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HOUSE RECORD

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Concord, N.H.

Thursday, April 26, 2018

No. 14

HOUSE JOURNAL No. 13 (Cont'd)

Thursday, April 19, 2018

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

HOUSE JOURNAL NO. 14

Thursday, April 26, 2018

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

Prayer was offered by House Chaplain, Reverend Kate Atkinson, Rector of St. Paul's Church in Concord.

As Your people gather today, O God, to discuss, discover, and to decide together the best ways forward for our State of New Hampshire, we pray that You would guide our thoughts and open our hearts to discern Your ways of peace, justice, and truth. Inspire careful listening, thoughtful feedback, and honorable actions, in all that we do - as individuals as well as members of this body. We pray for people in positions of authority and influence, especially Governor Sununu, Speaker Chandler, and all representatives, senators, and legislative staff, that You would bless them with wisdom and courage as You guide and inspire them. We thank You God for the many opportunities You give us to make the world a better place. Help us to use them well. Amen.

Representative Peter Bixby, member from Dover, led the Pledge of Allegiance.

The National Anthem was sung by The Seacoast Men of Harmony from the Dover, NH Chapter of the Barbershop Harmony Society.

LEAVES OF ABSENCE

Reps. Alicea, Cote, Crawford, Fontneau, Hull, Johnsen, Read, Roberts, Sandler, Spang and Robert Walsh, the day, illness.

Reps. Barry, Chase, Elliott, Gould, Gourgue, Halstead, Hellwig, Hennessey, Irwin, Itse, Klee, Douglas Long, Luneau, Mariellen MacKay, Nasser, O'Neil, Opderbecke, Patten, Shaw and Weyler, the day, important business.

Reps. Henry Marsh and Murotake, the day, illness in the family.

INTRODUCTION OF GUESTS

Reagan Wolf and Noel DesMarais, Students at Bedford High School, Pages for the day.

Shirley McBeath, Mother of Rep. McBeath. Faye Soderburg, guest of Rep. Umberger. Isabella Valente, guest of Rep. DeSimone. Laurel Stavis, guest of Rep. Abel. Molly Horn, Wife of Rep. Horn. Alex and Evelyn Seaworth, Son and Daughter of Rep. Seaworth. Jordyn Friel, Cara, Peter and Emily Watson, Daughter and guests of Rep. Friel. United States Military Academy Winant Scholars, guests of Rep. Shurtleff.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 1661, relative to a marriage petition by a party under age. (Amendment printed SJ 4/19/18)

Rep. Rice moved that the House concur and spoke in favor.

Motion adopted.

HB 1719-FN, relative to donations of liquor to nonprofits. (Amendment printed SJ 4/19/18)

Rep. Hunt moved that the House concur and spoke in favor.

Motion adopted.

HB 1265, relative to the release of criminal conviction records. (Amendment printed SJ 4/19/18)
Rep. Welch moved that the House concur and spoke in favor.
Motion adopted.

HB 390, relative to parties on certain election forms and ballots. (Amendment printed SJ 1/3/18)
Rep. Barbara Griffin moved that the House concur and spoke in favor.
Motion adopted.

HB 1738, transferring the division of film and digital media to the division of travel and tourism in the department of business and economic affairs. (Amendment printed SJ 4/19/18)
Rep. McGuire moved that the House concur and spoke in favor.
Motion adopted.

HB 1577, relative to the administration of anesthesia by dentists. (Amendment printed SJ 4/19/18)
Rep. Kotowski moved that the House concur and spoke in favor.
Motion adopted.

HB 1215, relative to voting on variances. (Amendment printed SJ 4/12/18)
Rep. Belanger moved that the House concur and spoke in favor.
Motion adopted.

HB 1473-FN, relative to the timber yield tax. (Amendment printed SJ 4/19/18)
Rep. Christensen moved that the House concur and spoke in favor.
Motion adopted.

HB 298, relative to the mechanical licensing board. (Amendment printed SJ 4/19/18)
Rep. McGuire moved that the House concur and spoke in favor.
Motion adopted.

HB 1753-FN, relative to transportation of alcoholic beverages by a minor. (Amendment printed SJ 4/19/18)
Rep. Welch moved that the House nonconcur and request a Committee of Conference.
Motion adopted.

The Speaker appointed Reps. Welch, Sapareto, Chandley and Murray.

HB 372, relative to construction of the terms “resident,” “inhabitant,” “residence,” and “residency.” (Amendment printed SJ 1/3/18)
Rep. Barbara Griffin moved that the House nonconcur and request a Committee of Conference.
Motion adopted.

The Speaker appointed Reps. Barbara Griffin, Freeman and Wells.

HB 1697-FN, relative to organizations authorized to issue decals for multi-use decal plates. (Amendment printed SJ 4/12/18)
Rep. Steven Smith moved that the House nonconcur and request a Committee of Conference.
Motion adopted.

The Speaker appointed Reps. Steven Smith, Packard, Thomas Walsh and Sykes.

NONCONCURS WITH AMENDMENTS REQUESTS COMMITTEE OF CONFERENCE

SB 71, relative to the law governing alimony.
The President appointed Sens. Carson, French and Lasky.
Rep. Rice moved that the House accede.
Motion adopted.
The Speaker appointed Reps. Rice, Itse, Spencer and Walz.

CONSENT CALENDAR

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

SB 317-FN, relative to veterans' preference in public employment, removed by Rep. Morrison.

SB 450-FN-A, establishing an advisory commission for the department of environmental services relative to the delegation of authority of the National Pollutant Discharge Elimination System Program, removed by Rep. Kurk.

SB 501, relative to immunity for campground owners, removed by Rep. Sanborn.
Consent Calendar adopted.

SB 479, relative to the oversight commission on children's services and relative to the commission to review child abuse fatalities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Daniel Itse for Children and Family Law. This bill requires that the annual report of the Office of the Child Advocate to the Commissioner of the Department of Health and Human Services be provided to the

Oversight Commission on Children's Services, which oversees that office, as well. It also makes the Commission to Review Child Abuse Fatalities permanent. The amendment enables any resident of the state to file a complaint with the office. It also protects confidentiality of the children from disclosure, and enables the Office of the Child Advocate to make public disclosures independent of the commissioner. Vote 8-0.

Amendment (1394h)

Amend the bill by inserting after section 2 the following and renumbering the original sections 3-5 to read as 5-7, respectively:

3 Office of the Child Advocate; Complaint Investigation. RSA 170-G:18, III(i) is repealed and reenacted to read as follows:

(i) Upon its own initiative or upon receipt of a complaint, review and if deemed necessary, investigate actions of the division for children, youth and families, or any entity that provides services to children under contract with and at the direction of the division, and make appropriate referrals. Findings of all investigations and responses to all complaints received shall be summarized in the annual report of the office of the child advocate.

4 New Paragraph; Office of the Child Advocate; Confidentiality of Complaints; Limited Disclosure. Amend RSA 170-G:18 by inserting after paragraph III the following new paragraph:

III-a.(a) The office of the child advocate investigations and oversight activities and the information gathered in such investigations and oversight activities, including the identity of any complainant, shall be exempt from the public disclosure provisions of RSA 91-A.

(b) The director of the office of the child advocate may disclose confidential information about a child to any individual or entity that is responsible for, or provides services to, the child. Any disclosure of confidential information shall be the minimum necessary to ensure proper care and treatment for the child or to identify, prevent, or treat the abuse or neglect of a child.

(c) The director of the office of the child advocate shall have the same authority as the commissioner of the department of health and human services to publicly release information pursuant to RSA 126-A:5, XII in furtherance of the mission and responsibilities of the office.

(d) Notwithstanding any provision of law to the contrary, if the director of the office of the child advocate determines that the health, safety, and welfare of children are at risk, the director may publicly disclose the details of investigation findings, subject to the following limitations:

(1) Names, addresses, or other identifying information of individuals who are the subject of any confidential proceeding or statutory confidential provision shall not be released to the public.

(2) Investigation findings shall not be released if there is a pending law enforcement investigation or prosecution.

AMENDED ANALYSIS

This bill:

I. Requires the office of the child advocate to submit its annual report to the oversight commission on children's services, clarifies the duties of the commission, and repeals the commission's reporting requirement.

II. Revises the complaint investigation procedures and confidentiality requirements of the office of the child advocate.

III. Makes the commission to review child abuse fatalities permanent and establishes an annual reporting requirement.

SB 91, relative to the title loan default process. **OUGHT TO PASS.**

Rep. Richard Abel for Commerce and Consumer Affairs. This bill, introduced at the request of the Banking Department, requires a title loan lender to cease accruing and collecting interest on a title loan which is in default for over 60 days. All parties agreed to this bill in the other chamber and in the House committee. Vote 17-0.

SB 92, relative to the consumer complaint process at the banking department. **OUGHT TO PASS.**

Rep. Elizabeth Ferreira for Commerce and Consumer Affairs. Under current law, licensees under the Banking Department's Consumer Credit Division have 60 days to respond to consumer complaints in writing, whereas state-chartered banks, credit unions, and trust companies are given 30 days. The committee agreed with the concerns raised by the Banking Department (which was the genesis of this legislation) that 60 days was too long a time frame for consumers to not have complaints resolved. Shortening the period to 30 days would be more aligned with the time frame followed by other state financial institutions. Moreover, the committee concurred that codifying the current 30-day consumer complaint process for state chartered banks, credit unions, and trust companies would result in additional consistency and clarity for both consumers and regulated entities. Vote 17-0.

SB 303, relative to a security freeze on a consumer's credit report. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill, as amended, contains the House-approved language requiring credit reporting agencies to offer credit report freezing and unfreezing to consumers without

cost and allowing the consumer to choose the method for submitting requests, including on-line, by telephone, and by mail. There were three credit freeze bills this year, and the committee felt that the bill previously passed by the House, HB 1700, is the best implementation of the policy. Vote 16-0.

Amendment (1463h)

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

1 Consumer Credit Reporting; Security Freeze. RSA 359-B:23 and 359-B:24 are repealed and reenacted to read as follows:

359-B:23 Notice to Consumers. At any time that a consumer is required to receive a summary of rights required under section 609 of the federal Fair Credit Reporting Act, 15 U.S.C. section 1681g, the following notice shall be included:

Notice to New Hampshire Consumers

Right to Security Freeze on Consumer Credit Report

You have a right to place a "security freeze" on your credit report pursuant to RSA 359-B:24. Under New Hampshire law, what is commonly known as a credit report is referred to as a consumer report.

The security freeze will prohibit a consumer reporting agency from releasing any information in your consumer report without your express authorization. A security freeze can be requested in writing by first-class mail, by telephone, or electronically.

The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gains access to the personal and financial information in your consumer report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding new loans, credit, mortgage, insurance, rental housing, employment, investment, license, cellular phone, utilities, digital signature, Internet credit card transactions, or other services, including an extension of credit at point of sale.

The freeze will be placed within 3 business days if you request it by mail, or within 24 hours if you request it by telephone or electronically. When you place a security freeze on your credit report, within 3 business days, you will be sent a personal identification number or a password to use when you want to remove the security freeze, temporarily lift it, or lift it with respect to a particular third party.

A freeze does not apply when you have an existing account relationship and a copy of your report is requested by your existing creditor or its agents or affiliates for certain types of account review, collection, fraud control, or similar activities.

You should plan ahead and lift a freeze if you are actively seeking credit or services as a security freeze may slow your applications, as mentioned above.

You can remove a freeze, temporarily lift a freeze, or lift a freeze with respect to a particular third party by contacting the consumer reporting agency and providing all of the following:

(1) Your personal identification number or password.

(2) Proper identification to verify your identity.

(3) Proper information regarding the period of time you want your report available to users of the consumer report, or the third party with respect to which you want to lift the freeze.

A consumer reporting agency that receives a request from you to temporarily lift a freeze or to lift a freeze with respect to a particular third party on a consumer report shall comply with the request no later than 3 business days after receiving the request by mail and no later than 15 minutes after receiving a request by telephone or electronically.

A consumer reporting agency may not charge you a fee to freeze, remove a freeze, temporarily lift a freeze, or lift a freeze with respect to a particular third party.

You have a right to bring a civil action against someone who violates your rights under the credit reporting laws. The action can be brought against a consumer reporting agency or a user of your credit report.

359-B:24 Security Freeze by Consumer Reporting Agency.

I. A consumer may place a security freeze on the consumer's consumer report by making a request to a consumer reporting agency in accordance with this section. A security freeze shall prohibit, subject to exceptions in RSA 359-B:26, the consumer reporting agency from releasing the consumer's credit report or any information from it without the express authorization of the consumer. When a security freeze is in place, a consumer reporting agency may not release the consumer's credit report or information to a third party without prior express authorization from the consumer. This section does not prevent a consumer reporting agency from advising a third party that a security freeze is in effect with respect to the consumer report, provided that the consumer reporting agency does not state or otherwise imply to the third party that the consumer's security freeze reflects a negative credit score, history, report, or rating. A consumer reporting agency shall place a security freeze on a consumer report if the consumer requests a security freeze by any of the following methods:

(a) First-class mail.

(b) Telephone call.

(c) Secure website or secure electronic mail connection.

II. A consumer reporting agency shall place a security freeze on a consumer report no later than 3 business days after receiving a written request from the consumer by mail. A consumer reporting agency that receives such a request electronically or by telephone shall comply with the request within 24 hours of receiving the request.

III. The consumer reporting agency shall send a written confirmation of the security freeze to the consumer within 3 business days of placing the freeze and at the same time shall provide the consumer with a unique personal identification number or password, other than the consumer's social security number, to be used by the consumer when providing authorization for the release of the consumer's credit report for a specific period of time, or to a specific party, or for permanently lifting the freeze.

IV. If the consumer wishes to allow the consumer report to be accessed for a specific period of time or by a specific party while a freeze is in place, the consumer shall contact the consumer reporting agency by mail, by telephone, or electronically, request that the freeze be lifted or lifted with respect to a specific party, and provide all of the following:

(a) Proper identification.

(b) The unique personal identification number or password provided by the consumer reporting agency pursuant to paragraph III.

(c) The proper information regarding the third party who is authorized to receive the consumer report or the time period for which the report shall be available to users of the consumer report.

V. A consumer reporting agency that receives a request by mail from a consumer to lift a freeze on a consumer report pursuant to paragraph IV shall comply with the request no later than 3 business days after receiving the request. A consumer reporting agency that receives such a request electronically or by telephone shall comply with the request within 15 minutes of receiving the request.

VI. A consumer reporting agency shall remove, temporarily lift, or lift with respect to a specific third party a freeze placed on a consumer report only in the following cases:

(a) Upon the consumer's request, pursuant to paragraph IV or IX.

(b) If the consumer's credit report was frozen due to a material misrepresentation of fact by the consumer. If a consumer reporting agency intends to remove a freeze upon a consumer report pursuant to this section, the consumer reporting agency shall notify the consumer in writing prior to removing the freeze on the consumer report.

VII. If a third party requests access to a consumer report on which a security freeze is in effect and this request is in connection with an application for credit or any other use and the consumer does not allow the consumer's credit report to be accessed for that specific period of time, the third party may treat the application as incomplete.

VIII. If a consumer requests a security freeze pursuant to this section, the consumer reporting agency shall disclose to the consumer the process of placing and temporarily lifting a security freeze and the process for allowing access to information from the consumer report for a specific period of time or to a specific third party while the security freeze is in place.

IX. A security freeze shall remain in place until the consumer requests that the security freeze be temporarily lifted for a specific period of time or to a specific third party or removed. A consumer reporting agency shall remove a security freeze within 15 minutes of receiving an electronic request for removal from the consumer or within 3 business days of receiving a written or telephonic request for removal from the consumer, who provides all of the following:

(a) Proper identification.

(b) The unique personal identification number or password provided by the consumer reporting agency pursuant to paragraph III.

X. A consumer reporting agency shall require proper identification of the person making a request to place or remove a security freeze.

XI. If a security freeze is in place, a consumer reporting agency shall not change any of the following official information in a credit report without sending a written confirmation of the change to the consumer within 30 days of the change being posted to the consumer's file: name, date of birth, social security number, and address. Written confirmation is not required for technical modifications of a consumer's official information, including name and street abbreviations, complete spellings, or transposition of numbers or letters. In the case of an address change, the written confirmation shall be sent to both the new address and the former address.

XII. A consumer reporting agency shall not charge a fee to put a security freeze in place, remove a security freeze, or lift a security freeze for a specific period of time or to a specific third party. Nor shall a consumer reporting agency charge a consumer to issue or replace a personal identification number.

2 Repeal. RSA 359-B:25, relative to duties of consumer reporting agency if security freeze is in effect, is repealed.

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

AMENDED ANALYSIS

This bill revises the procedure for placing a security freeze on a consumer's credit report.

SB 312, clarifying the New Hampshire Foundation Act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill amends the New Hampshire Foundation Act, which was passed last year. The bill as amended consists of a number of small changes including typographical errors, mistaken RSA references, and clarifying language. No major changes to the Foundation Act are made by this bill. Vote 19-0.

Amendment (1572h)

Amend RSA 564-F:2-201(u)(2) as inserted by section 1 of the bill by replacing it with the following:

(2) Would be a distributee or permissible distributee of the foundation's property if the interests of the distributees described in subsection ~~[(t)]~~ **(u)**(1) terminated on that date but the termination of those interests would not cause the foundation to dissolve; or

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

4 New Hampshire Foundation Act; Definitions. Amend RSA 564-F:2-201(d) to read as follows:

(d) "Bylaws" means the bylaws adopted under RSA 564-F:7-701, as may be amended or restated in accordance with RSA ~~[564-F:7-702]~~ **564-F:7-703**.

5 New Hampshire Foundation Act; Name. Amend RSA 564-F:4-401(g) to read as follows:

(g) Any undertaking under subsection (e)~~[(4)]~~ **(3)** must be made in a form satisfactory to the secretary of state and must be filed with the secretary of state.

6 New Hampshire Foundation Act; Appointment and Term. Amend RSA 564-F:10-1005(c)(1) to read as follows:

(1) In the case of a director who is an individual, the director's *incapacity*, death, resignation, or removal; or

7 New Hampshire Foundation Act; Appointment and Term. Amend RSA 564-F:12-1205(c)(2) to read as follows:

(2) In the case of protector who is an individual, the protector's *incapacity or* death; or

8 New Hampshire Foundation Act; Removal. Amend RSA 564-F:12-1207(b)(2) to read as follows:

(2) Lack of cooperation among the protectors substantially impairs *the performance of the protector's duties or* the management of the foundation's affairs;

9 New Hampshire Foundation Act; Duty of Loyalty. Amend RSA 564-F:13-1302(a) to read as follows:

(a) Unless the governing documents provide otherwise, a protector has a duty to ~~[manage the foundation and its property]~~ **exercise his, her, or its powers** solely in the interests of the foundation's purposes and the beneficiaries' interests.

10 New Hampshire Foundation Act; Duty of Impartiality. Amend RSA 564-F:13-1303 to read as follows:

564-F:13-1303 Duty of Impartiality. Unless the governing documents provide otherwise, if a foundation has two or more beneficiaries, then the protector has a duty to act impartially in ~~[managing the foundation and its property]~~ **exercising his, her, or its powers**, giving due regard to the foundation's purposes and the beneficiaries' interests.

11 New Hampshire Foundation Act; Representatives. Amend RSA 564-F:14-1402(a)(6)(B) to read as follows:

(B) A guardian of the ~~[estate]~~ **person** under subsection (a)(2)(B).

12 New Hampshire Foundation Act; Representatives. Amend RSA 564-F:14-1402(a)(7)(C) to read as follows:

(C) A guardian of the ~~[estate]~~ **person** under subsection (a)(2)(B).

13 New Hampshire Foundation Act; Representatives. Amend RSA 564-F:14-1402(d)(3) to read as follows:

(3) With respect to any matter that is the subject of ~~[the trust]~~ **a dispute involving the foundation or its affairs**, there is a conflict of interest among the persons whom the representative is appointed to represent.

14 New Hampshire Foundation Act; Enforcement of No-Contest Provision. Amend RSA 564-F:14-1404(d) (4) to read as follows:

(4) To the extent that the foundation is a charitable trust, any judicial proceeding brought by the director of charitable trusts for the interpretation or construction ~~[or interpretation]~~ of the foundation's governing documents.

15 New Hampshire Foundation Act; Rights of a Beneficiary's Creditors and Assignees. Amend the introductory paragraph of RSA 564-F:15-1503(d) to read as follows:

(d) A beneficiary's creditor or assignee may not compel a beneficiary to exercise any right or power that, in any fiduciary or nonfiduciary capacity, the beneficiary has under the ~~[terms of the trust]~~ **governing documents**, including any of the following:

16 New Hampshire Foundation Act; Nonjudicial Settlement Agreement. Amend RSA 564-F:16-1606(a)(2) to read as follows:

(2) A ~~[trust]~~ **foundation** official;

17 New Hampshire Foundation Act; Limitation of Action Against a Foundation Official. Amend RSA 564-F:18-1805(a)(2) to read as follows:

(2) Except as provided in subsection (a)(3), 3 years after the earliest of:

(A) The foundation official's removal, resignation, or death;

(B) The termination of the beneficiary's interest; [øø]

(C) The foundation's dissolution[;

(D)] **or**

(3) If the act or omission was not discovered and could not reasonably have been discovered at the time of the act or omission, one year after the earlier of:

[(i)] (A) The discovery of the act or omission; or

[(ii)] (B) In the exercise of reasonable diligence, the date on which the act or omission should have been discovered.

18 New Hampshire Foundation Act; Administration Cancellation. Amend the section heading of RSA 564-F:21-2116 to read as follows:

564-F:21-2116 [~~Administration~~] **Administrative** Cancellation.

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

SB 354, relative to pharmacy claim fees and copayments. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Luneau for Commerce and Consumer Affairs. This bill, as amended by the committee, prohibits what has been called "gag clauses" in health insurer and/or pharmacy benefit manager contracts with pharmacies. By prohibiting "gag clauses" in these contracts, pharmacists will be free to speak to consumers or regulators about monetary matters that could benefit the patient by lowering their costs. The committee deleted a section specific to "clawbacks" which, according to the Insurance Department, are prohibited under current regulations and thus is not needed. Vote 19-0.

Amendment (1588h)

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

AN ACT relative to disclosure of information relative to lower cost drugs under the managed care law.

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

1 New Paragraph; Managed Care Law; Provider Contract Standards. Amend RSA 420-J:8 by inserting after paragraph XV the following new paragraph:

XVI. No contract between an insurance carrier or pharmacy benefit manager and a contracted pharmacy shall contain a provision prohibiting divulgence to a covered person or the insurance department relative to monetary matters which would prove beneficial in lowering costs to such covered person.

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

AMENDED ANALYSIS

This bill declares that a contract between an insurance carrier or pharmacy benefit manager and a contracted pharmacy shall not contain a provision prohibiting the pharmacist from providing certain information to an insured or the insurance department.

SB 416, relative to transportation network company drivers. **OUGHT TO PASS.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill defines a set of criteria to determine whether a driver for a transportation network system (like Uber or Lyft) is an employee of the company or an independent contractor. This determination is important for tax, unemployment, insurance, and other reasons. The bill provides a strong measure of certainty for that decision, based on five specific tests. Vote 17-0.

SB 424, relative to property and casualty insurance. **OUGHT TO PASS.**

Rep. Christy Bartlett for Commerce and Consumer Affairs. This bill is a request of the Insurance Department to make a few technical changes in the property and casualty laws that provide clarity in the adjuster licensing statute, specify that notice of coverage change is provided at policy renewal, delete the failure to file a complaints report as an Unfair Trade Practice, and clarify that investigations shall be reasonable as well as prompt. Vote 17-0.

SB 591-FN, relative to accreditation of health care providers by pharmacy benefit managers. **OUGHT TO PASS.**

Rep. David Luneau for Commerce and Consumer Affairs. This bill is the same as the House position established under HB 1746, which prevents pharmacy benefits managers from requiring accreditation of pharmacies and pharmacists that exceed the accreditation already required by state and federal authorities. In both bills, this prohibition remains in effect until June 30, 2020. The committee supports both bills moving forward. Vote 19-0.

SB 346, relative to requiring enhanced technology ignition interlock devices. **OUGHT TO PASS.**

Rep. David Welch for Criminal Justice and Public Safety. This bill requires that all ignition interlock devices installed after the effective date of this bill be enhanced technology devices. The device will be able to photograph the individual blowing into the device, record the date, time and the location and send it to the

manufacturer's database. Currently, the Department of Motor Vehicles has 24-hour, 7-day a week access to the database to determine if someone other than the convicted driver is attempting to start the car for the impaired operator. Currently the DMV has accessed the database only 79 times during the 2017 calendar year. The enhanced devices were meant to be used to provide data and effectuate an arrest for an impaired driver. The department has indicated that it doesn't have the manpower to constantly monitor the database. However, the department could ask the provider to email the data to the appropriate law enforcement agency for a response to the scene, thereby protecting the driving public from an impaired driver. There is no cost to this suggested fix. Vote 15-1.

SB 323, relative to rehiring of laid off classified state employees. **OUGHT TO PASS.**

Rep. Dianne Schuett for Executive Departments and Administration. The intent of this bill is to give state hiring preference to classified state employees who have been laid off as a result of reorganization or downsizing. The employee must meet minimum qualifications for the position sought and the hiring may not result in a promotion. This reinstates the state practice followed for approximately fifty years and affects only the current biennium. Vote 16-0.

SB 390-FN, establishing the office of solicitor general in the department of justice and establishing an unclassified attorney position in the department of justice. **OUGHT TO PASS.**

Rep. J. Tracy Emerick for Finance. The bill establishes the position of solicitor general in the department of justice and establishes an unclassified attorney position in the department of justice. The solicitor general is to handle appeals and effectuate department efficiencies where duplication of some efforts currently exist. The additional attorney will be responsible for prosecutorial training, including county prosecutors, so justice will be more uniform throughout the state. The positions will be funded out of the department's existing budget. Vote 26-0.

SB 531-FN, relative to the office of professional licensure and certification. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J. Tracy Emerick for Finance. This bill is needed to allow the Office of Professional Licensure and Certification (OPLC) to collect and administer the fees collected by the occupational regulatory boards that it administers. It also standardizes administrative procedures across the boards. The bill will centralize the fee structure, revenue collection, and licensure fees for all the OPLC boards, ensuring that revenues are aligned with expenditures. The bill requires the office to set fees in coordination with each biennial budget and ensures that existing rules will remain effective until they are replaced or expire. The bill will result in an equitable license fee structure across all OPLC boards. The amendment adds the requirement that the reporting structure established in the bill will be posted to the agency website for transparency. Vote 26-0.

