



State of
New Hampshire

HOUSE RECORD

First Year of the 166th General Court

Calendar and Journal of the 2019 Session

Web Site Address: www.gencourt.state.nh.us

Vol. 41

Concord, N.H.

Wednesday, February 27, 2019

No. 6

HOUSE JOURNAL NO. 5 (Cont'd)

Thursday, February 14, 2019

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

HOUSE JOURNAL NO. 6

Wednesday, February 27, 2019

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. O God of healing and wholeness, we place in Your hands today all those things that are broken or dysfunctional, all those situations affected by division and discord, and we pray that You would restore them. We pray for Your suffering children, especially those dealing with painful injuries: broken bones, and other physical wounds, but also broken hearts and emotional trauma. We pray too for victims of broken homes and broken relationships, for people whose lifeline has snapped due to the loss of employment or housing, and for those who have lost their fragile grip on sanity. We pray for our country, and for the world, plagued by division and weakened by its loss of unity, for the structures and systems that have been damaged as a result, and the people whose lives have been affected. Bring healing to all of creation, O God. Make whole the broken bodies, hearts, and spirits of Your beloved people. Bring hope to places of hopelessness and pain, and restore this country, and all the world, to be once again the glorious expression of beauty and harmony You created it to be. Amen.

Representative Liz McConnell, member from Brentwood, led the Pledge of Allegiance.

The National Anthem was sung by Emily Bartlett of Brentwood.

LEAVES OF ABSENCE

Reps. Elliott, Fedolfi and Tilton, the day, illness.

Reps. Buchanan, Burns, Cornell, Cote, Doherty, Edgar, Ellison, Fargo, Fontneau, Frost, Graham, Barbara Griffin, Harvey, Hennessey, Hunt, Major, Merlino, Moffett, Panasiti, Plumer, Somero, Somssich, Trento, Vincent, Wolf, Woodbury, Woods and Diggs, the day, important business.

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

INTRODUCTION OF GUESTS

Kaycee Reagan, student at Woodsville High School, Page for the day.

Donna Alexander, and Lori Habener, mother and guest of Rep. Alexander. Evelyn and Alex Seaworth, daughter and son of Rep. Seaworth. Howard Trask, guest of Rep. Ticehurst. Deidre Reynolds, guest of Rep. Vail. Ben Telerski, son of Rep. Telerski. John Rung, and Semhal Berhe, husband and guest of Rep. Rung. Members of the New Hampshire School Nurses Association, guests of Rep. Champion.

INTRODUCTION OF SPECIAL GUESTS

The Speaker recognized Assistant Coach Kevin Archibald and Team Captains of the Winnisquam High School Division III State Volleyball Championship Team and Athletic Director Brian Contorchick and Team Captains of the Winnisquam High School Division IV Football Championship Team.

CONSENT CALENDAR

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

HB 565-FN, directing the department of health and human services to issue a request for proposals (RFP) for supervised visitation centers, removed by Rep. McGuire.

HB 545, prohibiting law enforcement officers from questioning a minor at school without a parent or guardian present, removed by Rep. Horn.

HB 202, relative to requirements for presidential primary candidates, removed by Rep. Meuse.

HB 706-FN-A, establishing an independent redistricting commission, removed by Rep. Boehm.

HB 511-FN, relative to vaping, removed by Rep. Weber.

Consent Calendar adopted.

HB 332, prohibiting the use of certain therapies in private custody proceedings. **INEXPEDIENT TO LEGISLATE.**

Rep. Francesca Diggs for Children and Family Law. This bill prohibits the courts in a parenting case from ordering reunification therapy unless the parties agree to such therapy. The committee unanimously agreed that the bill was non-specific with regards to licensed professionals and is unnecessary if both parties agree. Vote 17-0.

HB 521-FN, establishing a child abuse specialized medical evaluation program in the department of health and human services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Skip Berrien for Children and Family Law. Child abuse and neglect victims need to have a medical evaluation by health care providers trained to perform appropriate diagnostic methods and to recommend appropriate treatment. This bill creates a system which permits each child abuse and neglect victim to receive the appropriate medical evaluations in a timely manner according to national standards. Vote 16-1.

Amendment (0543h)

Amend RSA 169-C:39-I, II as inserted by section 2 of the bill by replacing it with the following:

II. Department nurses and child protective service workers performing screenings and assessments of reported cases of child abuse shall receive pre-service training in the standardized medical diagnostic methods, treatment, and disposition as well as periodic in-service training by health care providers experienced in child abuse and neglect.

Referred to the Committee on Finance.

HB 633-FN, relative to service requirements for termination of parental rights cases originating as abuse and neglect cases. **INEXPEDIENT TO LEGISLATE.**

Rep. Michelle St. John for Children and Family Law. This bill would permit the court to accept the initial notice and service of process as the first and final notice given to the parents, guardian, or person having legal custody of said child. While the committee sees value in the bill, the majority felt that the bill, as written, is not in the best interest of the child and could create unintended consequences. The committee felt that the notification process needs to be addressed. Vote 18-0.

HB 161, prohibiting the use of false or deceptive caller identification information. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Costable for Commerce and Consumer Affairs. This bill that would prohibit a person engaged in solicitation using a telephone from preventing caller identification. It also prohibits such persons from using misleading, inaccurate or deceptive information. The committee recognizes the pervasive problem of spoof and deceptive calls. "Spoofing" is currently illegal under the federal Truth in Caller ID Act. Unfortunately, this bill cannot prevent a spoof call from occurring and neither the state of New Hampshire nor the Federal Communications Commission (FCC) has the technology to enforce the law when they do occur. As we heard in public hearings and subcommittee work sessions, the "scammers" use very sophisticated software to obfuscate where the call actually originates, which makes it very difficult to track down. Even if they do find the originating number, the operation has long since moved. The FCC is the lead agency working on the issue. Vote 18-0.

HB 179-FN-A, establishing a New Hampshire health access corporation. **INEXPEDIENT TO LEGISLATE.**

Rep. Christy Bartlett for Commerce and Consumer Affairs. This bill was filed to create a funding mechanism, similar to the Healthy Kids Foundation, to provide funding for the underinsured and uninsured populations in the state. Though an interesting concept, this bill does not address funding or solvency requirements and the committee felt we did not need to move forward now. This idea can be studied in the broad commission being proposed to consider single-payer health care insurance. Vote 18-0.

HB 180, establishing a commission to examine the feasibility of the New England states entering into a compact for a single payer health care program. **INEXPEDIENT TO LEGISLATE.**

Rep. Joyce Weston for Commerce and Consumer Affairs. The Commerce Committee received multiple bills to establish health care study commissions. To consolidate the process and avoid duplication, we have focused on two bills of particular merit and will incorporate concepts from the other bills into them. Vote 18-0.

HB 197, relative to consumer protections for telephone, Internet, and cable service providers service interruptions. **INEXPEDIENT TO LEGISLATE.**

Rep. Kristina Fargo for Commerce and Consumer Affairs. This bill, which would be an update to RSA 358-A:2 Regulation of Business Practices for Consumer Protection, would require cable television, internet or telephone service providers to provide pro-rated credits or rebates for a service interruption in excess of 72 hours. The committee found this bill unnecessary because the service providers testified that their current written policy is to provide credits to customers who inform them of any service interruption that is in excess of 24 hours. Vote 18-0.

HB 262, relative to price quotes for home heating oil delivery. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Abel for Commerce and Consumer Affairs. The bill would provide that the quoted price for a home heating oil delivery shall be valid until the delivery occurs. The committee found that in an industry in which commodity price fluctuates almost daily, it was inappropriate for state government to legislate that a price quotation, which does not promise a guaranty of delivery at the quoted price, be mandated for an undefined time period. The committee felt this was a matter that should be left to individual dealer policies. The retail dealers association stated it would communicate to its members the importance of telling customers its policy concerning the length of time it will honor a quote until delivery. Vote 18-0.

HB 278, relative to the New Hampshire insurance department's annual hearing requirement. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward Butler for Commerce and Consumer Affairs. This bill updates the Insurance Commissioner's annual public hearing requirement. It changes the annual date for the report, deletes outdated data or details that no longer make sense, and redirects collection of data specifically to the uniform hospital data set and the comprehensive health care information system, among others. The amendment changes the description of the annual report from a report on health insurance premium rate 'increases' to a report on premium rate 'variations.' Vote 18-0.

Amendment (0064h)

Amend RSA 420-G:14-a, VI(a) as inserted by section 1 of the bill by replacing it with the following:

VI.(a) The commissioner shall prepare an annual report concerning premium rates in the health insurance market and the factors that have contributed to rate [~~increases~~] ***variations*** during prior years. The annual report shall be designed to provide information which identifies and quantifies health care spending trends and the underlying factors that contributed to [~~increases~~] ***variations*** in health insurance premiums. [~~The report shall include recommendations and strategies for increasing the efficiency of New Hampshire's health care financing and delivery system.~~] ***The report may include, as appropriate, analysis of public policy options for increasing the efficiency of New Hampshire's health care financing and delivery system and controlling health care costs and premium variations.*** The report shall be based to the highest extent possible on the commissioner's analysis of information and data available to the commissioner, including[~~:~~

- ~~(1) Information and analysis of the amount and impact of uncompensated care.~~
- ~~(2) Past and current medical loss ratios of insurance carriers in New Hampshire.~~
- ~~(3) Comparison and analysis of the cost of medical care by payment type.~~
- ~~(4) Information and analysis of total public reimbursements to hospitals and other health care providers by federal, state, and local governments.~~
- ~~(5) Information and analysis of insurance premiums by provider network.~~
- ~~(6) Information and analysis of plan and premium information on the Federal Employee Plan and National Account offered by Anthem Blue Cross Blue Shield.~~
- ~~(7) Comparison and analysis to insurance claim data collected by other states.~~
- ~~(8)] the testimony at the public hearing, and any other information or documents submitted in connection with the public hearing.~~

HB 338, relative to rebates under the law governing unfair insurance practices. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Christy Bartlett for Commerce and Consumer Affairs. This bill is a request of the Insurance Department. Rebates are incentives allowed and regulated by statute as a means for insurers to entice consumers to purchase policies with their company. We heard testimony from the department about the history of rebates and the original intent of this statute. Currently, exceptions to the definition of rebating are listed in 4 different locations in the insurance statutes. This bill moves those rebate exceptions out of 3 other statutes and places them into one section. The amendment deletes some outdated language that was unnecessarily included when the bill was drafted, adds risk mitigation to the allowable risk assessment as an exception, and increases the allowable gift value from \$25 to \$100 to more adequately reflect today's prices. Vote 18-0.

Amendment (0076h)

Amend the bill by replacing section 1 with the following:

1 Unfair Insurance Trade Practices; Rebating. Amend RSA 417:4, IX(b)(8) to read as follows:

(8) Reduction of premium rate for policies of large amounts, but not exceeding savings in issuance and administration expenses reasonably attributable to such policies as compared with policies of similar plan issued in smaller amounts[-];

(9) An insurance company paying to another insurance company or to any person who is a duly authorized producer, or an insurance company or such a person from receiving a commission in respect to any policy under which the entity or he or she is insured;

(10) An insurance company issuing non-participating life insurance from paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from non-participating insurance;

(11) Value added service, activity, or product offered or provided without a fee, or at a reduced fee, if the provision of such value added service, activity, or product does not violate any other applicable statute or rule, and is:

(A) Available to all insureds on an objective and fair basis; and

(B) Directly related to the firm's servicing of the insurance policy, annuity contract, or brokerage agreement, or offered or undertaken to provide risk control for the benefit of the client;

(12) For the purposes of subparagraph (12), "value added service, activity, or product" may include the following:

(A) Risk assessments or mitigation.

(B) Risk control tools.

(C) Claims assistance.

(D) Legislative updates.

(E) Administration consulting;

(13) The giving of a promotional item or items to a consumer in connection with marketing of contracts of insurance provided the item or items have a fair market value of \$100 or less per consumer, per year;

(14) Contests, sweepstakes, raffles, or drawings, conducted in connection with the marketing or promotion of insurance products, if:

(A) There is no participation cost to entrants; and

(B) The contest, sweepstake, raffle, or drawing is open to consumers who are not policyholders and the consumer is not required to purchase a policy in order to be eligible to enter the contest, sweepstake, raffle, or drawing or receive a prize;

(15) The rebate of all or part of a producer's commission on the sale of commercial insurance as defined in RSA 412 provided the insurer expressly provides for such rebate in rate filings approved by the commissioner and the reduction of the commission is not disclosed to the insured either directly or indirectly.

HB 398, relative to New Hampshire MasoniCare. **OUGHT TO PASS.**

Rep. Joyce Weston for Commerce and Consumer Affairs. This bill amends the Board of Trustees' membership requirement of New Hampshire MasoniCare, a managed care housing facility for 45 residents. It decreases the threshold number of board members from 12 to 16, previously set at a firm 16, to make it easier for them to reach a quorum. This corporation was chartered through the NH legislature in 1883 as the Masonic Home for Orphans, which is why they are required to go through the legislature to amend their bylaws. Vote 18-0.

HB 528-FN, relative to insurance reimbursement for emergency medical services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joyce Weston for Commerce and Consumer Affairs. This bill is intended to fix a continuing problem with insurance reimbursement for emergency medical services. As amended, it requires an insurance company to give due consideration to the symptoms of the patient at the time of the emergency along with the final diagnosis. For example, if one thinks he is having a heart attack and rushes to the ER, but then learns that it was gastric distress, the insurance company could not necessarily deny the claim based on the final diagnosis. Vote 20-0.

Amendment (0336h)

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

1 Coverage for Emergency Services. RSA 417-F:2 is repealed and reenacted to read as follows:

417-F:2 Claims Processing. An insurer retrospective review of a claim for reimbursement for emergency services shall include consideration of presenting symptoms, along with final diagnosis, and shall give due consideration to the definitions of emergency medical condition and emergency services in RSA 420-J:3.

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

AMENDED ANALYSIS

This bill provides that an insurer retrospective review of a claim for reimbursement for emergency services shall include consideration of the presenting symptoms, final diagnosis, and statutory definitions of emergency medical condition and emergency services.

HB 561, relative to zoning ordinances for formula businesses. **INEXPEDIENT TO LEGISLATE.**

Rep. Christy Bartlett for Commerce and Consumer Affairs. Though we understood the intent of this bill was to protect local businesses from unfair competition from large retail establishments, the committee felt that this bill was over-reaching its intent. NH towns prefer to control their own destinies and this bill would restrict towns from bringing in even locally-owned businesses if there were over 14 locations. It was felt that a good, locally-owned business needs to stand by itself for quality of product and service and that the towns and markets will need to make their own decisions about which businesses to welcome and support. Vote 20-0.

HB 606, relative to certain insurance licensing statutes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill was a request of the Insurance Department as part of their ongoing mission to update and modernize the insurance statutes. This bill makes multiple changes to several statutes that will provide clarity and consistency across the statutes for the different types of insurance licenses, and alignment with the National Association of Insurance Commissioners model requirements adopted by almost all other states. The intent of these updates is to foster efficiency in the work flow processes of the Insurance Department and streamline enforcement and regulatory efforts by having similar standards for all licensees while standardizing requirements for those insurance carriers doing business in multiple states. The amendment only corrects a drafting error in a statutory reference. Vote 17-1.

Amendment (0777h)

Amend the bill by replacing section 2 with the following:

2 Insurance Claims Adjusters; Exceptions. Amend RSA 402-B:5, II and III to read as follows:

II. ~~[Residents of the state who (a) have been engaged in the business of insurance claims adjusting prior to the effective date of this act or (b) prove to the commissioner that they have passed a course on insurance conducted by an insurance company or an educational institution which course the commissioner has approved;~~

HH.] Attorneys-at-law.

HB 607, relative to life and health insurance. **OUGHT TO PASS.**

Rep. John Potucek for Commerce and Consumer Affairs. This bill was a request of the Insurance Department to move the requirement for coverage of medically necessary dental services out of the medical underwriting statute (RSA 420-G:5) to the more appropriate sections of law which are related to required provisions for managed care, individual policies, and group policies. The bill also changes the annual report date for continuing care/retirement communities to May 1, to make it consistent with current practice and existing Insurance Department rules. Vote 18-0.

