrello, Robert
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Vose, Michael
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Kaczynski, Thomas
Pitre, Joseph
Wuelper, Kurt

Berube, Roger
Turcotte, Leonard
Graham, Robert

Harrington, Michael
McNally, Jody
Scruton, Matthew

Horgan, James
Mullen, John
Spencer, Matthew

SULLIVAN

Gauthier, Francis

Laware, Thomas

Rollins, Skip

Smith, Steven

NAYS - 169

BELKNAP

Huot, David

St. Clair, Charlie

Vadney, Herbert

CARROLL

Crawford, Karel

DesMarais, Edith

Knirk, Jerry

CHESHIRE

Abbott, Michael
Burridge, Delmar
Faulkner, Barry
Meador, David
Tatro, Bruce

Ames, Richard
Harvey, Cathryn
Fenton, Donovan
Parkhurst, Henry
Pearson, William

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

Bordenet, John
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Mann, John
Sterling, Franklin

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Moynihn, Wayne

Richardson, Herbert

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Chandle, Shannon
Sullivan, Daniel
Elber, Joel
Goley, Jeffrey
Schmidt, Janice
King, Mark
MacKenzie, Mark
Martineau, Jesse
O'Brien, Michael
Porter, Marjorie
Shaw, Barbara
Vann, Ivy

Baroody, Benjamin
Cleaver, Skip
DiSilvestro, Linda
Freitas, Mary
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Jack, Martin
Klee, Patricia
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O'Leary, Richard
Roberts, Carol
Smith, Timothy
Williams, Kermit

Beaulieu, Jane
Connors, Erika
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Leishman, Peter
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Walz, Mary Beth

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Gilman, Julie
McBeath, Rebecca
Pantelakos, Laura
Ward, Gerald

Cahill, Michael
Edgar, Michael
Lerner, Kari
Messmer, Mindi
Somssich, Peter

Cali-Pitts, Jacqueline
Farnham, Betsey
Lovejoy, Patricia
Murray, Kate
Stone, Brian

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Horrigan, Timothy
Opderbecke, Linn
Sandler, Catt
Wall, Janet

Burton, Wayne
Fontneau, Timothy
Keans, Sandra
Schmidt, Peter
Southworth, Thomas

Cilley, Jacalyn
Gourgue, Amanda
Krans, Hamilton
Phinney, Brandon
Spang, Judith

Conley, Casey
Grassie, Chuck
Smith, Marjorie
Salloway, Jeffrey
Treleaven, Susan

SULLIVAN

Cloutier, John
Oxenham, Lee

Gagnon, Raymond
Sullivan, Brian

Grenier, James
Tanner, Linda

Irwin, Virginia

and the majority committee report was adopted.

HB 407-FN, requiring workers' compensation to cover prophylactic treatment for exposure. OUGHT TO PASS WITH AMENDMENT.

Rep. Brian Seaworth for Labor, Industrial and Rehabilitative Services. Public Health Law (RSA 141-G) places certain mandates on employers when an emergency responder or public safety worker is exposed to infectious diseases during the course of their work. In addition to reporting requirements, employers must provide testing, preventative treatment, and follow-up care to those who have unprotected exposure. RSA 141-G does not, however, speak to the mechanism by which such treatment is paid. Workers' Compensation covers some pieces of this, and would fully cover providers who actually become sick. Other aspects of this requirement, in particular that for prophylactic treatment, has resulted in denied Workers' Compensation claims. This bill as amended requires that all mandated treatments be covered under Workers Comp. The amendment simplified the original bill by leaving the details to be defined by RSA 141-G, incorporating them by reference. Vote 19-0.

Amendment (2453h)

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

1 Workers' Compensation; Medical, Hospital, and Remedial Care. Amend RSA 281-A:23, VI to read as follows:

VI. An employer subject to this chapter, or the employer's insurance carrier, may furnish or cause to be furnished, testing for the presence of a bloodborne disease when a critical exposure that arises out of and in the course of employment occurs. Such testing shall be provided without prejudice as to the issue of the causal relationship of any subsequently diagnosed bloodborne disease to the employee's work and without prejudice to the compensability of the bloodborne disease as an occupational disease or an accidental injury for the purposes of RSA 281-A. Notwithstanding the foregoing, any costs for testing associated with a testing order issued pursuant to RSA 141-G:11 shall be paid for by the employer's insurance carrier. Such payment shall be provided without prejudice as to the issue of the causal relationship of any subsequently diagnosed disease or injury. ***In addition, all expenses associated with evaluation and care provided pursuant to RSA 141-G including prophylactic treatment shall be paid for by the employer's insurance carrier.***

2 Effective Date. This act shall take effect January 1, 2019.

AMENDED ANALYSIS

This bill requires workers' compensation to cover prophylactic treatment for an identified occupational exposure pursuant to RSA 141-G.

Committee amendment adopted.

Committee report adopted and referred to the Committee on Finance.