Amendment (1591h)

Amend RSA 310-A:1-d, II(i) as inserted by section 1 of the bill by replacing it with the following:

(i) Submitting, by November 1, to the speaker of the house of representatives, the president of the senate, the chairpersons of the house and senate executive departments and administration committees, and the governor, an annual report summarizing the transactions of the preceding fiscal year and a complete statement of the receipts and expenditures of the office of professional licensure and certification. Such report shall satisfy the requirements for any annual or biennial report imposed by statute on any board, commission, or council administered by the office of professional licensure and certification. The report shall be posted on the website of the office of professional licensure and certification immediately upon submission.

SB 376-FN, relative to the sale of certain cold medications. **OUGHT TO PASS.**

Rep. William Marsh for Health, Human Services and Elderly Affairs. This bill implements a point of sale electronic procedure to limit the amount of pseudoephedrine one can purchase over the counter. These limits can be overridden with a physician's prescription. This is necessary, as pseudoephedrine is used to manufacture methamphetamine. Thirty-four states have already adopted this procedure. Several states reported dramatic reductions in meth labs. There is no cost to the state or to retailers to implement this system. Vote 20-0.

SB 380, relative to the therapeutic use of cannabis. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Fothergill for Health, Human Services and Elderly Affairs. This bill as amended allows any person with a medical cannabis card, who is unable to get to the alternative treatment center, to designate two people to pick up their medical cannabis. Previously, only one designated caregiver for minors could pick up the medical cannabis. Vote 22-1.

Amendment (1268h)

Amend RSA 126-X:4, I(f) as inserted by section 1 of the bill by replacing it with the following:

(f) Name, address, and date of birth of the applicant's designated caregiver, if any. A qualifying patient shall have only one designated caregiver, except as follows:

(1) If the qualifying patient is a minor, the patient may have up to 2 designated caregivers both of whom shall be the patient's parent or legal guardian.

(2) Where the court has appointed co-guardians for an adult qualifying patient, the patient may have up to 2 designated caregivers, both of whom shall be court appointed co-guardians for the patient.

Amend RSA 126-X:1, IX(a)(1) as inserted by section 3 of the bill by replacing it with the following:

[(A)] **(1)** Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, muscular dystrophy, Crohn's disease, multiple sclerosis, chronic pancreatitis, spinal cord injury or disease, traumatic brain injury, epilepsy, lupus, Parkinson's disease, Alzheimer's disease, ulcerative colitis, Ehlers-Danlos syndrome, or one or more injuries or conditions that has resulted in one or more qualifying symptoms under subparagraph [(B)] **(2)**; and

SB 388, relative to dispensary locations for therapeutic cannabis. **OUGHT TO PASS.**

Rep. Jess Edwards for Health, Human Services and Elderly Affairs. This bill is one of many that have been heard attempting to address the access issue. If passed, this bill would permit the Department of Health and Human Services (DHHS) to investigate the need for up to two additional Alternative Treatment Centers (ATCs). One may operate in Carroll, Coos, or Grafton County, and the other in Cheshire or Sullivan County. Private investors would still need to determine whether the DHHS recommendation is financially viable. If this bill results in more ATCs, it will reduce driving times and allow for transportation within NH without having to cross state lines to access high-speed routes. Vote 23-0.

SB 475, relative to testing for Lyme disease. **REFER FOR INTERIM STUDY.**

Rep. William Marsh for Health, Human Services and Elderly Affairs. The committee agrees with the many people who testified that there is a significant issue regarding the diagnosis of and testing for Lyme disease. However, we feel that the solution proposed - requiring that a specific statement be passed out by all practitioners - is highly problematic. We would prefer a solution clarifying the reporting of serologic tests for Lyme disease as a mechanism to educate practitioners and the public. Therefore, we recommend Interim Study on this bill and intend to file another bill next session. Vote 22-1.

SB 476, establishing a committee to study reinstituting the unemployed parent program. **OUGHT TO PASS.**

Rep. Lucy Weber for Health, Human Services and Elderly Affairs. The Unemployed Parent Program served families with two able-bodied parents in which the primary wage earner was unemployed or underemployed. The program was discontinued in 2011. The committee heard testimony that persons receiving assistance under this program averaged less than 5 months on assistance, far less time than the 18.5-month average for all TANF recipients. The committee determined that a study of the program and its possible reinstatement is a worthwhile endeavor. Vote 20-0.

SB 478, establishing an advisory council on lactation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Polly Campion for Health, Human Services and Elderly Affairs. This bill would amend and reauthorize the advisory council on lactation. This council has made large strides in providing information and services to pregnant and lactating women, as well as employers. As amended, the council membership has been clarified to include those with appropriate knowledge and experience. In addition, it has extended the time frame for the council to accomplish its work. The work of the council continues to be important in order to ensure that our state becomes a more welcoming place for young people to start and raise a family. Vote 22-0.

Amendment (1351h)

Amend RSA 275:77, I as inserted by section 1 of the bill by inserting after subparagraph (r) the following new subparagraph:

(s) A registered nurse, appointed by the New Hampshire section of the Association of Women's Health, Obstetric and Neonatal Nurses.

Amend RSA 275:77, V as inserted by section 1 of the bill by replacing it with the following:

V. The advisory council shall submit an interim report on November 1, 2019, and a final report on November 1, 2020, detailing its activities and findings, together with any recommendations for proposed legislation, to the president of the senate, the speaker of the house of representatives, and the governor.

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

I. Section 3 of this act shall take effect December 1, 2020.

SB 483, relative to procedures for dispensing controlled drugs. **REFER FOR INTERIM STUDY.**

Rep. Lucy Weber for Health, Human Services and Elderly Affairs. This bill requires specific identification to be presented by a person picking up a prescription for controlled drugs. Most of the testimony heard by the committee was directed to the issue of how to identify whether an "authorized representative" picking up a prescription is, in fact, authorized to do so. The bill contains no provision for determining whether a person picking up a prescription for another is, in fact, duly authorized by the patient. Committee members believe Interim Study would allow for study of the extent of the problem and the best way to address it. Vote 23-0.

SB 486, establishing a commission to study enhancing the prescription drug donation program. **OUGHT TO PASS.**

Rep. John Fothergill for Health, Human Services and Elderly Affairs. The committee realizes that many of the regulations regarding drug donation are federal, and therefore our ability to make significant change will be limited. We also realize that there is real waste measured in thousands/millions of dollars, and it is therefore worth our consideration. Vote 18-2.

SB 548-FN, relative to therapeutic intervention needs of infants diagnosed with neonatal abstinence syndrome. **INEXPEDIENT TO LEGISLATE.**

Rep. Mariellen MacKay for Health, Human Services and Elderly Affairs. The committee unanimously voted to recommend the bill as Inexpedient to Legislate based on information that there was no funding to support this program, and that it would put a substantial burden on the Department of Health and Human Services. The committee was also unsure that providing these services at a clinic would be preferable to providing these services at home. Vote 20-0.

SB 343, relative to legislative ethics guidelines. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sherman Packard for Legislative Administration. This bill clarifies that the Legislative Ethics Committee has jurisdiction over any rules that the committee adopts but not over House and Senate rules. It also clarifies that the legislative ethics statute applies to inappropriate influence by persons or organizations outside the legislative branch but does not apply to the internal administration of the General Court. The Speaker of the House or Senate President should have the ability to reimburse or pay for functions or meals for members or staff without implicating the ethics statute. The amendment removes a provision to exempt legal services provided to a legislator under specific circumstances from the definition of 'gift.' The committee felt that the language in this provision was over broad and unworkable and that the issue was sufficiently addressed by the Legislative Ethics Committee in Interpretive Ruling 2017-1. Vote 13-0.

Amendment (1424h)

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

2 Purpose. Amend RSA 14-C:1 to read as follows:

14-C:1 Purpose. The purpose of this chapter is to ensure that persons charged with carrying out the duties and activities of the legislative branch of state government do so in an atmosphere that supports the independent judgment of such persons and minimizes the opportunity for inappropriate influence by persons or organizations *outside the legislative branch* subject to or likely to become subject to or interested in any matter or action pending in the legislative branch. To that end, this chapter defines gifts that may not be given to, solicited by, or accepted by persons subject to the provisions of the chapter and establishes requirements for the reporting of honorariums, expense reimbursements, and certain other receipts. This chapter shall be liberally construed to effect this purpose. ***This chapter shall not apply to gifts, honorariums, expense reimbursements, or any other receipt made by the general court to a legislator, legislative officer, or legislative employee.***

3 Definitions; Expense Reimbursement. Amend RSA 14-C:2, III to read as follows:

III. "Expense reimbursement" shall mean any price, charge, fee, expense, or other cost which is waived, forgiven, reduced, prepaid, or reimbursed in any form for the reasonable expenses of attendance, registration, travel, meals, or lodging related to a bona fide conference, meeting, seminar, or educational, cultural, or informational program, or an event to which the recipient is invited in his or her official capacity as a representative of the senate or the house of representatives of which the recipient is a member. ***"Expense reimbursement" shall not include any expense reimbursement made by the general court to a legislator, legislative officer, or legislative employee.***

4 New Subparagraph; Definitions; Gift; Exclusions. Amend RSA 14-C:2, IV(b) by inserting after subparagraph (13) the following new subparagraph:

(14) Any gifts, honorariums, expense reimbursements, or any other receipt made by the general court to a legislator, legislative officer, or legislative employee.

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

SB 369-FN, relative to the publication of the rulemaking register. **OUGHT TO PASS.**

Rep. Robert Nigrello for Legislative Administration. The Administrative Rules Division of the Office of Legislative Services (OLS) is required to provide 7 days' public notice of all of their hearings in a publication called the Rulemaking Register. Currently, paper copies of this weekly publication are provided free of charge to state agencies, municipalities and state legislators, if specifically requested in hard copy. Otherwise, electronic copies are provided. Any other subscriber pays a fee for a paper copy. This bill eliminates the requirement for paper copies of the document. The Director of OLS testified that this change will save up to \$6,400 each year. The committee feels that this is a logical and reasonable change. Vote 13-0.

SB 368, establishing an exemption from shoreland protection permitting requirements for maintenance and repairs of existing roads and for borings and test wells. **OUGHT TO PASS.**

Rep. Linda Gould for Resources, Recreation and Development. Requested by the Department of Transportation (DOT), this bill is also supported by the Department of Environmental Services. It writes an exemption into statute so that DOT does not have to obtain a permit under the Shoreland Water Quality Protection Act for many of its projects. It is burdensome for DOT to acquire a Shoreland Permit for simple road repair activities as well as for borings and test wells when there is no permanent increase in impervious surfaces. The bill contains certain caveats requiring DOT to incorporate protective practices inequivalent to those in the Shoreland Act for its more complex projects. Vote 18-0.

SB 410-FN, establishing a commission to study creating a boat safe card. **OUGHT TO PASS.**

Rep. Suzanne Smith for Resources, Recreation and Development. This bill will form a commission to study whether it is feasible to establish a voluntary boat safe card to support lake and river preservation and restoration and to further support the Search and Rescue Fund. The Hike Safe Card will be used as a model. The commission will also study how a boat safe card would be sold and how funds from this card would be distributed. The Fish and Game Department testified that they annually raise \$100,000 from sales of the voluntary Hike Safe Card and administrative costs are minimal. Controlling and eradicating invasive weeds and animal species in our lakes, ponds, and rivers is costly and the weeds are spreading. A voluntary boat safe card could add revenue to lake preservation and restoration efforts as well as add monies to the Search and Rescue Fund. Members of the commission will include one Senator, one Representative, and persons representing two state agencies, the NH Lakes Association, the NH Rivers Council, campground owners, marine trades, American Whitewater, and the Appalachian Mountain Club. Vote 18-0.

SB 444, relative to cutting timber near certain waters and public highways. **OUGHT TO PASS.**

Rep. John Mullen for Resources, Recreation and Development. Under current law, no more than 50 percent of the basal area of trees may be cut within 150 feet of a public highway. This bill would remove that restriction as it applies to Class VI highways. Class VI highways are roads that are no longer maintained. It is not unusual for a Class VI highway to have forestland on both sides, sometimes owned by the same person, and, in fact, be overgrown itself. Existing law creates a wide swath that cannot be adequately harvested. It brings into question the ability to even maintain the road itself, an unintended consequence. This bill was supported by many foresters, the Timberland Owners Association, and the Division of Forests and Lands, NH Department of Natural and Cultural Resources. Vote 18-0.

SB 366, relative to members of the site evaluation committee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael Vose for Science, Technology and Energy. The Site Evaluation Committee (SEC) was established by the legislature for the review, approval, monitoring, and enforcement of compliance in the planning, siting, construction, and operation of energy facilities. The committee is comprised of seven state department designees and two public members appointed by the Governor and Council. This bill expands the pool of public members from three to five. Since each subcommittee of the SEC must have at least one public member, the pool has been stretched by an increased number of recent certificate deliberations in a manner that negatively affects performance. Expanding the pool to five members will reduce the stress on any given public member, and will give the SEC flexibility in dealing with illness and other member absences. The amendment reorganized the statutory references to public members into one section. It also added a new requirement that all SEC members receive yearly training in the energy infrastructure site and facility statutes and the rules derived from those laws. The Attorney General's office will provide this training to ensure that all SEC members possess the requisite knowledge to correctly apply the statutory requirements and rules to site and facility applications. Vote 21-0.

Amendment (1551h)

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

AN ACT relative to membership and procedures of the site evaluation committee.

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

1 Energy Facility Siting; Site Evaluation Committee. Amend RSA 162-H:3 to read as follows:
162-H:3 Site Evaluation Committee Established.

I. There is hereby established a committee to be known as the New Hampshire site evaluation committee consisting of 9 members, as follows:

(a) The commissioners of the public utilities commission, the chairperson of which shall be the chairperson of the committee;

(b) The commissioner of the department of environmental services, who shall be the vice-chairperson of the committee;

(c) The commissioner of the department of business and economic affairs or designee;

(d) The commissioner of the department of transportation;

(e) The commissioner of the department of natural and cultural resources, the director of the division of historical resources, or designee; and

(f) Two members of the public, appointed by the governor, with the consent of the council, [at least one of whom shall be a member in good standing of the New Hampshire Bar Association, and both of whom shall be residents of the state of New Hampshire with expertise or experience in one or more of the following areas: public deliberative or adjudicative proceedings; business management; environmental protection; natural resource protection; energy facility design, construction, operation, or management; or community and regional planning or economic development] **in accordance with RSA 162-H:4-b, III.**

II. [The public members shall serve 4-year terms and until their successors are appointed and qualified. The initial term of one member shall be 2 years. Any public member chosen to fill a vacancy occurring other than by expiration of term shall be appointed for the unexpired term of the member who is to be succeeded.

III. No public member nor any member of his or her family shall receive income from energy facilities within the jurisdiction of the committee. The public members shall comply with RSA 15-A and RSA 15-B.

IV.] All members, **including those who sit for a member recused under paragraph VI**, shall refrain from ex parte communications regarding any matter pending before the committee. **This prohibition shall extend to those who sit on any subcommittee formed under RSA 162-H:4-a.**

[V.] **III.** Seven members of the committee shall constitute a quorum for the purpose of conducting the committee's business.

[VI. Any public member of the committee may be removed by the governor and council for inefficiency, neglect of duty, or misconduct or malfeasance in office, after being given a written statement of the charges and an opportunity to be heard.

VII.] **IV.** The committee shall be administratively attached to the public utilities commission pursuant to RSA 21-G:10.

[VIII. ~~Repealed.~~]

IX.] **V.** The chairperson shall serve as the chief executive of the committee and may:

(a) Delegate to other members the duties of presiding officer, as appropriate.

(b) Perform administrative actions for the committee, as may a presiding officer.

(c) Establish, with the consent of the committee, the budgetary requirements of the committee.

(d) Engage personnel in accordance with this chapter.

(e) Form subcommittees pursuant to RSA 162-H:4-a.

[X. An alternate public member who satisfies the qualification requirements of subparagraph I(f), excluding the New Hampshire Bar membership requirement, shall be appointed by the governor, with consent of the council. The alternate public member shall only sit on the committee or a subcommittee as provided for in paragraph XI.

XI.] **VI.** If at any time a member must recuse himself or herself on a matter or is not otherwise available for good reason, such person, if a state employee, may designate a senior administrative employee or a staff attorney from his or her agency to sit on the committee. In the case of a public member, [the chairperson shall appoint the alternate public member, or if such member is not available, the governor and council shall appoint a replacement upon petition of the chairperson. The replacement process under this paragraph shall also be applicable to subcommittee members under RSA 162-H:4-a] **the procedure outlined in RSA 162-H:4-b, VI shall be followed.**

VII. All committee members shall on an annual basis complete an intensive training program on the provisions of RSA 162-H and the administrative rules adopted thereunder with respect to reviewing and evaluating applications for a certificate of site and facility. All new committee members, and any designee to a subcommittee pursuant to RSA 162-H:4-a, II or III, shall complete the training program prior to serving on, respectively, any committee or subcommittee proceeding. The training shall be conducted by the department of justice.

2 Energy Facility Siting; Site Evaluation Committee; Subcommittees. Amend RSA 162-H:4-a, II to read as follows:

II. When considering the issuance of a certificate or a petition of jurisdiction, a subcommittee shall have no fewer than 7 members. [The 2] **Two** public members shall serve on each subcommittee with the remaining 5 or more members selected by the chairperson from among the state agency members of the committee. Each selected **agency** member may designate a senior administrative employee or staff attorney from his or her respective agency to sit in his or her place on the subcommittee. The chairperson shall designate one member or designee to be the presiding officer who shall be an attorney whenever possible. Five members of the subcommittee shall constitute a quorum for the purpose of conducting the subcommittee's business.

3 New Section; Energy Facility Siting; Site Evaluation Committee; Public Members. Amend RSA 162-H by inserting after section 4-a the following new section:

162-H:4-b Public Members.

I. The governor, with the consent of the council, shall appoint 5 public members to serve on the committee or subcommittees as prescribed in this section. Such public members shall be residents of the state

of New Hampshire with expertise or experience in one or more of the following areas: public deliberative or adjudicative proceedings; business management; environmental protection; natural resource protection; energy facility design, construction, operation, or management; community and regional planning or economic development; municipal or county government; or the governing of unincorporated places.

II. The public members shall serve 4-year terms and until their successors are appointed and qualified. Initial terms shall be staggered so that no more than 2/5 of the members' terms shall expire in the same year. Any public member chosen to fill a vacancy occurring other than by expiration of term shall be appointed for the unexpired term of the member who is succeeded.

III. At the time of appointment under paragraph I, 2 of the public members shall be designated as full committee members, as provided in RSA 162-H:3, I(f), at least one of whom shall be a member in good standing of the New Hampshire Bar Association. The terms of full members shall expire 2 years apart.

IV. All of the public members shall constitute a pool from which the chairperson of the committee shall draw for purposes of paragraphs V and VI. The chairperson may publish an impartial methodology that shall be used to determine when the chairperson may remove a public member from the pool for a particular draw based on criteria aimed at distributing the workload among public members. The development of such methodology shall not be subject to RSA 541-A.

V. When forming a subcommittee, the chairperson shall select from the pool, by a random draw, the one or 2 public members required to be on the subcommittee, as prescribed in RSA 162-H:4-a.

VI. If at any time a public member must recuse himself or herself from a matter before the committee or a subcommittee or is not otherwise available for good reason, the chairperson shall replace such member with another public member by means of a random draw from the pool of public members.

VII. No public member nor any member of his or her family shall receive income from energy facilities within the jurisdiction of the committee. The public members shall comply with RSA 15-A and RSA 15-B.

VIII. Any public member may be removed from office by the governor and council for inefficiency, neglect of duty, or misconduct or malfeasance in office, after being given a written statement of the charges and an opportunity to be heard.

4 Energy Facility Siting; Public Hearing. Amend RSA 162-H:10, I-c to read as follows:

I-c. Within 90 days after acceptance of an application for a certificate, pursuant to RSA 162-H:7, the site evaluation committee shall hold at least one public hearing in each county in which the proposed facility is to be located and ***the applicant*** shall publish a public notice not less than 14 days before such session in one or more newspapers having a regular circulation in the county in which the hearing is to be held, describing the nature and location of the proposed facilities. ***Not fewer than 10 days before such session, the applicant shall provide a copy of the public notice to the presiding officer of the committee. The applicant shall arrange for a transcript of such session to be prepared.*** The public hearings shall be joint hearings, with representatives of the agencies that have permitting or other regulatory authority over the subject matter and shall be deemed to satisfy all initial requirements for public hearings under statutes requiring permits relative to environmental impact. Notwithstanding any other provision of law, the hearing shall be a joint hearing with the other state agencies and shall be in lieu of all hearings otherwise required by any of the other state agencies; provided, however, if any of such other state agencies does not otherwise have authority to conduct hearings, it may not join in the hearing under this chapter; provided further, however, the ability or inability of any of the other state agencies to join shall not affect the composition of the committee under RSA 162-H:3 nor the ability of any member of the committee to act in accordance with this chapter.

5 Site Evaluation Committee; Membership; Continuity of Public Members.

I. As of the effective date of this act:

(a) Any existing public member of the site evaluation committee under RSA 162-H:3, I(f) shall continue as a public member of the committee under RSA 162-H:3, I(f), with no change in term; and

(b) Any existing alternate public member shall hereafter be considered one of the 5 public members appointed under RSA 162-H:4-b, I, with no change in term.

II. If a replacement public member has been appointed by the governor and council, under former RSA 162-H:3, XI, to the site evaluation committee or a subcommittee to address a certain matter, then such member shall continue to serve in that capacity until such matter is concluded.

III. The passage of this act shall not affect the membership of any existing subcommittee established under RSA 162-H:4-a.

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

AMENDED ANALYSIS

This bill modifies the appointment of and procedures for service of public members of the site evaluation committee.

REGULAR CALENDAR

SB 311, clarifying rules of construction under the New Hampshire Trust Code. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John Hunt for the Majority of Commerce and Consumer Affairs. This bill amends RSA 564-B:1-112 to clarify that RSA 551:10 does not apply to trusts. RSA 551:10, which is in the "Wills" chapter of the New Hampshire statutes, provides children (and their descendants) who were inadvertently omitted from a will with the same share of the estate they would have received had there been no will. In consideration of this, drafters of wills that are intending to disinherit one or more children understand that they must include specific language to avoid any question of inadvertent omission. In 2001, in *Robbins vs. Johnson*, the NH Supreme Court was asked to extend RSA 551:10 to trusts, but declined to do so, because by its plain language the statute applies only to wills, and the court did not find "clear indication from the legislature that this is its intention..." In a recent case before the court, it is again being asked to apply RSA 551:10 to a trust. By passing this bill, the legislature will preserve the status quo, and prevent disruption for settlors, trustees and trust practitioners, by clearly indicating that RSA 551:10 was never intended to apply to trusts. Vote 11-6.

Rep. Kermit Williams for the Minority of Commerce and Consumer Affairs. The minority is concerned that a broad exemption for trusts under the rules of construction would have unintended consequences, especially for family trusts. Rules of construction require that heirs not mentioned in a trust would be entitled to be a beneficiary. If a trust declarant wishes to exclude anyone, they can do that specifically in the trust documents. Unforeseen circumstances, such as the death of a declarant prior to the birth of a child, could be addressed in probate court under rules of construction, while intentional exclusions continue to be allowed.

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

On a division vote, with 188 members having voted in the affirmative, and 134 in the negative, the majority committee report was adopted and ordered to third reading.

SB 314, relative to regulation of mortgage bankers, brokers, servicers, and originators. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael Costable for the Majority of Commerce and Consumer Affairs. This bill exempts from regulation as a mortgage banker, mortgage broker, mortgage servicer or mortgage originator, a person who is not regularly engaged in such activities. Current federal and state law already exempts individuals; however there is currently no definitive number of transactions. This bill clarifies no more than three transactions with in 12 consecutive months. Vote 12-4.

Rep. Richard Abel for the Minority of Commerce and Consumer Affairs. The minority of the committee believes that any individual who acts as a mortgage banker, mortgage broker, or mortgage originator should be licensed, without exemption. The minority believes this will protect consumers from unscrupulous business practices. Majority committee report adopted and ordered to third reading.

SB 485, establishing a committee to study the relationship between concierge medicine and New Hampshire and federal health insurance law. **OUGHT TO PASS.**

Rep. David Luneau for Commerce and Consumer Affairs. Concierge medicine is a relationship between a physician and a patient where the patient pays an annual fee or retainer for medical services. The committee felt that much could be learned about concierge medicine and how fees for this practice could be treated as out of pocket payments applicable to a patient's deductible in accordance with a health insurance plan. The bill establishes a committee to study this. Vote 16-3.

Committee report adopted and ordered to third reading.

SB 546-FN, relative to purchasing alliances. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Kermit Williams for the Majority of Commerce and Consumer Affairs. This bill would modify the rules for purchasing alliances formed to buy group health insurance. The bill reduces the minimum size of an alliance to 250 enrollees, which would make it much more likely for that group to become financially insolvent based on large claims. There are issues with how federal law, including the Employee Retirement Income Security Act (ERISA), would apply to such purchasing alliances. The majority believes that there are too many issues with this bill, and thus recommends referring it for interim study. Vote 14-5.

Rep. Michael Costable for the Minority of Commerce and Consumer Affairs. The minority on the committee feels that this bill should be adopted. New Hampshire has the highest cost of health insurance in the nation. We have seen average annual premium increases of 50% and higher. Current law carves out 3 industry associations who (at the time the law passed) had to have at least 300 lives in order to create an alliance and purchase insurance in the group market. The minority does not believe that 3,000 lives is an absolute number for both sustainability and negotiating power. This bill simply lowers the number of lives to qualify for the group market and the opportunity to lower their insurance premiums. Efforts are underway federally to do the same thing. It is time for our state to reject the status quo mentality and pass this legislation.

The question being adoption of the majority committee report of Refer for Interim Study.

On a division vote, with 263 members having voted in the affirmative, and 66 in the negative, the majority committee report was adopted.

SPECIAL ORDER

SB 391-FN, establishing a sexual assault survivors' rights commission. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Shannon Chandley for Criminal Justice and Public Safety. This bill, as originally introduced in the Senate, included language to codify the rights of survivors of sexual assault as well as provisions to create a study commission. The Senate amended the bill to create only the study commission. After hearing significant and persuasive testimony, the committee determined that the protocol regarding the rights of survivors of sexual assault should be put into statute. This bill, as amended by the committee, ensures that sexual assault survivors' rights include best practices regarding medical treatment, evidence collection, its preservation and information. These include the right to a medical examination free of charge, the right to have a sexual assault evidence collection kit preserved for a set period, the right to be informed of the results of such kit and the right to be notified and to respond if the state intends to destroy the kit before the applicable expiration date. The survivor should also be informed of his or her rights. The committee amendment does not include the commission to study survivors' rights, as the members believe that passage of the statutory requirements is sufficient to render the commission unnecessary at this time. Vote 19-0.