HB 612-FN, requiring a "certificate of origin" to accompany the sale of an automobile. **INEXPEDIENT TO LEGISLATE.**

Rep. Greg Indruk for Commerce and Consumer Affairs. This bill would change procedures related to a vehicle Certificate of Origin, allowing such certificates to serve as Certificates of Title. The committee found this bill inexpedient to legislate for the following reasons: 1) The Certificate of Title and Certificate of Origin are not equivalent in form or function. The state issued Certificate of Title is recorded in a central database, providing traceability and redundancy, is required for registration, provides accommodations for lien holders and security interests, allows for spousal rights of survivorship, can easily be replaced locally, and is used for anti-theft and anti-fraud protections. The manufacturer created Certificate of Origin does not serve any of these purposes and still would not do so under this bill. 2) The Certificate of Origin process is currently standardized across all 50 states. Unilaterally changing laws in this state would add friction to auto sales, migration and financing processes. 3) The bill includes unclear language and leaves unchanged the many related provisions of law governing vehicle title, transfer of ownership and regulation. 4) Core provisions of this bill are currently allowed on a voluntary and mutually agreed upon basis. For all of these reasons these provisions are unnecessary. Vote 18-0.

HB 620-FN, relative to the penalty fee structure for late premium tax payments. **OUGHT TO PASS.**

Rep. Garrett Muscatel for Commerce and Consumer Affairs. This bill is a request of the Insurance Department to simplify the penalty fee for insurers when they pay their premium taxes late. Currently, such penalties vary widely, depending upon the type of insurer or the statute under which the premium tax is filed. The current method requires the computation of different penalty percentages based on those differences. The Insurance Department hopes to encourage more timely payments of the premium taxes due by establishing a graduated fee schedule, where the fine starts small and increases the later the filing gets. In addition, an established penalty fee schedule will serve to foster more efficient operations in the department by simplifying the way penalty fees are calculated. Vote 19-1.

Referred to the Committee on Ways and Means.

HB 697-FN-A, relative to Medicare for all. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Abel for Commerce and Consumer Affairs. This bill would establish a single payer system to provide health care for the citizens of New Hampshire. The majority of the committee felt that this aspiration was laudable yet needed additional study before going forward. The subject of this bill will be incorporated through an amendment into another bill to create a broader comparative study of various options for health care in coming years. Vote 18-0.

HB 518-FN, repealing certain statutes concerning reimbursement of cost of care by inmates. **OUGHT TO PASS.**

Rep. David Welch for Criminal Justice and Public Safety. Under current law, the Department of Corrections can sue a current or former inmate to recover the cost of that person's incarceration, currently estimated to be in excess of \$36,000 per year. These costs are not imposed by a jury or contemplated by the criminal justice system. The vast majority of state prisoners will be released into society, and it is in everybody's interest to enable these people to reintegrate into society and become productive citizens. Allowing the government to target select individuals with additional fines of tens of thousands of dollars - or even hundreds of thousands of dollars is not fair and could saddle such individuals with debt they are unable to pay off. This bill would repeal the statutory provisions that allow the government to go after people for the cost of their incarceration. Put simply, this is an unfair law. Moreover, these provisions are rarely and inconsistently used. Vote 20-0.

HB 637-FN, relative to criminal history background checks by employers and public agencies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ray Newman for Criminal Justice and Public Safety. This bill is necessary to help the state police criminal records division improve dissemination of criminal record history information (CHRI). The request process currently requires notarization. This slows the process. The resulting delay often causes NH employers to lose potential employees to surrounding states that have a customer friendly online CHRI database. This bill requires that the state police maintain a database that contains CHRI and is accessible to the public. There would be a cost to making the information available to the public and to collecting fees online. That cost cannot be estimated at this time. Vote 20-0.

Amendment (0047h)

Amend the bill by replacing sections 7 and 8 with the following:

7 Dentists and Dentistry; Criminal History Record Check. Amend RSA 317-A:8-a, I to read as follows:

I. Every applicant for initial permanent licensure or reinstatement shall submit to the board of dental examiners a [notarized] criminal history record [release] **information authorization** form, as provided by the New Hampshire division of state police, which authorizes the release of his or her criminal history record **information**, if any, to the board.

8 Naturopathic Health Care Practice; Criminal History Record Checks. Amend RSA 328-E:9-a, I to read as follows:

I. Every applicant for initial licensure shall submit to the board a [notarized] criminal history record [release] **information authorization** form, as provided by the New Hampshire division of state police, department of safety, which authorizes the release of his or her criminal history record **information**, if any, to the board.

HB 231, requiring school districts to establish policies relating to suspensions and expulsions. **INEXPEDIENT TO LEGISLATE.**

Rep. David Doherty for Education. This bill would require the State Board of Education to require school districts to adopt policies regarding school suspensions and expulsions. This bill is not necessary because it will become part of HB 677, which is also relative to student discipline and behavior. Vote 19-0.

HB 357, relative to the public school infrastructure fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. This bill was recommitted to the education committee for needed technical and clarification needs. As amended, the Public School Infrastructure Fund shall be extended one additional year until June 30, 2020. All monies transferred to the fund from the remainder of the surplus for fiscal year 2017 shall be non-lapsing and continually appropriated. Any unexpended or unencumbered balance as of June 30, 2020 shall be transferred to the general fund. The Public School Infrastructure Commission shall also provide a final report to the General Court on or before June 30, 2020. The Public School Infrastructure Commission has received 828 grant applications; the majority of requests included 667 applications to improve building security of which the commission approved 511 applications. Grant awards are based upon 80% state funding with a required 20% local appropriation. In some communities, the local match will be decided at March meetings. Grant funds not matched locally will result in the reallocation of unmatched funds. There are more than 125 applications on the wait list, and if this bill is passed, the Department of Education and the Division of Homeland Security and Emergency Management in keeping with the initial purpose of the act will use the unexpended funds to improve needed security issues at these public schools. Vote 20-0.

Amendment (0271h)

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

1 Public School Infrastructure Fund. Amend RSA 198:15-y, II to read as follows:

II. There is hereby established in the office of the state treasurer the public school infrastructure fund which shall be kept distinct and separate from all other funds and which shall be administered by the department of education. After transferring sufficient funds to the revenue stabilization reserve account to bring the balance of that account to \$100,000,000, the state treasurer shall transfer the remainder of the general fund surplus for fiscal year 2017, as determined by the official audit performed pursuant to RSA 21-I:8, II(a), to the fund. Any earnings on fund moneys shall be added to the fund. All moneys in the fund shall be **nonlapsing and** continually appropriated [~~for the biennium ending June 30, 2019 and~~]. Any unexpended or unencumbered balance as of June 30, [2019] **2020** shall be transferred to the general fund.

2 Public School Infrastructure Commission. Amend RSA 198:15-z, IV to read as follows:

IV. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. The commission shall meet at least monthly. The commission shall provide a report on or before [~~November 1, 2018~~] **June 30, 2020** to the general court with information on fund expenditures for the year, projects begun or completed during the previous year, the balance in the public school infrastructure fund, and any other information the commission deems appropriate.

3 Effective Date Changed; Public School Infrastructure. Amend 2017, 156:72, VII, as amended by 2018, 11:1 to read as follows:

VII. Section 72 of this act shall take effect July 1, [2019] **2020**.

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

Referred to the Committee on Finance.

HB 544, relative to the governance of the Manchester school district. **OUGHT TO PASS.**

Rep. Patricia Cornell for Education. The committee as a whole agreed that this legislation would allow Manchester to elect a charter commission to examine, revise, amend, or replace the school district charter without legislative approval. Vote 17-0.

HB 570, establishing a commission to study career pathways from full-time service year programs to post-secondary education and employment opportunities in support of New Hampshire's future workforce needs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Luneau for Education. This bill establishes a commission to study career pathways for people who work for full-time school-based service programs to postsecondary education and employment opportunities in support of New Hampshire's future workforce needs. The amendment makes a technical correction to the effective date of the commission's work. Vote: 17-0

Amendment (0041h)

Amend the bill by replacing section 3 with the following:

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2019.

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

HB 575, establishing a commission to study establishing a code of ethics for school board members. **INEX-PEDIENT TO LEGISLATE.**

Rep. Arthur Ellison for Education. The committee believes that codes of ethics, codes of conduct, and policies related to an ethics requirement for local school board members should be made at the local level. Therefore, a commission to study a code of ethics for school board members is not needed. Vote 18-0.

HB 652, relative to suicide prevention. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Luneau for Education. This legislation would create what is known as the Jason Flatt Act. The bill requires the State Board of Education to adopt rules to require every teacher, supervisor, and administrator in the public schools of this state to receive at least two hours of training in suicide awareness and prevention annually. The amendment extends access to the training to other school personnel, bus drivers, and students. Vote 19-0.

Amendment (0423h)

Amend RSA 186:11, XXXVIII as inserted by section 2 of the bill by replacing it with the following:

XXXVIII. Suicide Awareness and Prevention. Adopt rules, pursuant to RSA 541-A, to require every teacher, supervisor, and administrator in the public schools of this state to receive at least 2 hours of training in suicide awareness and prevention annually. Such training shall be available to all staff, including but not limited to aides, secretaries, custodians, lunch service persons, bus drivers, co-curricular advisors, students, and volunteers. Such rules shall allow for the use of self-training materials in fulfilling the annual training requirement and shall give local districts the discretion to determine how to both administer the training requirement and ensure that the training requirement is met.

HB 711-FN-LOCAL, relative to funding an adequate education. **INEXPEDIENT TO LEGISLATE.**

Rep. David Luneau for Education. The bill addresses funding of an adequate education with a modification to the funding formula that adjusts the base adequacy aid per student based on the size of the school district, deletes stabilization grants, clarifies the consumer price index adjustment to the cost of an adequate education, and revises charter school provisions relative to school aid rates. While some of the changes have merit, the committee was concerned that tying base adequacy to the size of the school district would not address the acute need to direct state funds to districts with the greatest pressure on local property taxes. Vote 19-0.

HB 713-FN-L, relative to education funding. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Luneau for Education. The bill, as introduced, addresses changes to the adequacy funding formula, but also contained a provision regarding school district transportation policy. The committee has addressed adequacy through another bill. The amendment replaces the bill with language relative to a school district's responsibility to transport students consistent with current practice. Vote 19-0.

Amendment (0512h)

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

AN ACT relative to transportation of pupils.

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

1 Transportation of Pupils. Amend RSA 189:6 to read as follows:

189:6 Transportation of Pupils. The local school district shall furnish transportation to ~~[a]ll~~ pupils in ~~[grade 1]~~ **kindergarten** through grade 8 who live more than 2 miles from the school to which they are assigned. ~~[The local school board may furnish transportation to kindergarten pupils, pupils in grades above the eighth or to any pupils residing less than 2 miles from the school to which they are assigned.]~~ **The local school district may furnish transportation to pupils in kindergarten through grade 8 who live 2 miles or less from the school to which they are assigned, and to pupils in grades 9 through 12,** when it finds that this is appropriate, and shall furnish it when so directed by the commissioner of education.

2 Effective Date. This act shall take effect July 1, 2020.

AMENDED ANALYSIS

This bill revises the requirements for transportation of pupils in kindergarten through grade 12. Referred to the Committee on Finance.

HB 733-FN, relative to emergency kits in classrooms. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen Woodcock for Education. The committee agreed with and supported the intent of the bill to equip classrooms with emergency medical kits. However, the bill's lack of specificity on costs, training, equipment, and ability of school districts to implement the requirements provided for the committee's recommendation of Inexpedient to Legislate. Vote 18-0.

HB 345, relative to certification of devices for the electronic counting of ballots. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William Pearson for Election Law. Currently, 129 municipalities in NH use the Accuvote ballot counting devices. Most of these devices were put into service 20 - 25 years ago. These devices and replacement parts for them are no longer being manufactured. During the public hearing on this bill, testimony identified problems with these devices including memory card failures, jammed tabulators, and unreliable write-in ballot deflectors. This bill, as amended, requires that, at least every five years, the Ballot Law Commission (BLC) must review devices currently in use to determine if they require upgrading. It further requires the BLC to review new device(s) to determine if they are capable of meeting the requirements for elections held in this state. The commission is required to file a report with the Secretary of State that outlines its determination. There is no change to the provision that directs the BLC to review devices for the electronic counting of ballots upon the request of either the Secretary of State or other persons or entities. This bill was supported by the NH City and Town Clerks Association and the NH Municipal Association. Vote 20-0.

Amendment (0385h)

Amend the bill by replacing section 1 with the following:

1 Electronic Ballot Counting Devices; Approval by the Ballot Law Commission. Amend RSA 656:41 to read as follows:

656:41 Approval by Ballot Law Commission. The ballot law commission shall act as a board to examine devices for the electronic counting of ballots. The commission shall, whenever requested, examine any device which may be capable of meeting the requirements for elections held in this state **and shall, at least every 5 years, review current and new devices to determine whether the devices require upgrading. The commission, after such review, shall file an explanatory report with the secretary of state within 30 days of its determination that outlines the basis for its determination, taking into account such factors as hardware and software standards, policies and procedures, security requirements, and**

usability. The commission shall approve [such] a device **upon request** in its discretion, and no device shall be used in any election in this state unless it reads the voter's choice on a paper ballot and is of a type so approved by the ballot law commission. Any device that is altered must be re-approved before it is used in any election in this state. For the purposes of this section, a device shall be considered altered if any mechanical or electronic part, hardware, software, or programming has been altered.

HB 440, relative to disclosure of federal tax information as a condition of eligibility for federal office. **INEXPEDIENT TO LEGISLATE.**

Rep. William Pearson for Election Law. This bill will require individuals seeking to run for president in New Hampshire's First in the Nation Primary to publicize their tax returns from the previous three years. The constitutional infirmities in this bill are clear in that it would require presidential electors to only cast votes for candidates who publicized their tax returns during their respective party's primary. This requirement goes beyond the primary elections and imposes the disclosure of tax returns for any presidential candidate on the general election. The committee sees this additional requirement on presidential candidates as unconstitutional and potentially harmful to New Hampshire's celebrated First in the Nation Primary. Vote 19-0.

HB 452, establishing a commission on the first-in-the-nation presidential primary. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Timothy Lang for Election Law. This bill, with the amendment, establishes a commission of at least 18 members (per the selection guidelines in the bill) to celebrate and also educate NH citizens about our state's First in the Nation presidential primary. The commission is charged with various tasks, including educating the public about the history and virtues of the primary, organizing events around it, making recommendations for policies and legislation that protect it, and considering and advising upon other matters relevant to it. The commission is charged with reporting its findings annually by December 31. The proposed bill does not remove or impair the Secretary of State's ability under RSA 653:9 to select the date of the presidential primary election. Vote 20-0.

Amendment (0468h)

Amend RSA 652:28, II(g) as inserted by section 1 of the bill by replacing it with the following:

(g) The chairperson of any party appearing on the ballot in the preceding state general election, or his or her designee.

Amend RSA 652:28, V(b)-(d) as inserted by section 1 of the bill by replacing them with the following:

(b) Coordinate with the secretary of state appropriate events around the first-in-the-nation presidential primary that celebrate its significance.

(c) Consider and advise the secretary of state on matters relevant to the first-in-the-nation presidential primary as it deems appropriate.

HB 535-FN-LOCAL, relating to early voting for persons aged 60 or older. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul Bergeron for Election Law. This bill would allow voters aged 60 years or older to vote at least five weeks prior to state primary and general elections. However, there is no statutory guidance within the legislation relative to the process and procedure. There would also be implementation challenges. Absentee ballots are generally available 30 days prior to an election, but regular ballots used at the polls on Election Day may not be printed and distributed until 10 - 14 days prior to the election. Supervisors of the checklist do not certify the checklist for Election Day use until 6 - 13 days prior to an election. The ballots and tabulator memory cards are not tested until a week or two prior to the election. Then there is the matter of where the polling sites would be located within a voting district, the hours and days of operation, and how those polls would be staffed. There would be significant costs and logistical challenges at both the state and local level for developing procedures, training, printing, and handling early voting ballots and in setting up and operating the polling sites. Vote 20-0.

HB 588, relative to presidential nominations. **OUGHT TO PASS.**

Rep. Wayne Moynihan for Election Law. This bill amends the declaration of candidacy form for presidential primary candidates. It was requested by the Ballot Law Commission. It allows that a presidential primary candidate may file to be a candidate in the primary election for a political party if he or she is recognized as a candidate for president in the party in which he or she desires to file. In a recent presidential primary there were questions raised when a candidate that had not been a party member filed as a candidate with the consent of that party, but the statutory language was unclear. This change by this bill will clarify and solve the problem for the future. Vote 20-0.