HB 628-FN, relative to a family and medical leave insurance program. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Philip Bean for the Majority of Labor, Industrial and Rehabilitative Services. The committee finds that family and medical leave insurance is critical to New Hampshire's efforts to address some of our most significant challenges: growing and maintaining our workforce, caring for our seniors and an aging popu-

lation, and supporting recovery from the opioid public health epidemic. HB 628 is enabling legislation in the marketplace that benefits the New Hampshire economy, New Hampshire employers, New Hampshire employees and New Hampshire working class families. Business owners and employees together created a New Hampshire gross domestic product over sixty nine billion (69Bn) in 2016. More importantly, that strategic teamwork of New Hampshire employees and employers in the market together, will contribute forty percent (.992 Bn) of the New Hampshire general fund unrestrictive revenue and education trust fund through the generation of Meals and Rooms, Business Enterprise and Business Profits tax (Applicable laws of 2017 and Committee of Conference Surplus Statement). In a strict non redistributive construct, the funding mechanism self- funds a risk management pool with a .5 percent wage contribution, opt in and opt out provisions, minimal employer administrative requirements at hire and fund administration provided by the New Hampshire Department of Employment Security. Participating employees must invest into the fund for six months prior to claim execution and have a minimum income level of \$7,540 in the last year prior to the benefit year. The benefit is 60 percent of average wages in the highest wage quarter of the year prior to the benefit year, payable up to 12 weeks. Benefits cannot be less than \$125 dollars per week nor greater than 85 percent of the state wide average weekly wage. Leave is available for birth, adoption or fostering of a child, serious illness of a spouse, civil union partner, child, parent, grandparent/grandparent in-law or for a serious illness not related to employment. Serious illness is any illness covered by the FMLA including treatment for addiction. Employee responsibilities include Department of Employment Security leave application submission to include applicable documentation and certifications and to provide the employer written notice 30 days in advance unless the cause is unforeseen. The Department of Employment Security Fiscal note anticipates a total startup cost maximum of \$16.5 Million dollars. Importantly, initial administrative and implementation costs shall be reimbursed to the general fund within ten years. A 9 member advisory council within the unemployment compensation bureau, the unemployment compensation and family medical leave insurance advisory council is created by the law to aid the commissioner. HB 628 is a self- funded, non- redistributive, risk management application to meet the unmet, exigent demands of the New Hampshire marketplace and New Hampshire families. State of New Hampshire contributions for initial administrative and implementation investment are fractional to the revenue contributions of employees and employers in the fusion of input into business, meals and rooms tax platforms and statistically miniscule compared to the 69Bn dollar annual NH gross domestic product. New Hampshire employers, employees and families have been denied a sound financial structure to bridge the divide of family leave necessity and the work place. HB 628 spans that wide gap in a simple, effective financial instrument that is an economic right, a social justice and moral imperative consistent with the high values of the State of New Hampshire. Vote 13-6.

Rep. Leonard Turcotte for the Minority of Labor, Industrial and Rehabilitative Services. This bill would implement a new 0.5% tax on income disguised as an insurance premium, while creating yet another unneeded social program. The original bill mandated that every employee in the State of NH (excluding government employees) would participate. Under an amendment, the mandate was changed to an "opt-out," "opt-in" program where a new employee would have to get a form notarized in order to not participate. Otherwise the new employee would automatically be enrolled. The bill fails to address how existing employees are handled. The sponsors of the bill and amendments have failed to heed, or understand, the advice of two individuals brought in to study/ promote this issue. Kristin Smith of the Carsey School of Public Policy at UNH in her report stated, "opt-ins makes programs unsustainable," and "opt-in opt-out is uncharted territory." Jeffrey Hayes stated, "As costs climb for smaller participant pools with higher benefits, more workers may withdraw or cease to participate in ways we have not yet been able to measure or estimate, which would result in an unsustainable program." What will eventually occur is much the same as happened with Obamacare. Initial promises and cost/benefit predictions will be impossible to meet, requiring either an increase in the tax percentage or the taxpayers picking up the difference. Currently, there are 4 other states who have a mandated plan (none have an opt-out, opt-in): California, New York, Rhode Island and New Jersey. While each of these states are fiscal messes and have some of the highest taxes in the nation, the most common and notable negative attribute they have is the highest net negative migration rates (two are dead last). If New Hampshire is attempting to create a positive business environment, we do not need to implement social programs that drive employees away at greater rates. There are multiple language problems with the bill. There are "retaliation" and "fraud" clauses that will certainly lead to an increase in lawsuits and associated costs. Government employees are exempted though no reason is given. When, not if, this social program becomes insolvent, who covers the costs? Opt-in opt-out will create the opportunity for "gaming the system," allowing for someone to opt-in when a known elective surgery or pregnancy is planned. As an example, an individual could pay into the system around \$250 in taxes, and claim over \$4000 in benefits. Currently, there is nothing that prevents an employer from providing the types of benefits contained in this bill should they choose. Furthermore, the Department of Employment Security states in the fiscal note of the bill "insurance plans currently exist that would provide coverage for the types of benefits included in this legislation. The coverage is sold, on a voluntary basis, to employers who desire to provide these benefits to their employees." The costs to businesses in time and record keeping were not addressed and

add more regulation and bureaucracy to already over-burdened companies. Finally, administering this social program by the Insurance Department would require, at the peak of implementation, 45 additional employees at an estimated annual cost of \$4.1 million. For all the foregoing reasons, and many others not mentioned, the minority believes that the House vote it Inexpedient to Legislate.