Amendment (1311h)

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

AN ACT relative to sexual assault survivors' rights.

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

1 New Subdivision; Department of Justice; Sexual Assault Survivors' Rights. Amend RSA 21-M by inserting after section 17 the following new subdivision:

Sexual Assault Survivors' Rights**21-M:18 Sexual Assault Survivors' Rights.**

I. In addition to the rights of a crime victim provided in RSA 21-M:8-k, a sexual assault survivor shall have the following rights:

(a) The right not to be prevented from, or charged for, receiving a medical examination.

(b) The right to:

(1) Have a sexual assault evidence collection kit or its probative contents preserved, without charge, for the duration of the maximum applicable statute of limitations or 20 years, whichever is shorter;

(2) Be informed of any result of a sexual assault evidence collection kit, including a DNA profile match, toxicology report, or other information collected as part of a medical forensic examination, if such disclosure would not impede or compromise an ongoing investigation; and

(3) Be informed in writing of policies governing the collection and preservation of a sexual assault evidence collection kit.

(c) The right, if the state intends to destroy or dispose of a sexual assault evidence collection kit or its probative contents before the expiration date of the maximum applicable statute of limitations, to:

(1) Upon written request, receive written notification from the prosecutor or appropriate state official with custody not later than 60 days before the date of the intended destruction or disposal; and

(2) Upon written request, be granted further preservation of the kit or its probative contents.

(d) The right to be informed of the rights under this section.

II. In this subdivision, "sexual assault survivor" includes a deceased victim of sexual assault.

21-M:19 Notification of Sexual Assault Survivors' Rights.

I. The attorney general shall provide written notice regarding sexual assault survivors' rights in RSA 21-M:18 to medical centers, hospitals, forensic examiners, sexual assault service providers, state and local law enforcement agencies, and any other state agency or department reasonably likely to serve sexual assault survivors; and shall make the information set forth in RSA 21-M:18 publicly available on the attorney general's Internet website.

II. In addition to the rights set forth in RSA 21-M:18, the attorney general shall provide written notice of the following rights to those entities listed in paragraph I:

(a) The right not to be charged fees for or otherwise prevented from pursuing a sexual assault evidence collection kit.

(b) The right to have a medical examination regardless of whether the survivor reports to or cooperates with law enforcement, and the right to have such examination at no cost pursuant to RSA 21-M:8-c.

(c) The availability of assistance from the office of victim/witness assistance pursuant to RSA 21-M:8-b.

(d) The availability of protective orders and policies related to their enforcement.

(e) Policies regarding the storage, preservation, and disposal of sexual assault evidence collection kits.

(f) The process, if any, to request preservation of sexual assault evidence collection kits or the probative evidence from such kits.

(g) The availability of victim's compensation and restitution pursuant to RSA 21-M:8-k.

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

AMENDED ANALYSIS

This bill codifies the rights of sexual assault survivors.

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

Rep. Sylvia spoke against and yielded to questions.

Rep. Chandley spoke in favor.

Rep. Hinch requested a roll call; sufficiently seconded.

YEAS 315 - NAYS 22

YEAS - 315

BELKNAP

Comtois, Barbara
Huot, David
Spagnuolo, Philip

Tilton, Franklin
Lang, Timothy
Spanos, Peter

Fields, Dennis
Plumer, John
St. Clair, Charlie

Fraser, Valerie
Silber, Norman
Varney, Peter

CARROLL

Avellani, Lino
Cordelli, Glenn
McConkey, Mark

Buco, Thomas
DesMarais, Edith
Nelson, Bill

Butler, Edward
McCarthy, Frank
Umberger, Karen

Comeau, Ed
Knirk, Jerry
Marsh, William

CHESHIRE

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

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

Berch, Paul
Ley, Douglas
Hunt, John
O'Day, John
Pearson, William

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

COOS

Fothergill, John
Moynihan, Wayne
Thomas, Yvonne

Hatch, William
Richardson, Herbert

Laflamme, Larry
Theberge, Robert

Merner, Troy
Tucker, Edith

GRAFTON

Abel, Richard
Brown, Duane
Ham, Bonnie
Maes, Kevin
Nordgren, Sharon
Sykes, George

Almy, Susan
Campion, Polly
Higgins, Patricia
Massimilla, Linda
Rand, Steven
Johnson, Tiffany

Bailey, Brad
Darrow, Stephen
Josephson, Timothy
Migliore, Vincent Paul
Schwaegler, Vicki
White, Andrew

Bennett, Travis
Dontonville, Roger
Ladd, Rick
Mulligan, Mary Jane
Smith, Suzanne

HILLSBOROUGH

Ammon, Keith
Baroody, Benjamin
Burns, Charlie
Carr, John
Connors, Erika
Dickey, Glen
Elber, Joel
Fromuth, Bart
Gidge, Kenneth
Herbert, Christopher
Moore, Josh
Rice, Kimberly
L'Heureux, Robert
Leishman, Peter
MacKenzie, Mark
Martineau, Jesse
Newman, Sue
O'Leary, Richard
Pierce, David
Rosenwald, Cindy
Scully, Kevin
Souza, Kathleen
Sullivan, Victoria

Ayala, Jessica
Beaulieu, Jane
Burt, John
Chandley, Shannon
Cornell, Patricia
DiSilvestro, Linda
Fedolfi, Jim
Griffin, Gerald
Goley, Jeffrey
Hinch, Richard
Schmidt, Janice
Keane, Amelia
Ober, Lynne
Lewicke, John
Mangipudi, Latha
McLean, Mark
Notter, Jeanine
Ohm, Bill
Porter, Marjorie
Rouillard, Claire
Seidel, Carl
Smith, Timothy
Van Houten, Connie

Griffin, Barbara
Biggie, Barbara
Byron, Frank
Christensen, Chris
Sullivan, Daniel
Donovan, Daniel
Forest, Armand
Gagne, Larry
Hansen, Peter
Belanger, James
Jack, Martin
King, Mark
Lascelles, Richard
Lisle, David
Manley, Jonathan
McNamara, Richard
Nutting, Allison
Long, Patrick
Proulx, Mark
Harvey, Suzanne
Sofikitis, Catherine
Wolf, Terry
Vann, Ivy

Backus, Robert
Bouldin, Amanda
Moore, Craig
Cleaver, Skip
Danielson, David
Edwards, Elizabeth
Freeman, Lisa
Gargasz, Carolyn
Heath, Mary
Graham, John
Jeudy, Jean
Kurk, Neal
LeBrun, Donald
McCarthy, Michael
Martin, Joelle
Negron, Steve
O'Brien, Michael
Panasiti, Reed
Renzullo, Andrew
Sanborn, Laurie
Somero, Paul
Twombly, Timothy
Williams, Kermit

MERRIMACK

Turcotte, Alan
Copp, Anne
Gile, Mary

Kuch, Bill
Wolf, Dan
Moffett, Howard

Bartlett, Christy
Doherty, David
Henle, Paul

Carson, Clyde
Ebel, Karen
Hill, Gregory

Horn, Werner
Kotowski, Frank
McGuire, Carol
Rodd, Beth
Shurtleff, Stephen
Wallner, Mary Jane

MacKay, James
Leavitt, John
Myler, Mel
Rogers, Katherine
Soucy, Timothy
Walz, Mary Beth

Kenison, Linda
Moffett, Michael
Pearl, Howard
Schuett, Dianne
Walsh, Thomas
Wells, Natalie

Klose, John
Marple, Richard
Richards, Beth
Schultz, Kristina
Testerman, Dave
Woolpert, David

ROCKINGHAM

Cook, Allen
Baldasaro, Alfred
Berrien, Skip
Chirichiello, Brian
DiLorenzo, Charlotte
Fesh, Robert
Gilman, Julie
Hoelzel, Kathleen
O'Connor, John
Lerner, Kari
Pearson, Mark
McBeath, Rebecca
Milz, David
Gordon, Pamela
Spillane, James
Torosian, Peter
Vose, Michael
Welch, David

Abrami, Patrick
Barnes, Arthur
Bove, Martin
Cushing, Robert Renny
Dowling, Patricia
Francese, Paula
Green, Dennis
Edwards, Jess
Katsakiores, Phyllis
Lovejoy, Patricia
Major, Norman
McKinney, Betsy
Morrison, Sean
Packard, Sherman
Stone, Brian
Tripp, Richard
Wallace, Scott
Willis, Brenda

Allen, Mary
Bates, David
Cahill, Michael
Thomas, Douglas
Edgar, Michael
Friel, William
Guthrie, Joseph
Janigian, John
Khan, Aboul
Lundgren, David
Malloy, Dennis
McMahon, Charles
Murray, Kate
Sapareto, Frank
Sytek, John
True, Chris
Ward, Gerald
Woitkun, Steven

Altschiller, Debra
Bean, Philip
Cali-Pitts, Jacqueline
DeSimone, Debra
Emerick, J. Tracy
Gay, Betty
Hagan, Joseph
Janvrin, Jason
Kolodziej, Walter
Griffin, Mary
Matthews, Carolyn
Messmer, Mindi
Nigrello, Robert
Somssich, Peter
Le, Tamara
Verville, Kevin
Webb, James

STRAFFORD

Beaudoin, Steven
Cilley, Jacalyn
Grassie, Chuck
Kaczynski, Thomas
McNally, Jody
Graham, Robert
Spang, Judith
Vincent, Kenneth

Beube, Roger
Conley, Casey
Harrington, Michael
Keans, Sandra
Mullen, John
Salloway, Jeffrey
Spencer, Matthew
Wall, Janet

Bixby, Peter
Ellis, Donna
Horgan, James
Krans, Hamilton
Schmidt, Peter
Scruton, Matthew
Sprague, Dale
Wuelper, Kurt

Burton, Wayne
Frost, Sherry
Horrigian, Timothy
Smith, Marjorie
Pitre, Joseph
Southworth, Thomas
Treleaven, Susan

SULLIVAN

Cloutier, John
Oxenham, Lee
Tanner, Linda

Gagnon, Raymond
Rollins, Skip

Gottling, Suzanne
Smith, Steven

Grenier, James
Sullivan, Brian

NAYS - 22

BELKNAP

Abear, Marc
Vadney, Herbert

Aldrich, Glen

Howard, Raymond

Sylvia, Michael

GRAFTON

Binford, David

HILLSBOROUGH

Christie, Rick
Prout, Andrew

Ferreira, Elizabeth
Ober, Russell

Hopper, Gary
Ulery, Jordan

Hynes, Dan
Valera, John

MERRIMACK

Hoell, J.R.

Seaworth, Brian

ROCKINGHAM

Costable, Michael

Osborne, Jason

Gordon, Richard

STRAFFORD

Turcotte, Leonard

Phinney, Brandon

SULLIVAN

Laware, Thomas

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

SB 593-FN, relative to the penalty for capital murder. **MAJORITY: OUGHT TO PASS. MINORITY: IN-EXPEDIENT TO LEGISLATE.**

Rep. Robert Renny Cushing for the Majority of Criminal Justice and Public Safety. This bill was the subject of a long and at times moving public hearing that included testimony from dozens of citizens who were over-

whelmingly in support of repealing the death penalty. Among the witnesses supporting the bill were leaders of the faith community, former prosecutors, police and corrections officers and people who had lost members of their immediate families to murder. This bill is supported by an incredibly diverse group of lawmakers. The majority of the committee concludes that as a matter of public policy the death penalty does not work and is a distraction from addressing important criminal justice issues and should be repealed. The death penalty does not protect public safety, it does not shield our police officers, it does not meet the needs of many families of murder victims, it is not consistent with the values we hear from our religious leaders. Mistakes are made, and it costs the state more money than the alternative: a process that states simply that those who commit first-degree murder will spend the rest of their lives in prison with no chance for parole. New Hampshire has not executed anyone since 1939. The majority of nations of the world recognize the death penalty is not a criminal justice sanction but a human rights violation. Over the last decade a half dozen states have repealed the death penalty. Passage of this bill is consistent with New Hampshire's long tradition of respect for human rights. It is time to repeal the death penalty. Vote 12-6.

Rep. Frank Sapareto for the Minority of Criminal Justice and Public Safety. The minority of the committee believes that a repeal of the death penalty will result in the loss of innocent lives. When a proven and convicted killer repeatedly states that they will kill again, whether it's 5, 10, 25, or 50 years, they will kill again. Whether it's another inmate or a prison guard. The minority does not want to be responsible for the loss of innocent life and therefore respectfully disagrees with the majority. The minority refuses to let a killer kill again.

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

Reps. Notter and Horn spoke against and yielded to questions.

Rep. O'Leary spoke in favor and yielded to questions.

Reps. Danielson, McGuire and Cushing spoke in favor.

Rep. Silber requested a roll call; sufficiently seconded.

YEAS 223 - NAYS 116

YEAS - 223

BELKNAP

Abear, Marc
Fraser, Valerie
St. Clair, Charlie

Aldrich, Glen
Howard, Raymond
Sylvia, Michael

Comtois, Barbara
Huot, David
Vadney, Herbert

Tilton, Franklin
Spagnuolo, Philip

CARROLL

Butler, Edward
McCarthy, Frank

Comeau, Ed
Knirk, Jerry

Cordelli, Glenn
Nelson, Bill

DesMarais, Edith
Marsh, William

CHESHIRE

Abbott, Michael
Burridge, Delmar
Faulkner, Barry
O'Day, John
Pearson, William

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

Berch, Paul
Ley, Douglas
Mann, John
Shepardson, Marjorie

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

COOS

Fothergill, John
Moynihan, Wayne

Hatch, William
Theberge, Robert

Lafamme, Larry
Tucker, Edith

Merner, Troy

GRAFTON

Abel, Richard
Darrow, Stephen
Josephson, Timothy
Mulligan, Mary Jane
Sykes, George

Almy, Susan
Dontonville, Roger
Maes, Kevin
Nordgren, Sharon
White, Andrew

Bennett, Travis
Ham, Bonnie
Massimilla, Linda
Rand, Steven

Campion, Polly
Higgins, Patricia
Migliore, Vincent Paul
Smith, Suzanne

HILLSBOROUGH

Ammon, Keith
Baroody, Benjamin
Burt, John
Cornell, Patricia
Elber, Joel
Griffin, Gerald
Herbert, Christopher
Schmidt, Janice
Keane, Amelia
Lewicke, John
Manley, Jonathan
Negron, Steve

Ayala, Jessica
Beaulieu, Jane
Chandley, Shannon
Danielson, David
Fedolff, Jim
Gargas, Carolyn
Hopper, Gary
Jack, Martin
King, Mark
Lisle, David
Martin, Joelle
Newman, Sue

Griffin, Barbara
Biggie, Barbara
Cleaver, Skip
Dickey, Glen
Ferreira, Elizabeth
Gidge, Kenneth
Hynes, Dan
Judy, Jean
Ober, Lynne
MacKenzie, Mark
Martineau, Jesse
Nutting, Allison

Backus, Robert
Bouldin, Amanda
Connors, Erika
Edwards, Elizabeth
Fromuth, Bart
Heath, Mary
Belanger, James
Rice, Kimberly
Leishman, Peter
Mangipudi, Latha
McNamara, Richard
O'Brien, Michael

O'Leary, Richard
Prout, Andrew
Seidel, Carl
Ulery, Jordan

Long, Patrick
Rosenwald, Cindy
Sofikitis, Catherine
Van Houten, Connie

Pierce, David
Rouillard, Claire
Souza, Kathleen
Vann, Ivy

Porter, Marjorie
Harvey, Suzanne
Smith, Timothy
Williams, Kermit

MERRIMACK

Turcotte, Alan
Doherty, David
Henle, Paul
Kotowski, Frank
Richards, Beth
Seaworth, Brian
Wells, Natalie

Bartlett, Christy
Ebel, Karen
Hoell, J.R.
Moffett, Michael
Rodd, Beth
Shurtleff, Stephen
Woolpert, David

Carson, Clyde
Gle, Mary
Mackay, James
McGuire, Carol
Rogers, Katherine
Wallner, Mary Jane

Wolf, Dan
Moffett, Howard
Kenison, Linda
Myler, Mel
Schultz, Kristina
Walz, Mary Beth

ROCKINGHAM

Cook, Allen
Bean, Philip
Costable, Michael
Edgar, Michael
Gilman, Julie
Khan, Aboul
Pearson, Mark
McBeath, Rebecca
Osborne, Jason
Verville, Kevin

Abrami, Patrick
Berrien, Skip
Cushing, Robert Renny
Emerick, J. Tracy
Edwards, Jess
Lerner, Kari
Major, Norman
McMahon, Charles
Gordon, Pamela
Vose, Michael

Allen, Mary
Cahill, Michael
DiLorenzo, Charlotte
Fesh, Robert
O'Connor, John
Lovejoy, Patricia
Malloy, Dennis
Messmer, Mindi
Somssich, Peter
Ward, Gerald

Altschiller, Debra
Cali-Pitts, Jacqueline
Dowling, Patricia
Francese, Paula
Katsakiores, Phyllis
Lundgren, David
Matthews, Carolyn
Murray, Kate
Le, Tamara

STRAFFORD

Berube, Roger
Conley, Casey
Harrington, Michael
Smith, Marjorie
Phinney, Brandon
Spang, Judith

Bixby, Peter
Ellis, Donna
Horrigan, Timothy
McNally, Jody
Salloway, Jeffrey
Treleaven, Susan

Burton, Wayne
Frost, Sherry
Keans, Sandra
Mullen, John
Scruton, Matthew
Vincent, Kenneth

Cilley, Jacalyn
Grassie, Chuck
Krans, Hamilton
Schmidt, Peter
Southworth, Thomas
Wall, Janet

SULLIVAN

Cloutier, John
Laware, Thomas

Gagnon, Raymond
Oxenham, Lee

Gottling, Suzanne
Sullivan, Brian

Grenier, James
Tanner, Linda

NAYS - 116

BELKNAP

Plumer, John

Silber, Norman

CARROLL

McConkey, Mark

Schmidt, Stephen

CHESHIRE

Sterling, Franklin

COOS

GRAFTON

Brown, Duane

Ladd, Rick

HILLSBOROUGH

Burns, Charlie
Christensen, Chris
Donovan, Daniel
Goley, Jeffrey
Moore, Josh
LeBrun, Donald
Ohm, Bill
Renzullo, Andrew
Wolf, Terry

Byron, Frank
Christie, Rick
Forest, Armand
Hansen, Peter
Kurk, Neal
McCarthy, Michael
Panasiti, Reed
Sanborn, Laurie
Twombly, Timothy

Moore, Craig
Sullivan, Daniel
Freeman, Lisa
Hinch, Richard
L'Heureux, Robert
McLean, Mark
Proulx, Mark
Scully, Kevin
Sullivan, Victoria

Carr, John
DiSilvestro, Linda
Gagne, Larry
Graham, John
Lascelles, Richard
Notter, Jeanine
Ober, Russell
Somero, Paul
Valera, John

MERRIMACK

Kuch, Bill
Klose, John
Schuett, Dianne

Copp, Anne
Leavitt, John
Soucy, Timothy

Hill, Gregory
Marple, Richard
Walsh, Thomas

Horn, Werner
Pearl, Howard
Testerman, Dave

ROCKINGHAM

Baldasaro, Alfred
Chirichiello, Brian
Gay, Betty
Hoelzel, Kathleen
Griffin, Mary
Nigrello, Robert
Spillane, James
Tripp, Richard
Welch, David

Barnes, Arthur
Thomas, Douglas
Green, Dennis
Janigian, John
McKinney, Betsy
Packard, Sherman
Stone, Brian
True, Chris
Willis, Brenda

Bates, David
DeSimone, Debra
Guthrie, Joseph
Janvrin, Jason
Milz, David
Gordon, Richard
Sytek, John
Wallace, Scott
Woitkun, Steven

Bove, Martin
Friel, William
Hagan, Joseph
Kolodziej, Walter
Morrison, Sean
Sapareto, Frank
Torosian, Peter
Webb, James

STRAFFORD

Beaudoin, Steven
Pitre, Joseph
Wuelper, Kurt

Horgan, James
Graham, Robert

Kaczynski, Thomas
Spencer, Matthew

Turcotte, Leonard
Sprague, Dale

SULLIVAN

Rollins, Skip

Smith, Steven

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

CACR 22, relating to rights for crime victims. Providing that crime victims shall be afforded constitutional rights.

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

Rep. Paul Berch for the Majority of Criminal Justice and Public Safety Joint with Judiciary. The majority of the Joint Committee of Judiciary and Criminal Justice is unable to recommend or support CACR 22 for fiscal, legal and policy reasons. All members are supportive of providing rights and services to victims of crime. The constitution exists to define and to limit government power and its use against ordinary citizens, and to protect the accused from the overwhelming authority of the state. It is not meant to include individual rights against another individual, which is what victims' rights are. New Hampshire has a strong and comprehensive victims' rights statute, which is fully enforceable and mandatory. This CACR brings no additional dollars and potentially spreads the funds currently allocated among a very large number of additional individuals and to corporations and insurance companies. CACR 22's ambiguous, contradictory and confusing language and expansive application will create numerous problems. Instead of holding public servants accountable for enforcing the law, it grants greater immunity to those failing to do so. It would jeopardize the juvenile justice system's focus on rehabilitation, and it would tilt the justice system in favor of the government by applying to class B misdemeanors - for which defendants do not even have a right to counsel. It would create impossible conflicts for prosecutors who could be asked to represent both the interests of the state and the interests of private parties. It would make the state financially responsible for unpaid restitution, be it for regular people, corporations, or insurance companies. It may require the state to pay for counsel for victims. CACR 22 is an unfunded mandate and down shifts most of the millions of additional costs to county budgets in violation of Article 28-a. Finally, addressing victims' rights via the constitution would deprive the legislature of the ability to fix any of CACR 22's unintended consequences, as changes could only be accomplished by further constitutional amendment. Vote 24-11.

Rep. Shannon Chandley for the Minority of Criminal Justice and Public Safety Joint with Judiciary. As proposed, this CACR sought to create a victims' bill of rights within the New Hampshire constitution. After listening to hours of testimony from victims, law enforcement, advocacy organizations and other stakeholders, many members of the joint committee believe that while victims' rights should be ensconced in the constitution, CACR 22 as it came before us was somewhat unworkable. The minority heard the concerns raised by opponents and put forward an amendment to address many of these. CACR 22 with amendment seeks to provide meaningful, enforceable rights to victims of crime by including these rights in the state constitution. While New Hampshire does have a victims' bill of rights in statute, the minority believes that elevating those rights to the constitution ensures that people, who through no fault of their own, must interact with the criminal justice system can do so knowing that they have the right to be treated with fairness and respect for their dignity and safety. CACR 22 with amendment makes clear that victims would have, upon request, the right to timely and reasonable notice of proceedings and the right to be present at those proceedings. Included among the enumerated rights are the right to be heard, to reasonable protection from the accused throughout the criminal justice process and to confer with the attorney for the state about disposition of the case. Importantly, the amendment removes all reference to juvenile delinquent acts; removes the explicit right to privacy; removes the ability for a victim to refuse an unnecessary interview or deposition, and removes reference to a victim's attorney. In addition, it clarifies that a victim of crime must be a natural person and that CACR 22 does not create any new cause of action against the state. CACR 22 extends notification to all misdemeanor level crimes. Victims of all crimes should have the right to be notified of the proceedings that stem from their cases. Most police and local prosecutors do an excellent job notifying victims of misdemeanor crimes because they understand that it is critical to do so. Nevertheless, notification should not be a courtesy;

it should be a right. Constitutional rights for victims of crime is not a new idea; for many decades, it has been a priority for many for people who work with victims. It is not the intention of the minority in any way to abrogate or minimize the rights of defendants in criminal cases. Victims' rights have successfully coexisted with the rights of the accused and convicted in state constitutions across the country since the late 1970's with decades of case law upholding these rights. In fact, there is not a single case that exists showing that there is any conflict between defendants' and victims' constitutional rights - perceived or otherwise. This amendment reflects a basic recognition that when a crime is perpetrated, the victim's life is significantly altered. The goal of this amendment is not to tilt the scales of justice in favor of the victim; it is to secure for victims basic, fundamental rights within the criminal justice system. This constitutional amendment is supported by the NH Coalition Against Domestic and Sexual Violence, NH Department of Justice, NH Department of Safety, NH Department of Corrections, NH Sexual Assault Nurse Examiner (SANE) Program, NH Association of Chiefs of Police, NH Troopers Association, NH Police Association, NH Sheriffs Association, Professional Firefighters of NH, NH General Federation of Women's Clubs, Business & Industry Association, Community Support Network, Inc., NH Auto Dealers Association, Response to Sexual & Domestic Violence, Turning Points Network, Crisis Center of Central NH, Starting Point: Services for Victims of Domestic & Sexual Violence, Sexual Harassment & Rape Prevention Program (SHARPP), Monadnock Center for Violence Prevention (MCVP), New Beginnings, WISE, The Support Center at Burch House, YWCA Crisis Services, Bridges: Domestic & Sexual Violence Support, Voices Against Violence, HAVEN and NH Violence Against Women College Consortium.

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

MOTION TO LAY ON THE TABLE

Rep. Fields moved that **CACR 22**, relating to rights for crime victims. Providing that crime victims shall be afforded constitutional rights, be laid on the table.

Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 66 - NAYS 272

YEAS - 66

BELKNAP

Fields, Dennis	Spanos, Peter	St. Clair, Charlie	Vadney, Herbert
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CARROLL

Avellani, Lino	Buco, Thomas	McCarthy, Frank
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CHESHIRE

Ley, Douglas	Hunt, John
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COOS

Richardson, Herbert	Theberge, Robert	Thomas, Yvonne
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GRAFTON

Bennett, Travis	Ham, Bonnie	Higgins, Patricia	Ladd, Rick
Massimilla, Linda	Sykes, George	White, Andrew	

HILLSBOROUGH

Burns, Charlie	Carr, John	Chandley, Shannon	Cornell, Patricia
Sullivan, Daniel	Fedolfi, Jim	Forest, Armand	Griffin, Gerald
Gargas, Carolyn	Goley, Jeffrey	Heath, Mary	Moore, Josh
Proulx, Mark	Rosenwald, Cindy	Sanborn, Laurie	Twombly, Timothy
Ulery, Jordan			

MERRIMACK

Gile, Mary	McGuire, Carol	Rogers, Katherine	Shurtleff, Stephen
Soucy, Timothy	Walsh, Thomas		

ROCKINGHAM

Allen, Mary	Altschiller, Debra	Bove, Martin	Chirichiello, Brian
Cushing, Robert Renny	Thomas, Douglas	Emerick, J. Tracy	O'Connor, John
Lundgren, David	McKinney, Betsy	Milz, David	Morrison, Sean
Sapareto, Frank	Stone, Brian	Sytek, John	Tripp, Richard
Ward, Gerald	Willis, Brenda		

STRAFFORD

Beaudoin, Steven	Berube, Roger	Harrington, Michael	Turcotte, Leonard
Southworth, Thomas			

SULLIVAN

Smith, Steven

NAYS - 272**BELKNAP**Abear, Marc
Fraser, Valerie
Plumer, John
Varney, PeterAldrich, Glen
Howard, Raymond
Silber, NormanComtois, Barbara
Huot, David
Spagnuolo, PhilipTilton, Franklin
Lang, Timothy
Sylvia, Michael**CARROLL**Butler, Edward
Knirk, Jerry
Umberger, KarenComeau, Ed
McConkey, Mark
Marsh, WilliamCordelli, Glenn
Nelson, BillDesMarais, Edith
Schmidt, Stephen**CHESHIRE**Abbott, Michael
Burridge, Delmar
Fenton, Donovan
O'Day, John
Tatro, BruceAmes, Richard
Harvey, Cathryn
Mann, John
Parkhurst, Henry
Pearson, WilliamBerch, Paul
Eaton, Daniel
McConnell, James
Shepardson, Marjorie
Weber, LucyBordenet, John
Faulkner, Barry
Meador, David
Sterling, Franklin**COOS**Fothergill, John
Moynihan, WayneHatch, William
Tucker, Edith

Lafamme, Larry

Merner, Troy

GRAFTONAbel, Richard
Brown, Duane
Josephson, Timothy
Nordgren, Sharon
Johnson, TiffanyAlmy, Susan
Campion, Polly
Maes, Kevin
Rand, StevenBailey, Brad
Darrow, Stephen
Migliore, Vincent Paul
Schwaegler, VickiBinford, David
Dontonville, Roger
Mulligan, Mary Jane
Smith, Suzanne**HILLSBOROUGH**Ammon, Keith
Barody, Benjamin
Burt, John
Christie, Rick
Dickey, Glen
Elber, Joel
Gagne, Larry
Hinch, Richard
Graham, John
Rice, Kimberly
L'Heureux, Robert
Leishman, Peter
Mackenzie, Mark
Martineau, Jesse
Newman, Sue
Ohm, Bill
Porter, Marjorie
Rouillard, Claire
Sofikitis, Catherine
Wolf, Terry
Vann, IvyAyala, Jessica
Beaulieu, Jane
Byron, Frank
Cleaver, Skip
DiSilvestro, Linda
Ferreira, Elizabeth
Gidge, Kenneth
Hopper, Gary
Schmidt, Janice
Keane, Amelia
Ober, Lynne
Lewicke, John
Mangipudi, Latha
McLean, Mark
Notter, Jeanine
Long, Patrick
Prout, Andrew
Harvey, Suzanne
Somero, Paul
Sullivan, Victoria
Williams, KermitGriffin, Barbara
Biggie, Barbara
Moore, Craig
Connors, Erika
Donovan, Daniel
Freeman, Lisa
Hansen, Peter
Hynes, Dan
Jack, Martin
King, Mark
Lascelles, Richard
Lisle, David
Manley, Jonathan
McNamara, Richard
O'Brien, Michael
Panasiti, Reed
Ober, Russell
Scully, Kevin
Souza, Kathleen
Valera, JohnBackus, Robert
Bouldin, Amanda
Christensen, Chris
Danielson, David
Edwards, Elizabeth
Fromuth, Bart
Herbert, Christopher
Belanger, James
Jeudy, Jean
Kurk, Neal
LeBrun, Donald
McCarthy, Michael
Martin, Joelle
Negron, Steve
O'Leary, Richard
Pierce, David
Renzullo, Andrew
Seidel, Carl
Smith, Timothy
Van Houten, Connie**MERRIMACK**Turcotte, Alan
Copp, Anne
Moffett, Howard
Horn, Werner
Kotowski, Frank
Myler, Mel
Schuett, Dianne
Wallner, Mary JaneKuch, Bill
Wolf, Dan
Henle, Paul
Mackay, James
Leavitt, John
Pearl, Howard
Schultz, Kristina
Walz, Mary BethBartlett, Christy
Doherty, David
Hill, Gregory
Kenison, Linda
Moffett, Michael
Richards, Beth
Seaworth, Brian
Wells, NatalieCarson, Clyde
Ebel, Karen
Hoell, J.R.
Klose, John
Marple, Richard
Rodd, Beth
Testerman, Dave
Woolpert, David**ROCKINGHAM**Cook, Allen
Bates, David
Cali-Pitts, Jacqueline
Dowling, Patricia
Friel, WilliamAbrami, Patrick
Bean, Philip
Costable, Michael
Edgar, Michael
Gay, BettyBaldasaro, Alfred
Berrien, Skip
DeSimone, Debra
Fesh, Robert
Gilman, JulieBarnes, Arthur
Cahill, Michael
DiLorenzo, Charlotte
Francese, Paula
Green, Dennis

Guthrie, Joseph
Janigian, John
Kolodziej, Walter
Pearson, Mark
McBeath, Rebecca
Nigrello, Robert
Gordon, Richard
Torosian, Peter
Wallace, Scott

Hagan, Joseph
Janvrin, Jason
Lerner, Kari
Major, Norman
McMahon, Charles
Osborne, Jason
Somssich, Peter
True, Chris
Webb, James

Hoelzel, Kathleen
Katsakiores, Phyllis
Lovejoy, Patricia
Malloy, Dennis
Messmer, Mindi
Gordon, Pamela
Spillane, James
Verville, Kevin
Welch, David

Edwards, Jess
Khan, Aboul
Griffin, Mary
Matthews, Carolyn
Murray, Kate
Packard, Sherman
Le, Tamara
Vose, Michael
Woitkun, Steven

STRAFFORD

Bixby, Peter
Ellis, Donna
Horigan, Timothy
Smith, Marjorie
Phinney, Brandon
Scruton, Matthew
Treleven, Susan

Burton, Wayne
Frost, Sherry
Kaczynski, Thomas
McNally, Jody
Pitre, Joseph
Spang, Judith
Vincent, Kenneth

Cilley, Jacalyn
Grassie, Chuck
Keans, Sandra
Mullen, John
Graham, Robert
Spencer, Matthew
Wall, Janet

Conley, Casey
Horgan, James
Krans, Hamilton
Schmidt, Peter
Salloway, Jeffrey
Sprague, Dale
Wuelper, Kurt

SULLIVAN

Cloutier, John
Laware, Thomas
Tanner, Linda
and the motion failed.

Gagnon, Raymond
Oxenham, Lee

Gottling, Suzanne
Rollins, Skip

Grenier, James
Sullivan, Brian

The question now being adoption of the majority committee report of Inexpedient to Legislate.
Rep. Altschiller spoke against.

(Rep. Packard in the Chair)

Reps. Rouillard and Berch spoke in favor.
Rep. Chandley spoke against.

(Speaker Chandler in the Chair)

Rep. Rouillard requested a roll call; sufficiently seconded.

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YEAS - 284

BELKNAP

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

Aldrich, Glen
Howard, Raymond
Silber, Norman

Comtois, Barbara
Huot, David
Sylvia, Michael

Tilton, Franklin
Lang, Timothy
Vadney, Herbert

CARROLL

Avellani, Lino
Cordelli, Glenn
McConkey, Mark
Marsh, William

Buco, Thomas
DesMarais, Edith
Nelson, Bill

Butler, Edward
McCarthy, Frank
Schmidt, Stephen

Comeau, Ed
Knirk, Jerry
Umberger, Karen

CHESHIRE

Abbott, Michael
Burridge, Delmar
Fenton, Donovan
Meador, David
Sterling, Franklin

Ames, Richard
Ley, Douglas
Hunt, John
O'Day, John
Tatro, Bruce

Berch, Paul
Eaton, Daniel
Mann, John
Parkhurst, Henry
Pearson, William

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

COOS

Fothergill, John
Moynihan, Wayne

Hatch, William
Richardson, Herbert

Lafamme, Larry
Theberge, Robert

Memer, Troy
Thomas, Yvonne

GRAFTON

Abel, Richard
Binford, David
Dontonville, Roger
Mulligan, Mary Jane
Johnson, Tiffany

Almy, Susan
Brown, Duane
Higgins, Patricia
Nordgren, Sharon
White, Andrew

Bailey, Brad
Campion, Polly
Josephson, Timothy
Rand, Steven

Bennett, Travis
Darrow, Stephen
Migliore, Vincent Paul
Sykes, George

HILLSBOROUGH

Ammon, Keith
Biggie, Barbara

Griffin, Barbara
Bouldin, Amanda

Backus, Robert
Burns, Charlie

Baroody, Benjamin
Burt, John

Byron, Frank
 Christie, Rick
 DiSilvestro, Linda
 Fedolff, Jim
 Fromuth, Bart
 Gidge, Kenneth
 Hynes, Dan
 Schmidt, Janice
 King, Mark
 Lascelles, Richard
 Lisle, David
 Manley, Jonathan
 Newman, Sue
 Ohm, Bill
 Proulx, Mark
 Rosenwald, Cindy
 Seidel, Carl
 Smith, Timothy
 Valera, John

Moore, Craig
 Cleaver, Skip
 Donovan, Daniel
 Ferreira, Elizabeth
 Griffin, Gerald
 Hansen, Peter
 Belanger, James
 Jack, Martin
 Kurk, Neal
 LeBrun, Donald
 McCarthy, Michael
 McLean, Mark
 Notter, Jeanine
 Panasiti, Reed
 Prout, Andrew
 Rouillard, Claire
 Sofikitis, Catherine
 Wolf, Terry
 Van Houten, Connie

Carr, John
 Danielson, David
 Edwards, Elizabeth
 Forest, Armand
 Gagne, Larry
 Heath, Mary
 Graham, John
 Rice, Kimberly
 L'Heureux, Robert
 Leishman, Peter
 MacKenzie, Mark
 McNamara, Richard
 Nutting, Allison
 Pierce, David
 Ober, Russell
 Sanborn, Laurie
 Somero, Paul
 Ulery, Jordan
 Vann, Ivy

Christensen, Chris
 Dickey, Glen
 Elber, Joel
 Freeman, Lisa
 Gargas, Carolyn
 Hopper, Gary
 Moore, Josh
 Keane, Amelia
 Ober, Lynne
 Lewicke, John
 Mangipudi, Latha
 Negron, Steve
 O'Leary, Richard
 Porter, Marjorie
 Renzullo, Andrew
 Scully, Kevin
 Souza, Kathleen
 Sullivan, Victoria
 Williams, Kermit

Turcotte, Alan
 Copp, Anne
 Gle, Mary
 Hbell, J.R.
 Kotowski, Frank
 McGuire, Carol
 Walsh, Thomas
 Wells, Natalie

Kuch, Bill
 Wolf, Dan
 Moffett, Howard
 Horn, Werner
 Leavitt, John
 Pearl, Howard
 Testerman, Dave
 Woolpert, David

MERRIMACK

Bartlett, Christy
 Doherty, David
 Henle, Paul
 Kenison, Linda
 Moffett, Michael
 Richards, Beth
 Wallner, Mary Jane

Carson, Clyde
 Ebel, Karen
 Hill, Gregory
 Klose, John
 Marple, Richard
 Seaworth, Brian
 Walz, Mary Beth

Cook, Allen
 Barnes, Arthur
 Cahill, Michael
 DeSimone, Debra
 Emerick, J. Tracy
 Gay, Betty
 Hoelzel, Kathleen
 O'Connor, John
 Lovejoy, Patricia
 Major, Norman
 McMahon, Charles
 Osborne, Jason
 Sapareto, Frank
 Sytek, John
 True, Chris
 Ward, Gerald

Abrami, Patrick
 Bates, David
 Chirichiello, Brian
 DiLorenzo, Charlotte
 Fesh, Robert
 Gilman, Julie
 Edwards, Jess
 Katsakiores, Phyllis
 Lundgren, David
 Matthews, Carolyn
 Milz, David
 Gordon, Pamela
 Somssich, Peter
 Le, Tamara
 Verville, Kevin
 Webb, James

ROCKINGHAM

Allen, Mary
 Berrien, Skip
 Costable, Michael
 Dowling, Patricia
 Francese, Paula
 Green, Dennis
 Janigian, John
 Khan, Aboul
 Griffin, Mary
 McBeath, Rebecca
 Murray, Kate
 Packard, Sherman
 Spillane, James
 Torosian, Peter
 Vose, Michael
 Welch, David

Baldasaro, Alfred
 Bove, Martin
 Thomas, Douglas
 Edgar, Michael
 Friel, William
 Guthrie, Joseph
 Janvrin, Jason
 Kolodziej, Walter
 Pearson, Mark
 McKinney, Betsy
 Nigrello, Robert
 Gordon, Richard
 Stone, Brian
 Tripp, Richard
 Wallace, Scott
 Woitkun, Steven

Berube, Roger
 Harrington, Michael
 Keans, Sandra
 McNally, Jody
 Pitre, Joseph
 Southworth, Thomas
 Wuelper, Kurt

Bixby, Peter
 Horgan, James
 Krans, Hamilton
 Mullen, John
 Graham, Robert
 Spang, Judith

STRAFFORD

Cilley, Jacalyn
 Horrigan, Timothy
 Turcotte, Leonard
 Schmidt, Peter
 Salloway, Jeffrey
 Vincent, Kenneth

Conley, Casey
 Kaczynski, Thomas
 Smith, Marjorie
 Phinney, Brandon
 Scruton, Matthew
 Wall, Janet

Gagnon, Raymond
 Oxenham, Lee
 Tanner, Linda

Gottling, Suzanne
 Rollins, Skip

SULLIVAN

Grenier, James
 Smith, Steven

Laware, Thomas
 Sullivan, Brian

NAYS - 51

BELKNAP

Spanos, Peter

St. Clair, Charlie

CHESHIRE

COOS

Fields, Dennis

Spagnuolo, Philip

Harvey, Cathryn

Tucker, Edith

GRAFTON

Ham, Bonnie
Schwaegler, Vicki

Ladd, Rick
Smith, Suzanne

Maes, Kevin

Massimilla, Linda

HILLSBOROUGH

Ayala, Jessica
Sullivan, Daniel
Jeudy, Jean
Long, Patrick

Beaulieu, Jane
Goley, Jeffrey
Martin, Joelle
Harvey, Suzanne

Chandlee, Shannon
Herbert, Christopher
Martineau, Jesse
Twombly, Timothy

Connors, Erika
Hinch, Richard
O'Brien, Michael

MERRIMACK

MacKay, James
Schuett, Dianne

Myler, Mel
Schultz, Kristina

Rodd, Beth
Shurtleff, Stephen

Rogers, Katherine
Soucy, Timothy

ROCKINGHAM

Altschiller, Debra
Lerner, Kari

Cali-Pitts, Jacqueline
Malloy, Dennis

Cushing, Robert Renny
Morrison, Sean

Hagan, Joseph
Willis, Brenda

STRAFFORD

Burton, Wayne
Spencer, Matthew

Ellis, Donna
Sprague, Dale

Frost, Sherry
Treleaven, Susan

Grassie, Chuck

SULLIVAN

Cloutier, John

and the majority committee report was adopted.

MOTION TO INDEFINITELY POSTPONE

Rep. Eaton moved that **CACR 22**, relating to rights for crime victims. Providing that crime victims shall be afforded constitutional rights, be Indefinitely Postponed.

Motion adopted by the necessary three-fifths vote.

The House recessed at 12:30 p.m.

RECESS

The House reconvened at 1:30 p.m.

(Speaker Chandler in the Chair)

REGULAR CALENDAR CONT'D

SB 63, relative to record management of abuse and neglect reports and establishing a pilot program regarding electronic storage of abuse and neglect records. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Erin Hennessey for Finance. This bill as amended does two things. It sets up an excess appropriation allocation account in DHHS and creates a pilot program for electronic storage of abuse and neglect records in DCYF. During the budget process, the federal payments to the state for the children's health insurance program were set lower than in prior years because of funding changes expected at the federal level. These funding changes did not occur. As a result, the state is receiving a 38-percentage point enhanced federal match. The amendment transfers these unbudgeted funds, once received by the state, into the excess appropriation allocation account. Funds remaining in this account at the end of each fiscal year will lapse to the state general fund. For the pilot program, DHHS noted they have millions of stored paper documents from outside sources (medical, legal, law enforcement, etc.) obtained during investigations that are not stored with the electronic DCYF files and are thus not easily accessible. Tapping the excess appropriation allocation account, this bill funds the pilot program to start scanning these documents, adding two full-time positions upon passage and 4 part-time positions beginning January 1, 2019. The cost is \$167,515 for the rest of the biennium. Vote 26-0.

Amendment (1649h)

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

AN ACT relative to record management of abuse and neglect reports, establishing a pilot program regarding electronic storage of abuse and neglect records, and establishing the excess appropriation allocation account in the department of health and human services.

Amend the bill by replacing all after section 4 with the following:

5 Department of Health and Human Services; Part-Time Positions Established. Four part-time positions are hereby established in the department of health and human services for the purposes of this act.

6 New Section; Department of Health and Human Services; Account Established. Amend RSA 126-A by inserting after section 74 the following new section:

126-A:75 Excess Appropriation Allocation Account. There is hereby established under the department of health and human services an excess appropriation allocation account. For the biennium ending June 30, 2019,

immediately upon acceptance by the fiscal committee of any federal funds attributable to the 38 percentage point enhanced federal match for the children's health insurance program, the commissioner of administrative services shall transfer general funds of an equal amount from account 05-95-47-470010-7948, Medicaid Care Management, into the excess appropriation allocation account. Any funds remaining unspent in the excess appropriation allocation account at the end of each fiscal year shall lapse to the state general fund.

7 Department of Health and Human Services; Funding Source for New Positions. For the biennium ending June 30, 2019, the department of health and human services may use up to \$167,515 for the purpose of funding the positions established in sections 4 and 5 of this act. Of this amount, \$103,859 shall be a charge against the account established in section 6 of this act, and \$63,656 shall be federal funds. Fiscal committee approval shall not be required for the acceptance and expenditure of federal funds authorized under this section.

8 Repeal. RSA 126-A:75, relative to the excess appropriation allocation account, is repealed.

9 Effective Date.

I. Section 5 of this act shall take effect January 1, 2019.

II. Section 8 of this act shall take effect July 1, 2019.

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

AMENDED ANALYSIS

This bill:

I. Revises the record retention requirements for founded, unfounded, unfounded but with reasonable concern, and screened-out reports of abuse or neglect.

II. Establishes a pilot program regarding electronic storage of abuse and neglect records.

III. Establishes certain positions within the department of health and human services.

IV. Establishes an excess appropriation allocation account in the department of health and human services for the biennium ending June 30, 2019, and authorizes the department to use a portion of the account to fund the new positions.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

SB 309-FN, relative to standards for perfluorochemicals in drinking water, ambient groundwater, and surface water. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lynne Ober for Finance. This bill, as amended, includes the policy previously passed by a voice vote in the House. It allows the Department of Environmental Services (DES) to regulate the air emissions of perfluorinated compounds (PFCs) or their precursors in circumstances where they cause or contribute to or have the potential to cause or contribute to exceeding a groundwater or surface water standard through the deposit of such pollutants from the air. It clarifies the basis for and requires periodic review of ambient groundwater quality standards and directs the department to evaluate the ambient groundwater quality standards for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) and to set ambient groundwater quality standards for perfluorononanoic acid (PFNA) and perfluorohexanesulfonic acid (PFHxS). It establishes criteria for setting maximum contaminant limits for public drinking water systems and directs the department to set maximum contaminant limits for PFOA, PFOS, PFNA, and PFHxS. It includes a provision that requires DES to establish a plan for determining ambient groundwater standards in order to protect groundwater and drinking water. Finally, it adds and funds two positions to undertake the required work. Vote 26-0.

Amendment (1580h)

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

AN ACT regulating groundwater pollution caused by polluting emissions in the air and relative to standards for perfluorochemicals in drinking water, ambient groundwater, and surface water.

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

1 New Subparagraph; Rulemaking; Air Contaminant Impacts on Soil and Water. Amend RSA 125-C:4, I by inserting after subparagraph (s) the following new subparagraph:

(t) The determination of air contaminants subject to regulation, applicability thresholds, determination of best available control technology, and procedures to determine potential impacts of the deposit of such contaminants from the air on soils or water resources to implement RSA 125-C:10-e.

2 New Section; Requirements for Air Emissions of Perfluorinated Compounds Impacting Soil and Water. Amend RSA 125-C by inserting after section 10-d the following new section:

125-C:10-e Requirements for Air Emissions of Perfluorinated Compounds Impacting Soil and Water.

I. For the purposes of this section:

(a) "Best available control technology" means "best available control technology" as defined in RSA 125-C:10-b, I(a).

(b) "Ambient groundwater quality standard" means "ambient groundwater quality standard" as defined in RSA 485-C:2, I.

(c) "Surface water quality standard" means "surface water quality standard" established in or pursuant to RSA 485-A.

(d) "Perfluorinated Compounds" or "PFCs" means the list of compounds identified in paragraph 1.1 of Environmental Protection Agency Document#: EPA/600/R-08/092 Method 537. "Determination of Selected Perfluorinated Alkyl Acids in Drinking Water by Solid Phase Extraction and Liquid Chromatography/Tandem Mass Spectrometry (LC/MS/MS)", Version 1.1 (September 2009).

(e) "Precursor" means any substance that has been shown by sound science to be transformed into a PFC under ambient conditions reasonably expected to occur in New Hampshire.

II. A device that emits to the air any PFCs or precursors that have caused or contributed to an exceedance of an ambient groundwater quality standard or surface water quality standard as a result of the deposition of any such PFCs or precursors from the air, shall be subject to the determination and application of best available control technology. Within 6 months of the department determining that the device is subject to such control technology, the owner of the device shall submit to the department an application for a permit. Within 12 months of permit issuance, the applicant shall complete construction and installation of controls consistent with the permit. Operation of the source may continue through the permitting, construction, and installation time period. A source which can demonstrate to the department that its device no longer contributes to an exceedance of an ambient groundwater quality standard or surface water quality standard shall be exempt from this section.

III. The construction, installation, or modification of any device that has the potential, based on an applicability threshold adopted by the department, to cause or contribute to an exceedance of an ambient groundwater quality standard or surface water quality standard as a result of the deposition of any PFCs or precursors from the air, shall be prohibited without first applying for and obtaining a permit from the department that establishes emission limitations for such device based on best available control technology.

IV. Part of the initial application for a permit under this section shall include an analysis of best available control technology for controlling emissions. Any permit issued shall contain inspection, testing, and reporting requirements, as applicable, to ensure the conditions of the permit are met.

V. Any determination of best available control technology under this section shall be subject to the following:

(a) In no event shall application of best available control technology result in:

(1) Emission of any air contaminant that would exceed the emissions allowed by any applicable standard under RSA 125-C or RSA 125-I or rules adopted pursuant to either chapter.

(2) Emission of any air contaminant subject to this section in an amount disproportionate to the emissions of such air contaminant from other similar air pollution control devices for that air contaminant at facilities using similar technology.

(3) Emission of any air contaminant subject to this section which causes or contributes to or has the potential to cause or contribute to an exceedance of an ambient groundwater quality standard or surface water quality standard, as a result of the deposition of the contaminant from the air.

(b) If the department determines that the facility has more than one device that emits air contaminants subject to this section, the department shall determine best available control technology emission limitations for each such device.

VI. This section shall only pertain to PFCs for which at least one study has been conducted in accordance with generally accepted scientific principles that demonstrates that the PFC of concern is known to cause or may reasonably be anticipated to cause acute, chronic, mutagenic, reproductive, or developmental health effects in humans as a result of exposure to such PFC. The implementation of this section shall only rely upon standards that are based on federal maximum contaminant levels, health advisories, provisional health advisories; standards that are derived from federally published toxicological data; or more restrictive New Hampshire state standards.

3 New Subparagraph; Statement of Purpose. Amend RSA 485:1, II by inserting after paragraph (h) the following new subparagraph:

(i) Adopt primary drinking water standards by establishing maximum contaminant limits or treatment techniques.

4 Drinking Water Rules. Amend RSA 485:3, I(b) to read as follows:

(b) ***After consideration of the extent to which the contaminant is found in New Hampshire, the ability to detect the contaminant in public water systems, the ability to remove the contaminant from drinking water, and the costs and benefits to affected parties that will result from establishing the standard,*** a specification for each contaminant of either:

(1) A maximum contaminant level that is acceptable in water for human consumption[~~if it is feasible to ascertain the level of such contaminant in water in public water systems~~]; or

(2) One or more treatment techniques or methods which lead to a reduction of the level of such contaminant sufficient to protect the public health, if it is not feasible to ascertain the level of such contaminant in water in the public water system; and

5 New Subdivision; Perfluorochemicals. Amend 485 by inserting after section 16-d the following new subdivision:

Perfluorochemicals

485:16-e Perfluorochemicals. By January 1, 2019, the commissioner shall, in consultation with the commissioner of the department of health and human services and other interested parties, initiate rulemaking in accordance with RSA 541-A to adopt a maximum contaminant limit for perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS), perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS).

6 Ambient Groundwater Quality Standards. Amend RSA 485-C:6 to read as follows:

485-C:6 Ambient Groundwater Quality Standards.

I. The commissioner shall establish and adopt ambient groundwater quality standards for regulated contaminants which adversely affect human health or the environment. Ambient groundwater standards shall apply to all regulated contaminants which result from human operations or activities, but do not apply to naturally occurring contaminants. **Where state maximum contaminant levels have been adopted under RSA 485:3, I(b), ambient groundwater quality standards shall be equivalent to such standards.** Where federal maximum contaminant level or health advisories have been promulgated under the Federal Safe Drinking Water Act or rules relevant to such act, ambient groundwater quality standards shall be ~~[equivalent to]~~ **no less stringent than** such standards. **The commissioner may adopt standards more stringent than federal maximum contaminant levels or health advisories if, accounting for an adequate margin of safety to protect human health at all life stages, including but not limited to pre-natal development, the commissioner determines federal standards are insufficient for protection of human health.** Where such standards are **established** based upon **health advisories that address** cancer risks, the ambient groundwater quality standards shall be equivalent to that exposure which causes a lifetime exposure risk of one cancer in 1,000,000 exposed population. Where no federal **or state** maximum contaminant level or health advisory has been issued, the commissioner may adopt ambient groundwater quality standards on a basis which provides for an adequate margin of safety to protect human health and safety.