HB 651, allowing the use of campaign funds for child care expenses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William Pearson for Election Law. This bill makes NH law congruent with the Federal Election Commission Advisory Opinions by allowing candidates for public office to use their campaign contributions for childcare expenses (see Fed. Election Comm. Op. 06 (2018); Fed. Election Comm. Op. 42 (1995)). The amend-

ment corrects a drafting error in the bill. The Election Law Committee recognizes the immense burdens candidates for public office must overcome in New Hampshire and sees this bill as ameliorating some of those difficulties. Vote 20-0.

Amendment (0108h)

Amend the bill by replacing section 1 with the following:

1 Political Expenditures and Contributions; Definitions; Expenditure. Amend the introductory paragraph of RSA 664:2, IX to read as follows:

IX. "Expenditure" shall mean the disbursement of money or thing of value or the making of a legally binding commitment to make such a disbursement in the future or the transfer of funds by a political committee to another political committee or to a candidate for the purpose of promoting the success or defeat of a candidate or candidates or measure or measures. "Expenditures" includes disbursements constituting independent expenditures, as defined in paragraph XI, *and expenses incurred by a candidate for childcare*. It does not include:

HB 718-FN-LOCAL, relative to instant voting in elections. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul Bergeron for Election Law. This bill would require local election officials to set up and operate a temporary polling site prior to the Presidential Primary Election if at least 5,000 residents from one political subdivision gathered in the same location and the candidate or his delegate requested that the polling site be established instantly. The NH Municipal Association has indicated that the proposal conflicts with numerous election statutes. The Secretary of State's office has stated that municipalities would incur significant costs related to setting up and staffing such polling places on short notice in addition to Election Day duties. Ballots might not have been printed at the time a request is received for on-demand polling. Election Day checklists are not certified by the supervisors of the checklist until 6-13 days prior to an election. The logistical requirements to gather, deliver, and set-up polling site equipment would be extremely challenging, and manpower needed to respond to an immediate request for a polling site may not be available on short notice. Further, if a crowd of more than 5,000 gathered in a single location, it is highly likely that many of those persons might actually reside in a voting district other than the one in which the location of the gathering- and the on-demand polling site - would be located. Vote 20-0.

HB 119, relative to training requirements for electrologists. **OUGHT TO PASS.**

Rep. Peter Schmidt for Executive Departments and Administration. This bill requires the adoption of rules governing training for the use of intense pulsed light for hair removal by electrologists. This brings rules, training and practice up to the state of the art in this profession. Vote 20-0.

HB 212, prohibiting state agencies from acting as a withholding agent for unregistered foreign corporate trusts. **INEXPEDIENT TO LEGISLATE.**

Rep. Sallie Fellows for Executive Departments and Administration. This bill prohibits a state agency from acting as a withholding agent for an unregistered foreign corporate trust not authorized to do business in this state. While well intentioned, this bill could be interpreted to prohibit lawful payroll deductions authorized by a state employee. Vote 19-0.

HB 379, requiring state employees to use state computer servers for employment-related activity. **INEXPEDIENT TO LEGISLATE.**

Rep. Jaci Grote for Executive Departments and Administration. The intent of this bill is already covered in the state's state-wide computer policy that is signed by state employees. Furthermore, there are two existing Department of Information Technology Oversight Committees to address audits and reporting. RSA 21-R:9 establishes the Legislative Oversight Committee which receives reports from the Department of Information Technology regarding activities of the department, the state information technology plan, the organizational structure of information technology employees among state agencies and financial budget tracking related to information technology. RSA 21-R:6 establishes the Information Technology Council to advise the Commissioner of the Department of Information Technology on a number of issues including statewide information technology policies and standards. In addition, the Performance Audit and Oversight Committee (RSA 17-N:1) has general audit authority over all state agencies. Vote 18-0.

HB 418-FN, relative to the limitations on part-time employment under the New Hampshire retirement system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark Proulx for Executive Departments and Administration. This bill, as amended, allows retired members whose part-time hours are already grandfathered under a law adopted last year, to extend the grandfathering to a different position with the same participating employer. For example, a fire fighter might change to a lieutenant's position or a patrolman might become a corporal. Some of the small towns hire retired members for their experience to help guide the new employees and help keep them safe. This practice has helped the fire service so much with fire prevention that the number of fires is down. As a lieutenant or other officer, it is easier to guide the crew. If a retired member leaves the employer that he is grandfathered with and moves to another participating employer, he will no longer be grandfathered and will have to follow the current law. Vote 19-0.

Amendment (0327h)

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

1 Retirement System; Part-time Employment; Grandfathering Provision. Amend 2018, 293:6 to read as follows:

293:6 Grandfathering of Existing Part-Time ~~[Positions]~~ **Members**; Penalty; Reporting.

I. The amendments to the provisions of RSA 100-A made by this act shall not apply to a retired member working ~~[in a] part-time [position]~~ for a participating employer ~~[for the position in which the retired member is employed]~~ on the effective date of this act.

II. Any retired member working under the provisions of paragraph I who exceeds 1,664 hours shall forfeit the state annuity portion of his or her retirement allowance, and any allocable cost of living adjustments, with such forfeiture commencing as soon as administratively feasible in the next calendar year and continuing for a period of 12 months.

III. In order to establish and maintain eligibility for the grandfathering exception provided in paragraph I, on or before February 15, 2019, and annually thereafter, every employer shall provide, in a format provided by the retirement system, the names ~~[and part-time position titles]~~ of any retired members continuing to be employed **part-time** by the employer as of the effective date of this act.

IV. If a retired member leaves the part-time employment for which the retired member is grandfathered and is employed by another participating employer, the retired member shall no longer be grandfathered and will have to comply with the provisions governing part-time employment in RSA 100-A.

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

AMENDED ANALYSIS

This bill modifies the grandfathering provision for changes to part-time employment with a retirement system employer to require only that grandfathered retired members remain with the same employer.

HB 424, relative to licenses for game operator employers for games of chance. **INEXPEDIENT TO LEGISLATE.** Rep. Kristina Schultz for Executive Departments and Administration. This bill prohibits the Lottery Commission from issuing new licenses for games of chance/charitable gaming locations within 40 miles of any existing licensed gaming location. The committee determined that this would only allow new licenses for games of chance in Pittsburg, NH and a small section of the northwestern section of our state just above the Upper Valley. The committee decided 40 miles is too restrictive and too large of a section of the state to disallow potential competition, especially knowing there is a waiting list of charities seeking charitable gaming support. Vote 18-0.

HB 463-FN, relative to voluntary licensure of pharmacist assistants. **OUGHT TO PASS WITH AMENDMENT.** Rep. Gary Merchant for Executive Departments and Administration. This bill, as amended, will allow a licensed pharmacist to safely delegate to an appropriately trained and educated licensee, a licensed pharmacist assistant, most technical tasks related to processing a prescription. This new licensee will be positioned between a pharmacy technician and a licensed pharmacist. Delegating non-clinical tasks to this new licensee will free up time for a pharmacist to work with patients to provide additional clinical services. Vote 20-0.

Amendment (0466h)

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

AN ACT relative to licensure of pharmacist assistants.

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

1 New Paragraph; Definition; Licensed Pharmacist Assistant. Amend RSA 318:1 by inserting after paragraph XXXII the following new paragraph:

XXXIII. "Licensed pharmacist assistant" means a person licensed by the board who:

(a) May perform all functions allowed by federal or state law and approved by the board, under the supervision of a licensed pharmacist who is physically on premises and holds an unrestricted license issued by the board.

(b) May conduct product verification, process refills, verify repackaging of drugs, and perform other pharmacist tasks not required to be completed by a licensed pharmacist.

(c) May perform duties allowed by either certified or registered pharmacy technicians.

(d) Shall not interpret or evaluate a prescription or drug order, verify a compounded drug, or counsel or advise individuals related to the clinical use of a medication.

2 New Paragraph; Pharmacy; Rulemaking; Licensed Pharmacist Assistant. Amend RSA 318:5-a by inserting after paragraph XI-b the following new paragraph:

XI-c. Licensure of pharmacist assistants, including:

(a) Requirements for licensure, including experience and education requirements.

(b) The duties, functions, and standards of conduct of licensed pharmacist assistants.

- (c) Standards for the supervision of licensed pharmacist assistants by licensed pharmacists.
- (d) Standards for denial and revocation of licensure.
- (e) Establishment of the effective period of a license.
- (f) Requirements for renewal of a license.
- (g) Requirements for reinstatement of a license.

3 New Section; Licensed Pharmacist Assistant. Amend RSA 318 by inserting after section 15-b the following new section:

318:15-c Licensed Pharmacist Assistants.

I. No person employed as a licensed pharmacist assistant shall perform the functions or duties of a licensed pharmacist assistant as defined in RSA 318:1, XXXIII unless such person is issued a license by the board and does so under standards of supervision established by rules of the board adopted pursuant to RSA 318:5-a, XI-c.

II. When a pharmacy employs a licensed pharmacist assistant, in addition to dispensing prescriptions the pharmacist shall provide clinical services and the pharmacy owner shall provide the resources necessary for the pharmacist to safely provide the clinical services as determined in rules adopted by the board.

III. Nothing in this section shall require a pharmacy to employ a licensed pharmacist assistant.

4 Fees; Licensed Pharmacist Assistant. Amend RSA 318:6-a, I to read as follows:

I. The board shall establish fees for examination of applicants, for licenses and for renewal of licenses to practice pharmacist, **for licensure of pharmacist assistants**, for registration and certification of pharmacy technicians, and for transcribing and transferring records and other services.

5 Notification; Reference Added. Amend RSA 318:26-a to read as follows:

318:26-a Change in Name, Employment, or Residence. Any pharmacist, **licensed pharmacist assistant**, or pharmacy technician who changes his or her name, place or status of employment, or residence shall notify the board in writing within 15 days. For failure to report such a change within 15 days, the board may suspend the pharmacist's license, **the pharmacist assistant's license**, or the pharmacy technician's registration. Reinstatement shall be made only upon payment of a reasonable fee as established by the board.

6 Continuous Quality Improvement Program; Reference Added. Amend RSA 318:45-a, II to read as follows:

II. A CQI program may be comprised of staff members of the pharmacist, including pharmacists, registered pharmacist interns, **licensed pharmacist assistants**, registered pharmacy technicians, clerical staff, and other personnel deemed necessary by the pharmacist in charge or the consultant pharmacist of record.

7 Receipt of Oral Prescriptions. Amend RSA 318:47-c, I(a) to read as follows:

I.(a) A prescription may be written, oral, or electronically transmitted. All oral prescriptions shall be immediately reduced to writing by the pharmacist [or], authorized technician, **or licensed pharmacist assistant** receiving the oral prescription and shall indicate at least the name of the patient; the name, strength, and quantity of the drug prescribed; any directions specified by the prescriber; the name of the practitioner prescribing the medication; the date the prescription was ordered; a statement that the prescription was presented orally; and the name of the pharmacist who took the oral order. The pharmacist who dispensed an original prescription shall indicate on the face of the prescription at least the assigned prescription identification number; the date of dispensing; the quantity actually dispensed; and his or her name or initials. The prescription shall be filed numerically by the assigned identification number for a period not less than 4 years. Such prescription files shall be open to inspection by the pharmacist board and its agents.

8 Effective Date. This act shall take effect July 1, 2019.

AMENDED ANALYSIS

This bill establishes the duties of and requirements for the licensure of pharmacist assistants working in a pharmacy under a supervising pharmacist.

HB 503-FN, prohibiting state employees from providing accounting services on behalf of a third party. **IN-EXPEDIENT TO LEGISLATE.**

Rep. Kristina Schultz for Executive Departments and Administration. This bill would have prohibited any state entity from providing any accounting service or payroll deduction on behalf of a private corporation or organization. The fiscal note stated that this would not provide any savings to the state. It would prove detrimental to charities and some small businesses who depend on these deductions for much of their income. It would also prohibit collection of child support and court-ordered restitution through the payroll process. As well as being a large inconvenience to employees, written testimony revealed that this prohibition would violate RSA 275:48 and RSA 273-A:5 (i), relative to terms of negotiated contracts with employees. Vote 19-0.

HB 627, relative to exceptions from certain pharmacy requirements for veterinarians. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary Merchant for Executive Departments and Administration. This bill, as amended, will allow the NH Board of Pharmacy flexibility to establish rules on compounding based on various national standards such as the United States Pharmacopeia (USP) and federal regulations established by the Food and Drug Administration (FDA). Vote 20-0.

Amendment (0396h)

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

AN ACT relative to rulemaking by the board of pharmacy on compounding.

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

1 Pharmacy; Compounding; Rulemaking. Amend RSA 318:14-a, I to read as follows:

I. Products that are not commercially available may be compounded for hospital or office use but shall not be resold or dispensed. Nonprescription items may be compounded upon order by a practitioner for sale as long as the labeling complies with RSA 318:47-a and the product is not a copy of, or similar to, prescription or nonprescription products. All compounding shall be done in compliance with ~~[the United States Pharmacopeia as defined]~~ **rules adopted by the** board of pharmacy ~~[rules]~~.

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

AMENDED ANALYSIS

This bill removes compliance with the United States Pharmacopeia for compounding of drugs and provides that compounding shall be subject to rules adopted by the board of pharmacy.

HB 675-FN, relative to the purchase of service credit in the state retirement system. **OUGHT TO PASS.**

Rep. Kristina Schultz for Executive Departments and Administration. This bill fixes an inadvertent problem with the law relative to the purchase of prior service credit discovered by the staff of New Hampshire Retirement System (NHRS). This bill - with the approval of the NHRS Board - provides a solution for errors with employer oversight credits as reported by employers, that is currently detrimental to the retiree. This bill applies the full actuarial cost method to the prior military service credit calculation, bringing it in line with most other service purchase types, and changes the statutory formula for calculating the cost of employer oversight. Vote 18-0.

CACR 3, relating to hunters' rights. Providing that citizens of the state have the right to hunt subject to laws promoting sound wildlife conservation and management. **INEXPEDIENT TO LEGISLATE.**

Rep. Sparky Von Plinsky for Fish and Game and Marine Resources. This CACR would enshrine in our State Constitution the right to hunt and fish. It is the unanimous finding of the committee that the existing protections for hunting and fishing are sufficient. Therefore, a constitutional amendment and its accompanying legal concerns are unnecessary. Vote 20-0.

HB 196, relative to proof of residency for fish and game purposes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dennis Ruprecht for Fish and Game and Marine Resources. This bill, as amended, would grant the Executive Director of the Fish and Game Department the authority to issue a resident license to hunt, fish, or take clams or clam worms or oysters provided that the applicant presents a valid NH driver's license or NH non-driver's picture identification card, or such alternate form of identification and proof of residency as specified in rules adopted by the Executive Director. This bill gives the Executive Director flexibility in issuing such resident hunting and fishing licenses. Vote 19-1.

Amendment (0384h)

Amend the bill by replacing section 1 with the following:

1 Fish and Game; Licenses; Identification. Amend RSA 214:11-a, I to read as follows:

I. No person is authorized to procure a resident license to hunt, fish, or take clams or clam worms or oysters, without first exhibiting to the person issuing the license ***the following identification:***

(a) At the location of a registered fish and game agent, a valid New Hampshire driver's license or New Hampshire nondriver's picture identification card issued pursuant to RSA 260:21, RSA 260:21-a, or RSA 260:21-b.

(b) At fish and game department headquarters, a valid New Hampshire driver's license or New Hampshire nondriver's picture identification card issued pursuant to RSA 260:21, RSA 260:21-a, or RSA 260:21-b, or such alternate form of identification and proof of residency as the executive director shall specify in rules adopted in accordance with RSA 541-A.

I-a. Whenever the applicant ***for a resident license to hunt, fish, or take clams or clam worms or oysters*** is under 18 years of age, the parent or guardian of the applicant shall be a resident pursuant to RSA 207:1, XXIII.

AMENDED ANALYSIS

This bill allows applicants for fish and game licenses who do not have a valid drivers' license or nondrivers' identification to use an alternate form of identification at the fish and game department headquarters.