Majority Amendment (2481h)

Amend RSA 282-B:3, I and II as inserted by section 1 of the bill by replacing it with the following:

I. This chapter applies to all nongovernmental employers, provided that any employer participating in a self-insured plan or who is self-insured may opt out of this chapter upon certification by the commissioner or authorized representative that the employer provides an equivalent benefit for its employees. The state or its political subdivisions may opt into this chapter upon certification by the commissioner or authorized representative that this chapter's insurance benefits are at least equivalent to the benefits provided under the collective bargaining agreement, provided the applicable bargaining unit has first ratified this option.

II. All employers subject to this chapter shall remit FMLI premium payments on a calendar quarter basis. These quarterly insurance premium payments shall amount to 0.5 percent of wages per employee per week for each week of the preceding quarter. Employers may withhold or divert no greater than 0.5 percent of wages per week per employee to satisfy this paragraph, provided that such employers provide employees, before employment commences, a department approved information sheet containing conspicuous language explaining the costs and benefits of the insurance and indicating that employees are able to affirmatively opt-out of the insurance by downloading a form from the department and that such form, if the employee chooses to opt-out, shall be notarized and submitted to the department and the employer before employment commences, and that the employee shall be provided the opportunity to opt in on January 1 of each year. No employer shall make opting-out of the insurance a condition of employment nor discriminate against an employee in compensation or in terms, conditions, or privileges of employment based on whether or not the employee opts-out of the insurance.

Amend RSA 282-B:6, I as inserted by section 1 of the bill by replacing it with the following:

I. An employee shall be limited up to 12 weeks of FMLI in any one application period. An employee shall have had premium payments remitted as a percent of his or her wages for at least 6 months to be eligible for benefits and shall have worked in employment resulting in wages in the amount of at least 1,040 multiplied by the applicable minimum wage, in either the "base period" or "alternative base period", as those terms are defined in RSA 282-A:2.

Amend RSA 282-A:128 as inserted by section 2 of the bill by replacing it with the following:

282-A:128 Advisory Council. There is hereby created within the unemployment compensation bureau an advisory council on unemployment compensation *and family medical leave insurance*, hereinafter called the advisory council. The advisory council shall consist of 9 members to be appointed, with the exception of the legislative members, by the governor with the consent and advice of the governor's council. Three of the appointees of this advisory council shall be persons who, because of their vocations, employment or affiliations, shall be classed as representing the point of view of employers; 3 shall be persons who, because of their vocations, employment or affiliations, shall be classed as representing the point of view of employees; one shall be a senator from the insurance committee appointed by the senate president; one shall be a representative from the labor, industrial and rehabilitative services committee appointed by the speaker of the house; the remaining appointee, who shall be designated as chairman, shall be a person whose training and experience qualify him to deal with the problems of unemployment compensation. Such advisory council shall meet no later than 45 days after each calendar quarter and aid the commissioner in formulating policies and discussing problems related to the administration of this chapter *and RSA 282-B* and in assuring impartiality and freedom from political influence in the solution of such problems. Advisory council meetings shall provide opportunity for public comment.

The advisory council shall quarterly review, evaluate, and provide the general court with rate adjustment or fiscal recommendations.

Amend the bill by replacing all after section 2 with the following:

3 New Subparagraph; State Treasurer; Application of Receipts. Amend RSA 6:12, I(b) by inserting after subparagraph (339) the following new subparagraph:

(340) Moneys deposited in the family and medial leave insurance fund established in RSA 282-B:4.

4 Family and Medical Leave Insurance Program; Funding. The initial administrative and implementation costs associated with this chapter shall either be a capital appropriation included in the state capital budget of the 2019 legislative session or an appropriation in fiscal year 2020 in the operating budget for the biennium ending June 30, 2021. Initial administrative and implementation costs shall be reimbursed to the general fund within 10 years.

5 Effective Date. This act shall take effect January 1, 2019.

Majority committee amendment adopted.

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

(Rep. Packard in the Chair)

Reps. Stone and Morrison spoke in favor.

(Speaker Chandler in the Chair)

Rep. Murphy spoke against and yielded to questions.

Rep. Ley spoke in favor and yielded to questions.

Rep. Leonard Turcotte requested a roll call; sufficiently seconded.