II. **Health advisories that are adopted as ambient groundwater quality standards shall be reviewed by the department at least every 5 years to determine if new research warrants revising the current ambient groundwater quality standard. If the department finds a revision is necessary it shall conduct rulemaking to adopt the revised standard.**

III. Ambient groundwater quality standards shall be the water quality basis for issuance of groundwater discharge permits under RSA 485-A: 13.

~~[[H-]]~~ IV. Except for discharges of domestic wastewater regulated under RSA 485-A:13 and RSA 485-A:29, no person shall violate ambient groundwater quality standards.

V. **By January 1, 2019, the commissioner shall, in consultation with the commissioner of the department of health and human services and interested parties, initiate rulemaking to adopt ambient groundwater quality standards for perfluorononanoic acid (PFNA) and perfluorohexanesulfonic acid (PFHxS).**

VI. **By January 1, 2019, the commissioner shall, in consultation with the commissioner of the department of health and human services and interested parties, conduct a review to determine whether current research warrants revising the existing ambient groundwater quality standards for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS).**

7 Department of Environmental Services; Positions Established; Appropriation. There is established within the department of environmental services one classified toxicologist position and one classified human health risk assessor for the purposes of developing appropriate standards to protect groundwater and drinking water quality under RSA 485-C. The sum necessary to pay the salary, benefits, and other costs related to the positions established in this section is hereby appropriated to the department of environmental services for the biennium ending June 30, 2019. This appropriation shall be in addition to any other appropriations made to the department in the biennium. The governor is authorized to draw a warrant for said sum out of any money in treasury not otherwise appropriated.

8 Department of Environmental Services; Surface Water Quality Standards. The commissioner of environmental services shall develop a plan, including a schedule and cost estimates, to establish surface water quality standards for perfluorooctanesulfonate (PFOS), perfluorooctanoic acid (PFOA), perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS) in class A and class B waters for all designated uses. The commissioner shall submit the plan upon its completion, but no later than January 1, 2020, to the house resources, recreation, and development committee and the senate energy and natural resources committee.

9 Effective Date.

I. Sections 1 and 2 of this act shall take effect 60 days after its passage.

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

AMENDED ANALYSIS

I. Allows the department of environmental services to make rules regarding air pollution and the deposit of such pollutants on soils and water.

II. Regulates devices emitting or having the potential to emit air pollutants that may harm soil and water through the deposit of such pollutants.

III. Clarifies the basis for and requires periodic review of ambient groundwater quality standards.

IV. Directs the department to evaluate the ambient ground water quality standards for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) and set ambient groundwater quality standards for perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS).

V. Establishes the criteria for setting maximum contaminant limits for public drinking water and directs the department to set maximum contaminant limits for perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS), perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS).

VI. Establishes a toxicologist position and a human health risk assessor position in the department of environmental services and makes an appropriation to fund the positions.

VII. Directs the department to, develop a plan, including a schedule and costs estimates, for to establishing surface water quality standards for perfluorooctanesulfonate (PFOS), perfluorooctanoic acid (PFOA), perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS) in class A and class B waters.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

SB 534-FN, relative to the classification of certain state employee positions. OUGHT TO PASS WITH AMENDMENT.

Rep. J. Tracy Emerick for Finance. This bill revises the salaries for certain unclassified positions and adjusts salaries for additional unclassified positions for recruitment and retention purposes. In order to obtain qualified personnel for certain highly specialized state positions, e.g. medical examiners, NH must offer salaries that are competitive at going market rates. This bill authorizes the governor and council to do so. The bill also establishes the unclassified position of general counsel in the Banking Department and abolishes the replaced position per agency request. All of the personnel changes in this bill have been approved by the Joint Committee on Employee Classification and they approved approximately \$500,000 in salary increases and those funds must be found within the respective departments' budgets. The amendment requires the commissioner of the department of health and human services to conduct a review of certain unclassified positions established in RSA 94:1-a. Information from this review will be provided to the Department of Administrative Services to be handled according to established personnel protocols. This review has a two-year time frame for completion. Vote 25-1.

Amendment (1592h)

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

AN ACT relative to the classification of certain state employee positions and relative to a review of certain unclassified positions in the department of health and human services.

Amend the bill by replacing all after section 4 with the following:

5 Position Abolished. The following position is hereby abolished, effective at the close of business on June 30, 2018:

Banking Department 02-072-072-720510-2043

42404

6 Compensation of Certain State Officers; Health and Human Services Review; Certain Unclassified Employees. Amend RSA 94 by inserting after section 1-e the following new section:

94:1-f Health and Human Services Review; Certain Unclassified Employees.

I. The commissioner of the department of health and human services shall submit a list of names of incumbents and identify all current unclassified position titles and associated job responsibilities for positions established pursuant to 1995, 310 to the department of administrative services. The commissioner of the department of health and human services shall provide information pursuant to any requests from the department of administrative services to comply with the requirements of this section. The department of administrative services may review and change any existing position title to accurately reflect the current position responsibilities and recommend such change directly to the joint committee established in RSA 14:14-c to update RSA 94:1-a.

II. The commissioner of the department of administrative services shall submit the information to an outside consultant retained for the purpose of assessing the appropriate letter grade of unclassified state officers for those positions where the position title does not accurately reflect the job responsibilities. The consultant shall assess the recommended allocation, recommend an alternate allocation, if necessary, and include the reasoning for such allocation in its report. The commissioner shall submit the consultant's report to the joint committee established in RSA 14:14-c, for its review and temporary letter grade allocation. The department of health and human services shall make a contribution from salary line appropriations to the salary adjustment fund pursuant to RSA 99:4 to reimburse for the cost associated with the review of each position.

III. Any reclassification of salary shall not apply to any incumbent occupying the position unless the reclassification is to a higher salary grade designation. If such reclassification results in a lower salary grade designation, such designation shall occur when the incumbent vacates the position.

IV. Upon completion of the review process, subsequent vacancies of the positions shall be filled in accordance with RSA 94:6 and RSA 94:1-a.

V. All titles listed in RSA 94:1-a shall be subject to the requirements of this section, with the exception of the following positions: commissioner, deputy commissioner, associate commissioners, and chief operating officer for New Hampshire hospital. The joint committee may decline to review or exclude any other title from review as it deems necessary.

VI. All reviews and recommendations shall be completed no later than 2 years from the effective date of this section. The commissioner of the department of health and human services shall issue a progress report every 6 months from the effective date of this section to the fiscal committee of the general court until the process is completed.

7 Effective Date.

I. Sections 1-4 of this act shall take effect 60 days after its passage.

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

AMENDED ANALYSIS

This bill:

I. Revises the salaries for certain unclassified positions and adjusts salaries for recruitment and retention purposes.

II. Establishes the position of general counsel in the banking department.

III. Requires the commissioner of the department of health and human services to conduct a review of certain unclassified positions.

Committee amendment adopted.

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

On a division vote, with 232 members having voted in the affirmative, and 48 in the negative, the committee report was adopted and ordered to third reading.

SB 555-FN-A, establishing a citizens' right-to-know appeals commission and a right-to-know law ombudsman and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. William Hatch for Finance. This bill would establish procedures to streamline the resolution of complaints under RSA 91-A by establishing a citizen's right-to-know appeals commission and an office of the right-to-know ombudsman that would be administratively attached to the department of state. The bill calls for a volunteer 15-person commission with a paid ombudsman. The committee considered infrastructure requirements, the need for the ombudsman position, the cost to operate that office, and what is currently being done to deal with 91-A issues. The total appropriation for this office would be at least \$48,000 with savings of less than \$10,000. The bill did not include any provisions for reimbursement to volunteers for travel or time spent. Finally, there are currently only 6 to 9 cases per year that raise RSA 91-A issues. For these reasons, the majority recommends ITL. Vote 22-4.

Reps. DiLorenzo, Ulery and Hopper spoke against.

Rep. Wuelper spoke against and yielded to questions.

Reps. Hatch and Lynne Ober spoke in favor.

Rep. Verville requested a roll call; sufficiently seconded.

YEAS 212 - NAYS 103

YEAS - 212

BELKNAP

Abear, Marc
Plumer, John
Vadney, Herbert

Tilton, Franklin
Spanos, Peter

Fields, Dennis
St. Clair, Charlie

Huot, David
Sylvia, Michael

CARROLL

Buco, Thomas
Nelson, Bill

DesMarais, Edith
Schmidt, Stephen

Knirk, Jerry
Umberger, Karen

McConkey, Mark
Marsh, William

CHESHIRE

Abbott, Michael
Harvey, Cathryn
Fenton, Donovan
Parkhurst, Henry
Weber, Lucy

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

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

Burridge, Delmar
Faulkner, Barry
O'Day, John
Pearson, William

COOS

Fothergill, John
Richardson, Herbert

Hatch, William
Theberge, Robert

Lafamme, Larry
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

Abel, Richard
Dontonville, Roger
Massimilla, Linda
Smith, Suzanne

Almy, Susan
Higgins, Patricia
Mulligan, Mary Jane
Sykes, George

Bennett, Travis
Josephson, Timothy
Nordgren, Sharon

Campion, Polly
Ladd, Rick
Schwaegler, Vicki

HILLSBOROUGH

Griffin, Barbara
Bouldin, Amanda
Christensen, Chris
Edwards, Elizabeth
Gagne, Larry
Heath, Mary
Graham, John
Keane, Amelia
Lascelles, Richard
Mackenzie, Mark
Martineau, Jesse
O'Brien, Michael
Porter, Marjorie
Seidel, Carl
Twombly, Timothy
Williams, Kermit

Backus, Robert
Burns, Charlie
Cleaver, Skip
Fedolfi, Jim
Gargas, Carolyn
Herbert, Christopher
Jack, Martin
Kurk, Neal
LeBrun, Donald
Mangipudi, Latha
McNamara, Richard
O'Leary, Richard
Ober, Russell
Sofikitis, Catherine
Sullivan, Victoria

Beaulieu, Jane
Byron, Frank
Connors, Erika
Freeman, Lisa
Gidge, Kenneth
Hinch, Richard
Judy, Jean
L'Heureux, Robert
Lisle, David
Manley, Jonathan
Newman, Sue
Ohm, Bill
Rosenwald, Cindy
Smith, Timothy
Van Houten, Connie

Biggie, Barbara
Carr, John
Danielson, David
Griffin, Gerald
Goley, Jeffrey
Belanger, James
Rice, Kimberly
Ober, Lynne
McCarthy, Michael
Martin, Joelle
Nutting, Allison
Pierce, David
Harvey, Suzanne
Wolf, Terry
Vann, Ivy

MERRIMACK

Turcotte, Alan
Doherty, David
Horn, Werner
Kotowski, Frank
Rogers, Katherine
Soucy, Timothy

Bartlett, Christy
Ebel, Karen
MacKay, James
Myler, Mel
Schuett, Dianne
Walsh, Thomas

Carson, Clyde
Gile, Mary
Kenison, Linda
Richards, Beth
Seaworth, Brian
Wallner, Mary Jane

Wolf, Dan
Henle, Paul
Klose, John
Rodd, Beth
Shurtleff, Stephen
Walz, Mary Beth

ROCKINGHAM

Abrami, Patrick
Bove, Martin
Dowling, Patricia
Francese, Paula
Hoelzel, Kathleen
Katsakiores, Phyllis
Griffin, Mary
Matthews, Carolyn
Nigrello, Robert
Sytek, John
Ward, Gerald
Woitkun, Steven

Allen, Mary
Cahill, Michael
Edgar, Michael
Friel, William
Edwards, Jess
Khan, Aboul
Pearson, Mark
McMahon, Charles
Gordon, Pamela
Le, Tamara
Webb, James

Barnes, Arthur
Thomas, Douglas
Emerick, J. Tracy
Gilman, Julie
Janigan, John
Lovejoy, Patricia
Major, Norman
Milz, David
Packard, Sherman
Tripp, Richard
Welch, David

Berrien, Skip
DeSimone, Debra
Fesh, Robert
Guthrie, Joseph
O'Connor, John
Lundgren, David
Malloy, Dennis
Morrison, Sean
Gordon, Richard
Vose, Michael
Willis, Brenda

STRAFFORD

Bixby, Peter
Frost, Sherry
Smith, Marjorie
Salloway, Jeffrey
Sprague, Dale

Burton, Wayne
Grassie, Chuck
McNally, Jody
Scruton, Matthew
Treleaven, Susan

Cilley, Jacalyn
Keans, Sandra
Mullen, John
Southworth, Thomas
Vincent, Kenneth

Ellis, Donna
Krans, Hamilton
Schmidt, Peter
Spang, Judith

SULLIVAN

Cloutier, John
Laware, Thomas

Gagnon, Raymond
Oxenham, Lee

Gottling, Suzanne
Sullivan, Brian

Grenier, James
Tanner, Linda

NAYS - 103**BELKNAP**

Aldrich, Glen

Howard, Raymond

Spagnuolo, Philip

Varney, Peter

CARROLL

Avellani, Lino
McCarthy, Frank

Butler, Edward

Comeau, Ed

Cordelli, Glenn

CHESHIRE

Ames, Richard

Mann, John

McConnell, James

Shepardson, Marjorie

COOS

Merner, Troy

Tucker, Edith

GRAFTONBailey, Brad
Ham, Bonnie
Johnson, TiffanyBinford, David
Maes, KevinBrown, Duane
Migliore, Vincent PaulDarrow, Stephen
Rand, Steven**HILLSBOROUGH**Ammon, Keith
Dickey, Glen
Forest, Armand
Moore, Josh
McLean, Mark
Panasiti, Reed
Rouillard, Claire
Ulery, JordanBurt, John
Donovan, Daniel
Hansen, Peter
Schmidt, Janice
Negron, Steve
Proulx, Mark
Sanborn, LaurieChandley, Shannon
Elber, Joel
Hopper, Gary
King, Mark
Notter, Jeanine
Prout, Andrew
Scully, KevinChristie, Rick
Ferreira, Elizabeth
Hynes, Dan
Lewicke, John
Long, Patrick
Renzullo, Andrew
Souza, Kathleen**MERRIMACK**Kuch, Bill
Hoell, J.R.
Pearl, Howard
Woolpert, DavidCopp, Anne
Moffett, Michael
Schultz, KristinaMoffett, Howard
Marple, Richard
Testerman, DaveHill, Gregory
McGuire, Carol
Wells, Natalie**ROCKINGHAM**Cook, Allen
Cali-Pitts, Jacqueline
DiLorenzo, Charlotte
Janvrin, Jason
Murray, Kate
Torosian, PeterAltschiller, Debra
Chirichiello, Brian
Gay, Betty
Kolodziej, Walter
Osborne, Jason
True, ChrisBaldasaro, Alfred
Costable, Michael
Green, Dennis
Lerner, Kari
Somssich, Peter
Verville, KevinBates, David
Cushing, Robert Renny
Hagan, Joseph
Messmer, Mindi
Spillane, James**STRAFFORD**Conley, Casey
Kaczynski, Thomas
Graham, RobertHarrington, Michael
Turcotte, Leonard
Spencer, MatthewHorgan, James
Phinney, Brandon
Wall, JanetHorrigan, Timothy
Pitre, Joseph
Wuelper, Kurt**SULLIVAN**

Rollins, Skip

Smith, Steven

and the committee report was adopted.

Rep. Oxenham voted Yea and intended to vote Nay.

SB 557-FN, establishing a board of housing development appeals. **REFER FOR INTERIM STUDY.**

Rep. Peter Leishman for Finance. The bill would create an appeals board to hear appeals of local land use board decisions. Presently, anyone who wishes to appeal a local land use board decision may appeal to the local board of adjustment or superior court. The bill would greatly interfere with local land use control. The proposed authority of this board would allow for the reversal or modification of any land use board decision (planning board, board of adjustment, historic district commission, and heritage commission). Additionally, an abutter or anyone wishing to intervene in a local land use decision would be required to “demonstrate legal standing” before being allowed intervene in any action before this new board. The majority believes that a developer, an abutter or intervener should exhaust the local land use appeals process before bringing an appeal to a state development appeals board. The bill would allow this new appeals board to develop rules without legislative oversight. Finally, we heard no testimony on how many cases this appeals board would hear or whether the proposed \$65 filing fee would be sufficient to cover the \$768,000 yearly expense of this board. Although well intentioned by the sponsors, the majority of the committee recommends interim study to deal with these unresolved issues. Vote 16-10.

Rep. Butler spoke against.

Rep. Lynne Ober spoke in favor.

MOTION TO LAY ON THE TABLE

Rep. Janvrin moved that **SB 557-FN**, establishing a board of housing development appeals, be laid on the table. On a division vote, with 40 members having voted in the affirmative, and 274 in the negative, the motion failed.

The question now being adoption of the committee report of Refer for Interim Study.

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

On a division vote, with 223 members having voted in the affirmative, and 91 in the negative, the committee report was adopted.

SB 573-FN-A, relative to the controlled drug prescription health and safety program and making an appropriation therefor. **OUGHT TO PASS.**

Rep. J. Tracy Emerick for Finance. This legislation primarily pertains to the ongoing financing of the Controlled Drug Prescription Health and Safety Program (PDMP). The program is strengthened by the more direct involvement of the medical examiner's office. It also addresses and corrects the findings of a recent audit. The committee strongly supports the policy aspects of this legislation. In addition, the bill provides additional funding from the boards that use this system to fill the financial hole that developed in the current biennium when the federal grant that funded the PDMP was smaller than anticipated. These boards have enough revenue to fully fund this valuable system. Vote 26-0.

Committee report adopted and ordered to third reading.

SB 451, relative to wildlife trafficking. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Jonathan Manley for the Majority of Fish and Game and Marine Resources. The original bill sought to protect endangered species, especially ivory bearing animals, from sale of parts and poaching. The amendment protects legal owners from retroactive enforcement. Vote 12-1.

Rep. Raymond Howard for the Minority of Fish and Game and Marine Resources. The intent of the original bill is to have state law reflect federal law on this issue, but the minority of the committee feels that this bill will have many unintended consequences. The amendment addresses some of the potential problems, but not all of them. The minority feels as Representatives of the people that we should do no harm. This bill will open the door for future restrictions on what people can own and may reduce the value of what they may already own.

Majority Amendment (1583h)

Amend RSA 212-C:1, IV-V as inserted by section 1 of the bill by replacing them with the following:

IV. "Sale" or "sell" means any act of selling, trading, or bartering for monetary or nonmonetary consideration, and includes any transfer of ownership that occurs in the course of a commercial transaction, but does not include a transfer of ownership by way of gift, donation, or bequest.

V. "Total value" means the actual price paid for a covered animal species part or product.

Amend RSA 212-C:2, I as inserted by section 1 of the bill by replacing it with the following:

I. Except as provided in paragraph II, no person shall knowingly purchase, sell, offer for sale, or possess with intent to sell, any item that the person knows or should know is a covered animal species part or product.

Amend RSA 212-C:2, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) When the activity, and any sport-hunted item that is legally obtained in accordance with federal or state law, are authorized by federal or state law.

Amend RSA 212-C:2, II(d) as inserted by section 1 of the bill by replacing it with the following:

(d) When the covered animal species part or product is a fixed component of an antique, or is an antique that is wholly or primarily of the covered animal species part or product, provided that the antique status is established by the owner or seller thereof with documentation evidencing reasonable provenance and showing the covered animal species part or product to be not less than 100 years old.

Amend RSA 212-C:2, II(i) as inserted by section 1 of the bill by replacing it with the following:

(i) To a knife or firearm, or a component thereof, that contains an animal part or byproduct derived from any species listed in paragraph I if:

(1) The animal part or byproduct is a fixed or integral part of the knife or firearm, or the component thereof; and

(2) All the requirements for the sale of the knife or firearm, or the component thereof, set forth in federal and state law are met.

Amend RSA 212-C:2, III-IV as inserted by section 1 of the bill by replacing them with the following:

III. There is a presumption of possession with intent to sell a covered animal species part or product when the part or product is possessed by a retail or wholesale establishment or other forum engaged in the business of buying or selling of similar items, and a finding of intent to sell is supported by other evidence which independently establishes such intent.

IV. A person who violates this section shall be guilty of a violation. The circuit court and the superior court shall have concurrent jurisdiction to hear matters brought under this chapter. If the appraised value of the covered animal species part or product exceeds \$25,000 or if the prosecuting entity seeks relief unavailable in the circuit court, the matter shall be transferred to the superior court for adjudication.

Amend RSA 212-C:2, VII as inserted by section 1 of the bill by replacing it with the following:

VII. The executive director of the fish and game department may adopt rules pursuant to RSA 541-A relative to:

(a) The purchase, sale, offer for sale, or possession with intent to sell, of parts or products of any covered animal species.

(b) The method and manner to be used in appraising the value of any covered animal species part or product seized by law enforcement or abandoned into the care or custody of the department.

(c) The method and manner used to determine ownership of any covered animal species part or product abandoned to its care or custody other than by order of a court of competent jurisdiction.

(d) The noncommercial disposition of covered animal species parts or products to:

- (1) A legal beneficiary of an estate, trust, or other inheritance;
- (2) A bona fide scientific or educational institution for scientific or educational purposes;
- (3) Any enrolled member of a federally-recognized Indian tribe; or
- (4) Any other person that has claimed right of ownership.

(e) The destruction of covered animal species parts or products not otherwise disposed of in accordance with this chapter.

Amend the bill by replacing section 2 with the following:

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

MOTION TO LAY ON THE TABLE

Rep. Spillane moved that **SB 451**, relative to wildlife trafficking, be laid on the table.

On a division vote, with 149 members having voted in the affirmative, and 151 in the negative, the motion failed.

The question now being adoption of the majority committee amendment (1583h).

Majority committee amendment adopted.

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

Rep. Hoell offered floor amendment (1774h).

Floor Amendment (1774h)

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

AN ACT relative to wildlife trafficking and relative to prohibitions on carrying a loaded firearm on an OHRV or snowmobile.

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

2 Repeal. The following are repealed:

I. RSA 215-A:20, relative to the prohibition on carrying a loaded firearm on an OHRV.

II. RSA 215-C:35, relative to the prohibition on carrying a loaded firearm on a snowmobile.

3 Effective Date.

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

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

AMENDED ANALYSIS

This bill establishes a prohibition on wildlife trafficking and repeals the prohibitions on carrying a loaded firearm on an OHRV or a snowmobile.

Rep. Burt spoke in favor.

Rep. McNamara spoke against.

Rep. Burt requested a roll call; sufficiently seconded.

YEAS 154 - NAYS 155

YEAS - 154

BELKNAP

Abear, Marc
Plumer, John
Vadney, Herbert

Aldrich, Glen
Spanos, Peter
Varney, Peter

Tilton, Franklin
St. Clair, Charlie

Howard, Raymond
Sylvia, Michael

CARROLL

Avellani, Lino
McConkey, Mark

Comeau, Ed
Schmidt, Stephen

Cordelli, Glenn
Umberger, Karen

McCarthy, Frank

CHESHIRE

Hunt, John

McConnell, James

O'Day, John

COOS

Memer, Troy

Richardson, Herbert

Tucker, Edith

GRAFTON

Bailey, Brad
Ham, Bonnie
Johnson, Tiffany

Binford, David
Massimilla, Linda

Brown, Duane
Mgliore, Vincent Paul

Darrow, Stephen
Schwaegler, Vicki

HILLSBOROUGH

Ammon, Keith
Burt, John

Griffin, Barbara
Byron, Frank

Biggie, Barbara
Carr, John

Burns, Charlie
Christensen, Chris

Christie, Rick
Edwards, Elizabeth
Griffin, Gerald
Hopper, Gary
Moore, Josh
Lascelles, Richard
Notter, Jeanine
Prout, Andrew
Sanborn, Laurie
Ulery, Jordan

Danielson, David
Fedolff, Jim
Gagne, Larry
Hynes, Dan
Rice, Kimberly
Lewicke, John
Ohm, Bill
Ober, Russell
Scully, Kevin
Sullivan, Victoria

Dickey, Glen
Ferreira, Elizabeth
Hansen, Peter
Belanger, James
Kurk, Neal
McLean, Mark
Panasiti, Reed
Renzullo, Andrew
Souza, Kathleen

Donovan, Daniel
Freeman, Lisa
Hinch, Richard
Graham, John
Ober, Lynne
Negron, Steve
Proulx, Mark
Rouillard, Claire
Twombly, Timothy

Turcotte, Alan
Hoell, J.R.
Marple, Richard
Walsh, Thomas

Kuch, Bill
Horn, Werner
McGuire, Carol
Testerman, Dave

Copp, Anne
Klose, John
Pearl, Howard
Wells, Natalie

Hill, Gregory
Moffett, Michael
Seaworth, Brian

MERRIMACK

ROCKINGHAM

Cook, Allen
Barnes, Arthur
Costable, Michael
Fesh, Robert
Hagan, Joseph
Janvrin, Jason
Kolodziej, Walter
Major, Norman
Osborne, Jason
Sytek, John
Verville, Kevin
Woitkun, Steven

Abrami, Patrick
Bates, David
Thomas, Douglas
Gay, Betty
Hoelzel, Kathleen
O'Connor, John
Lundgren, David
McMahon, Charles
Packard, Sherman
Torosian, Peter
Vose, Michael

Allen, Mary
Bove, Martin
Dowling, Patricia
Green, Dennis
Edwards, Jess
Katsakiores, Phyllis
Griffin, Mary
Milz, David
Gordon, Richard
Tripp, Richard
Webb, James

Baldasaro, Alfred
Chirichiello, Brian
Emerick, J. Tracy
Guthrie, Joseph
Janigian, John
Khan, Aboul
Pearson, Mark
Morrison, Sean
Spillane, James
True, Chris
Welch, David

Harrington, Michael
McNally, Jody
Graham, Robert

Horgan, James
Mullen, John
Spang, Judith

Kaczynski, Thomas
Phinney, Brandon
Spencer, Matthew

Turcotte, Leonard
Pitre, Joseph
Wuelper, Kurt

STRAFFORD

SULLIVAN

Cloutier, John

Laware, Thomas

Rollins, Skip

Smith, Steven

NAYS - 155

BELKNAP

Fields, Dennis

Huot, David

CARROLL

Buco, Thomas
Nelson, Bill

Butler, Edward
Marsh, William

DesMarais, Edith

Knirk, Jerry

CHESHIRE

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

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

Fothergill, John
Theberge, Robert

Hatch, William
Thomas, Yvonne

Laflamme, Larry

Moynihan, Wayne

GRAFTON

Abel, Richard
Dontonville, Roger
Mulligan, Mary Jane
Sykes, George

Almy, Susan
Higgins, Patricia
Nordgren, Sharon

Bennett, Travis
Josephson, Timothy
Rand, Steven

Campion, Polly
Maes, Kevin
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Cleaver, Skip
Forest, Armand
Herbert, Christopher
Keane, Amelia
Lisle, David

Beaulieu, Jane
Connors, Erika
Gidge, Kenneth
Schmidt, Janice
King, Mark
McCarthy, Michael

Bouldin, Amanda
Sullivan, Daniel
Goley, Jeffrey
Jack, Martin
L'Heureux, Robert
MacKenzie, Mark

Chandley, Shannon
Elber, Joel
Heath, Mary
Jeudy, Jean
LeBrun, Donald
Mangipudi, Latha

Manley, Jonathan
Newman, Sue
Long, Patrick
Harvey, Suzanne
Wolf, Terry

Martin, Joelle
Nutting, Allison
Pierce, David
Seidel, Carl
Van Houten, Connie

Martineau, Jesse
O'Brien, Michael
Porter, Marjorie
Sofikitis, Catherine
Vann, Ivy

McNamara, Richard
O'Leary, Richard
Rosenwald, Cindy
Smith, Timothy
Williams, Kermit

MERRIMACK

Bartlett, Christy
Ebel, Karen
MacKay, James
Rodd, Beth
Shurtleff, Stephen

Carson, Clyde
Gile, Mary
Kenison, Linda
Rogers, Katherine
Soucy, Timothy

Wolf, Dan
Moffett, Howard
Kotowski, Frank
Schuett, Dianne
Wallner, Mary Jane

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

ROCKINGHAM

Altschiller, Debra
Cushing, Robert Renny
Friel, William
Malloy, Dennis
Nigrello, Robert
Ward, Gerald

Berrien, Skip
DiLorenzo, Charlotte
Gilman, Julie
Matthews, Carolyn
Gordon, Pamela
Willis, Brenda

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

Cali-Pitts, Jacqueline
Francese, Paula
Lovejoy, Patricia
Murray, Kate
Le, Tamara

STRAFFORD

Bixby, Peter
Ellis, Donna
Keans, Sandra
Salloway, Jeffrey
Treleaven, Susan

Burton, Wayne
Frost, Sherry
Krans, Hamilton
Scruton, Matthew
Vincent, Kenneth

Cilley, Jacalyn
Grassie, Chuck
Smith, Marjorie
Southworth, Thomas
Wall, Janet

Conley, Casey
Horigan, Timothy
Schmidt, Peter
Sprague, Dale

SULLIVAN

Gagnon, Raymond
Sullivan, Brian

Gottling, Suzanne
Tanner, Linda

Grenier, James

Oxenham, Lee

and floor amendment (1774h) failed.