HB 276, permitting swimming at a fish and game department cartop boat launch access area. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry Laflamme for Fish and Game and Marine Resources. This bill was introduced to allow swimming at certain public boat access areas where swimming is now prohibited. The Fish and Game Department received

correspondence from the U.S. Fish and Wildlife Service stating that allowing swimming at these areas would jeopardize federal funds that are used to maintain these access points. It would constitute an interference with the authorized grant purposes which is not allowed under the terms of the grants. These grants amount to more than \$420,000 annually. Vote 17-3.

HB 699-FN, relative to discounts for OHRV and snowmobile registration. **INEXPEDIENT TO LEGISLATE.** Rep. Larry Laflamme for Fish and Game and Marine Resources. This bill proposes to eliminate the existing discount on snowmobile and OHRV registrations for those who join snowmobile or OHRV clubs, thereby reducing registration fees for all. Testimony indicated that snowmobile and OHRV clubs could lose matching funds for trail maintenance in the amount of \$675,000 if 50% of members left their clubs because there was no longer a discount on registrations. The majority of the committee felt this would be a major loss of revenue because relying on a voluntary sale of decals would not provide enough funds for trail maintenance. Vote 16-1.

HB 701-FN, relative to bow and arrow hunting for permanently disabled veterans. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary Eisner for Fish and Game and Marine Resources. This bill, as amended, allows honorably discharged veterans who are 80-100% disabled to receive a 50% discount on the cost of a lifetime fishing, hunting, or bow and arrow license. Vote 19-0.

Amendment (0427h)

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

AN ACT relative to bow and arrow licenses for certain disabled veterans.

Amend the bill by replacing section 1 with the following:

1 Hunting, Fishing, and Trapping; Disabled Veterans. Amend RSA 214:13 to read as follows:

214:13 [~~Permanently~~] **Licenses for** Disabled Veterans.

I. If the applicant for a fishing, hunting, or bow and arrow license is a resident of the state, has received a discharge other than dishonorable from service in the armed forces of the United States as defined in RSA 21:50, II and is totally and permanently disabled from such service-connected disability, the executive director shall issue a special veteran's license to said applicant. Said license shall be perpetual. The executive director shall retain the records for such licenses for a period not less than 7 years. Loss or destruction of the license after 7 years shall obligate the licensee to re-establish eligibility. A \$10 administrative fee shall be charged once, upon application to the executive director for such license.

II.(a) If the applicant for a fishing [and] hunting, **or bow and arrow** license is a resident of the state, has received a discharge other than dishonorable from service in the armed forces of the United States as defined in RSA 21:50, II and is at least 80 percent but not 100 percent [~~permanently~~] disabled from such service-connected disability **for not more than 2 years**, the executive director [~~shall~~] **may** issue a lifetime license to such applicant at 50 percent of the cost of a lifetime license under RSA 214:9-c calculated pursuant to RSA 214:9-c, II. **The executive director shall comply with the requirements of 38 C.F.R. section 3.327 to determine if the applicant's disability qualifies the applicant to receive the license discount.**

(b) If the applicant for a fishing, hunting, or bow and arrow license is a resident of the state, has received a discharge other than dishonorable from service in the armed forces of the United States as defined in RSA 21:50, II and is at least 80 percent but not 100 percent disabled from such service-connected disability for more than 2 years, the executive director shall issue a lifetime license to such applicant at 50 percent of the cost of a lifetime license under RSA 214:9-c calculated pursuant to RSA 214:9-c, II.

AMENDED ANALYSIS

This bill discounts the bow and arrow license fee for certain disabled veterans.

HB 174, relative to alternative treatment center licenses. **OUGHT TO PASS.**

Rep. Kendall Snow for Health, Human Services and Elderly Affairs. This bill authorizes the Department of Health and Human Services to issue a request for proposal to take steps to establish a second license to operate another alternative treatment counter to dispense medical cannabis in Hillsborough and Merrimack County. This will improve access to alternative treatment centers in this densely populated area. It will also create competition to minimize costs to consumers. Vote 19-2.

HB 200, relative to serologic testing including Lyme disease. **INEXPEDIENT TO LEGISLATE.**

Rep. William Marsh for Health, Human Services and Elderly Affairs. This bill was an attempt to mediate a compromise which proved unacceptable to all parties. It is therefore recommended inexpedient to legislate. Vote 20-0.

HB 237, establishing the New Hampshire rare disease advisory council. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William Marsh for Health, Human Services and Elderly Affairs. The committee finds that establishing an advisory council to give a voice to those afflicted by rare diseases in such issues as establishing registry

programs, recommending screening panels, step therapy requirements, access to telemedicine and other issues would be advantageous. The amendment clarifies language at the request of the Department of Health and Human Services, removes a requirement to provide a copy of the annual report, and adds a physician specializing in Amyotrophic Lateral Sclerosis, thereby fulfilling the intent of HB 644. Vote 22-0.

Amendment (0405h)

Amend RSA 126-A:79, II(a) as inserted by section 1 of the bill by inserting after subparagraph (9) the following new subparagraph:

(10) A physician or medical researcher specializing in a rare disease who for the first 3-year term shall be a medical expert in amyotrophic lateral sclerosis, appointed by the New Hampshire Medical Society. Amend RSA 126-A:79, VI and VII as inserted by section 1 of the bill by replacing them with the following:

VI. The advisory council shall:

(a) Advise the legislature and the department of health and human services on rare diseases in New Hampshire.

(b) Coordinate with other states' rare disease advisory bodies, community-based organizations, and other public and private organizations for the purpose of ensuring greater cooperation between state and federal activities encouraging research, diagnosis, and treatment of rare diseases. Federal agencies may include, but are not limited to, the National Institutes of Health, and the United States Food and Drug Administration.

(c) Explore existing data on rare diseases in New Hampshire collected by the department of health and human services.

(d) Encourage public awareness regarding rare diseases in New Hampshire.

VII. The advisory council shall submit an annual report detailing its findings, including recommendations for legislation, commencing on or before December 1, 2020, to the governor, the speaker of the house of representatives, the president of the senate, the commissioner of the department of health and human services, and the oversight committee on health and human services, established in RSA 126-A:13.

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

HB 239, relative to license requirements for certain mental health and drug counselors. OUGHT TO PASS WITH AMENDMENT.

Rep. James MacKay for Health, Human Services and Elderly Affairs. This bill, as amended, addresses the location of certain mental health and drug counselors' professional supervision. The bill emphasizes the importance of a location that is convenient for both parties. Licensing boards and professional organizations, in addition have specific needs that pertain to professional supervision. Vote 20-0.

Amendment (0011h)

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

AN ACT relative to requirements for supervision for licensure of certain mental health and drug counselors.

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

1 Mental Health Practice; Rulemaking; Supervision. Amend RSA 330-A:10, XII to read as follows:

XII. Procedures, standards, and supervision requirements for candidates for licensure as a member of one of the licensed mental health disciplines, consistent with the standards established by the advisory committee for each of the licensed mental health disciplines. All candidates for licensure shall be documented with the board. ***The location of supervision shall be convenient to both the supervisor and the candidate for licensure.***

2 Mental Health Practice; Candidates for Licensure. Amend RSA 330-A:22, II(a) to read as follows:

(a) Regular meetings shall be held between the supervisor and the candidate ***at locations convenient to both the supervisor and the candidate.***

3 Alcohol and Other Drug Use Professionals; Definition; Supervised Practical Training. Amend RSA 330-C:2, XX to read as follows:

XX. "Supervised practical training" means experiential activities monitored by one or more clinical supervisors who provide timely feedback to assist the counselor in the learning process, and which are designed to provide training of specific knowledge and skills necessary to competently perform the tasks inherent in the performance domains of substance use counseling. ***The location of supervision shall be convenient to both the supervisor and the counselor.***

4 New Subparagraph; Alcohol and Other Drug Use Professionals; Licensed Clinical Supervisor; Practice. Amend RSA 330-C:12, II by inserting after subparagraph (e) the following new subparagraph:

(f) Provide supervision at locations convenient to both the supervisor and the supervisee.

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

AMENDED ANALYSIS

This bill provides that supervision of candidates for licensure as mental health counselors or licensed alcohol and drug counselors shall be at locations convenient to both the supervisor and the candidate.

HB 310, relative to the membership of the wellness and primary prevention council. **OUGHT TO PASS.**

Rep. John Fothergill for Health, Human Services and Elderly Affairs. This bill was brought to the committee by the council to adjust the membership in order to better serve its mission. With changes at the Department of Health and Human Services, the council felt both the Divisions of Children, Youth and Families and Public Health need to be represented. The selection process for determining law enforcement and corrections involvement were also changed. The committee unanimously agreed with the recommendations of the council. Vote 20-0.

HB 335, relative to therapeutic cannabis dispensary locations. **OUGHT TO PASS.**

Rep. Jerry Knirk for Health, Human Services and Elderly Affairs. Currently, two of the four geographic areas for therapeutic cannabis distribution are authorized to establish a satellite facility within the same geographic area. This bill extends that authority to all four geographic areas. The long commute which some patients face is a significant hurdle for many qualifying patients. Opening satellite alternative treatment centers will relieve this significant burden. Vote 20-1.

HB 350, relative to licensed prescribers of medical marijuana. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Polly Campion for Health, Human Services and Elderly Affairs. This bill adds physician assistants as certifying providers under the therapeutic cannabis law. As physician assistants' practice with supervising physicians, the bill was amended to require the express consent of the supervising physician. Vote 20-1.

Amendment (0314h)

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

(4) A physician assistant licensed pursuant to RSA 328-D and who possesses an active registration from the United States Drug Enforcement Administration to prescribe controlled substances, with the express consent of the supervising physician.

HB 369-FN, relative to the controlled drug prescription health and safety program. **OUGHT TO PASS.**

Rep. William Marsh for Health, Human Services and Elderly Affairs. This bill requires prescribers to query the prescription drug monitoring program before prescribing opioids for substance use disorder, as they currently must for pain. Opioids are just as addictive whatever indication they are prescribed for. Those treating patients for substance use disorder need to know if their patients are receiving other opioids. Last, there is potential for diversion, most specifically when oral medications are injected instead. Vote 20-0.

HB 422, relative to certain procedures performed in teaching hospitals. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary Woods for Health, Human Services and Elderly Affairs. This bill imposes specific rules of informed consent for the performance of pelvic examinations on anesthetized or unconscious patients by a physician or student in a teaching setting. Keeping in mind the sensitivity of this issue, the committee heard extensive testimony that such practice of informed consent is already firmly in place and actively pursued in all such settings. If any question of deviation from this standard of practice arises, it can and should be addressed through complaints to established boards overseeing these practitioners. Vote 19-1.

HB 490, relative to testing for Lyme disease. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard Osborne for Health, Human Services and Elderly Affairs. This bill creates a commission to consider current understanding of Lyme Disease and other tick-borne diseases and make recommendations to educate the medical professions and public about currently prevailing methods of diagnosing these diseases, including the inconclusive nature of testing methods. Vote 21-0.

Amendment (0062h)

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

AN ACT establishing a commission to study the role of clinical diagnosis and the limitations of serological diagnostic tests in determining the presence or absence of Lyme and other tick-borne diseases and available treatment protocols, and appropriate methods for educating physicians and the public about the inconclusive nature of prevailing test methods and available treatment alternatives.

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

1 Findings.

I. The general court hereby finds that the lack of understanding and agreement on the causes of, and the effectiveness of alternative prevailing tests for, Lyme and other tick-borne diseases, and on the alternatives currently used to treat patients with chronic symptoms after diagnosis of tick-borne diseases, has left patients in a divided world of controversy without adequate access to affordable care. At the same time, the American Medical Association requires that physicians disclose and discuss with patient the risks and benefits of both a proposed treatment and the risks and benefits of available alternative treatments.

II. The general court finds that it is in the public interest for the state to encourage development and dissemination of more comprehensive clinician and patient education that highlights diverse symptomology, the expanding geography of infecting ticks, the limitations of current testing procedures and treatment

protocols, and the importance of providing patients with accurate information about these testing and treatment limitations and available alternatives. The development of such comprehensive clinician and patient education programs requires the participation of diverse stakeholder groups, including clinicians, research scientists, and patients who represent the spectrum of scientific and medical expertise and perspectives on tick-borne disease.

2 New Section; Commission to Study Testing for Lyme and Other Tick-Borne Diseases. Amend RSA 141-C:6 by inserting after section 6 the following new section:

141-C:6-a Commission Established.

I. There is hereby established a commission to study the use and limitations of serological diagnostic tests to determine the presence or absence of Lyme and other tick-borne diseases and the development of appropriate methods to educate physicians and the public with respect to the inconclusive nature of prevailing test methods.

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

(1) Two members of the house health, human services and elderly affairs committee, one of whom shall be a physician and one of whom shall be a lay person, appointed by the speaker of the house of representatives.

(2) One member of the senate who shall be a member of the health and human services committee, appointed by the president of the senate.

(3) A representative of the New Hampshire Medical Society who is a member of the Infectious Disease Society of America (IDSA), appointed by the society.

(4) A physician licensed under RSA 329 who is certified to treat Lyme disease patients by the International Lyme and Associated Diseases Society (ILADS), appointed by the society.

(5) The state epidemiologist, or designee.

(6) Two members of the public who have been treated for chronic Lyme and/or other tick-borne diseases, alternatively referred to as Post Treatment Lyme Disease Syndrome (PTLDS), one of whom shall have been a Lyme disease patient for at least 5 years, appointed by the governor.

(7) One mental health professional, appointed by the New Hampshire chapter of the National Alliance on Mental Illness (NAMI).

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

III. The commission shall:

(a) Consider expert studies and testimony on the role of clinical diagnosis, the limitations of serological diagnostic tests, and the complexities presented by co-infections relating to symptomology, diagnosis, and treatment in determining the presence or absence of Lyme and other tick-borne diseases, including at a minimum testing methods recommended respectively by IDSA, ILADS, the Center for Disease Control and Prevention (CDC), and the Tick-Borne Disease Working Group (TBDWG) established under the 21st Century Cures Act of 2016.

(b) Consider and make recommendations relative to appropriate methods to educate the medical profession and the public on the inconclusive nature of currently prevailing methods of diagnosing Lyme and other tick-borne diseases based on serological testing, including the use of standard warnings to be delivered to patients by physicians who diagnose and treat patients for Lyme and other tick-borne diseases.

(c) Recommend legislation that the commission deems appropriate to address the rising incidence of chronic Lyme and other tick-borne diseases in New Hampshire.

IV. The first meeting of the commission shall be called by the first-named house member, who shall serve as chairperson of the commission. The first meeting of the commission shall be held within 45 days of the effective date of this section. The commission shall meet as often as necessary, but no less often than monthly, and shall hear testimony from patients treated for chronic Lyme and other tick-borne diseases, medical practitioners licensed in New Hampshire or other states who diagnose and treat chronic Lyme and other tick-borne diseases, and academic and professional experts experienced in the diagnosis and treatment of such diseases. Five members of the commission shall constitute a quorum.

V. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 2019.

3 Repeal. RSA 141-C:6-a, relative to a commission to study the use and limitations of serological diagnostic tests to determine the presence or absence of Lyme and other tick-borne diseases and the development of appropriate methods to educate physicians and the public with respect to the inconclusive nature of prevailing test methods, is repealed.

4 Effective Date.

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

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

AMENDED ANALYSIS

This bill establishes a commission to study the use and limitations of serological diagnostic tests to determine the presence or absence of Lyme and other tick-borne diseases and the development of appropriate methods to educate physicians and the public with respect to the inconclusive nature of prevailing test methods.

HB 555-FN, relative to shaken baby syndrome. **INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey Salloway for Health, Human Services and Elderly Affairs. This bill requires that hospitals request new parents view a video on Shaken Baby Syndrome and co-sleeping and requires child-care providers to participate in training on Shaken Baby Syndrome. The committee voted that legislation was not needed, as all relevant hospitals already provide access to these materials, and child-care providers already receive this information as well. Vote 19-1.

HB 610-FN, relative to treatment alternatives to opioids. **INEXPEDIENT TO LEGISLATE.**

Rep. William Marsh for Health, Human Services and Elderly Affairs. The committee finds that the first section of the bill is unnecessary as it replicates existing rules. The remaining sections address insurance law, mandating coverage for various alternative means for treating pain. The committee finds that insurers are expanding covered treatment already, without a legislative mandate, and therefore this is also unnecessary. Vote 22-0.