YEAS 183 - NAYS 151

**YEAS - 183
BELKNAP**

Huot, David St. Clair, Charlie

CARROLL

Buco, Thomas Crawford, Karel DesMarais, Edith Knirk, Jerry
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 Mann, John
Meador, David Parkhurst, Henry Shepardson, Marjorie Sterling, Franklin
Pearson, William

COOS

Fothergill, John Hatch, William Merner, Troy Moynihan, Wayne
Richardson, Herbert Tucker, Edith Thomas, Yvonne

GRAFTON

Abel, Richard Almy, Susan Bennett, Travis Boutin, Skylar
Campion, Polly Darrow, Stephen Hennessey, Erin Higgins, Patricia
Josephson, Timothy Maes, Kevin Massimilla, Linda Mulligan, Mary Jane
Nordgren, Sharon Schwaegler, Vicki Smith, Suzanne Sykes, George
White, Andrew

HILLSBOROUGH

Ayala, Jessica Backus, Robert Baroody, Benjamin Beaulieu, Jane
Bouldin, Amanda Chandley, Shannon Cleaver, Skip Connors, Erika
Cornell, Patricia Sullivan, Daniel DiSilvestro, Linda Edwards, Elizabeth
Elber, Joel Freitas, Mary Gargas, Carolyn Gidge, Kenneth
Goley, Jeffrey Heath, Mary Herbert, Christopher Schmidt, Janice
Jack, Martin Jeudy, Jean Keane, Amelia King, Mark
Klee, Patricia L'Heureux, Robert Leishman, Peter Lisle, David
MacKay, Mariellen McCarthy, Michael MacKenzie, Mark Mangipudi, Latha
Manley, Jonathan Martin, Joelle Martineau, Jesse McNamara, Richard
Newman, Sue Nutting, Allison O'Brien, Michael O'Leary, Richard
O'Neil, William Long, Patrick Porter, Marjorie Proulx, Mark
Roberts, Carol Rosenwald, Cindy Harvey, Suzanne Shaw, Barbara
Smith, Timothy Van Houten, Connie Vann, Ivy Williams, Kermit

MERRIMACK

Turcotte, Alan Alicea, Caroletta Bartlett, Christy Carson, Clyde
Doherty, David Ebel, Karen Gile, Mary Moffett, Howard
Henle, Paul Luneau, David Myler, Mel Richards, Beth
Rodd, Beth Rogers, Katherine Schuett, Dianne Schultz, Kristina
Shurtleff, Stephen Soucy, Timothy Wallner, Mary Jane Walz, Mary Beth

ROCKINGHAM

Cook, Allen Altschiller, Debra Bean, Philip Berrien, Skip
Bove, Martin Cahill, Michael Cali-Pitts, Jacqueline Cushing, Robert Renny
Edgar, Michael Elliott, Robert Farnham, Betsey Francese, Paula
Gay, Betty Gilman, Julie Guthrie, Joseph Janigian, John
Janvrin, Jason Lerner, Kari Lovejoy, Patricia Griffin, Mary
Malloy, Dennis Manning, John McBeath, Rebecca McMahon, Charles
Messmer, Mindi Morrison, Sean Murray, Kate Gordon, Pamela
Pantelakos, Laura Tilton, Rio Somssich, Peter Stone, Brian
Le, Tamara Ward, Gerald Willis, Brenda

STRAFFORD

Berube, Roger
Conley, Casey
Horrigan, Timothy
Schmidt, Peter
Southworth, Thomas

Bixby, Peter
Fontneau, Timothy
Krans, Hamilton
Salloway, Jeffrey
Spang, Judith

Burton, Wayne
Gourgue, Amanda
Smith, Marjorie
Sandler, Catt
Treleven, Susan

Cilley, Jacalyn
Grassie, Chuck
Opderbecke, Linn
Scruton, Matthew
Wall, Janet

SULLIVAN

Cloutier, John
Oxenham, Lee

Gagnon, Raymond
Sullivan, Brian

Grenier, James
Tanner, Linda

Irwin, Virginia

NAYS - 151**BELKNAP**

Abear, Marc
Fields, Dennis
Plumer, John
Vadney, Herbert

Aldrich, Glen
Fraser, Valerie
Silber, Norman

Comtois, Barbara
Howard, Raymond
Spanos, Peter

Tilton, Franklin
Lang, Timothy
Sylvia, Michael

CARROLL

Avellani, Lino
McConkey, Mark

Comeau, Ed
Nelson, Bill

Cordelli, Glenn
Schmidt, Stephen

McCarthy, Frank

CHESHIRE

Hunt, John

McConnell, James

O'Day, John

COOS

Judd, Bing

GRAFTON

Bailey, Brad
Ladd, Rick

Binford, David
Migliore, Vincent Paul

Brown, Duane
Rand, Steven

Ham, Bonnie

HILLSBOROUGH

Ammon, Keith
Burt, John
Christensen, Chris
Donovan, Daniel
Fromuth, Bart
Hansen, Peter
Graham, John
Ober, Lynne
McLean, Mark
Notter, Jeanine
Prout, Andrew
Sanborn, Laurie
Souza, Kathleen
Sullivan, Victoria