Rep. Michael McCarthy vote Nay and intended to vote Yea.

Majority committee report adopted and ordered to third reading.

SB 350, relative to biological products dispensed by pharmacists. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. James MacKay for the Majority of Health, Human Services and Elderly Affairs. This legislation relates to dispensing and substituting biological products by pharmacists which are unlikely to actually be available for at least two years. Thus, since there are questions about this legislation, it is logical that this legislation be carefully considered, which Interim Study will provide. Questions relate to the role of pharmacists in the process, including notification to the prescriber among others. Vote 16-7.

Rep. William Marsh for the Minority of Health, Human Services and Elderly Affairs. Biologics comprise a great many products, and have allowed many major advances in medical treatment. Unfortunately, they are extremely expensive and now comprise a significant portion of hospital and health system budgets. This bill allows substitution of products licensed by the Food and Drug Administration (FDA) as interchangeable biologic products – a rather high standard. It is anticipated that significant cost savings will ensue for patients, hospitals, and insurers. Many advocates for patients testified in favor of this bill. Similar laws have been passed by 41 states. The minority feels this bill ought to pass so that NH can share in these savings, and therefore recommends Ought to Pass with Amendment.

Majority committee report adopted.

SB 481, establishing a committee to study the impact of pharmacy benefit manager operations on cost, administration, and distribution of prescription drugs. **OUGHT TO PASS.**

Rep. Jerry Knirk for Health, Human Services and Elderly Affairs. Pharmacy benefit managers (PBMs) are intermediaries between the health insurance companies and the pharmacies. They set formularies, develop the plan's network of pharmacies, and negotiate price rebates with manufacturers. There is a lack of transparency in the function of the PBMs. This bill will establish a committee which will attempt to shed light on the impact of PBMs on cost and access to medications, with the goal of developing legislation to modify New Hampshire's PBM statutes to decrease prescription drug costs. Vote 16-4.

Committee report adopted and ordered to third reading.

SB 335, establishing a committee to review compensation in asbestos litigation and to study ways to promote transparency, fairness, and timeliness of payment in asbestos litigation. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kurt Wuelper for the Majority of Judiciary. This bill seeks a committee to review the mesothelioma claims process. Mesothelioma claimants have two paths for collecting damages: through a claim against a

“bankruptcy trust” (trust) established to settle all asbestos claims against most major responsible parties and through civil litigation. A claimant may pursue one or both paths, but the level of proof and the procedures differ between them. The concern is that some claimants may file a trust claim and then seek civil claims as well and the civil court may not know if or how much the claimant got from a trust claim, making judgment about the defendant’s appropriate share of the claim difficult or impossible. Opponents, including the State Veterans Advisory Committee, say that any change to the current process would only delay claim payments to victims who typically have only a year or so to live when they file. We heard that there are not now and have never been any such claims in New Hampshire. Unable to see a problem in our state and concerned about victims’ timely receipt of claims, the committee felt the study committee unnecessary. Vote 12-3.

Rep. Joseph Hagan for the Minority of Judiciary. According to testimony from the Department of Environmental Services, asbestos is still an issue in New Hampshire. Mesothelioma is a deadly disease caused by asbestos exposure. Nationally, states are looking at transparency reforms to promote fairness, transparency and timeliness of payment in the two compensation systems for asbestos claims. While such reforms are controversial, stakeholders including the trial attorneys, insurance companies, unions and business trade groups agreed a study would be prudent. The duties of this legislative study committee specifically highlight the impact to the veterans’ community, as veterans can be disproportionately affected by asbestos exposure. Majority committee report adopted.

SB 387-FN, relative to liability of governmental units. OUGHT TO PASS.

Rep. Claire Rouillard for Judiciary. This bill is the result of a bipartisan study commission regarding aspects of governmental liability. It cleans up statutory language, defines “governmental unit,” modestly increases governmental liability, adds a “reasonable belief” standard in legality of one’s actions, and reassigns sections of our current statutes to the appropriate location. All changes clarify and bring our statutes up to date with current practices and understanding. Vote 16-0.

Committee report adopted and ordered to third reading.

SB 497-FN, relative to breast-feeding. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Claire Rouillard for the Majority of Judiciary. The majority of the Judiciary Committee feels this bill is unnecessary. It is also unclear if an additional protected class will be added to the current State Commission for Human Rights statute, RSA 354-A. The bill would amend RSA 132:10-d, Protection for Maternity and Infancy, which currently states that breast-feeding is not an act of indecent exposure and to restrict or limit the right of a mother to breast-feed is discriminatory. The amendment seeks to expand RSA 132:10-d, to include discrimination in “employment or housing due to pregnancy or a medical condition which results from pregnancy” or for breast-feeding her child. Currently, the Human Rights Commission accepts and handles the few breast-feeding discrimination claims it receives and RSA 354-A currently provides for discrimination in employment or housing due to pregnancy or a medical condition which results from pregnancy. The proposed amendment also states that a discrimination claim may be filed with the State Commission for Human Rights under RSA 354-A or a person may seek immediate injunctive relief in Superior Court. However, both of these options are available now under NH law. Moreover, only one person testified at the hearing along with one sponsor and no written testimony was submitted. There was no testimony to support any breast-feeding discrimination in housing and one person testified to breast-feeding discrimination in employment. That single individual indicated only 10 complaints were filed over the years, and only 1 current case is pending. Vote 8-6.

Rep. Debra Altschiller for the Minority of Judiciary. This bill’s intention is to provide an umbrella to protect women experiencing discrimination in both the public and workplace domain for trying to breast-feed their child. Currently, women who experience this kind of discrimination can file a claim with the Human Rights Commission and/or the Department of Labor; however, the processing of these claims can take very long periods of time and when breast-feeding is interrupted for long periods of time, breast milk supply decreases. The American Academy of Pediatrics (AAP) recommend breast-feeding citing its role in the prevention of Sudden Infant Death Syndrome (SIDS) and the lowering of infants’ risks of developing asthma and allergies. Babies who are exclusively breast-fed for their first 6 months have fewer ear infections and respiratory illnesses. Women who choose to breast-feed their children face many obstacles in returning to the workforce, choosing to continue to breast-feed their child or lose their job should not be one of them. This bill would allow for women who experience this kind of discrimination to file for immediate injunctive relief in superior court while they wait for help from the HRC or Dept. of Labor. This would help women continue to breast-feed. The committee heard testimony that while ten cases have been brought forward, only one is currently being pursued as the waiting time for help is too long and by the time a case is even heard their ability to continue breast-feeding would be over. The minority believes this legislation helps working mothers feed their children by providing an option to seek injunctive relief to continue breast-feeding while awaiting their hearing.

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

Rep. Suzanne Smith spoke against.

(Rep. Packard in the Chair)

Rep. Rouillard spoke in favor.

On a division vote, with 168 members having voted in the affirmative, and 136 in the negative, the majority committee report was adopted.

SB 318, relative to posting and notification requirements for employers, establishing criteria for workplace inspections, and amending certain provisions of the youth employment law. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Stephen Schmidt for the Majority of Labor, Industrial and Rehabilitative Services. This bill as amended provides clarification of labor law as it pertains to proportionality of inspections conducted by the Department of Labor, day of rest, employee voluntary purchase of uniforms, employee notice of changes in minimum wage, and the number of hours permitted for youth to work during school sessions. The amended legislation was developed with the concurrence of the Department of Labor. Providing clarification of the law will be helpful to the New Hampshire business community. Vote 11-9.

Rep. Douglas Ley for the Minority of Labor, Industrial and Rehabilitative Services. As amended, the bill is much improved. However the bill makes significant changes to youth employment, adding hours that 16-17 year old youths work each week. The committee and the House previously determined to 'interim study' on two other bills dealing with youth employment. No additional testimony or pressing policy considerations were brought forward to justify the changes proposed in this bill, hence the minority's preference for interim study. Finally, the bill has the unintended consequence of potentially adding certain burdens to employees. Therefore, the bill is an ungainly amalgam of various policy initiatives, united only by the intention of weakening current labor regulations.

Majority Amendment (1433h)

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

AN ACT relative to posting and notification requirements for employers, establishing criteria for workplace inspections, and amending certain provisions of the youth employment law.

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

1 New Section; Labor Commissioner; Proportionality of Inspections. Amend RSA 273 by inserting after section 9 the following new section:

273:9-a Proportionality of Inspections. All inspections performed by the commissioner shall be proportional and relative to the potential violations being inspected. "Proportional" in this section shall be determined with reference to the importance of the issues at stake in the inspection, the degree to which the alleged violation involves risk of physical injury, the potential for lost wages, the amount in controversy, the parties' relative access to relevant information, and the parties' resources.

2 Protective Legislation; Day of Rest. Amend RSA 275:33 to read as follows:

275:33 Day of Rest. No employer shall operate any such business on Sunday unless he or she has posted ~~in a conspicuous place on the premises~~ **and made available to employees** a schedule containing a list of employees who are required or allowed to work on Sunday and designating the day of rest for each ~~and shall promptly file a copy of such schedule and every change therein with the labor commissioner~~. No employee shall be required ~~or allowed~~ to work on the day of rest designated for him **or her**. ~~Whoever violates this section shall be fined \$50.~~

3 Protective Legislation; Payment of Wages. Amend RSA 275:48, V(b) to read as follows:

(b) "Uniform" means a garment with a company logo or fashion of distinctive design, worn by one or more employees, and serving as a means of identification or distinction. **No employer shall require an employee to wear a uniform unless the employer provides each employee with a uniform reasonably suited for the conditions in which the employee would be required to wear one, at no cost to the employee. An employee may purchase any other company garments or items if the employee chooses.**

4 Protective Legislation; Notification, Posting and Records. Amend RSA 275:49, II to read as follows:

II. Notify his or her employees of any changes in the arrangements specified above prior to the time of such changes, **provided however that there shall be no penalty for failure to provide notification to an employee concerning changes to the minimum hourly rate pursuant to RSA 279:21;**

5 Protective Legislation; Notification, Posting, and Records. Amend RSA 275:49, VI-VII to read as follows:

VI. Make such records of the persons employed by him or her, including wage and hour records, preserve such records for ~~[such periods of time]~~ **3 years**, and make such reports therefrom to the commissioner, as ~~[the commissioner shall prescribe by regulation as necessary or appropriate]~~ **are required in statute** for the enforcement of the provisions of this subdivision; and

VII. ~~[Keep posted in a place accessible to his or her]~~ **Post and make available to his or her** employees the following: "It is illegal in New Hampshire under both state and federal law to pay employees different wages for the same work based solely on sex. If you think that your employer has violated this provision, please contact the New Hampshire Department of Labor." This notice shall also include the address, phone number, and email address of department personnel to be contacted with complaints under this subdivision, as well as an Internet link to RSA 275:37.

6 Youth Employment Law; Prohibitions. Amend RSA 276-A:4, VI to read as follows:

VI. (a) In any employer's predetermined designated work week during which school is in session for 5 days, no youth 16 or 17 years of age who is duly enrolled in school shall [be permitted to] work more than 6 consecutive days or more than 30 hours during [the school calendar week, which shall be Sunday through Saturday] that work week.

(b) In any employer's predetermined designated work week during which school is in session for 4 days, no youth 16 or 17 years of age who is duly enrolled in school shall work more than 6 consecutive days or more than 40 ¼ hours in that work week.

(c) In any employer's predetermined designated work week during which school is in session for more than one but less than 4 days, no youth 16 or 17 years of age who is duly enrolled in school shall work more than 6 consecutive days or more than 48 hours in that work week.

7 Youth Employment Law; Enforcement. Amend RSA 276-A:6 to read as follows:

276-A:6 Enforcement. The commissioner shall have the responsibility for enforcing the provisions of this chapter. ~~[Investigators and truant officers shall visit and inspect all places of employment and cause the provisions of this chapter to be enforced as directed by the commissioner. For this purpose they shall have the power to serve warrants.]~~

8 Youth Employment Law; Notice of Hours. Amend RSA 276-A:20 to read as follows:

276-A:20 Notice of Hours. Every employer shall post ~~[in a conspicuous place in every room where youths are employed a printed]~~ **and make available to all employed youths a** notice stating the hours of work, the time allowed for dinner or other meals, and the maximum number of hours any youth is permitted to work in any one day.

9 Employer's Records; Records of Hours and Wages. Amend RSA 279:27 to read as follows:

279:27 Records of Hours and Wages. Every employer of employees shall keep a true and accurate record of the hours worked by each, wages paid to each, and classification of employment when necessary, and shall furnish to the commissioner or the commissioner's authorized representative upon demand a sworn statement of the same. **Employers shall retain such records of hours and wages for 3 years and such** records shall be open to inspection by the commissioner or the authorized representative at any reasonable time, **subject to the provisions of RSA 273:9.** Every employer subject to a statutory minimum wage shall ~~[keep]~~ **post and make available to his or her employees** a copy of such statutory minimum wage ~~[posted in a conspicuous place in every establishment in which employees are employed]~~. Employers shall be furnished copies of posters on request without charge.

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

AMENDED ANALYSIS

This bill establishes criteria under which the commissioner of the department of labor may conduct a workplace inspection; amends certain notification and posting requirements; amends certain provisions of the youth employment law; and amends the requirements for employer retention of hour and wage records. Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Ley offered floor amendment (1726h).

Floor Amendment (1726h)

Amend the bill by replacing section 6 with the following:

6 Youth Employment Law; Prohibitions. Amend RSA 276-A:4, VI to read as follows:

VI. In any employer's predetermined designated work week during which school is in session for 5 days, no youth 16 or 17 years of age who is duly enrolled in school shall [be permitted to] work more than 6 consecutive days or more than 30 hours during [the school calendar week, which shall be Sunday through Saturday] that work week.

Rep. Ley spoke in favor.

(Speaker Chandler in the Chair)

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

YEAS 149 - NAYS 154

YEAS - 149

BELKNAP

CARROLL

Huot, David

Buco, Thomas
Marsh, William

Butler, Edward

DesMarais, Edith

Knirk, Jerry

CHESHIRE

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

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
Tucker, Edith

Lafamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Richardson, Herbert

GRAFTON

Abel, Richard
Dontonville, Roger
Massimilla, Linda
Smith, Suzanne

Almy, Susan
Higgins, Patricia
Mulligan, Mary Jane
Sykes, George

Bennett, Travis
Josephson, Timothy
Nordgren, Sharon

Campion, Polly
Maes, Kevin
Rand, Steven

HILLSBOROUGH

Backus, Robert
Cleaver, Skip
Elber, Joel
Heath, Mary
Jeady, Jean
McCarthy, Michael
Martin, Joelle
Nutting, Allison
Porter, Marjorie
Souza, Kathleen
Vann, Ivy

Beaulieu, Jane
Connors, Erika
Forest, Armand
Herbert, Christopher
Keane, Amelia
MacKenzie, Mark
Martineau, Jesse
O'Leary, Richard
Rosenwald, Cindy
Smith, Timothy
Williams, Kermit

Bouldin, Amanda
Sullivan, Daniel
Gargas, Carolyn
Schmidt, Janice
King, Mark
Mangipudi, Latha
McNamara, Richard
Long, Patrick
Harvey, Suzanne
Ulery, Jordan

Chandley, Shannon
Edwards, Elizabeth
Goley, Jeffrey
Jack, Martin
Lisle, David
Manley, Jonathan
Newman, Sue
Pierce, David
Sofikitis, Catherine
Van Houten, Connie

MERRIMACK

Turcotte, Alan
Ebel, Karen
Mackay, James
Rogers, Katherine
Soucy, Timothy

Bartlett, Christy
Gile, Mary
Kenison, Linda
Schuett, Dianne
Wallner, Mary Jane

Carson, Clyde
Moffett, Howard
Klose, John
Schultz, Kristina
Walz, Mary Beth

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

ROCKINGHAM

Altschiller, Debra
Cushing, Robert Renny
Friel, William
Lerner, Kari
Messmer, Mindi
Ward, Gerald

Berrien, Skip
DiLorenzo, Charlotte
Gay, Betty
Lovejoy, Patricia
Murray, Kate

Cahill, Michael
Edgar, Michael
Gilman, Julie
Pearson, Mark
Somssich, Peter

Cali-Pitts, Jacqueline
Francese, Paula
Kolodziej, Walter
Malloy, Dennis
Le, Tamara

STRAFFORD

Bixby, Peter
Ellis, Donna
Keans, Sandra
Salloway, Jeffrey
Wall, Janet

Burton, Wayne
Grassie, Chuck
Krans, Hamilton
Southworth, Thomas

Cilley, Jacalyn
Horgan, James
Smith, Marjorie
Treleven, Susan

Conley, Casey
Horigan, Timothy
Schmidt, Peter
Vincent, Kenneth

SULLIVAN

Cloutier, John
Oxenham, Lee

Gagnon, Raymond
Sullivan, Brian

Gottling, Suzanne
Tanner, Linda

Grenier, James

NAYS - 154**BELKNAP**

Abear, Marc
Howard, Raymond
Sylvia, Michael

Aldrich, Glen
Plumer, John
Vadney, Herbert

Tilton, Franklin
Spanos, Peter
Varney, Peter

Fields, Dennis
St. Clair, Charlie

CARROLL

Avellani, Lino
McConkey, Mark

Comeau, Ed
Nelson, Bill

Cordelli, Glenn
Schmidt, Stephen

McCarthy, Frank
Umberger, Karen

CHESHIRE

Hunt, John

McConnell, James

O'Day, John

COOS

Fothergill, John

Merner, Troy

Theberge, Robert

GRAFTONBailey, Brad
Ladd, RickBinford, David
Migliore, Vincent PaulDarrow, Stephen
Schwaegler, VickiHam, Bonnie
Johnson, Tiffany**HILLSBOROUGH**Ammon, Keith
Burt, John
Christie, Rick
Fedolfi, Jim
Gagne, Larry
Hopper, Gary
Moore, Josh
Ober, Lynne
McLean, Mark
Panasiti, Reed
Renzullo, Andrew
Seidel, CarlGriffin, Barbara
Byron, Frank
Danielson, David
Ferreira, Elizabeth
Gidge, Kenneth
Hynes, Dan
Rice, Kimberly
Lascelles, Richard
Negron, Steve
Proulx, Mark
Rouillard, Claire
Wolf, TerryBiggie, Barbara
Carr, John
Dickey, Glen
Freeman, Lisa
Hansen, Peter
Belanger, James
Kurk, Neal
LeBrun, Donald
Notter, Jeanine
Prout, Andrew
Sanborn, Laurie
Twombly, TimothyBurns, Charlie
Christensen, Chris
Donovan, Daniel
Griffin, Gerald
Hinch, Richard
Graham, John
L'Heureux, Robert
Lewicke, John
Ohm, Bill
Ober, Russell
Scully, Kevin
Sullivan, Victoria**MERRIMACK**Kuch, Bill
Hoell, J.R.
Marple, Richard
Walsh, ThomasCopp, Anne
Hom, Werner
McGuire, Carol
Testerman, DaveWolf, Dan
Kotowski, Frank
Pearl, Howard
Wells, NatalieHill, Gregory
Moffett, Michael
Seaworth, Brian**ROCKINGHAM**Abrami, Patrick
Bates, David
Thomas, Douglas
Green, Dennis
Edwards, Jess
Katsakiores, Phyllis
Matthews, Carolyn
Nigrello, Robert
Spillane, James
True, Chris
Welch, DavidAllen, Mary
Bove, Martin
Dowling, Patricia
Guthrie, Joseph
Janigian, John
Khan, Aboul
McMahon, Charles
Osborne, Jason
Sytek, John
Verville, Kevin
Willis, BrendaBaldasaro, Alfred
Chirichiello, Brian
Emerick, J. Tracy
Hagan, Joseph
Janvrin, Jason
Griffin, Mary
Milz, David
Packard, Sherman
Torosian, Peter
Vose, Michael
Woitkun, StevenBarnes, Arthur
Costable, Michael
Fesh, Robert
Hoelzel, Kathleen
O'Connor, John
Major, Norman
Morrison, Sean
Gordon, Richard
Tripp, Richard
Webb, James**STRAFFORD**Harrington, Michael
Mullen, John
Scruton, MatthewKaczynski, Thomas
Phinney, Brandon
Spencer, MatthewTurcotte, Leonard
Pitre, Joseph
Sprague, DaleMcNally, Jody
Graham, Robert
Wuelper, Kurt**SULLIVAN**Laware, Thomas
and floor amendment (1726h) failed.

Rollins, Skip

Smith, Steven

Majority committee report adopted and ordered to third reading.

SB 172-FN, relative to non-menace dams. OUGHT TO PASS.

Rep. James McConnell for Resources, Recreation and Development. This bill bars changes in the classification of certain non-menace dams, the lowest level dam hazard which pose no threat to life or significant harm to property, unless the Department of Environmental Services determines that conditions downstream have changed since the dam was classified that warrant reclassification or until such reconstruction of the dam is needed requiring a permit to reconstruct the dam. Any such dams remain subject to Dam Bureau inspection and required maintenance. Vote 19-0.

Committee report adopted and ordered to third reading.

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

SB 445, designating the Warner River as a protected river. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. John Mullen for the Majority of Resources, Recreation and Development. The bill designates the Warner River a protected river in the New Hampshire Rivers Management Protection Program. The river is a 20 mile shared resource for the Towns of Warner, Sutton, Bradford, Webster, and Hopkinton. It is one of the state's highest ranked wildlife habitats. It also provides a wide variety of recreational opportunities including boating, swimming, and fishing. It was felt by many in the region that it was necessary to protect this river to maintain its natural resources as well as protecting the rights of those living alongside its waters. Thus, a local committee was formed to begin the process of applying for protected status. The local committee's cooperation with the Department of Environmental Services, the Department of Fish and Game, accompanying towns, local conservation commissions, Trout Unlimited, NH Rivers Management Advisory Committee,

and many local volunteers enabled the nomination process to move forward. This committee heard numerous testimonies of strong evidence of support for the bill, with only one recorded in opposition. Based on this overwhelming support of the local towns, state agencies, and others, the committee felt the bill was worthy of support. Vote 14-4.

Rep. Andrew Renzullo for the Minority of Resources, Recreation and Development. The minority of the Resources, Recreation and Development committee opposes SB 445, the act designating the Warner River as a protected stream, because we believe the procedure to get the river so designated is fundamentally flawed and runs contrary to the democratic process. The process requires public hearings, local board comments, nomination by the commissioner of DES and approval by the legislature. The flaw in the process is that nowhere is it required that there be a vote of the citizens of the towns thru which the designated portions of the river flows! Designating a river as "protected" is akin to a zoning process. It affects land use. It creates a local river management advisory committee, another layer of bureaucracy. We all know that in meetings and hearings it is the activist that speaks the loudest and usually wins. Only in the privacy of the voting booth will the true will of the people reveal itself.

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

On a division vote, with 242 members having voted in the affirmative, and 60 in the negative, the committee report was adopted and ordered to third reading.

Rep. Phinney voted Nay and intended to vote Yea.

SB 522, relative to alteration of speed limits. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Peter Torosian for the Majority of Transportation. This bill would eliminate the consistent nature of local speed limits. Municipalities would no longer have a minimum speed requirement. 15 mph zones would become possible, or lower. Current law already allows speed limits as low as 25 mph year round, and lower seasonally. Nothing prevents municipalities from installing speed-limiting devices such as speed tables and bumps in areas of special concern. Vote 8-7.

Rep. Casey Conley for the Minority of Transportation. The minority considers this important enabling legislation that allows, under certain circumstances, local communities to set and enforce speed limits below 25 mph, the current state minimum. The minority recognizes that not all communities will choose to take advantage of this statute. It would allow cities and towns with existing speed limits below 25 mph to enforce them.

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

Rep. Conley spoke against and yielded to questions.

Rep. Burton spoke against.

Rep. Steven Smith spoke in favor.