HB 693-FN, relative to aid to persons funded by Medicaid and for persons who are uninsured and establishing a special fund. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary Woods for Health, Human Services and Elderly Affairs. This bill required all providers to accept medicaid and uninsured patients or alternatively pay a \$10,000 fee to the Department of Health and Human Services. The aim was to increase the number of providers serving the medicaid population. The committee was concerned about unintended consequences, including the overloading of existing medicaid providers, facilities, and the unquantifiable potential decline in the overall workforce do to the \$10,000 payment. Vote 18-2.

HB 103-FN-A, establishing the office of right-to-know ombudsman. **INEXPEDIENT TO LEGISLATE.**

Rep. Jason Janvrin for Judiciary. A subcommittee held two meetings where the Department of Administrative Services suggested that attaching the ombudsman in this bill to the Department of Justice (DOJ) would make it difficult to locate the office physically in space controlled by DOJ. The committee raised concerns with having the ombudsman attached to an executive department which may have an appeal brought to the Office of Ombudsman. Therefore, the committee unanimously recommends Inexpedient to Legislate. Vote 19-0.

HB 235, relative to foreclosure proceedings and pre-foreclosure notices. **INEXPEDIENT TO LEGISLATE.**

Rep. Anita Burroughs for Judiciary. This bill establishes requirements for mortgage holders to perform certain duties on vacant and abandoned property. This would require action both before and after the foreclosure occurs. We heard testimony that the requirements would be expensive and would benefit the owner before ownership was transferred. Additionally, there were concerns about safety of employees during work or inspection of the property and to the legality of entering the property. Vote 19-0.

HB 223, relative to night work. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Brian Seaworth for Labor, Industrial and Rehabilitative Services. When this bill came to the House floor before, there was a floor amendment proposed. The committee preferred to address this amendment through the normal process. As amended, this bill simplifies the statute's language without changing the intent. The bill's language mirrors the Department of Labor's rules. The committee believes the state will benefit from the new, easy-to-understand language. Vote 18-0.

Amendment (0335h)

Amend RSA 276-A:13 as inserted by section 1 of the bill by replacing it with the following:

276-A:13 Night Work. No youth who works more than 2 nights in a week past 8 o'clock p.m. or before 6 o'clock a.m. shall be permitted to work more than 8 hours in any shift during that particular week.

AMENDED ANALYSIS

This bill limits the number of night work hours that a youth may work in any shift during a particular week.

CACR 2, relating to compensation of legislators. Providing that compensation of legislators may be determined by a joint resolution with approval of the executive council. **INEXPEDIENT TO LEGISLATE.**

Rep. Douglas Ley for Legislative Administration. The committee heard no testimony arguing for a pressing need to change the current compensation for state legislators. Therefore, we concluded there was no immediate necessity to establish a means for changing legislative compensation, especially a method that would require the Governor and Executive Council to approve an increase. Vote 14-0.

CACR 7, relating to membership of the New Hampshire house of representatives. providing that the number of representatives be reduced. **INEXPEDIENT TO LEGISLATE.**

Rep. Douglas Ley for Legislative Administration. The committee appreciates the sponsor's dedication to improving efficiency and accountability, but we remain unconvinced that a smaller legislature with larger districts would accomplish such laudable goals. Barring a groundswell of public support for a smaller House, the committee sees no reason to change the current structure and size. Vote 14-0.

HB 457-FN, requiring meetings and sessions of committees of the house of representatives to be recorded and made available on the Internet. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Douglas Ley for Legislative Administration. The issue of recording and transmitting committee hearings and work sessions is a perennial issue. However, the legislature has never conducted a study of the potential opportunities, obstacles and costs of such an undertaking. The amendment to this bill establishes a study committee to review this issue in depth so that we can be better informed before making a decision. Vote 11-0.

Amendment (0599h)

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

AN ACT establishing a committee to study the making, preservation, and Internet availability of audio and video recordings of proceedings of committees of the house of representatives.

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

1 Committee Established. There is established a committee to study the making, preservation, and Internet availability of audio and video recordings of proceedings of committees of the house of representatives.

2 Membership and Compensation.

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

(a) Five members of the house of representatives, at least 2 of whom shall be members of the minority party, appointed by the speaker of the house of representatives.

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

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

3 Duties. The committee shall study the making and preservation of audio and video recordings of proceedings of committees of the house of representatives, including all hearings, work sessions, and executive sessions of standing committees, and their availability for live viewing on the Internet.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2019.

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

AMENDED ANALYSIS

This bill establishes a committee to study the making, preservation, and Internet availability of audio and video recordings of proceedings of committees of the house of representatives.

Referred to the Committee on Finance.

HB 519, relative to selection of delegates to an Article V convention. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory Hill for Legislative Administration. Under Article V of the United States Constitution, constitutional amendments may be proposed by a convention of states called for by a positive two-thirds vote of all state legislatures. This bill establishes a procedure for the selection of NH delegates to an Article V convention. Since no such convention is currently scheduled or imminent, the committee felt that this bill is not necessary. If such a convention is scheduled in the future, the legislature can decide, at that time, how it shall elect its delegates. Vote 14-0.

HB 129, relative to property taxes for residents 65 years of age and older. **INEXPEDIENT TO LEGISLATE.**

Rep. Jim Maggiore for Municipal and County Government. This bill's intent is to provide a cap on property tax relief for residents 65 years or older who have no school aged children in the local school. This bill has no method for verification of school-age children in a household; no means testing for household income; no provision for variability of the cap relative to changes in the local tax rate. Exemptions for the elderly currently exist. This bill becomes duplicative. For these reasons the committee voted to recommend it be found Inexpedient to Legislate. Vote 19-0.

HB 130-LOCAL, relative to property tax relief for totally and permanently disabled veterans. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tony Piemonte for Municipal and County Government. This bill recognizes those veterans who are unable to function in today's society. They must be living in a home that is specially adapted for them by the

Veterans Administration. There are not many veterans in this state that would qualify, and they should be recognized for their service. The amendment to this bill makes it clear that the veteran has a permanent disability and is unemployable. Vote 19-0.

Amendment (0378h)

Amend the bill by replacing section 1 with the following:

1 Veterans' Property Tax Exemption; Permanent and Total Disability. Amend RSA 72:36-a to read as follows:

72:36-a Certain Disabled Veterans. Any person, who is discharged from military service of the United States under conditions other than dishonorable, or an officer who is honorably separated from military service, ~~[who is totally and permanently disabled from service connection and satisfactory proof of such service connection is furnished to the assessors and who is a double amputee of the upper or lower extremities or any combination thereof, paraplegic, or has blindness of both eyes with visual acuity of 5/200 or less as the result of service connection and]~~ who owns a specially adapted homestead which has been acquired with the assistance of the Veterans Administration or which has been acquired using proceeds from the sale of any previous homestead which was acquired with the assistance of the Veterans Administration, the person or person's surviving spouse, shall be exempt from all taxation on said homestead, ***provided that:***

I. The person or officer:

(a) Is 100 percent permanently and totally disabled as prescribed in 38 C.F.R. 3.340, total and permanent total ratings and unemployability; or

(b) Is a double amputee of the upper or lower extremities or any combination thereof, or paraplegic, as the result of service connection; or

(c) Has blindness of both eyes with visual acuity of 5/200 or less, as the result of service connection.

II. Satisfactory proof of such service connection disability is furnished to the assessors.

AMENDED ANALYSIS

This bill provides that a person who is 100 percent permanently and totally disabled pursuant to federal regulations governing total and permanent disability ratings and unemployability shall be eligible for the property tax exemption under RSA 72:36-a. The bill also reorders existing eligibility criteria for the exemption.

HB 142, relative to liability for deferred property taxes. **INEXPEDIENT TO LEGISLATE.**

Rep. James Belanger for Municipal and County Government. The bill's sponsor discovered some unintended consequences, if this bill was adopted, that outweigh the benefits and asked the committee to recommend that the bill be found Inexpedient to Legislate. Vote 19-0.

HB 207, allowing towns and cities to adopt a property tax credit against education taxes for certain persons over 55 years of age. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Josephson for Municipal and County Government. This bill would allow cities and towns to create a class of people paying significantly less in property taxes at the expense of others in town. It would actively shift the tax base to be overwhelmingly made up of younger people and working families. Historically, our public education was paid for by the community as a whole in order to create an educated society. This bill would be devastating to our state's ability to attract and retain younger people and families. Vote 18-1.

HB 266-L, relative to the elderly property tax exemption. **INEXPEDIENT TO LEGISLATE.**

Rep. Julie Gilman for Municipal and County Government. This bill intended to change the state residency requirement for eligibility for an elderly tax exemption from 3 years to 10 years. It was agreed that this exemption down-shifts the tax burden to young tax payers. The intention of this bill was to lengthen the impact period on those younger residents. Testimony disagreed overwhelmingly. Vote 18-0.

HB 301-FN-LOCAL, relative to funeral and burial or cremation expenses for assisted persons. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susan Treleaven for Municipal and County Government. For years, New Hampshire funeral homes have been helping our lowest income citizens' burial and cremation needs, often at a loss monetarily. Local welfare departments are also involved in this process, sometimes providing funds and coordination. This bill will update the funding allocated for the funeral care of our neediest citizens. Vote 20-0.

Amendment (0319h)

Amend RSA 165:27-a, I as inserted by section 1 of the bill by replacing it with the following:

I. Except when a town or city assisted person has made arrangements for a prepaid funeral, ~~[if the total of his liquid assets at death are less than \$1,000,]~~ ***if there are liquid assets at death***, there shall be an automatic assignment to the funeral director or the person who paid for the funeral and burial or cremation of the deceased to the extent of funeral and burial or cremation expenses up to ~~[\$1,000]~~ ***\$2,000***.

HB 479-FN, relative to eligibility for the low and moderate income homeowners property tax relief. **OUGHT TO PASS.**

Rep. Max Abramson for Municipal and County Government. This bill simply updates some 16-year-old language in the existing property tax relief for low and moderate income homeowners statute. Members noted the dramatic rise in property assessments in some parts of the state and wanted to reduce the statewide property tax that has been forcing people out of their homes and into services. This bill would save thousands of people money on their property tax bill who would have otherwise been left behind. Vote 20-0.

HB 589, relative to signs for New Hampshire liquor and wine manufacturers. **OUGHT TO PASS.**

Rep. Max Abramson for Municipal and County Government. Smokey Quartz Distillery had an internally illuminated sign on Lafayette Road in Seabrook that would have been acceptable had the company brewed only beer. The legal department of the Liquor Commission came forward with amended language allowing both wine manufacturers and distilleries to post a single brand sign on or near the premises. Members of the committee expressed the opinion that, if a local town or city would allow a sign on premises, that they had no problem with a sign along a road or highway. Vote 20-0.

HB 384, relative to access to historic burial sites on state-owned land. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael Edgar for Public Works and Highways. This bill as amended permits a municipality to create and maintain a path to a historical burial site on state land within the municipality. A procedure was agreed upon among the sponsor of the bill and the agencies involved as to how the proposed path would be advertised and approved by the governing body, and to notify the state agency via certified mail. The state agency having jurisdiction would set the terms and conditions for the creation and maintenance of the path. The municipality shall bear the cost of the creation and maintenance of the path and any expense related to any marker it chooses to place at the trail head. The state agencies, Department of Transportation, Fish and Game, and Division of Historical Resources all supported the bill as amended. Vote 20-0.

Amendment (0445h)

Amend the bill by replacing sections 1 and 2 with the following:

1 New Paragraph; Cemeteries; Definitions; Historic Burial Site. Amend RSA 289:1 by inserting after paragraph VII the following new paragraph:

VII-a. "Historic burial site" means any cemetery meeting the criteria of RSA 289:14-b.

2 New Section; Access to Historic Burial Sites. Amend RSA 289 by inserting after section 14-b the following new section:

289:14-c Access to Historic Burial Sites.

I. A municipality may create and maintain a path on state-owned land leading to a site deemed by the governing body or heritage commission of the municipality to be a historic burial site. Any such path shall be built and maintained in accordance with all applicable laws and rules and in accordance with permission granted to build such a path by the state agency with jurisdiction over the land.

II. The governing body of the municipality shall hold a public hearing for the purpose of explaining its intent to create a path to a historic burial site including its proposed location. At least 14 days prior to the hearing, the governing body shall give notice by publication in a newspaper of general circulation in the municipality, posting in at least 2 public places and, if one exists, on the municipality's website. The municipality shall notify the state agency with jurisdiction over the land, by certified mail, of the date and time of the public hearing.

III. If the plan to create the path is approved by the governing body after the public hearing, the governing body shall notify the state agency having jurisdiction over the land.

IV. The state agency having jurisdiction over the land shall set the terms and conditions for creation and maintenance of the path, including remedies for violation, which shall be reasonable and consistent with the purpose of this section while recognizing the need for consistency with the agency's primary mission and any special limitations inherent in the particular parcel in question. Such terms and conditions shall include a description of the route of the path and such rules and limitations as the agency deems appropriate after negotiating with the municipality. Permission may be granted for a fixed term of not less than 10 years. Upon the expiration of such time permission may be renewed pursuant to this section.

V. If the state agency having jurisdiction determines that the terms or conditions are being violated it shall notify the governing body of the municipality of such violations. If, after the cure period there are continued violations, the agency may revoke its permission and take such steps as is deemed necessary to secure the area.

VI. In the event that the needs of the state agency with jurisdiction change in regard to this particular parcel of land the agency shall negotiate new terms with the municipality with the needs of the agency having priority.

VII. In the event that the municipality and the state agency with jurisdiction cannot agree on a suitable path, the terms and conditions for granting permission, or other events or conditions which would endanger the establishment and maintenance of the path, the matter shall be submitted to the council on resources and development established in RSA 162-C:1 to determine whether the path may be accommodated in com-

pliance with the purposes of this section. The decision of the council shall be final. The permission granted under this section to create or maintain a path shall not be construed as granting any transfer of rights to the municipality.

VIII. The municipality shall bear the expense of creating and maintaining the path which shall be no less than 5 feet in width. Construction and maintenance of the path shall be accomplished in a manner that does not disturb the soil and does not involve the application of chemicals, except for the eradication of poison ivy or other invasive species.

IX. The municipality may, at its expense, place a marker at the trail head indicating the path to the historical burial site. The design of any marker shall be approved by the agency with jurisdiction over the land. Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Council on Resources and Development; Responsibilities. Amend RSA 162-C:2, XI(c) and XII to read as follows:

(c) Facility location and planning; [and]

XII. Facilitate coordination of state agencies to support local, regional, and state planning efforts consistent with RSA 9-A:1-4; **and**

XIII. Resolve differences or conflicts between a state agency and a municipality concerning the creation or maintenance of an access path to historical burial sites arising under RSA 289:14-c on property under the jurisdiction of such agency.

HB 420, relative to naming buildings and other construction built using public funds. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Barry Faulkner for Public Works and Highways. This bill restricts the naming of state roads, bridges, and buildings to those persons who have been deceased at least two years and who have made a positive contribution to their community, the state, or the nation. The committee believed that this would allow such an honor to reflect the entire life contribution of the honoree. The committee amendment exempts the University System of New Hampshire and the Community College System of New Hampshire out of concern that the restriction would adversely affect fundraising efforts. Vote 18-2.

Amendment (0315h)

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

1 New Section; The State and Its Government; Powers of the Governor and Council; Criteria for Naming State Highways, Bridges, and Buildings. Amend RSA 4 by inserting after section 43 the following new section: 4:43-a Criteria for Naming State Highways, Bridges, and Buildings.

I. A person after whom a state highway, bridge, or building is named shall:

(a) Have been deceased for at least 2 years.

(b) Have made a positive contribution to his or her local community, and/or the state, and/or the nation.

II. An organization or other entity after which a state highway, bridge, or building is named shall have made a positive contribution to its local community, and/or the state, and/or the nation.

III. The cost of design, construction, maintenance, and installation of any signage, replacement signage, or other markers required under this section shall not be a charge to the state. However, the design, construction, and installation of any signage or other markers required under this section shall be approved by the department of transportation.

IV. No state highway, bridge, or building shall be renamed as result of this section.

V. This section shall not apply to property of the university system of New Hampshire or the community college system of New Hampshire.

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

AMENDED ANALYSIS

This bill establishes certain criteria for naming a state highway, bridge, or building after a person or organization.

HB 209, relative to the class rate for payments into the renewable energy fund for biomass/methane. **INEXPEDIENT TO LEGISLATE.**

Rep. Jacqueline Cali-Pitts for Science, Technology and Energy. The sponsor of this bill requested that this bill be killed as it is similar to HB 157 which the committee has dealt with separately. Vote 19-0.