Griffin, Barbara
Byron, Frank
Christie, Rick
Dyer, Caleb
Griffin, Gerald
Hinch, Richard
Moore, Josh
Lascelles, Richard
Murotake, David
Panasiti, Reed
Ober, Russell
Scully, Kevin
Wolf, Terry

Barry, Richard
Moore, Craig
Danielson, David
Ferreira, Elizabeth
Gagne, Larry
Hopper, Gary
Rice, Kimberly
LeBrun, Donald
Murphy, Keith
Pellegrino, Anthony
Renzullo, Andrew
Seidel, Carl
Twombly, Timothy

Burns, Charlie
Carr, John
Dickey, Glen
Freeman, Lisa
Gould, Linda
Belanger, James
Kurk, Neal
Lewicke, John
Negron, Steve
Pierce, David
Rouillard, Claire
Somero, Paul
Ulery, Jordan

MERRIMACK

Kuch, Bill
Hill, Gregory
Kotowski, Frank
Pearl, Howard

Brewster, Michael
Hoell, J.R.
Moffett, Michael
Testerman, Dave

Copp, Anne
Horn, Werner
Marple, Richard
Wells, Natalie

Long, Douglas
Klose, John
McGuire, Carol

ROCKINGHAM

Abami, Patrick
Bates, David
Dean-Bailey, Yvonne
Marsh, Henry
Edwards, Jess
Matthews, Carolyn
Osborne, Jason
Torosian, Peter
Webb, James

Allen, Mary
Chirichiello, Brian
Emerick, J. Tracy
Hagan, Joseph
O'Connor, John
McKinney, Betsy
Packard, Sherman
True, Chris
Welch, David

Baldasaro, Alfred
Costable, Michael
Fesh, Robert
Hoelzel, Kathleen
Katsakiores, Phyllis
Milz, David
Gordon, Richard
Vose, Michael
Weyler, Kenneth

Barnes, Arthur
Thomas, Douglas
Green, Dennis
Itse, Daniel
Pearson, Mark
Nigrello, Robert
Sytek, John
Wallace, Scott

STRAFFORD

Beaudoin, Steven
Kaczynski, Thomas
Phinney, Brandon
Wuelper, Kurt

Ellis, Donna
Turcotte, Leonard
Pitre, Joseph

Harrington, Michael
McNally, Jody
Graham, Robert

Horgan, James
Mullen, John
Spencer, Matthew

SULLIVAN

Gauthier, Francis

Laware, Thomas

Rollins, Skip

Smith, Steven

and the majority committee report was adopted and referred to the Committee on Commerce and Consumer Affairs.

SPECIAL ORDERED

Without objection, the Speaker made **HB 636-FN**, establishing a department of veterans affairs, a special order as the next order of business.

SPECIAL ORDER

HB 636-FN, establishing a department of veterans affairs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alfred Baldasaro for State-Federal Relations and Veterans Affairs. The bill creates a Department of Military and Veterans Services with several specific charges. This bill creates a central coordinator for veterans' affairs. Today, support for veterans and active duty military is spread across state agencies, and this bill will pull those elements together and add a commissioner, ensuring coordination for all eligible New Hampshire residents. The state has established several commissions, including the council on suicide prevention, the commission on post-traumatic stress disorder and traumatic brain injury, the governor's commission on alcohol and drug abuse prevention, etc., which support veterans as well as others. However, it is not easy for a veteran to navigate available services or to find support. The Department of Military and Veterans Services will facilitate efficient and effective services and provide one place for military, veterans and their family members to access services. As such, this is modeled on what other states have successfully established to military and veterans, adding New Hampshire to that growing list of states that recognize the need for coordination of services makes sense. Additionally, having one office dealing with the myriad of issues with the department of veterans' affairs will ensure greater achievement of mission completion and accountability. This bill is the first step in a process to give our veteran community a stronger voice and show them that the State of New Hampshire is on their side. Vote 13-0.

Amendment (2441h)

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

AN ACT establishing a department of military and veterans services.

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

1 New Chapter; Department of Military and Veterans Services. Amend RSA by inserting after chapter 21-U the following new chapter:

CHAPTER 21-V**DEPARTMENT OF MILITARY AND VETERANS SERVICES**

21-V:1 Purpose. The purpose of this chapter is to improve the administration of military and veterans services. Recognizing that service members, veterans and their families require dedicated, strategic, collaborative outreach, that current service delivery model is not structured to provide coordinated, high quality services, and that the welfare of service members, veterans and their families can best be enhanced if a single entity coordinates many efforts, the department of military and veterans services is established to address system gaps and coordinate, consolidate and provide unified direction of policies, procedures and programs in conjunction with the United States Department of Veterans Affairs as well as other federal, state, local and private organizations.