On a division vote, with 177 members having voted in the affirmative, and 117 in the negative, the majority committee report was adopted.

SB 540-FN, relative to the operation of keno games in unincorporated places. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Patrick Abrami for the Majority of Ways and Means. The policy committee eliminated the original intent of this bill related to kindergarten funding. What remained was a provision that stated: "[a]n unincorporated place may allow the operation of keno games by majority vote of the county delegation, after a public hearing is held." Per the request of the Lottery Commission, the bill was amended by the Ways and Means Committee to add to the keno statutes that a cigar bar holding a valid liquor license under RSA 178:20-a also qualify as a type of establishment permitted to offer a game of keno. Vote 21-2.

Rep. Marc Abear for the Minority of Ways and Means. Keno will cause people to stay longer in or to enter for the first time cigar bars and increase tobacco addiction. Keno should not be used to fund full day kindergarten and now using it to extend gambling in New Hampshire too is wrong.

Majority Amendment (1518h)

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

AN ACT relative to the operation of keno games in unincorporated places and permitting keno games in cigar bars.

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

2 New Subparagraph; Keno; License Applications. Amend RSA 284:45, VI(a) by inserting after subparagraph (8) the following new subparagraph:

(9) A cigar bar holding a valid liquor license under RSA 178:20-a.

3 Liquor Licenses and Fees; On-Premises Cigar, Beverage, and Liquor Licenses. Amend RSA 178:20-a, II(a) to read as follows:

(a) Generates 60 percent or more of its quarterly gross revenue from the sale of cigar-related products, which is limited to cigars, humidors, cigar cutters, cigar cases, lighters, and ashtrays. **Revenue from**

keno, mail order and Internet sales, as well as revenue generated from other tobacco sales in store, including cigarettes and loose tobacco sales, shall not be used to determine whether an establishment satisfies the definition of a cigar bar.

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

AMENDED ANALYSIS

This bill provides that unincorporated places may permit the operation of keno games by a majority vote of the county delegation. This bill also permits the operation of keno games in cigar bars.
Majority committee amendment adopted.

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

YEAS 247 - NAYS 49

YEAS - 247

BELKNAP

Aldrich, Glen
Huot, David
Sylvia, Michael

Tilton, Franklin
Plumer, John
Vadney, Herbert

Fields, Dennis
Spanos, Peter
Varney, Peter

Howard, Raymond
St. Clair, Charlie

CARROLL

Avellani, Lino
McCarthy, Frank
Marsh, William

Buco, Thomas
McConkey, Mark

Butler, Edward
Schmidt, Stephen

Cordelli, Glenn
Umberger, Karen

CHESHIRE

Abbott, Michael
Ley, Douglas
McConnell, James
Sterling, Franklin

Ames, Richard
Eaton, Daniel
Meador, David
Tatro, Bruce

Bordenet, John
Faulkner, Barry
O'Day, John
Weber, Lucy

Harvey, Cathryn
Hunt, John
Shepardson, Marjorie

COOS

Fothergill, John
Richardson, Herbert

Hatch, William
Theberge, Robert

Lafamme, Larry
Tucker, Edith

Moynihan, Wayne
Thomas, Yvonne

GRAFTON

Bailey, Brad
Ham, Bonnie
Massimilla, Linda
Smith, Suzanne

Bennett, Travis
Higgins, Patricia
Migliore, Vincent Paul
Johnson, Tiffany

Darrow, Stephen
Ladd, Rick
Mulligan, Mary Jane

Dontonville, Roger
Maes, Kevin
Schwaegler, Vicki

HILLSBOROUGH

Ammon, Keith
Bouldin, Amanda
Carr, John
Connors, Erika
Edwards, Elizabeth
Griffin, Gerald
Hansen, Peter
Hynes, Dan
Jack, Martin
Kurk, Neal
Lewicke, John
Martineau, Jesse
Newman, Sue
O'Leary, Richard
Pierce, David
Ober, Russell
Harvey, Suzanne
Sofikitis, Catherine
Ulery, Jordan

Griffin, Barbara
Burns, Charlie
Chandlee, Shannon
Sullivan, Daniel
Fedolfi, Jim
Gagne, Larry
Heath, Mary
Belanger, James
Judy, Jean
L'Heureux, Robert
McCarthy, Michael
McLean, Mark
Notter, Jeanine
Ohm, Bill
Porter, Marjorie
Renzullo, Andrew
Sanborn, Laurie
Souza, Kathleen
Sullivan, Victoria

Backus, Robert
Burt, John
Christensen, Chris
Danielson, David
Forest, Armand
Gargas, Carolyn
Herbert, Christopher
Graham, John
Rice, Kimberly
Ober, Lynne
Mangipudi, Latha
McNamara, Richard
Nutting, Allison
Long, Patrick
Proulx, Mark
Rosenwald, Cindy
Scully, Kevin
Wolf, Terry
Van Houten, Connie

Biggie, Barbara
Byron, Frank
Cleaver, Skip
Donovan, Daniel
Freeman, Lisa
Goley, Jeffrey
Hinch, Richard
Schmidt, Janice
King, Mark
Lascelles, Richard
Martin, Joelle
Negron, Steve
O'Brien, Michael
Panasiti, Reed
Prout, Andrew
Rouillard, Claire
Seidel, Carl
Twombly, Timothy
Williams, Kermit

MERRIMACK

Turcotte, Alan
Doherty, David
Hill, Gregory
Kenison, Linda
Marple, Richard
Schuett, Dianne

Kuch, Bill
Gile, Mary
Hoell, J.R.
Klose, John
McGuire, Carol
Schultz, Kristina

Carson, Clyde
Moffett, Howard
Horn, Werner
Kotowski, Frank
Pearl, Howard
Seaworth, Brian

Wolf, Dan
Henle, Paul
Mackay, James
Moffett, Michael
Rogers, Katherine
Shurtleff, Stephen

Soucy, Timothy
Wells, Natalie

Walsh, Thomas

Testerman, Dave

Walz, Mary Beth

ROCKINGHAM

Abrami, Patrick
Berrien, Skip
Costable, Michael
Dowling, Patricia
Francese, Paula
Guthrie, Joseph
Janigian, John
Khan, Aboul
Pearson, Mark
Messmer, Mindi
Nigrello, Robert
Somssich, Peter
Tripp, Richard
Welch, David

Allen, Mary
Bove, Martin
Cushing, Robert Renny
Edgar, Michael
Friel, William
Hagan, Joseph
Janvrin, Jason
Kolodziej, Walter
Major, Norman
Miz, David
Osborne, Jason
Spillane, James
True, Chris
Willis, Brenda

Barnes, Arthur
Cali-Pitts, Jacqueline
Thomas, Douglas
Emerick, J. Tracy
Gay, Betty
Hoelzel, Kathleen
O'Connor, John
Lerner, Kari
Malloy, Dennis
Morrison, Sean
Packard, Sherman
Sytek, John
Vose, Michael
Woitkun, Steven

Bates, David
Chirichiello, Brian
DiLorenzo, Charlotte
Fesh, Robert
Gilman, Julie
Edwards, Jess
Katsakiores, Phyllis
Griffin, Mary
McMahon, Charles
Murray, Kate
Gordon, Richard
Le, Tamara
Webb, James

STRAFFORD

Burton, Wayne
Horgan, James
Krans, Hamilton
Schmidt, Peter
Salloway, Jeffrey
Wall, Janet

Cilley, Jacalyn
Horigan, Timothy
Smith, Marjorie
Phinney, Brandon
Southworth, Thomas

Conley, Casey
Kaczynski, Thomas
McNally, Jody
Pitre, Joseph
Spencer, Matthew

Ellis, Donna
Keans, Sandra
Mullen, John
Graham, Robert
Sprague, Dale

SULLIVAN

Cloutier, John
Laware, Thomas
Sullivan, Brian

Gagnon, Raymond
Oxenham, Lee

Gottling, Suzanne
Rollins, Skip

Grenier, James
Smith, Steven

NAYS - 49

BELKNAP

Abear, Marc

CARROLL

Comeau, Ed

DesMarais, Edith

Knirk, Jerry

Nelson, Bill

CHESHIRE

Berch, Paul

Burridge, Delmar

Mann, John

Parkhurst, Henry

GRAFTON

Abel, Richard
Josephson, Timothy

Almy, Susan
Nordgren, Sharon

Binford, David
Rand, Steven

Campion, Polly

HILLSBOROUGH

Beaulieu, Jane
Ferreira, Elizabeth
LeBrun, Donald
Vann, Ivy

Christie, Rick
Hopper, Gary
Lisle, David

Dickey, Glen
Moore, Josh
MacKenzie, Mark

Elber, Joel
Keane, Amelia
Manley, Jonathan

MERRIMACK

Bartlett, Christy
Wallner, Mary Jane

Copp, Anne

Ebel, Karen

Rodd, Beth

ROCKINGHAM

Altschiller, Debra
Matthews, Carolyn

Cahill, Michael
Torosian, Peter

Green, Dennis
Verville, Kevin

Lovejoy, Patricia
Ward, Gerald

STRAFFORD

Bixby, Peter
Vincent, Kenneth

Grassie, Chuck
Wuelper, Kurt

Harrington, Michael

Scruton, Matthew

SULLIVAN

Tanner, Linda

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

SB 564-FN-A, relative to a business tax exemption and a workforce development program for regenerative manufacturing businesses. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Bill Ohm for the Majority of Ways and Means. This bill, as amended, establishes a 10-year exemption from the business profits tax (BPT) and business enterprise tax (BET) for qualified regenerative manufacturing businesses. This bill also provides for a \$5 million workforce development program for such businesses, administered by the Business Finance Authority (BFA). The intent of the bill is to assist in the creation of a new industry based in NH, regenerative manufacturing. Regenerative manufacturing involves the creation of human organs, such as kidneys, from the donor's own DNA. Proponents argue that much of the science has been available for 20 years, and that no new scientific breakthroughs are needed. 3D printing has become available. Advanced robotics are available. The University of New Hampshire (UNH) has committed to workforce training. What's missing is the ability to scale up a manufacturing process from labor-intensive 2D petri dishes to printed 3D human organs under US Food and Drug Administration approval. This concept is supported by \$80 million in federal Defense Advanced Research Projects Agency (DARPA) money, and over \$200 million in private funding and commitments. Nearly all states competed for these funds, and NH won the competition through the non-profit Advanced Regenerative Manufacturing Institute (ARMI), directed by Dean Kamen and located in the Manchester mills. Deciding factors were Mr. Kamen's track record of accomplishment in innovative manufacturing such as dialysis machines; his ability to form a consortium of the companies, large and small, equipped to supply the necessary technology; and the availability of suitable space for collaboration among these companies. While the funding competition has been won, the competition for scaling up the manufacturing process remains intense. Other states, anticipating a windfall in business growth from potentially successful regenerative manufacturing, are actively soliciting ARMI's relocation with offers that NH will not match. The majority of the committee feels that it's reasonable to provide limited incentives to this nascent industry that would directly benefit NH. These incentives comprise two parts. 1) A 10-year BET/BPT tax holiday on NH business organizations that have at least 75% of their business activities in regenerative manufacturing. This can include research, development, manufacturing, workforce development, and training. 2) A \$5 million student loan repayment program for NH employees in this new industry who stay for at least five years. The BFA will administer this competitive program under their existing bonding authority. Donations will be solicited to offset direct costs to NH. The committee analysis is that most of the qualified business entities will not show a profit for several years. However, in the waning years of this program, revenues may be substantial and a windfall to NH may occur after the 10-year window expires. If the program is a failure, NH only loses BET tax revenue as no profits were generated. In any event, the business activity associated with the program will be very beneficial to Manchester and much of the surrounding areas, and indeed much of the state if large tracts of land are needed for suppliers. Regarding student loan forgiveness, the committee feels it's in the best interest of NH to invest in a workforce suitable for emerging needs. The skyrocketing costs of medical care indicate that this industry of regenerative manufacturing appears to be a prime candidate. Loan donations can minimize the impact to NH. Concerns have arisen on the constitutionality of the bill, which creates special tax treatment for a designated industry. This was addressed in the committee amendment. Four different lawyers with expertise in these matters, including the Attorney General's office and a UNH professor, have unanimously agreed that the language of the amended bill is constitutional. In summary, the majority feels that the benefits of this opportunity far outweigh the costs, and consequently recommends this bill Ought to Pass with Amendment. Vote 22-1.

Rep. Marc Abear for the Minority of Ways and Means. Maintaining a healthy economy and fostering economic growth are some of the most important priorities for hardworking Granite Staters. That is political reality. The cost of everyday life is increasing. People want to be sure that their job opportunities and paychecks keep up. As policymakers, we should create a plan of action focusing on those things that increase economic opportunity, promote freedom of association, and lower barriers to entry for new businesses. Passage of this bill does not do any of those things. Regardless of whether it would be found constitutional by the judiciary, and clearly the legislation is designed to meet the tests the NH Supreme Court has laid out, this bill is not acceptable to the spirit of the state constitution. The state constitution in Part Second, Article 5, in part reads "... to impose and levy proportional and reasonable assessments, rates, and taxes, upon all inhabitants of, and residents within, the said state. . ." Yes, the NH Supreme Court has said that it is permissible for the legislature to parse the definition of the class to be taxed, but that is using weasel words to dodge the responsibility for not complying with the intent of the section when it is inconvenient. The proper function of taxation is to raise money for core functions of government. SB 564 does not do that. It is properly a spending bill. The purpose of this bill is to direct the behavior of citizens and businesses. It preys upon the hopes of the well intended to entice them to cause the taxpayers of the state to pay more than they would otherwise have to pay so that a target group can be advantaged. It cannot pass as the spending bill it properly is, which is why it came before the tax committee as an exemption plus an unfunded education giveaway. The hope is that, in the long run, the target group will create sufficient value to produce a return on the general tax increase; call it an investment if it makes your conscience rest easier, for those who bankrolled the gamble. And it is a gamble. Funding research and development is always a gamble. We should not be gambling with taxpayer dollars. We should not be using governmental power for picking winners and losers in the private

sector, which SB 564 clearly does. This is a tax bill and we should not forget what it is. Taxation always imposes some level of burden on economic performance. That harm can be minimized if policymakers resist the temptation to use the tax code for social engineering, class warfare, and other extraneous purposes. We best help the business community by lowering the tax burden we impose upon it. With this bill, we are advantaging the few in the belief that the harm to the many is worth the price of the discrimination. That is not a sound judgment. By passing this bill, we are not being good stewards of the tax system. A principled tax system based in Granite State values is the best way to promote prosperity for Granite State residents and to advance the state's economic interests. The government should not use the tax system to unfairly shift the tax burden onto one class of citizens or off of another. The tax system is the use of governmental police power. As such, it should not be used to punish, to engage in discriminatory taxation, nor should it be used to bestow special favors on any particular group of taxpayers regardless of the good intentions. A high-quality tax system should be stable, providing certainty in taxation and in revenue flows. It should provide certainty of financial planning for individuals and businesses. Tax systems should be accountable to citizens. Taxes and tax policy should be visible and not hidden from taxpayers. Changes in tax policy should be highly publicized and open to public debate.

Majority Amendment (1535h)

Amend RSA 77-A:1, XXX as inserted by section 2 of the bill by replacing it with the following:

XXX.(a) "Qualified regenerative manufacturing company" means any business organization which meets each of the following requirements at all times during the entire taxable year:

- (1) It files with its return for the taxable year an election to be a qualified regenerative manufacturing company in accordance with RSA 77-A:5-c or has made such election for a previous taxable year; and
- (2) At least 75 percent of its business activities over the course of the tax year meet the requirements for an active regenerative manufacturing business, or, in the case of a subsidiary located in New Hampshire, 75 percent of that subsidiary's business activities meet the requirements for an active regenerative manufacturing business.

(b) For purposes of this paragraph, the term "regenerative manufacturing" means any aspect of the manufacturing of blood, tissues, tissue constructs, and organs for the purpose of researching, diagnosing, treating, or curing any disease or injury, such as (1) cell collection, culture and scale-up, (2) biomaterial selection and scale-up, (3) tissue process automation and monitoring, (4) tissue maturing, and (5) tissue preservation and transport.

(c) For purposes of this paragraph, the term "active regenerative manufacturing business" means the conduct of any business activity the primary focus of which is any one or more of the following areas:

- (1) Performing research relating to regenerative manufacturing;
- (2) Performing regenerative manufacturing activities;
- (3) Researching, developing, manufacturing, or supplying technical services in support of regenerative manufacturing, such as process engineering, automation, facility set-up, and distribution services;
- (4) Researching, developing, manufacturing, or supplying technologies utilized in regenerative manufacturing, such as cellular and non-cellular source materials, tools, equipment, reagents, and other supplies; and

(5) Performing any activity necessary to bring a product created through regenerative manufacturing to market, including but not limited to seeking patents, regulatory approval, performing clinical trials, and sales.

Amend RSA 162-S as inserted by section 7 of the bill by inserting after RSA 162-S:4 the following new RSA section:

162-S:5 Reporting and Approval Regarding Workforce Development Program. The business finance authority shall undertake to design the terms, conditions, and provisions of the regenerative manufacturing workforce development program authorized by this chapter. The authority shall deliver to the fiscal committee of the general court a report on the progress of its efforts to develop such terms, conditions, and provisions every 6-month period following the effective date of this chapter. Prior to taking any action to implement a final workforce program pursuant to this chapter, the authority shall first present the program to the fiscal committee of the general court and receive the approval of such committee.

Amend the bill by inserting after section 7 the following and renumbering the original sections 8 and 9 to read as 9 and 10, respectively:

8 Tax Expenditure Reports; Regenerative Manufacturing Added. Amend RSA 71-C:2 to read as follows:

71-C:2 Tax Expenditures Specified. Tax expenditures include, but may not be limited to, the community development finance authority investment tax credit as computed in RSA 162-L:10; the economic revitalization zone tax credit as computed in RSA 162-N:6; the research and development tax credit under RSA 77-A:5, XIII; the Coos county job creation tax credit under RSA 77-E:3-c; the education tax credit as computed in RSA 77-G:4; ~~and~~ the weighted apportionment factors under RSA 77-A:3, II(a); **and the exemption for qualified regenerative manufacturing companies allowed under RSA 77-A:1, I and RSA 77-E:1, III.**

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Abear spoke against.
Reps. Ohm, Herbert, Malloy and Barnes spoke in favor.
Rep. Harrington requested a roll call; sufficiently seconded.

YEAS 241 - NAYS 50**YEAS - 241****BELKNAP**

Aldrich, Glen
Plumer, John

Tilton, Franklin
Spanos, Peter

Fields, Dennis
St. Clair, Charlie

Huot, David
Varney, Peter

CARROLL

Buco, Thomas
McCarthy, Frank
Schmidt, Stephen

Butler, Edward
Knirk, Jerry
Umberger, Karen

Cordelli, Glenn
McConkey, Mark
Marsh, William

DesMarais, Edith
Nelson, Bill

CHESHIRE

Ames, Richard
Ley, Douglas
Mann, John
Sterling, Franklin

Berch, Paul
Eaton, Daniel
Meador, David
Tatro, Bruce

Bordenet, John
Faulkner, Barry
Parkhurst, Henry
Weber, Lucy

Burridge, Delmar
Hunt, John
Shepardson, Marjorie

COOS

Fothergill, John
Richardson, Herbert

Hatch, William
Theberge, Robert

Lafamme, Larry
Tucker, Edith

Moynihan, Wayne
Thomas, Yvonne

GRAFTON

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

Bailey, Brad
Dontonville, Roger
Ladd, Rick
Schwaegler, Vicki

Bennett, Travis
Ham, Bonnie
Massimilla, Linda
Smith, Suzanne

Campion, Polly
Higgins, Patricia
Migliore, Vincent Paul

HILLSBOROUGH

Griffin, Barbara
Bouldin, Amanda
Chandlee, Shannon
Sullivan, Daniel
Forest, Armand
Gargas, Carolyn
Hinch, Richard
Jack, Martin
L'Heureux, Robert
Lisle, David
Manley, Jonathan
McNamara, Richard
O'Brien, Michael
Panasiti, Reed
Ober, Russell
Sanborn, Laurie
Twombly, Timothy
Vann, Ivy

Backus, Robert
Burns, Charlie
Christensen, Chris
Danielson, David
Freeman, Lisa
Goley, Jeffrey
Belanger, James
Judy, Jean
Ober, Lynne
McCarthy, Michael
Martin, Joelle
Negron, Steve
O'Leary, Richard
Pierce, David
Rosenwald, Cindy
Seidel, Carl
Ulery, Jordan
Williams, Kermit

Beaulieu, Jane
Byron, Frank
Cleaver, Skip
Donovan, Daniel
Griffin, Gerald
Heath, Mary
Graham, John
Keane, Amelia
Lascelles, Richard
MacKenzie, Mark
Martineau, Jesse
Newman, Sue
Ohm, Bill
Porter, Marjorie
Rouillard, Claire
Sofikitis, Catherine
Sullivan, Victoria

Biggie, Barbara
Carr, John
Connors, Erika
Elber, Joel
Gagne, Larry
Herbert, Christopher
Schmidt, Janice
King, Mark
LeBrun, Donald
Mangipudi, Latha
McLean, Mark
Notter, Jeanine
Long, Patrick
Proulx, Mark
Harvey, Suzanne
Wolf, Terry
Van Houten, Connie

MERRIMACK

Kuch, Bill
Doherty, David
Henle, Paul
Kenison, Linda
Marple, Richard
Shurtleff, Stephen
Wallner, Mary Jane

Bartlett, Christy
Ebel, Karen
Hill, Gregory
Klose, John
Rodd, Beth
Soucy, Timothy
Walz, Mary Beth

Carson, Clyde
Gile, Mary
Horn, Werner
Kotowski, Frank
Rogers, Katherine
Walsh, Thomas
Wells, Natalie

Wolf, Dan
Moffett, Howard
Mackay, James
Moffett, Michael
Schuett, Dianne
Testerman, Dave

ROCKINGHAM

Abrami, Patrick
Berrien, Skip
Cushing, Robert Renny
Edgar, Michael
Friel, William
Hagan, Joseph
Janvrin, Jason
Kolodziej, Walter

Allen, Mary
Bove, Martin
Thomas, Douglas
Emerick, J. Tracy
Gay, Betty
Hoelzel, Kathleen
O'Connor, John
Lerner, Kari

Altschiller, Debra
Cali-Pitts, Jacqueline
DiLorenzo, Charlotte
Fesh, Robert
Gilman, Julie
Edwards, Jess
Katsakiores, Phyllis
Lovejoy, Patricia

Barnes, Arthur
Chirichiello, Brian
Dowling, Patricia
Francese, Paula
Guthrie, Joseph
Janigian, John
Khan, Aboul
Griffin, Mary

Pearson, Mark
McMahon, Charles
Murray, Kate
Spillane, James
Vose, Michael
Willis, Brenda

Major, Norman
Messmer, Mindi
Nigrello, Robert
Sytek, John
Ward, Gerald
Woitkun, Steven

Malloy, Dennis
Milz, David
Packard, Sherman
Le, Tamara
Webb, James

Matthews, Carolyn
Morrison, Sean
Gordon, Richard
Tripp, Richard
Welch, David

STRAFFORD

Burton, Wayne
Grassie, Chuck
Krans, Hamilton
Schmidt, Peter
Scruton, Matthew
Treleven, Susan

Cilley, Jacalyn
Horgan, James
Smith, Marjorie
Pitre, Joseph
Southworth, Thomas
Vincent, Kenneth

Conley, Casey
Horrigan, Timothy
McNally, Jody
Graham, Robert
Spencer, Matthew
Wall, Janet

Ellis, Donna
Keans, Sandra
Mullen, John
Salloway, Jeffrey
Sprague, Dale

SULLIVAN

Cloutier, John
Laware, Thomas
Sullivan, Brian

Gagnon, Raymond
Oxenham, Lee
Tanner, Linda

Gottling, Suzanne
Rollins, Skip

Grenier, James
Smith, Steven

NAYS - 50

BELKNAP

Abear, Marc

Howard, Raymond

Sylvia, Michael

Vadney, Herbert

CARROLL

Avellani, Lino

Comeau, Ed

CHESHIRE

Abbott, Michael

Harvey, Cathryn

McConnell, James

O'Day, John

GRAFTON

Abel, Richard
Johnson, Tiffany

Binford, David

Nordgren, Sharon

Rand, Steven

HILLSBOROUGH

Ammon, Keith
Edwards, Elizabeth
Moore, Josh
Scully, Kevin

Burt, John
Ferreira, Elizabeth
Lewicke, John
Souza, Kathleen

Christie, Rick
Hopper, Gary
Prout, Andrew

Dickey, Glen
Hynes, Dan
Renzullo, Andrew

MERRIMACK

Turcotte, Alan
Pearl, Howard

Copp, Anne
Schultz, Kristina

Hoell, J.R.
Seaworth, Brian

McGuire, Carol

ROCKINGHAM

Bates, David
Osborne, Jason
Verville, Kevin

Cahill, Michael
Somssich, Peter

Costable, Michael
Torosian, Peter

Green, Dennis
True, Chris

STRAFFORD

Bixby, Peter
Wuelper, Kurt

Harrington, Michael

Kaczynski, Thomas

Phinney, Brandon

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

MOTION TO PRINT DEBATE

Rep. Horn moved that the debate on **SB 564-FN-A**, relative to a business tax exemption and a workforce development program for regenerative manufacturing businesses, be printed in the Permanent Journal. Motion adopted.

DEBATE ON SB 564-FN-A

Speaker Chandler: All those in favor of adopting the amendment, signify by saying Aye; those opposed Nay. The Ayes have it and the amendment is adopted. The question before the House is on the adoption of the majority committee report of Ought to Pass with Amendment. The Chair recognizes Representative Abear, the member from Meredith.