HB 318, relative to electric utility customer information about devices to defray electricity costs. **INEXPEDIENT TO LEGISLATE.**

Rep. John Mann for Science, Technology and Energy. This bill would have required utilities to inform their customers that they can overcome bill impacts of energy efficiency programs by installing some LED bulbs and/or a programmable thermostat. After consideration, the committee felt that this useful idea can continue to be communicated at least as efficiently and effectively through NHSaves which is a program collaboratively run by utilities to help customers save money, reduce costs, and protect the environment. Vote 19-0.

HCR 2, requesting an investigation on whether opioids, benzodiazepines, and exposure to agent orange contribute to suicides by veterans. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard Lascelles for State-Federal Relations and Veterans Affairs. Statistics show the Veteran's Administration issued benzodiazepines to 28 percent of veterans treated for PTSD. Also, 27 percent of veterans who received opioids also received Benzodiazepines. The suicide rate for New Hampshire veterans is "significantly higher than the national average." This resolution urges Congress, the Department of Defense, and the Department of Veterans' Affairs to investigate whether or not opioids, benzodiazepines, and exposure to agent orange are contributing to the high suicide rate. Vote 17-0.

Amendment (0055h)

Amend the resolution by replacing all after the title with the following:

Whereas, in fiscal 2012, the Veterans Administration issued benzodiazepines to 28 percent of the 640,000 veterans seen for post traumatic stress disorder (PTSD), and the amount of prescriptions at the Veterans Administration for these drugs amounted to 2.4 million in fiscal 2014; and

Whereas, 27 percent of veterans who received opioid analgesics from 2004-2009 also received benzodiazepines; and

Whereas, benzodiazepines can be addictive and can possibly enhance fear following trauma and suicidal thoughts, they also have some valid uses, such as stopping panic attacks from escalating, easing sleep disorders, and helping agitated patients at high risk of harm to themselves or others; and

Whereas, the 2015 suicide rate for women veterans receiving care through the Veterans Health Administration was 17.8 per 100,000 person-years, compared to 45.6 for men under care; and

Whereas, the Department of Veterans Affairs now reports that the New Hampshire veterans suicide rate of 33 per year was, "significantly higher than the national suicide rate;" and

Whereas, 20.6 armed service veterans are taking their own lives each day, substantially higher than the national average, with the suicide rate for veterans aged 18-34 increased substantially to 45 deaths per 100,000; and

Whereas, while the Veterans Administration's clinical practice guidelines recommend against their use in patients with PTSD due to "lack of efficacy data and growing evidence for the potential risk of harm," physicians often prescribe them to patients who come to them already taking those medications because abruptly stopping them can incur serious risks; and

Whereas, the suicide rate among veterans ages 18 to 27 receiving care at VA medical facilities is 79 per 100,000, and suicide rates among armed service veterans receiving care has been substantially higher than among those not under care; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the New Hampshire general court respectfully urges the Congress of the United States, the Department of Defense, and the Department of Veterans Affairs to investigate whether or not opioids, benzodiazepines, and exposure to agent orange are contributing to the high number of suicides by veteran members of the armed forces; and

That the house clerk forward official copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Secretary of Defense, the Secretary of Veterans Affairs, and to all the members of the New Hampshire congressional delegation with the request that this resolution be officially entered in the Congressional Record as a high priority for the Congress of the United States of America.

HB 148, relative to electric bicycles. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laura Telerski for Transportation. This bill establishes the definition of electric bicycles and recognizes e-bikes according to federal guidelines and brings them in line with state laws. The bill allows each municipality to determine local restrictions as needed. The amendment clarifies the definition in multiple existing statutes. Vote 18-0.

Amendment (0380h)

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1-11 to read as 2-12, respectively:

1 Off Highway Recreational Vehicles and Trails; Definitions. Amend RSA 215-A:1, VI to read as follows:

VI. "Off highway recreational vehicle" means any mechanically propelled vehicle used for pleasure or recreational purposes running on rubber tires, tracks, or cushion of air and dependent on the ground or surface for travel, or other unimproved terrain whether covered by ice or snow or not, where the operator sits in or on the vehicle. All legally registered motorized vehicles when used for off highway recreational purposes shall fall within the meaning of this definition; provided that, when said motor vehicle is being used for transportation purposes only, it shall be deemed that said motor vehicle is not being used for recreational purposes. For purposes of this chapter "off highway recreational vehicle" shall be abbreviated as OHRV. OHRVs shall include *any pedaled vehicle equipped with a motor that is not included in the definition of electric bicycle and* utility terrain vehicles [and], *but* shall not include snowmobiles as defined in RSA 215-C *or electric bicycles as defined in RSA 259:27-a.*

Amend RSA 259:69 as inserted by section 8 of the bill by replacing it with the following:

8 Words and Phrases Defined; Off Highway Recreational Vehicle. Amend RSA 259:69 to read as follows:

259:69 Off Highway Recreational Vehicle. "Off highway recreational vehicle" shall mean any mechanically propelled vehicle used for pleasure or recreational purposes running on rubber tires, tracks, or cushion of air and dependent on the ground or surface for travel, or other unimproved terrain whether covered by ice or snow or not, where the driver sits in or on the vehicle. All legally registered vehicles when used for off highway recreational purposes shall fall within the meaning of this definition; provided that when said vehicle is being used for transportation purposes only, it shall be deemed that said vehicle is not being used for recreational purposes. Off highway recreational vehicle ***shall include any pedaled vehicle equipped with a motor that is not included in the definition of electric bicycle, but*** shall not include snowmobiles as defined in RSA 215-C:1 ***or electric bicycles as defined in RSA 259:27-a.***

HB 594-FN, relative to the installation of rumble strips on state roads and highways. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas Walsh for Transportation. The committee amendment replaces the original bill. The public hearing exposed many problems with the installation of rumble strips across the state; among those, were the noise levels at all times of the day and the lack of local public hearings before they were installed. The committee understands that rumble strips can help with motor vehicle safety but agrees that the quality of life to our residents needs to be factored in also. Therefore, the committee recommends the issue be studied by a legislative committee, as established in the committee amendment. Vote 18-0.

Amendment (0372h)

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

AN ACT establishing a committee to study the installation of rumble strips on state roads and highways.

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

1 Committee Established. There is established a committee to study the installation of rumble strips on state roads and highways.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall study the installation of rumble strips on state roads and highways. The committee shall:

I. Consider the advantages and disadvantages of rumble strips, including their effectiveness as a safety measure, cost, decibel levels, and effect on property values.

II. Consider the potential expanded use of sinusoidal rumble strips, commonly called mumble strips.

III. Examine current criteria for the location and placement of rumble strips and mumble strips, and whether there is adequate opportunity for public input.

IV. Review state rules, policies, and procedures governing the installation of rumble strips and mumble strips, and determine whether modification or clarification is appropriate.

V. Solicit information and testimony from the department of transportation and any other individual or entity the committee deems relevant to its study.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2019.

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

AMENDED ANALYSIS

This bill establishes a committee to study the installation of rumble strips on state roads and highways. Referred to the Committee on Public Works and Highways.

HB 639, relative to speed limits in cities and towns. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Torosian for Transportation. The majority feels that the current state minimum speed limit of 25 miles per hour is adequate and safe. Further, the current law, RSA 265:62, provides consistency that is also the standard in many other states. Current law already allows cities and towns with unique road conditions to apply for a waiver with the Department of Transportation for lower speeds if it is deemed necessary for safety. Vote 16-1.

HB 674-FN, relative to the impoundment of motor vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. Daniel Pickering for Transportation. This bill attempted to clarify the circumstances under which a vehicle may be removed and impounded. The committee voted unanimously that the bill would not provide the remedy desired by the sponsors and had the potential to interfere with public safety and highway operations. Vote 17-0.

HB 234-FN, establishing an exemption from business taxes for media production companies engaged in business in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Ames for Ways and Means. This bill seeks to temporarily exclude “media production companies” from taxation under both the business profits tax and the business enterprise tax. This 100 percent exemption from business taxes would be available for the next six years to all entities meeting the bill’s definition of a media production company. The exemption would expire for taxable periods beginning after December 31, 2025. The bill is modeled after the bill adopted last year that excluded for 10 years all “qualified regenerative manufacturing companies” from our NH business taxes. The committee concluded, however, that media production, which is currently occurring in various forms in all 50 states including NH, does not possess the unique characteristics and extraordinary potential that warranted last year’s legislative decision to afford special tax treatment to regenerative manufacturing. There was no business in NH doing what the regenerative manufacturing bill proposed, so we were giving up no current revenue to attract this new industry. But there are many small players in the film industry living and sometimes working here in our state who may be paying taxes. The proposed special tax treatment of media production companies would be unwarranted and should be rejected. Vote 20-0.

HB 530-FN-A, reducing the rate of the real estate transfer tax for a 2-year period. **INEXPEDIENT TO LEGISLATE.**

Rep. Lisa Bunker for Ways and Means. This bill seeks to reduce the rate of the real estate transfer tax for a 2-year period, from \$0.75 to \$0.70 per \$100 of the price or consideration of sale, grant, or transfer of real property. This rate applies both to the seller and the buyer. The bill makes no effort to offset the loss of revenue to the state that would result from this reduction, and the committee felt that the reduction of the expenses in any one transaction would be too small to create any stimulus effect in local economies or alleviate housing pressures. Most home-sellers and home-buyers, the committee suspects, don’t even realize the taxes will be charged until the closing. Vote 20-0.

HB 573, relative to charitable gambling dates. **INEXPEDIENT TO LEGISLATE.**

Rep. Jerry Stringham for Ways and Means. This bill relates to charitable gambling through gaming companies. Currently, a charity may secure a license that is good for 10 days which need not be consecutive. This bill allows charitable organizations registered in the same municipality as the game operator to have 15 game dates per year. The committee noted that charities have a waiting line to secure dates. Extending certain existing licenses from 10 to 15 dates would increase the length of the waiting line and enable fewer charities to share in the benefits of this program. Vote 20-0.

REGULAR CALENDAR

SPECIAL ORDER

HB 438-FN, removing the exemption for premium cigars from the tobacco tax. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Tom Loughman for the Majority of Ways and Means. Brick and mortar premium cigar establishments are a small, niche business in New Hampshire with several locations near our border with Massachusetts. While most premium cigar sales are online, New Hampshire’s physical establishments are made possible by this tax exemption. We heard testimony that these businesses would likely close their locations and move to an entirely online business model if this bill were to pass. It is likely the effect of this bill would neither curb cigar use through taxation nor increase revenues. Cigar users would likely buy these products online and in doing so, avoid this tax, as well as the existing business tax revenue we currently receive with these business currently operating physical locations. Vote 16-3.

Rep. Richard Ames for the Minority of Ways and Means. The minority believes there is no rational basis for the existing exemption of premium cigars from the tobacco tax. Premium cigars, like all other tobacco products, have seriously adverse effects on health and economic productivity. According to the written testimony of the NH Public Health Association, “cigar smoking leads directly to a substantial burden of head and neck cancers amongst users.” The NH premium cigar tax exemption should be eliminated. Continuing to exempt premium cigars sends the wrong signal.

Majority committee report adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Ley moved that the House reconsider its action whereby, on a voice vote, the House adopted the majority committee report of Inexpedient to Legislate on **HB 438-FN**, removing the exemption for premium cigars from the tobacco tax.

Motion adopted.

The question now being adoption of the majority committee report of Inexpedient to Legislate.
 Rep. Horrigan spoke against.
 Rep. Loughman spoke in favor.
 Rep. Dolan requested a roll call; sufficiently seconded.

YEAS 293 - NAYS 58**YEAS - 293****BELKNAP**

Aldrich, Glen
 Fields, Dennis
 Beaudoin, Richard
 Varney, Peter

Bean, Harry
 Howard, Raymond
 Spanos, Peter
 Viens, Harry

Comtois, Barbara
 Jurius, Deanna
 St. Clair, Charlie

Feeney, George
 Mackie, Jonathan
 Sylvia, Michael

CARROLL

Buco, Thomas
 Cordelli, Glenn
 MacDonald, John
 Woodcock, Stephen

Burroughs, Anita
 Crawford, Karel
 Marsh, William

Butler, Edward
 DesMarais, Edith
 Nelson, Bill

Comeau, Ed
 Kanzler, Harrison
 Ticehurst, Susan

CHESHIRE

Bordenet, John
 Ley, Douglas
 Parkhurst, Henry
 Weber, Lucy

Eaton, Daniel
 Mann, John
 Swinburne, Sandy

Fenton, Donovan
 Meader, David
 Tatro, Bruce

Gomarlo, Jennie
 O'Day, John
 Thompson, Craig

COOS

Craig, Kevin
 Laflamme, Larry
 Thomas, Yvonne

Fothergill, John
 Merner, Troy

Furbush, Michael
 Noel, Henry

Hatch, William
 Tucker, Edith

GRAFTON

Adjutant, Joshua
 Ford, Susan
 Ladd, Rick
 Mulligan, Mary Jane
 Ruprecht, Dennis
 Sykes, George

Almy, Susan
 French, Elaine
 Maes, Kevin
 Muscatel, Garrett
 Stavis, Laurel
 Weston, Joyce

Dontonville, Roger
 Gordon, Edward
 Massimilla, Linda
 Nordgren, Sharon
 Stringham, Jerry

Fellows, Sallie
 Josephson, Timothy
 Migliore, Vincent Paul
 Osborne, Richard
 Smith, Suzanne

HILLSBOROUGH

Lekas, Alicia
 Backus, Robert
 Belanger, James
 Bosman, James
 Cohen, Bruce
 DiSilvestro, Linda
 Davis, Fred
 Goley, Jeffrey
 Gunski, Michael
 Herbert, Christopher
 Jack, Martin
 L'Heureux, Robert
 Murray, Megan
 McLean, Mark
 Notter, Jeanine
 Piedra, Israel
 Prout, Andrew
 Radhakrishnan, Julie
 Newman, Sue
 Smith, Timothy
 Warden, Mark

Alexander, Joe
 Balch, Chris
 Bergeron, Paul
 Bouchard, Donald
 Connors, Erika
 Dutzy, Sherry
 Flanagan, Jack
 Gould, Linda
 Hamer, Heidi
 Hinch, Richard
 King, Mark
 Ober, Lynne
 Mangipudi, Latha
 Mombourquette, Donna
 Nunez, Hershel
 Plett, Fred
 Query, Joshua
 Renzullo, Andrew
 Snow, Kendall
 Telerski, Laura
 Whittemore, James

Bouldin, Amanda
 Baroody, Benjamin
 Bernet, Jennifer
 Burt, John
 Danielson, David
 Erf, Keith
 Freitas, Mary
 Greene, Bob
 Harriott-Gathright, Linda
 Hopper, Gary
 Klee, Patricia
 Lascelles, Richard
 Marzullo, JP
 Mullen, Sue
 O'Brien, Michael
 Porter, Marjorie
 Newman, Ray
 Rice, Kimberly
 Sofikitis, Catherine
 Toomey, Dan
 Williams, Kermit

Bouldin, Andrew
 Beaulieu, Jane
 Boehm, Ralph
 Camarota, Linda
 Dargie, Paul
 Espitia, Manny
 Gagne, Larry
 Griffith, Willis
 Heath, Mary
 Indruk, Greg
 Komi, Richard
 Long, Patrick
 McGhee, Kat
 Murphy, Nancy
 Pickering, Daniel
 Proulx, Mark
 Ober, Russell
 Riel, Cole
 Lekas, Tony
 Ulery, Jordan

MERRIMACK

Allard, James
 Fulweiler, Joyce
 Klose, John
 Marple, Richard
 Pimentel, Roderick
 Soucy, Timothy
 Walsh, Thomas
 Yakubovich, Michael

Carson, Clyde
 Hill, Gregory
 Kotowski, Frank
 McGuire, Carol
 Rodd, Beth
 Testerman, Dave
 Walz, Mary Beth

Ebel, Karen
 Horn, Werner
 Lane, Connie
 McWilliams, Rebecca
 Schamberg, Thomas
 Turcotte, Alan
 Wazir, Safiya

Fox, Samantha
 Karrick, David
 MacKay, James
 Pearl, Howard
 Seaworth, Brian
 Wallner, Mary Jane
 Wells, Kenneth