21-V:2 Definitions. In this chapter:

I. "Commissioner" means commissioner of the department of military and veterans services.

II. "Department" means department of military and veterans services.

21-V:3 Establishment; General Functions.

I. There is hereby established a department of military and veterans services, an agency of the state.

II. The department, through its officials, shall be responsible for:

(a) Promoting the welfare of military service members, veterans, and their families.

(b) Enhancing, coordinating, and overseeing the benefits and services offered by organizations within the state of New Hampshire and directing veterans to appropriate benefits and services offered by such organizations.

(c) Serving as a clearinghouse for research, data, and analysis, to initiate and support public education and awareness campaigns.

(d) Providing guidance and training regarding military and veterans issues to civilian organizations.

21-V:4 Internal Organizational Units. The department shall include the following internal organizational units performing the following major functions:

I. The division of veterans services, under the supervision of a director of veterans services:

(a) Shall assist veterans who are residents of this state or their dependents to secure all benefits or preferences to which they may be entitled under any state or federal laws or regulations. The office shall employ such assistance as may be necessary, within the limits of the appropriation made therefor, subject to the rules of the state division of personnel.

(b) Biennially, beginning July 1, 2019, shall publish and distribute to the entities listed in subparagraph (1), a state veterans handbook which shall include the following information:

(1) Points of contact for all federal, state, local, and nonprofit veterans agencies, departments, councils, hospitals, clinics, and other organizations offering services, benefits, and programs to New Hampshire veterans, including addresses, telephone numbers, and e-mail addresses.

(2) A description of the services, benefits, and programs offered by each entity listed under subparagraph (1).

(c) May accept and expend for purposes of publishing and distributing the state veterans handbook, any donations, grants, bequests, and contributions which become available for such purposes.

II. The division of community military programs, under the supervision of a director of community military programs which shall facilitate military and civilian partnerships by collaborating, coordinating, and communicating with military and civilian provider groups in the delivery of health care services to New Hampshire veterans, service members, and their families.

21-V:5 Commissioner; Directors; Compensation.

I.(a) The commissioner of the department shall be appointed by the governor, with the consent of the council, and shall serve for a term of 4 years. The commissioner may succeed himself or herself. A vacancy shall be filled for the unexpired term.

(b) The commissioner shall be:

(1) A resident of New Hampshire for 2 years preceding his or her appointment.

(2) Qualified to hold the position by reason of education and experience.

(3) Honorably discharged or separated from service in the armed forces of the United States; provided that Title 10 training for active duty by a member of a national guard or reserve shall be included as service under this subparagraph.

(4) Have experienced no less than 90 days on active service in the armed forces of the United States in:

(A) The Vietnam Conflict' between December 22, 1961 and May 7, 1975; or

(B) The Vietnam Conflict between July 1, 1958 and December 22, 1961, if the resident earned the Vietnam service medal or the armed forces expeditionary medal; or

(C) Any other war or armed conflict that has occurred since May 8, 1975, and in which the resident earned an armed forces expeditionary medal or theater of operations service medal.

II. The commissioner shall nominate each division director for appointment by the governor, with the consent of the council. Each division director shall serve for a term of 4 years. Vacancies shall be filled for the unexpired term. The directors shall be qualified to hold their respective positions by reason of education and experience.

III. The salaries of the commissioner and the division directors shall be as specified in RSA 94:1-a.

21-V:6 Powers and Duties of the Commissioner. The commissioner shall:

I. Represent the public interest in the administration of the department and be responsible to the governor, the general court, and the public for such administration.

II. Advocate for the welfare of military service members and veterans in New Hampshire and be responsible for the operations of the department.

III. Seek the advice of the military leadership team and the state veterans advisory committee.

IV. Enter into memoranda of understanding with other executive branch agencies to coordinate services to veterans and military service members as may be appropriate.

V. Review, investigate, and assess the provision of any services to and for veterans and military service members in New Hampshire.

VI. Represent the department on boards, commissions, committees, and professional associations, or shall designate a designee.

VII. Serve as a liaison between the federal government and the governor on issues relevant to the department's mission, and represent the department at various state and national conventions, conferences, and public functions and provide supervision to the department public relations program.

VIII. Identify and develop legislative proposals to improve the delivery of services to and for veterans and military service members, review and monitor legislation introduced by the general court, testify at hearings, and prepare legislative fiscal note work sheets. The commissioner shall coordinate, implement, and administer programs mandated by the general court.

IX. Assume the duties set forth in RSA 115-C relative to the veterans' legal aid advocacy project. The commissioner shall also assist in the development, coordination, and oversight of programs for justice involved veterans in the state court system.

X. Assume the duties set forth in RSA 115-A regarding aid for veterans' programs.

XI. Prepare the department budget pursuant to RSA 9 and administer and monitor expenditures for the department.

XII. Apply for, accept, and expend funding from federal and other grant sources.

XIII. Have the authority to adopt rules, pursuant to RSA 541-A, necessary to assure the continuance or granting of federal funds and to adopt all rules necessary to implement the specific statutes administered by the department or by any division within the department.