Rep. Abear: Thank you, Mister Speaker. Mister Speaker I rise in opposition to the committee recommendation of Ought to Pass with Amendment and ask you to press the red button to defeat the motion on the floor so a different motion can be made. Do we have so much money that giving tax exemptions makes sense? SB 564 does two things. First, it uses our tax code to raise money in support of regenerative manufacturing via a ten-year tax exemption from BPT and BET for a specified class of business created by the bill. It uses the

BFA to administer an education loan acquisition program to be repaid with donations backed by the full faith and credit of the general fund. The proper function of our tax system is to raise money for the core purposes of government. Taxation always imposes a burden on economic performance. That harm is minimized if policy makers resist the temptation to use the tax system for extraneous purposes. The best way to promote prosperity and advance our economic interest is through a principled tax system. Today, businesses in New Hampshire are all subject to BPT and BET. If we want to help New Hampshire business and if we want to be fair to all businesses, we should be lowering the business tax rates, not exempting some businesses at the expense of the rest. An effective tax system utilizes the lowest practicable tax rates with few loopholes and avoids multiple layers of taxation through pyramiding. Simplicity matters. SB 564 adds complexity to our tax system. The tax system should be easy to administer, efficient and low cost. SB 564 requires DRA to acquire skills, which it admits it currently does not have, which it will need for a limited time while adding a temporary program with no additional cost. How plausible is that claim? Changes in tax policy should be highly publicized and debated so the citizens of New Hampshire understand that we today are here voting to create a new class of businesses, privileged with tax exemption. There has been little public coverage of the three weeks of hearings that the committee held. During that testimony, we heard exactly two individuals, not directly benefited by the bills' passage. Both spoke in opposition. The balance of the testimony was from those benefited by the bills' passage, those who would administer the program and those who provided expert testimony on issues of constitutionality. If it should be legislation at all, SB 564 should properly be a spending bill, but its' sponsors knew this body would not appropriate the kind of money necessary to accomplish the task; hence the bill is funded as a tax exemption measure. But, make no mistake, we are walking past revenue and that is the functional equivalent of either raising taxes or increasing spending. The purpose of the tax system isn't to control peoples' lives and it certainly isn't to micromanage the economy. The tax system should exert minimal impact on the spending decisions of the individuals and businesses of the state. SB 564 violates that principle. A high quality tax system should provide stability in the government's revenue stream. It is the base for the state's budget, creating complexity through accumulation of a hodge-podge of tax credits, tax exemptions and other technical manipulations makes the tax system fragile. It subjects the state's revenue stream to fluctuations and it keeps funding for core services in question. Providing for stability and core government services means establishing reliability in the tax code. SB 564 works against that principle. This legislature should not use the tax system to pick winners and losers. We should not unfairly shift the tax burden off of one class of business and onto another. Our tax system should not bestow special favors on a particular group of taxpayers. How will we ever say no to the next group that comes asking for a favor? Principles and values are what has brought New Hampshire success. We should go home with the gal that we brought to this dance. SB 564 violates the principles of good tax policy. Mister Speaker, I ask you again please press the red button to defeat the motion on the floor so a different motion can be made.

Speaker Chandler: Will the member yield to a question? Member does not yield. The question before the House is on the adoption of the majority committee report of Ought to Pass with Amendment. The Chair recognizes the member from Nashua, Representative Ohm, to speak in favor of the committee report.

Rep. Ohm: Thank you, Mister Speaker. SB 564 is a bipartisan bill that brings New Hampshire to the forefront of medical research, namely the means to regenerate human tissue and even human organs from our own DNA. Much of the science required for the futuristic medicine has been available for over 20 years. What's missing is the ability to scale up a manufacturing process. That's where New Hampshire comes in. Our own Dean Kamen of Manchester won the national competition for developing this manufacturing process and received \$80 million of funding from DARPA, Defense Advance Research Project Agency, and an additional \$200 million of private funding and commitments have been received. It's time to scale up the manufacturing process. It's time to create a new industry in regenerative manufacturing. But where? Other states desperately want this industry and offer incentives that New Hampshire will not match, but the committee feels that limited and targeted incentives would minimize the risk to New Hampshire and provide outsized benefits. These incentives are a 10-year tax holiday on business taxes for New Hampshire companies that have at least 75% of their activity in regenerative manufacturing and a \$5 million student loan repayment fund for New Hampshire employees who stay at least for five years. The committee amendment tightened up the terms and conditions of these incentives and received bipartisan support. This bill is an economic development plan. It provides limited incentives to develop a new industry. If the industry fails, New Hampshire loses the payroll tax, the BPT, of less than 1% of the payroll. We lose those business profits tax, the BPT, because there were no business profits and we have scholarship money to deserving students offset by private donations. If the industry succeeds, New Hampshire could become the worldwide center for regenerative manufacturing. The place for wounded warriors to go for replacement tissue that the body won't reject. The place to go for organs, such as kidneys, that your own body won't reject. Let's make New Hampshire the place to go. The semiconductor industry transformed orange groves into Silicon Valley. Let's have regenerative manufacturing transform our mills into medical miracles. Thank you, Mister Speaker.

Speaker Chandler: Will the member yield to a question? The member does not yield. The question before the House is the adoption of the majority committee report of Ought to Pass with Amendment. The Chair recognizes the member from Manchester, Representative Herbert.

Rep. Herbert: Thank you, Mister Speaker. Colleagues, this is probably the largest jobs and economic growth bill of the last 100 years. That's how big this is. Dean Kamen took on California, Texas, and the golden triangle in a competition for DARPA funds and walked away with \$80 million. It was a David and Goliath type of competition and we won. Dean Kamen, of course, is one of the most talented entrepreneurs and a person who is great at applied engineering. He saw the opportunity that was there for the taking. He formed an institute, ARMI, Advanced Regenerative Manufacturing Institute. So far, he has gotten over \$200 million in cash or in-kind contributions. He's got over 60 members that read like a Fortune 100 list. He's got Harvard and people like Rockwell Automation on his board of directors. This is the way a new industry is created. Dean Kamen figured it out and Dean Kamen beat everyone else out in the competition because he saw he was going to be able to put people together in a matrix. They are going to share intellectual property and new inventions were going to be shared. It wasn't going to be 60 silos of different corporations scattered out everywhere; they're going to be right here in Manchester, right here in New Hampshire. The University of New Hampshire is already developing a graduate school curriculum in regenerative manufacturing. I'm sure there will be other degree programs to follow. I want to give you an idea. When you start to think about an entire industry it's hard to get your mind around it. In the law, these are some of the jobs. Just imagine the jobs that are going to be created as this thing grows. Performing research relating to regenerative manufacturing, performing regenerative manufacturing activities, researching, developing, manufacturing or supplying technical services in support of regenerative manufacturing, such as process engineering, automation, facility set-up and distribution services, researching, developing, manufacturing or supplying technologies utilized in regenerative manufacturing such as cellular and non-cellular source materials, tools, equipment, reagents, and other supplies, and performing any activity necessary to bring a product created through regenerative manufacturing to market, including but not limited to seeking patents, regulatory approval, performing clinical trials, and sales. That's long list and there will many employers and employees in that list. This is what this bill is about. This industry is not making any money right now. I hope it does and does so rapidly. So, the give up in terms of revenue is not going to be a great deal, but the production of new jobs, and by the way, these are employers and employees that pay high wages. We suffer in New Hampshire from our aged population and all our kids; they are leaving out state, especially the smart ones. They are going to come back, don't worry. When they see what's going on in Southern New Hampshire in terms of an entire new industry, they're going to be coming back, but we are going to grab all the education benefits from other states that raised these engineers in bioscience. They are coming right here, just down the road and are coming in the hundreds if not the thousands. It is a huge job. I have never seen anything like it before and neither has anyone else in this room. Support the bill. This is enabling legislation. It's well done, well crafted. It does exactly what ARMI and Dean Kamen want in order to have it happen. Let's grow a new industry right here in New Hampshire.

Speaker Chandler: Will the member yield to a question? The member does not yield. The Chair recognizes the member from Greenland, Representative Malloy.

Rep. Malloy: Thank you, Mister Speaker. There are advantages to the entire State of New Hampshire by passing this bill and making us the hub of regenerative medicine. Our employment rate right now is stuck at an all-time low. Our population is aging and these things are hampering our state's effort at growth and economic expansion. New job training and career opportunities from this project will jumpstart job growth and our state is poised to enjoy a major renaissance. Job creation will bring skilled and talented people to New Hampshire and enhance the educational and career opportunities of those of us who are already here. That brings new homeowners, renters and customers for current and state businesses. This growth won't be limited to Manchester, but will be felt statewide as employers and firms spread in all directions within the state. Given the high value per weight of the products of this technology, some manufacturing facilities and auxiliary services will likely move to the farthest corners of the state for the lower housing and labor costs and the attractions of rural life. Because of the likelihood of corporate donations and payment of property and other taxes by new firms and employees, we expect little or no negative impact on the future budgets and we hope you will join us in assuring our state's future prosperity.

Speaker Chandler: Does the member yield to a question? The member does not yield. The Chair recognizes the final speaker, the member from Salem, Representative Barnes.

Rep. Barnes: Thank you, Mister Speaker. It is not often I come to the microphone and hear cheering. In any event, eight years ago, almost to the day, I received a telephone call from an army staff sergeant informing me that my son had been critically wounded in Afghanistan. At the time he was serving his second deployment with the Vermont National Guard. His unit was stationed at the Bagram airfield and it was their responsibility to provide security outside the base perimeter. The sergeant could give no details on the extent or mechanism of his injuries. The backstory. Much later, we would learn that from time to time the airfield would come under rocket or mortar attack. It was the job, one of the jobs of the Vermont Guard to engage the insurgents when that happened. The night before I received the telephone call, such an attack had taken place. While responding to the location of the attack, an improvised explosion device was detonated under the vehicle my son was riding in. There were five soldiers in the vehicle at the time of the explosion. The driver was killed outright. The other four all suffered fractured bones, shrapnel wounds in varying degrees, but the major injury

they all shared in common was soft tissue injuries caused by the shockwave from the detonation as it passed through their bodies. The second purpose of the phone call was to extend an invitation for my wife and I to participate in a family support program wherein the Army would provide us transportation and lodging to accompany our son during his recovery. We accepted and the following morning we were flown from Manchester to Washington to await the arrival of our son at Walter Reed Hospital. He arrived that evening and we were allowed to see him immediately. After having served 25 years in the fire service, much of it on the ambulance, I recognized, based upon his physical condition, it was obvious he had been exposed to a significant explosion. He was in an induced coma as he would be for weeks. The next morning we were invited to a meeting with the medical team who were treating him. They explained they needed to perform major surgeries to repair or set fractured bones and try to repair damage to his nervous system, but felt such surgeries would need to be delayed until his soft tissue organs could provide some level of life support on their own. The abridged version. So, we waited as the days became weeks and the weeks became months. Slowly the mechanical life support equipment was disconnected, surgeries were performed, testing was conducted and evaluations were made. Then a day came when at the final of many conferences, the medical staff concluded they had done everything they could for him. The hard news was there was no reaction in his legs and right hand or arm to painful or electronic stimulation. He would live the rest of his life as a tripelegic. The doctors explained they believe windows of opportunity had been missed waiting for his internal organs to heal so the surgeries that may have assisted in repairing his nerves in his nonfunctioning appendages to reconnect to his central nervous system had occurred too late. The next leg of his healing process would take place at the VA hospital in Richmond, Virginia where he was enrolled in a 12-week program to learn to live with his disabilities. As this is an abridged version, I will fast forward to week ten. In the middle of one of his therapy sessions, he stood up. A couple of days later, he regained control of his right hand and arm. There is no medical explanation as to how these things happened. Another 12-week program was established to focus on an exercise regimen to revive and strengthen muscles that had long been dormant. At the end of the second 12-week program, my wife and I returned to Salem after an absence of almost a year. Our son was transferred back to Walter Reed. The medical staff and therapists who had worked with him five months before wanted to debrief him and see if there were any lessons learned on their part as a result of his recovery. But, that is they say another story for another day. I have shared this story with you to explain why I support this bill. For almost a year I lived with, ate with, and spent time with some of our wounded warriors. While my policy committee debated the merits of the bill and a proposed application of the tax exemption period, I recalled dozens of names and faces of men and women, soldiers all, who had this technology been available 8 years ago, may well have benefited from it. The need is great. I have no doubt this technology can and will be developed so it might as well happen here in New Hampshire. Therefore, please join me and voting Ought to Pass. Thank you.

Speaker Chandler: Will the member yield to a question? The member does not yield. The question before the House is on the adoption of the majority committee report of Ought to Pass with Amendment. Are you ready for the question? Does anyone from the committee wish to yield to a question? I guess not. Representative Harrington has requested a roll call. Is that sufficiently seconded? It is sufficiently seconded. All members will take their seats. The question before the House is on the adoption of the majority committee report of Ought to Pass with Amendment. If you are in favor of that, you'll be pressing the green button. If you are opposed, you'll press the red button. Chair recognizes Representative Lewicke for a parliamentary inquiry.

Rep. Lewicke: Thank you, Mister Speaker. Thank you colleagues. If I know that I'm not very good at investing and if I know that neither I nor this body has any business investing the money of the people of New Hampshire in any kind of speculative venture. And, if I know that Granite Staters believe in free people, free markets and free enterprise, 564 stands in opposition to these values. Mister Speaker, if I know that the proper function of taxation is to raise money for the core functions of government, and 564 does not do that. Mister Speaker, if I know that a principles tax system is a way to promote prosperity for New Hampshire's residents and to advance our state's economic interest and 564 is in conflict with that. Mister Speaker, if I know the purpose of our tax system does not include controlling the lives of our citizens and certainly does not include micromanagement of the economy and 564 certainly does these things. And, Mister Speaker, if I know this legislature should not use the tax system to pick winners and losers, nor should it unfairly shift the tax burden from one class onto another and SB 564 clearly does that. Mister Speaker, if I know these things, would I press the red button and oppose the committee recommendation. Thank you.

Speaker Chandler: The question before the House is the adoption of the majority committee report of Ought to Pass with Amendment. If you are in favor of that, you'll press the green button. If you are opposed, you'll press the red button. The Chair recognizes Rep. Hinch for a parliamentary inquiry.

Rep. Hinch: Thank you, Mister Speaker. Mister Speaker, if I believe that in order to grow and diversify our economy, we must be able to embrace new and emerging industries now so they can establish here, grow and prosper here. If I believe this bill establishes a competitive position for New Hampshire giving us the advantage regional and national and sending the message that we are open for business. If I believe this is

not just about economics, but about making New Hampshire a home for this next generation science that will produce life changing medical solutions for veterans, children and people from all walks of life, would I now press the green button and support the Ought to Pass with Amendment recommendation and the hard work and bipartisan endorsement of the House Ways and Means Committee.

Speaker Chandler: The question before the House is on the adoption of the majority committee report of Ought to Pass with Amendment. If you're in favor of adopting the majority committee report, you would press the green button. If you are opposed, you will press the red button and the voting stations are open for 30 seconds. Have all members voted who were here when the question was put? The House will attend to the state of the vote. 241 in the affirmative and 50 in the negative, the majority committee report is adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR

SB 317-FN, relative to veterans' preference in public employment. **REFER FOR INTERIM STUDY.**

Rep. Edward Butler for Commerce and Consumer Affairs. Our veterans deserve all the support we can provide them. This bill would require public employers, who do not hire a prospective veteran applicant, to provide information on other public employment positions for which the veteran or disabled veteran may be qualified. The committee is concerned that, though well intentioned, this requirement would be difficult for some public employers to comply with. Vote 17-0.

Committee report adopted.

SB 450-FN-A, establishing an advisory commission for the department of environmental services relative to the delegation of authority of the National Pollutant Discharge Elimination System Program. **OUGHT TO PASS.** Rep. J. Tracy Emerick for Finance. The bill as amended establishes the timing and direction for the delegation of authority of the National Pollutant Discharge Elimination System Program from the federal environmental protection agency to the state department of environmental services. Although the current system is effective, towns have requested that New Hampshire take the opportunity to establish this as a state-operated program. Toward that end, a commission was organized to provide guidance regarding staffing levels, fees for service and other implementation strategies to assist DES to perform the services currently being performed by the Boston, MA, office of the EPA for both public and private supervision. The transition from supervision by the Federal EPA to the state DES has been at the request of both businesses and municipalities in New Hampshire. This bill continues the work in this area with the expectation that the agency will be able to decide whether to go forward or not by the time budgets for the next biennium are being developed. Vote 26-0.

MOTION TO SPECIAL ORDER

Rep. Kurk moved that **SB 450-FN-A**, establishing an advisory commission for the department of environmental services relative to the delegation of authority of the National Pollutant Discharge Elimination System Program, be made a Special Order for the Session of May 2, 2018 in its regular place in the calendar.

Motion adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR CONT'D

SB 501, relative to immunity for campground owners. **INEXPEDIENT TO LEGISLATE.**

Rep. Sandra Keans for Judiciary. This bill seeks to define camping as an inherent risk similar to skiing in the mountains of New Hampshire and requests that New Hampshire campground owners be granted immunity from suit. Campground owners would like New Hampshire to follow Wisconsin, the only other state in the nation that has adopted this bill. The majority of the committee disagrees that this bill is for New Hampshire. The majority feels that campground owners owe a duty of reasonable care to maintain their premises to insure safety of campers, especially when they are charging a fee to campers. While testimony attempted to separate the campsite "built environment" from the "wilderness," the bill falls short on sufficient definition of either term. This bill provides that liability could only exist when the actions of the campground owners or employees intentionally cause death or injury to campers or if campground owners' or employees' actions are in willful disregard or grossly negligent for the safety of another person. This bill does not limit immunity granted under RSA 21:34, Liability of Landowners, which includes camping as a "recreational activity" for which immunity is granted only if the landowner does not charge a fee or seek other consideration in exchange for allowing such use. In essence, campground owners seek to charge a fee to persons using the facility and still have no duty of care owed to that person. Campground owners want to keep their cake and eat it too. Vote 16-0.

Reps. Sanborn and Hunt spoke against.

Rep. Rouillard spoke in favor

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

On a division vote, with 170 members having voted in the affirmative, and 101 in the negative, the committee report was adopted.

RESOLUTION

Rep. Hinch offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet, Wednesday, May 2, 2018 at 10:00 a.m.
Motion adopted.

LATE SESSION**Third Reading and Final Passage**

SB 479, relative to the oversight commission on children's services and relative to the commission to review child abuse fatalities.
SB 91, relative to the title loan default process.
SB 92, relative to the consumer complaint process at the banking department.
SB 303, relative to a security freeze on a consumer's credit report.
SB 312, clarifying the New Hampshire Foundation Act.
SB 354, relative to disclosure of information relative to lower cost drugs under the managed care law.
SB 416, relative to transportation network company drivers.
SB 424, relative to property and casualty insurance.
SB 591-FN, relative to accreditation of health care providers by pharmacy benefit managers.
SB 346, relative to requiring enhanced technology ignition interlock devices.
SB 323, relative to rehiring of laid off classified state employees.
SB 390-FN, establishing the office of solicitor general in the department of justice and establishing an unclassified attorney position in the department of justice.
SB 531-FN, relative to the office of professional licensure and certification.
SB 376-FN, relative to the sale of certain cold medications.
SB 380, relative to the therapeutic use of cannabis.
SB 388, relative to dispensary locations for therapeutic cannabis.
SB 476, establishing a committee to study reinstituting the unemployed parent program.
SB 478, establishing an advisory council on lactation.
SB 486, establishing a commission to study enhancing the prescription drug donation program.
SB 343, relative to legislative ethics guidelines.
SB 369-FN, relative to the publication of the rulemaking register.
SB 368, establishing an exemption from shoreland protection permitting requirements for maintenance and repairs of existing roads and for borings and test wells.
SB 410-FN, establishing a commission to study creating a boat safe card.
SB 444, relative to cutting timber near certain waters and public highways.
SB 366, relative to membership and procedures of the site evaluation committee.
SB 311, clarifying rules of construction under the New Hampshire Trust Code.
SB 314, relative to regulation of mortgage bankers, brokers, servicers, and originators.
SB 485, establishing a committee to study the relationship between concierge medicine and New Hampshire and federal health insurance law.
SB 391-FN, relative to sexual assault survivors' rights.
SB 593-FN, relative to the penalty for capital murder.
SB 63, relative to record management of abuse and neglect reports, establishing a pilot program regarding electronic storage of abuse and neglect records, and establishing the excess appropriation allocation account in the department of health and human services.
SB 309-FN, regulating groundwater pollution caused by polluting emissions in the air and relative to standards for perfluorochemicals in drinking water, ambient groundwater, and surface water.
SB 534-FN, relative to the classification of certain state employee positions and relative to a review of certain unclassified positions in the department of health and human services.
SB 573-FN-A, relative to the controlled drug prescription health and safety program and making an appropriation therefor.
SB 451, relative to wildlife trafficking.
SB 481, establishing a committee to study the impact of pharmacy benefit manager operations on cost, administration, and distribution of prescription drugs.
SB 387-FN, relative to liability of governmental units.
SB 318, relative to posting and notification requirements for employers, establishing criteria for workplace inspections, and amending certain provisions of the youth employment law.

SB 172-FN, relative to non-menace dams.

SB 445, designating the Warner River as a protected river.

SB 540-FN, relative to the operation of keno games in unincorporated places and permitting keno games in cigar bars.

SB 564-FN-A, relative to a business tax exemption and a workforce development program for regenerative manufacturing businesses.

UNANIMOUS CONSENT

Rep. Hynes requested Unanimous Consent of the House regarding the motion to remove jackets and addressed the House.

RECESS MOTION

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

Motion adopted.

The House recessed at 4:30 p.m.

RECESS

(Rep. Moynihan in the Chair)

ENROLLED BILL AMENDMENTS

HB 1322, relative to risk-based capital for health maintenance organizations.

Amendment 2018-1812EBA

Amend section 2 of the bill by replacing line 3 with the following:

III-a. A health organization's RBC shall be determined in accordance with the formula set

Motion adopted.

HB 1564-FN, relative to sexual assault of a victim who is incarcerated in a correctional institution by a person with supervisory or disciplinary authority over the victim.

Amendment 2018-1818EBA

Amend RSA 632-A:2, I(n)(1) as inserted by section 1 of the bill by replacing line 4 with the following: psychiatric unit, [or] **a** juvenile detention facility ~~[where the actor is employed]~~, **or any other setting**

Motion adopted.

HB 1593, authorizing a school district meeting to adopt an article authorizing the trustees of the trust fund to charge certain expenses against capital reserve funds.

Amendment 2018-1653EBA

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

AN ACT authorizing a school district meeting to adopt an article authorizing the trustees of trust funds to charge certain expenses against capital reserve funds.

Amend RSA 35:9-a, III as inserted by section 1 of the bill by replacing line 1 with the following:

III. The school district meeting may adopt an article authorizing the trustees of trust funds,

Amend RSA 35:9-a, III as inserted by section 1 of the bill by replacing line 7 with the following: funds as expenditures out of capital reserve funds.

Motion adopted.

HB 1720-FN, relative to the storage of beverages produced by contract brewers.

Amendment 2018-1797EBA

Amend RSA 178:12, XI as inserted by section 3 of the bill by replacing line 6 with the following: with the commission.

Motion adopted.

HB 1808, repealing certain inactive dedicated funds.

Amendment 2018-1811EBA

Amend RSA 172:14 as inserted by section 5 of the bill by replacing line 7 with the following:

or persons chargeable with his **or her** support, are able to pay only a part of such expense, the

Amend RSA 172:14 as inserted by section 5 of the bill by replacing line 17 with the following:

treatment and rehabilitation of any of his **or her** clients, or clients of a certified substance abuse treatment

Amend RSA 21-P:21 as inserted by section 9 of the bill by replacing line 1 with the following:

21-P:21 Civil Penalties[; ~~Revolving Fund~~]. Any person who violates any of the provisions of this Motion adopted.

SENATE MESSAGES

CONCURRENCE

HB 1329, relative to eyewitness identification procedures.

HB 1340, relative to absences among officers required to be present at school district elections.

HB 1411-FN-A, relative to funds transferred to the nongame species account.

HB 1416-FN, repealing the prohibition on bottle rockets.

HB 1483, amending the wiretapping and eavesdropping statute to include private communication networks.

HB 1555, relative to participation by the public utilities commission in regional activities.

HB 1589, relative to actions against tenants for a caregiver under an agreement for a person with disabilities.

HB 1613, relative to operation of uninspected vehicles.

HB 1615, relative to speed limits in work zones.

HB 1700, relative to the procedure for placing a security freeze on a consumer credit report.

REFERRED FOR INTERIM STUDY

HB 101-FN, relative to certification for solid waste operators.

HB 141, relative to electric renewable energy classes.

HB 628-FN, relative to a family and medical leave insurance program.

HB 1262-L, relative to online driver education.

HB 1288, relative to petitions for annulment.

HB 1718-FN, relative to surveillance on the public ways of the state.

HB 1763-FN-A, establishing a road usage fee and making an appropriation therefor.

LAID ON THE TABLE

HB 485, relative to standards for emerging contaminants in drinking water, and relative to standards for perfluorochemicals in drinking water, ambient groundwater, and surface water.

HB 1786-L, prohibiting costs for inspection of governmental records under the right-to-know law.

NONCONCURRENCE

HB 388, relative to special number plates for veterans.

HB 559-FN, relative to expenditures from the energy efficiency fund.

HB 1201, relative to an employee's earned but unused vacation time.

HB 1216, relative to liability for deferred property taxes and relative to applications for abatement of property taxes.

HB 1237, relative to the definition of "public at large."

HB 1332, allowing warrant articles to be split by the deliberative session.

HB 1361, relative to county audits.

HB 1265, relative to the release of criminal conviction records.

HB 1715-FN, establishing a committee to study options for tenants to dispute a rent increase in a manufactured housing park if such increase was arbitrary and unreasonable.

RECESS

(Rep. Hunt in the Chair)

ENROLLED BILL AMENDMENTS

SB 170, relative to the authority of towns to issue bonds for the expansion of broadband infrastructure. (Amendment printed SJ 5/9/18)

Motion adopted.

SB 429-FN, establishing a consumer services program within the insurance department. (Amendment printed SJ 5/9/18)

Motion adopted.

SB 482-FN, relative to confidential emergency medical and trauma services data. (Amendment printed SJ 5/9/18)

Motion adopted.

RECESS

(Rep. Barbara Griffin in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 410, 1252, 1256, 1258, 1284, 1304, 1378, 1389, 1420, 1453, 1471, 1474, 1533, 1551, 1571, 1575, 1598, 1599, 1622, 1638, 1664, 1674 and 1736 and Senate Bills numbered 315, 333, 345, 360, 392, 436, 442, 469, 470, 474, 484, 516 and 517.

Rep. Hinch, Sen. Avard for the Committee

RECESS

(Rep. Umberger in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 151, 523, 1247, 1289, 1331, 1335, 1352, 1357, 1401, 1407, 1484, 1499, 1606, 1623, 1651, 1660, 1665, 1684, 1689, 1698, 1719, 1744, 1746, 1777, 1782 and 1810 and Senate Bills numbered 165, 310, 316, 319, 320, 327, 332, 341, 348, 356, 363, 367, 372, 389, 396, 417, 428, 455, 458, 503, 504, 505, 511, 515, 519 and 533.

Rep. Hinch, Sen. Avard for the Committee

RECESS