ROCKINGHAM

Abbas, Daryl
 Barnes, Arthur
 Cali-Pitts, Jacqueline
 Cushing, Robert Renny
 Desilets, Joel
 Doucette, Fred
 Gay, Betty
 Harb, Robert
 Janigian, John
 Khan, Aboul
 Love, David
 Pearson, Mark
 McKinney, Betsy
 Milz, David
 Piemonte, Tony
 Roy, Terry
 Torosian, Peter
 Wallace, Scott
 Weyler, Kenneth

Abrami, Patrick
 Bershtein, Alan
 Chirichiello, Brian
 Davis, Dan
 DeSimone, Debra
 Edwards, Jess
 Green, Dennis
 Hobson, Deborah
 Janvrin, Jason
 Kolodziej, Walter
 Lovejoy, Patricia
 Malloy, Dennis
 McMahon, Charles
 O'Connor, John
 Potucek, John
 Pearson, Stephen
 True, Chris
 Warner, Anne
 Yokela, Josh

Abramson, Max
 Bushway, Patricia
 Costable, Michael
 Thomas, Douglas
 DiLorenzo, Charlotte
 Eisner, Mary
 Grote, Jaci
 Hoelzel, Kathleen
 Murray, Kate
 Le, Tamara
 Lundgren, David
 McBeath, Rebecca
 Melvin, Charles
 Owens, Becky
 Pratt, Kevin
 Spillane, James
 Vallone, Mark
 Webb, James

Acton, Dennis
 Cahill, Michael
 Coursin, David
 DeClercq, Edward
 Dolan, Tom
 Fowler, William
 Guthrie, Joseph
 Osborne, Jason
 Katsakiores, Phyllis
 Loughman, Tom
 Griffin, Mary
 McBride, Everett
 Meuse, David
 Packard, Sherman
 Prudhomme-O'Brien, Katherine
 Sytek, John
 Verville, Kevin
 Welch, David

STRAFFORD

Bixby, Peter
 Grassie, Chuck
 Horgan, James
 Smith, Marjorie
 Perreault, Mona
 Beaudoin, Steven
 Wall, Janet

Chase, Wendy
 Harrington, Michael
 Keans, Sandra
 McNally, Jody
 Pitre, Joseph
 Salloway, Jeffrey
 Wuelper, Kurt

Ellis, Donna
 Hayward, Peter
 Kenney, Cam
 Opderbecke, Linn
 Rich, Cecilia
 Sandler, Catt

Gourgue, Amanda
 Higgins, Peg
 Kittredge, Mac
 Schmidt, Peter
 Rooney, Abigail
 Southworth, Thomas

Aron, Judy
 Lucas, Gates
 Smith, Steven

Callum, John
 O'Hearne, Andrew
 Sullivan, Brian

Cloutier, John
 Rollins, Skip

Laware, Thomas
 Stapleton, Walter

SULLIVAN**NAYS - 58
CARROLL**

Knirk, Jerry

CHESHIRE

Abbott, Michael
 Morrill, David

Ames, Richard
 Schapiro, Joe

Berch, Paul
 Pearson, William

Faulkner, Barry

COOS**GRAFTON**

Abel, Richard

Campion, Polly

HILLSBOROUGH

Bordy, William
 Hall, Brett
 Leishman, Peter
 Rung, Rosemarie
 Stevens, Deb
 Thomas, Wendy

Chretien, Jacqueline
 Schmidt, Janice
 Martin, Joelle
 Shaw, Barbara
 Vail, Suzanne

Cleaver, Skip
 Jeudy, Jean
 Nutter-Upham, Frances
 St. John, Michelle
 Van Houten, Constance

Desjardin, Kathy
 Langley, Diane
 Nutting-Wong, Allison
 Stack, Kathryn
 Vann, Ivy

MERRIMACK

Bartlett, Christy
 Rogers, Katherine

Luneau, David
 Saunderson, George

Myler, Mel
 Schuett, Dianne

Richards, Beth
 Schultz, Kristina

ROCKINGHAM

Altschiller, Debra
 Grossman, Gaby
 Ward, Gerald

Berrien, Skip
 Maggiore, Jim

Bunker, Lisa
 McConnell, Liz

Gilman, Julie
 Read, Ellen

STRAFFORD

Cannon, Gerri
 Spang, Judith

Conley, Casey
 Towne, Matthew

Horrigan, Timothy

Levesque, Cassandra

SULLIVAN

Merchant, Gary

Oxenham, Lee

Tanner, Linda

and the majority committee report was adopted.

REGULAR CALENDAR CONT'D

HB 292-FN, relative to including brokers fees in the calculation of the insurance premium tax. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Christy Bartlett for Commerce and Consumer Affairs. This bill is a request of the Insurance Department to allow the inclusion of broker fees when calculating the premium tax collected from non-admitted, non-standard, surplus lines insurance companies. Including brokers fees in the calculation of the premium tax is already allowed for admitted, standard insurance companies, and all but 7 other states currently include brokers fees in their surplus lines premium tax. This bill will allow for consistency and fairness and will simplify payment of the tax for the insurance carriers. The amendment includes a reference to the federal law that defines home state for the purposes of the premium tax, makes clear that the change will only affect policies written after the effective date, and changes the effective date to January 1, 2020. Vote 14-4.

Amendment (0074h)

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

1 Foreign Insurance Companies; Licenses for Agents of Unlicensed Companies; Monthly Statements. Amend RSA 405:25 to read as follows:

405:25 Monthly Statements. Every such licensee shall, on or before the tenth day of each month, execute and file with the commissioner, a statement under oath covering all insurance policies and contracts of insurance or suretyship procured by [him] *the licensee* under his *or her* said license during the calendar month next preceding, giving the name of the company issuing each of said policies, the name and residence of the insured and the amount, term and premium *including policy, membership, and other fees and assessments, policy dividends applied in payment for insurance and all other considerations for insurance received by it during the next preceding calendar year on account of policies covering property, subjects, or risks located, resident, or to be performed in this state, excluding policies on multi-state risks in which New Hampshire is not the home state as provided in 15 U.S.C. section 8201, et seq.*, of each policy and contract and the kind of property or risk insured thereby, and that he *or she* was unable to procure in companies admitted to do business in the state the amount of insurance necessary to protect said property or risk.

2 Foreign Insurance Companies; Licenses for Agents of Unlicensed Companies, Annual Statement, Tax. Amend RSA 405:29, I to read as follows:

I. Each licensed producer shall file with the commissioner, not later than January 31st of each year, a sworn statement of the gross premiums, *including policy, membership, and other fees and assessments, policy dividends applied in payment for insurance and all other considerations for insurance received by it during the next preceding calendar year on account of policies covering property, subjects, or risks located, resident, or to be performed in this state, excluding policies on multi-state risks in which New Hampshire is not the home state as provided in 15 U.S.C. section 8201, et seq.*, charged for insurance procured or placed and the gross return premiums on such insurance canceled under such license during the year ending on December 31 next preceding, and at the time of filing such statement shall pay to the state treasurer a sum equal to 3 percent of such gross premiums less such return premiums reported.

3 Applicability. This act shall apply to insurance procured or renewed on or after the effective date of this act.

4 Effective Date. This act shall take effect January 1, 2020.

Committee amendment adopted.

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

HB 680-FN, relative to the definition of tobacco product for purposes of the tobacco tax and retail tobacco licensing. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Kermit Williams for the Majority of Commerce and Consumer Affairs. The majority of the Commerce Committee recognizes that our policy areas include the Liquor Commission's licensing authority. This bill calls for expanding tobacco licensing requirements to include businesses that sell vaping and related products. Tobacco licenses are managed by the Liquor Commission, so we voted on that portion of the bill. We made no judgment on the portion of the bill that might require tax collection, since that is the province of the Ways and Means Committee. We propose to pass the bill as amended and allow Ways and Means to make a decision on taxation. The committee believes that licensing the full range of tobacco and tobacco-like products is appropriate to allow the Liquor Commission to enforce laws already in place limiting purchases to those age 18 and over. Testimony showed that expanded oversight was needed, because use of these products by those under age 18 is a growing problem. The amendment provides a broad definition to account for a family of products where innovation changes formats on a regular basis. We placed the same definition in the tax section for consistency, but still recognize that tax policy is decided elsewhere. Vote 12-8.

Rep. John Hunt for the Minority of Commerce and Consumer Affairs. The focus by the Commerce Committee was on the policy issue regarding the current law related to the Liquor Commission's enforcement of the age requirement for access to vaping. The solution to the problem was simple, add the phrase "may contain nicotine" to the definition of e-cigarette in the law regulating youth access to tobacco, as the minority amendment would do. Instead the majority insisted on adding vaping to the law that defines tobacco for the purpose of taxing cigarettes. While it is true that this is a two-committee bill and will go to Ways & Means to consider the issue of taxation, currently the tax rate for tobacco products other than cigarettes is over 60% of the wholesale price. The minority is not only opposed to the outrageous tax rate but also the new definition of 'tobacco products' that the committee settled on that appears to also tax vaping equipment. Clearly this bill goes beyond the needed fix in our current liquor enforcement law.

Majority Amendment (0501h)

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

1 Tobacco Tax; Definition; Tobacco Products. RSA 78:1, XIV is repealed and reenacted to read as follows:

XIV.(a) "Tobacco products" means:

(1) Any product that is made from or derived from tobacco that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, and snus.

(2) Any product that can deliver nicotine to the user through inhalation of vapor including any component part of such product, including a substance for use in the device regardless of whether the substance contains nicotine, and whether or not sold separately.

(b) "Tobacco products" shall not include:

(1) Drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

(2) Premium cigars.

2 Liquor Commission; General Provisions; Definitions. RSA 175:1, LXIV-d is repealed and reenacted to read as follows:

LXIV-d.(a) "Tobacco products" means:

(1) Any product that is made from or derived from tobacco that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, and snus.

(2) Any product that can deliver nicotine to the user through inhalation of vapor including any component part of such product, including a substance for use in the device regardless of whether the substance contains nicotine, and whether or not sold separately.

(b) "Tobacco products" shall not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

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

AMENDED ANALYSIS

This bill defines what is a tobacco product for purposes of the tobacco tax and retail tobacco licensing, and adds products that can deliver nicotine to the user through inhalation of vapor.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Warden offered minority committee amendment (0477h).

Minority Amendment (0477h)

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

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

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

1 Youth Access To and Use of Tobacco Products; Definition of E-Cigarette. Amend RSA 126-K:2, II-a to read as follows:

II-a. "E-cigarette" means any electronic smoking device composed of a mouthpiece, a heating element, a battery, and electronic circuits that ~~provides a vapor of pure~~ **may or may not contain** nicotine ~~[mixed with propylene glycol to the user as the user simulates smoking]~~. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, or e-pipes, or under any other product name.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

178:18 Combination License.

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

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

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

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

178:19 Retail Wine License.

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

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

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

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

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

178:19-a Retail Tobacco License.

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

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

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

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

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

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

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

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

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

AMENDED ANALYSIS

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

Rep. Warden spoke in favor and yielded to questions.

Rep. Williams spoke against.

On a division vote, with 143 members having voted in the affirmative, and 211 in the negative, the minority committee amendment failed.

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

Rep. Martin spoke in favor.

Rep. Spillane requested a roll call; sufficiently seconded.

YEAS 203 - NAYS 153

YEAS - 203

BELKNAP

Huot, David

St. Clair, Charlie

CARROLL

Buco, Thomas
Knirk, Jerry

Burroughs, Anita
Marsh, William

Butler, Edward
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

CHESHIRE

Abbott, Michael
Faulkner, Barry
Mann, John
Schapiro, Joe
Von Plinsky, Sparky

Ames, Richard
Fenton, Donovan
Meador, David
Swinburne, Sandy
Pearson, William

Berch, Paul
Gomarlo, Jennie
Morrill, David
Tatro, Bruce
Weber, Lucy

Bordenet, John
Ley, Douglas
Parkhurst, Henry
Thompson, Craig

COOS

Fothergill, John
Noel, Henry

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

Abel, Richard
 Fellows, Sallie
 Maes, Kevin
 Nordgren, Sharon
 Smith, Suzanne

Almy, Susan
 Ford, Susan
 Massimilla, Linda
 Osborne, Richard
 Sykes, George

Campion, Polly
 French, Elaine
 Mulligan, Mary Jane
 Stavis, Laurel
 Weston, Joyce

Dontonville, Roger
 Josephson, Timothy
 Muscatel, Garrett
 Stringham, Jerry

HILLSBOROUGH

Backus, Robert
 Bergeron, Paul
 Bouchard, Donald
 Connors, Erika
 DiSilvestro, Linda
 Freitas, Mary
 Harriott-Gathright, Linda
 Schmidt, Janice
 Klein-Knight, Nicole
 Long, Patrick
 McGhee, Kat
 Nutter-Upham, Frances
 Piedra, Israel
 Radhakrishnan, Julie
 Shaw, Barbara
 Stack, Kathryn
 Toomey, Dan
 Thomas, Wendy

Balch, Chris
 Bernet, Jennifer
 Chretien, Jacqueline
 Danielson, David
 Dutzy, Sherry
 Griffith, Willis
 Heath, Mary
 Jack, Martin
 Komi, Richard
 Murray, Megan
 Mombourquette, Donna
 Nutting-Wong, Allison
 Porter, Marjorie
 Riel, Cole
 Snow, Kendall
 Stevens, Deb
 Vail, Suzanne
 Williams, Kermit

Baroody, Benjamin
 Bordy, William
 Cleaver, Skip
 Dargie, Paul
 Espitia, Manny
 Hall, Brett
 Herbert, Christopher
 Judy, Jean
 Langley, Diane
 Mangipudi, Latha
 Mullen, Sue
 O'Brien, Michael
 Query, Joshua
 Rung, Rosemarie
 Sofikitis, Catherine
 Smith, Timothy
 Van Houten, Constance

Beaulieu, Jane
 Bosman, James
 Cohen, Bruce
 Desjardin, Kathy
 Davis, Fred
 Hamer, Heidi
 Indruk, Greg
 Klee, Patricia
 Leishman, Peter
 Martin, Joelle
 Murphy, Nancy
 Pickering, Daniel
 Newman, Ray
 Newman, Sue
 St. John, Michelle
 Telerski, Laura
 Vann, Ivy

MERRIMACK

Allard, James
 Fox, Samantha
 Luneau, David
 Pimentel, Roderick
 Schamberg, Thomas
 Turcotte, Alan
 Wells, Kenneth

Bartlett, Christy
 Fulweiler, Joyce
 MacKay, James
 Richards, Beth
 Schuett, Dianne
 Wallner, Mary Jane

Carson, Clyde
 Karrick, David
 McWilliams, Rebecca
 Rodd, Beth
 Schultz, Kristina
 Walz, Mary Beth

Ebel, Karen
 Lane, Connie
 Myler, Mel
 Saunderson, George
 Soucy, Timothy
 Wazir, Safiya

ROCKINGHAM

Altschiller, Debra
 Cahill, Michael
 DiLorenzo, Charlotte
 Grote, Jaci
 Lovejoy, Patricia
 McBride, Everett
 Ward, Gerald

Berrien, Skip
 Cali-Pitts, Jacqueline
 Eisner, Mary
 Murray, Kate
 Maggiore, Jim
 McConnell, Liz
 Warner, Anne

Bunker, Lisa
 Coursin, David
 Gilman, Julie
 Le, Tamara
 Malloy, Dennis
 Meuse, David

Bushway, Patricia
 Cushing, Robert Renny
 Grossman, Gaby
 Loughman, Tom
 McBeath, Rebecca
 Vallone, Mark

STRAFFORD

Bixby, Peter
 Ellis, Donna
 Horrigan, Timothy
 Schmidt, Peter
 Southworth, Thomas

Cannon, Gerri
 Gourgue, Amanda
 Keans, Sandra
 Rich, Cecilia
 Spang, Judith

Chase, Wendy
 Grassie, Chuck
 Smith, Marjorie
 Salloway, Jeffrey
 Towne, Matthew

Conley, Casey
 Higgins, Peg
 Operbecke, Linn
 Sandler, Catt
 Wall, Janet

SULLIVAN

Cloutier, John
 Stapleton, Walter

Merchant, Gary
 Sullivan, Brian

O'Hearne, Andrew
 Tanner, Linda

Oxenham, Lee

NAYS - 153**BELKNAP**

Aldrich, Glen
 Fields, Dennis
 Mackie, Jonathan
 Varney, Peter

Bean, Harry
 Howard, Raymond
 Beaudoin, Richard
 Viens, Harry

Comtois, Barbara
 Jurius, Deanna
 Spanos, Peter

Feeney, George
 Lang, Timothy
 Sylvia, Michael

CARROLL

Avellani, Lino
 Kanzler, Harrison

Comeau, Ed
 MacDonald, John

Cordelli, Glenn
 Nelson, Bill

Crawford, Karel

CHESHIRE

Eaton, Daniel

O'Day, John

COOS

Craig, Kevin	Furbush, Michael	Merner, Troy
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GRAFTON