XIV. Have the authority, subject to the approval of the governor and council to accept gifts, contributions, and bequests of unrestricted funds from individuals, foundations, corporations, and other organizations or institutions for the purpose of furthering the policy objectives of the department.

XV. Delegate authority to subordinates as he or she deems necessary and appropriate, except that rulemaking authority shall not be delegated. The commissioner shall provide by delegation for the deputy commissioner to exercise authority in the commissioner's absence. Such delegation shall be made in writing, shall be disseminated to all division directors, shall clearly delineate the authority delegated and the limitations thereto, and shall be kept on file in the commissioner's office.

21-V:7 Deputy Commissioner.

I. The commissioner shall nominate a deputy commissioner who shall meet the qualification requirements set forth in RSA 21-V:5, I(b).

II. The deputy commissioner shall perform such duties as are assigned by the commissioner. The deputy commissioner shall assume the duties of the commissioner in the event that the commissioner is unable for any reason to perform such duties.

III. The salary of the deputy commissioner shall be as specified in RSA 94:1-a.

21-V:8 Military Leadership Team.

I. There is hereby established a military leadership team which shall serve as an advisory council and shall provide advice and guidance to the commissioner regarding the delivery of services to veterans and military service members in New Hampshire. The military leadership team shall consist of the following members:

(a) The director of the division of veterans services.

(b) The director of the division of community military programs.

(c) Representatives of organizations which provide services to veterans and military service members in New Hampshire, appointed by the commissioner.

II. The military leadership team shall choose a chairman, vice-chairman, and a secretary from their membership. The team may, by a majority vote of its members, adopt bylaws governing the management and operation of the team.

21-V:9 State Veterans Advisory Committee.

I. There is hereby established a state veterans advisory committee, consisting of the following members:

(a) Two members of the house of representatives, one of whom shall be from the committee with jurisdiction over military or veterans affairs, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the senate president.

(c) Twenty representatives of veterans organizations in the state of New Hampshire, appointed by the governor.

II. Legislative members of the committee shall receive mileage at the legislative rate while attending to the duties of the committee. Legislative members of the committee shall serve a term coterminous with their term in office. Each non-legislative member of the state veterans' advisory committee shall serve a 2-year term of office from the date of the member's appointment, and may be reappointed. The committee members shall choose a chairman, vice-chairman, and a secretary from their membership. The committee may, by a majority vote of its members, adopt bylaws governing the management and operation of the committee.

III. The committee shall provide advice and guidance to the commissioner regarding the welfare and needs of veterans and military service members in New Hampshire.

IV. The committee shall issue biannual reports of its actions, findings, and recommendations on May 1 and November 1 of each year to the commissioner, the speaker of the house of representatives, the president of the senate, the governor and council, and all veterans organizations in the state.

21-V:10 Administrative Attachment. The New Hampshire veterans' home and the New Hampshire state veterans' cemetery shall be administratively attached to the department in accordance with RSA 21-G:10.

2 New Subparagraph; Governor's Commission on Alcohol and Drug Abuse Prevention, Treatment, and Recovery; Membership Amend RSA 12-J:1, III(a) by inserting after subparagraph (11) the following new subparagraph:

(12) The commissioner of the department of military and veterans services, or designee.

3 New Paragraph; Aid for Veterans' Programs; Definitions. Amend RSA 115-A:2 by inserting after paragraph III the following new paragraph:

III-a. "Commissioner" means the commissioner of the department of military and veterans services.

4 Veterans' Legal Aid Advocacy Project; Duties. Amend RSA 115-C:3 to read as follows:

115-C:3 Duties.

I. The veterans' legal aid advocacy project shall work to improve the lives of New Hampshire veterans through legal aid advocacy on behalf of veterans in civil matters.

II. The ~~[state veterans council]~~ **commissioner of the department of military and veterans services** shall serve as the veterans intake coordinator for the veterans' legal aid advocacy project.

III. New Hampshire Legal Assistance shall provide legal representation to veterans in a manner consistent with the purpose outlined in RSA 115-C:1 and the New Hampshire Rules of Professional Conduct.

IV. The ~~[state veterans council]~~ **commissioner of the department of military and veterans services** and New Hampshire Legal Assistance shall do outreach with veterans' service organizations and homeless shelters to reach the veteran homeless population that may need legal aid advocacy services.

V. The ~~[state veterans council]~~ **commissioner of the department of military and veterans services**, New Hampshire Legal Assistance, and the pro bono section of the New Hampshire Bar Association shall

coordinate with the veterans' service organizations, the New Hampshire National Guard, and other veterans' service providers, in the efficient provision of veterans' legal aid advocacy services. The ~~[state veterans council]~~ **commissioner of the department of military and veterans services** and New Hampshire Legal Assistance shall create general guidelines on case acceptance and priorities, reviewing those guidelines and priorities every 2 years.

VI. The ~~[state veterans council]~~ **commissioner of the department of military and veterans services**, New Hampshire Legal Assistance, and the ~~[Pro Bono Section]~~ **pro bono section** of the New Hampshire Bar Association shall work to increase the number of private attorneys for referrals of veterans' cases, including, but not limited to, veterans' family law cases.

VII. The ~~[state veterans council]~~ **commissioner of the department of military and veterans services**, New Hampshire Legal Assistance, and the ~~[Pro Bono Section]~~ **pro bono section** of the New Hampshire Bar Association shall work to provide information sessions and legal advice for veterans and their families.

VIII. The veterans' legal aid advocacy project shall provide legal aid training to veterans' advocates.

IX. The veterans' legal aid advocacy project shall report annually to the governor, the general court, and the ~~[state veterans council]~~ **commissioner of the department of military and veterans services** on the number of veterans served, the results, and the number of veterans that could not be served.

5 Commission on Post-Traumatic Stress Disorder and Traumatic Brain Injury; Membership. Amend RSA 115-D:2, I(e) to read as follows:

(e) The ~~[director of the state office of veterans services]~~ **commissioner of the department of military and veterans services**, or designee.

6 New Subparagraph; New Hampshire Council on Suicide Prevention; Membership. Amend RSA 126-R:3, I by inserting after subparagraph (w) the following new subparagraph:

(x) The commissioner of the department of military and veterans services, or designee.

7 Repeal. The following are repealed:

I. RSA 115, relative to the state office of veterans services.

II. RSA 115-A:2, VI and VII, relative to the definitions of state veterans' advisory committee and the office of veterans services.

III. RSA 115-A:8, relative to the state veterans' advisory council.

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

AMENDED ANALYSIS

This bill establishes the department of military and veterans services, an agency of the state. The bill also repeals the state office of veterans services and the state veterans advisory council.

Committee amendment adopted.

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

Rep. Morrison requested a roll call; not sufficiently seconded.

Committee report adopted and referred to the Committee on Executive Departments and Administration.

SPECIAL ORDERED

Without objection, the Speaker made the remaining bills on today's calendar Special Orders for the next Session.

RESOLUTION

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

LATE SESSION

Third Reading and Final Passage

HB 287, establishing a committee to study decriminalizing sex work.

HB 317, prohibiting the public utilities commission from increasing the system benefits charge without legislative approval.

SB 48, establishing a commission to study the efficiency and effectiveness of the fish and game department's operations, governance, and management structure.

RECESS MOTION

Rep. Hinch moved that the House stand in recess for the purposes of the introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports.

Motion adopted.

The House recessed at 3:45 p.m.

RECESS

(Speaker Chandler in the Chair)

RESOLUTION

Rep. Hinch offered the following: RESOLVED, that late introduction having been approved by the Rules Committee, and in accordance with the list in the possession of the Clerk, House Bill numbered 1517 shall be by this resolution read a first and second time by the therein listed title and referred to the therein designated committee.

Motion adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 1517, relative to vehicle inspection failures for rust. (Steven Smith, Sull. 11; V. Sullivan, Hills. 16; Horn, Merr. 2; J. Edwards, Rock. 4; Morrison, Rock. 9; Torosian, Rock. 14; Baldasaro, Rock. 5; D. Thomas, Rock. 5; Ward, Dist 8; Transportation)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 122 and 337.
Rep. Hinch, Sen. Avarad for the Committee

RECESS

(Rep. Weyler in the Chair)

RESOLUTION

Rep. Kurk offered the following: RESOLVED, that late introduction having been approved by the Rules Committee and in accordance with the list in the possession of the Clerk, House Bill numbered 2018 shall be by this resolution read a first and second time by the therein listed title, sent for printing and referred to the therein designated committee.

Motion adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 2018, relative to the state 10-year transportation improvement program. (McConkey, Carr. 3; Public Works and Highways)

SENATE MESSAGES

CONCURRENCE

SB 48, establishing a commission to study the efficiency and effectiveness of fish and game department operations.

SB 132, relative to historic burial grounds and cemeteries.

SB 247-FN-A, preventing childhood lead poisoning from paint and water.

NONCONCURRENCE

SB 249, relative to procedures for determining and disclosing exculpatory evidence in a police officer's personnel file.

RECESS

(Rep. Packard in the Chair)

ENROLLED BILL AMENDMENTS

SB 48, establishing a commission to study the efficiency and effectiveness of fish and game department operations. (Amendment printed SJ 1/18/18)

Motion adopted.

SB 247-FN-A, preventing childhood lead poisoning from paint and water. (Amendment printed SJ 1/18/18)
Motion adopted.

RECESS

(Rep. Hinch in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bills numbered 48, 132 and 247.
Rep. Hinch, Sen. Avarad for the Committee

RECESS