Adjutant, Joshua Ruprecht, Dennis	Gordon, Edward	Ladd, Rick	Migliore, Vincent Paul
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HILLSBOROUGH

Lekas, Alicia	Alexander, Joe	Bouldin, Amanda	Bouldin, Andrew
Belanger, James	Boehm, Ralph	Burt, John	Camarota, Linda
Erf, Keith	Flanagan, Jack	Gagne, Larry	Gould, Linda
Greene, Bob	Gunski, Michael	Hinch, Richard	Hopper, Gary
King, Mark	L'Heureux, Robert	Ober, Lynne	Lascelles, Richard
Marzullo, JP	McLean, Mark	Notter, Jeanine	Nunez, Hershel
Plett, Fred	Proulx, Mark	Prout, Andrew	Ober, Russell
Renzullo, Andrew	Rice, Kimberly	Sanborn, Laurie	Lekas, Tony
Ulery, Jordan	Warden, Mark	Whittemore, James	

MERRIMACK

Hill, Gregory	Horn, Werner	Klose, John	Kotowski, Frank
Marple, Richard	McGuire, Carol	Pearl, Howard	Rogers, Katherine
Seaworth, Brian	Testerman, Dave	Walsh, Thomas	Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl	Abrami, Patrick	Abramson, Max	Acton, Dennis
Barnes, Arthur	Bershtein, Alan	Chirichiello, Brian	Costable, Michael
Davis, Dan	Thomas, Douglas	DeClercq, Edward	Desilets, Joel
DeSimone, Debra	Dolan, Tom	Doucette, Fred	Edwards, Jess
Fowler, William	Gay, Betty	Green, Dennis	Guthrie, Joseph
Harb, Robert	Hobson, Deborah	Hoelzel, Kathleen	Osborne, Jason
Janigian, John	Janvrin, Jason	Katsakiores, Phyllis	Khan, Aboul
Kolodziej, Walter	Love, David	Lundgren, David	Griffin, Mary
Pearson, Mark	McKinney, Betsy	McMahon, Charles	Melvin, Charles
Milz, David	O'Connor, John	Owens, Becky	Packard, Sherman
Piemonte, Tony	Potucek, John	Pratt, Kevin	Prudhomme-O'Brien, Katherine
Read, Ellen	Roy, Terry	Pearson, Stephen	Spillane, James
Sytek, John	Torosian, Peter	True, Chris	Verville, Kevin
Wallace, Scott	Webb, James	Welch, David	Weyler, Kenneth
Yokela, Josh			

STRAFFORD

Harrington, Michael	Hayward, Peter	Horgan, James	Kenney, Cam
Kittredge, Mac	Levesque, Cassandra	McNally, Jody	Perreault, Mona
Pitre, Joseph	Rooney, Abigail	Beaudoin, Steven	Wuelper, Kurt

SULLIVAN

Aron, Judy	Callum, John	Laware, Thomas	Lucas, Gates
Rollins, Skip	Smith, Steven		

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

HB 481-FN-A-L, relative to the legalization and regulation of cannabis and making appropriations therefor.
MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Scott Wallace for the Majority of Criminal Justice and Public Safety. After careful consideration of all of the public testimony, the position of the committee is that the time is now to move forward with this measure. there are a few details to be worked out with the second committee before implementation. This committee has addressed the criminality aspects of the issue. Vote 10-9.

Rep. Dave Testerman for the Minority of Criminal Justice and Public Safety. This bill fully legalizes and commercializes cannabis in New Hampshire. As seen from states that have commercialized marijuana, this industry targets youth. We heard extensive testimony on the harmful effects to developing brains and the increased risk of substance use disorder. New Hampshire already has a robust therapeutic marijuana program now serving over 7000 individuals. Furthermore, the state already decriminalized marijuana in 2017 for possession of smaller amounts. HB 481 creates a commercialized marijuana industry in New Hampshire, opening the door to all components of the marijuana business with no limits on the types of products sold or the potency of those products. The bill also allows vaping marijuana in public places at a time when vaping has become an epidemic in our schools and communities. The bill takes away local control by automatically opting municipalities in, contrary to the recommendations of the legislative study commission's report. Lastly, HB 481 offers no protections for employers and small businesses seeking to enact their own policies prohibiting the use, consumption, and possession of marijuana in the workplace.

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

Reps. Harriott-Gathright, Berrien, Stephen Pearson, Abbas, Richard Osborne and Abrami spoke against.

Reps. McGuire, Wallace, Butler, William Pearson, Meuse and Cushing spoke in favor.

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

YEAS 209 - NAYS 147

YEAS - 209

BELKNAP

Aldrich, Glen
St. Clair, Charlie

Bean, Harry
Sylvia, Michael

Comtois, Barbara

Huot, David

CARROLL

Burroughs, Anita
Kanzler, Harrison

Butler, Edward
Knirk, Jerry

Comeau, Ed
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

CHESHIRE

Abbott, Michael
Eaton, Daniel
Ley, Douglas
Tatro, Bruce
Weber, Lucy

Ames, Richard
Faulkner, Barry
Meador, David
Thompson, Craig

Berch, Paul
Fenton, Donovan
Morrill, David
Von Plinsky, Sparky

Bordenet, John
Gomarlo, Jennie
Schapiro, Joe
Pearson, William

COOS

Craig, Kevin
Noel, Henry

Furbush, Michael
Tucker, Edith

Laflamme, Larry

Moynihan, Wayne

GRAFTON

Abel, Richard
Ford, Susan
Muscatel, Garrett
Smith, Suzanne

Adjutant, Joshua
French, Elaine
Ruprecht, Dennis
Sykes, George

Almy, Susan
Josephson, Timothy
Stavis, Laurel
Weston, Joyce

Dontonville, Roger
Mulligan, Mary Jane
Stringham, Jerry

HILLSBOROUGH

Lekas, Alicia
Baroody, Benjamin
Bordy, William
Chretien, Jacqueline
Dargie, Paul
Espitia, Manny
Hall, Brett
Indruk, Greg
Klee, Patricia
Langley, Diane
Murphy, Nancy
O'Brien, Michael
Porter, Marjorie
Newman, Ray
Rung, Rosemarie
St. John, Michelle
Smith, Timothy
Vail, Suzanne
Whittemore, James

Bouldin, Amanda
Beaulieu, Jane
Bosman, James
Cleaver, Skip
Desjardin, Kathy
Davis, Fred
Hamer, Heidi
Schmidt, Janice
Klein-Knight, Nicole
Leishman, Peter
Nunez, Hershel
Pedersen, Michael
Proulx, Mark
Ober, Russell
Newman, Sue
Stack, Kathryn
Telerski, Laura
Vann, Ivy
Williams, Kermit

Bouldin, Andrew
Belanger, James
Bouchard, Donald
Cohen, Bruce
DiSilvestro, Linda
Freitas, Mary
Heath, Mary
Jack, Martin
Komi, Richard
McLean, Mark
Nutter-Upham, Frances
Pickering, Daniel
Prout, Andrew
Radhakrishnan, Julie
Shaw, Barbara
Stevens, Deb
Toomey, Dan
Thomas, Wendy

Balch, Chris
Bernet, Jennifer
Burt, John
Connors, Erika
Dutzy, Sherry
Griffith, Willis
Herbert, Christopher
King, Mark
Ober, Lynne
Mombourquette, Donna
Nutting-Wong, Allison
Piedra, Israel
Query, Joshua
Riel, Cole
Sofikitis, Catherine
Lekas, Tony
Ulery, Jordan
Warden, Mark

MERRIMACK

Bartlett, Christy
Lane, Connie
McGuire, Carol
Rodd, Beth
Turcotte, Alan
Wazir, Safiya

Carson, Clyde
Luneau, David
McWilliams, Rebecca
Saunderson, George
Wallner, Mary Jane
Wells, Kenneth

Fox, Samantha
MacKay, James
Pearl, Howard
Schultz, Kristina
Walsh, Thomas
Yakubovich, Michael

Karrick, David
Marple, Richard
Pimentel, Roderick
Seaworth, Brian
Walz, Mary Beth

ROCKINGHAM

Abramson, Max
Bunker, Lisa
Cushing, Robert Renny
Edwards, Jess
Guthrie, Joseph
Lovejoy, Patricia
Meuse, David

Acton, Dennis
Chirichiello, Brian
Davis, Dan
Fowler, William
Osborne, Jason
McBeath, Rebecca
Milz, David

Altschiller, Debra
Costable, Michael
DiLorenzo, Charlotte
Gilman, Julie
Le, Tamara
McConnell, Liz
O'Connor, John

Bershtein, Alan
Coursin, David
Dolan, Tom
Grossman, Gaby
Loughman, Tom
Melvin, Charles
Owens, Becky

Piemonte, Tony
Verville, Kevin
Webb, James

Read, Ellen
Wallace, Scott
Yokela, Josh

Roy, Terry
Ward, Gerald

True, Chris
Warner, Anne

STRAFFORD

Bixby, Peter
Gourgue, Amanda
Horrigan, Timothy
Smith, Marjorie
Spang, Judith

Cannon, Gerri
Grassie, Chuck
Keans, Sandra
Schmidt, Peter
Towne, Matthew

Chase, Wendy
Harrington, Michael
Kenney, Cam
Rich, Cecilia

Conley, Casey
Higgins, Peg
Kittredge, Mac
Sandler, Catt

SULLIVAN

Cloutier, John

Oxenham, Lee

Sullivan, Brian

Tanner, Linda

NAYS - 147

BELKNAP

Feeney, George
Lang, Timothy
Varney, Peter

Fields, Dennis
Mackie, Jonathan
Viens, Harry

Howard, Raymond
Beaudoin, Richard

Jurius, Deanna
Spanos, Peter

CARROLL

Avellani, Lino
MacDonald, John

Buco, Thomas
Marsh, William

Cordelli, Glenn
Nelson, Bill

Crawford, Karel

CHESHIRE

Mann, John

O'Day, John

Parkhurst, Henry

Swinburne, Sandy

COOS

Fothergill, John

Hatch, William

Merner, Troy

Thomas, Yvonne

GRAFTON

Campion, Polly
Maes, Kevin
Osborne, Richard

Fellows, Sallie
Massimilla, Linda

Gordon, Edward
Migliore, Vincent Paul

Ladd, Rick
Nordgren, Sharon

HILLSBOROUGH

Alexander, Joe
Camarota, Linda
Gagne, Larry
Gunki, Michael
Judy, Jean
Murray, Megan
McGhee, Kat
Sanborn, Laurie

Backus, Robert
Danielson, David
Goley, Jeffrey
Harriott-Gathright, Linda
L'Heureux, Robert
Mangipudi, Latha
Mullen, Sue
Snow, Kendall

Bergeron, Paul
Erf, Keith
Gould, Linda
Hinch, Richard
Lascelles, Richard
Martin, Joelle
Plett, Fred
Van Houten, Constance

Boehm, Ralph
Flanagan, Jack
Greene, Bob
Hopper, Gary
Long, Patrick
Marzullo, JP
Renzullo, Andrew

MERRIMACK

Allard, James
Horn, Werner
Richards, Beth
Soucy, Timothy

Ebel, Karen
Klose, John
Rogers, Katherine
Testerman, Dave

Fulweiler, Joyce
Kotowski, Frank
Schamberg, Thomas

Hill, Gregory
Mylar, Mel
Schuett, Dianne

ROCKINGHAM

Abbas, Daryl
Bushway, Patricia
DeClercq, Edward
Eisner, Mary
Harb, Robert
Janvrin, Jason
Kolodziej, Walter
Pearson, Mark
McKinney, Betsy
Pratt, Kevin
Sytek, John
Weyler, Kenneth

Abrami, Patrick
Cahill, Michael
Desilets, Joel
Gay, Betty
Hobson, Deborah
Murray, Kate
Love, David
Maggiore, Jim
McMahon, Charles
Prudhomme-O'Brien, Katherine
Torosian, Peter

Barnes, Arthur
Cali-Pitts, Jacqueline
DeSimone, Debra
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
Lundgren, David
Malloy, Dennis
Packard, Sherman
Pearson, Stephen
Vallone, Mark

Berrien, Skip
Thomas, Douglas
Doucette, Fred
Grote, Jaci
Janigian, John
Khan, Aboul
Griffin, Mary
McBride, Everett
Potucek, John
Spillane, James
Welch, David

STRAFFORD

Ellis, Donna
McNally, Jody
Rooney, Abigail
Wall, Janet

Hayward, Peter
Opderbecke, Linn
Beaudoin, Steven
Wuelper, Kurt

Horgan, James
Perreault, Mona
Salloway, Jeffrey

Levesque, Cassandra
Pitre, Joseph
Southworth, Thomas

SULLIVAN

Aron, Judy
 Merchant, Gary
 Smith, Steven

Callum, John
 O'Hearne, Andrew

Laware, Thomas
 Rollins, Skip

Lucas, Gates
 Stapleton, Walter

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

MOTION TO PRINT DEBATE

Rep. Keans moved that the debate on **HB 481-FN-A-L**, relative to the legalization and regulation of cannabis and making appropriations therefor, be printed in the Permanent Journal.

On a division vote, with 243 members having voted in the affirmative, and 114 in the negative, the motion was adopted.

DEBATE ON HB 481-FN-A-L

Rep. Harriott-Gathright: Thank you, Mister Speaker. I rise today to speak against HB 481. There are many reasons that this bill is not a good bill for New Hampshire. Marijuana commercialization is wrong for New Hampshire's young people and our communities. Science shows that marijuana use during youth when your brain is developing can have long-term negative effects. Allowing big marijuana into New Hampshire will allow this major industry to manufacture, sell and market an addictive substance to our kids setting them up for a long-term health problem, like impaired cognitive functioning and an elevated risk of developing mental illness, an increased chance of developing a substance use disorder. We already have a serious issue in New Hampshire with substance abuse and I don't see that making this legal is going to help that situation at all. Number one, HB 482 puts no limits on the types of products sold or the potency of those products. Also, it does not resolve the complicated public safety concerns like driving while impaired. Vaping marijuana products have become wide-spread among middle school and high school students. 2017 national survey results on drug use indicates levels of marijuana vaping nationally are considerable. One in ten 12th grade students vape marijuana in the past year and levels were 8% for 10th grade and 3% for 8th grade students. I have another statistic here on teen vaping in New Hampshire. 25% of New Hampshire high school students reported using vape products in the past 30 days, ranging from 37.6% of 9th graders to 32.4% of 12th graders. Among high school students who had used e-cigs before, over 1/3 reported vaping marijuana. Multiple studies have found that youth that tried vaping even once have a markedly increased risk of going on to smoke cigarettes and marijuana. One of the doctors that testified before the Criminal Justice and Public Safety Committee, one of her statements was as a physician scientist, it is my obligation to first do no harm. How can I be sure that I am living up to the standards of my profession when allowing early exposure whether in the womb or environmentally to marijuana can lead to permanent and irreversible damage to the delicate and impressionable development of a child's brain. So, as we walk around New Hampshire and have so many odors coming our way. I have asthma that is affected any time I'm in an area of a smoke area. New Hampshire has a high rate of children with asthma and I'm going to say for those parents that smoke in their homes with their children, what are you trying to do, kill your children? So, I'm just going to say I wish that you would vote against the 481 bill because it's not good for any of us and it is an irresponsible piece of legislation which fully commercializes the retail sale of marijuana and all marijuana products. As lawmakers, you should oppose HB 481. Thank you.

Speaker Shurtleff: The Chair recognizes the member from Exeter, Rep. Berrien.

Rep. Berrien: Thank you, Mister Speaker. Good morning colleagues. I know this is a difficult vote for many of us, but I rise in opposition to HB 481. Despite our centuries of experience with marijuana, we have a dearth of hard data regarding the long-term effects of marijuana on the human body. I accept the statement that no one has died from a marijuana overdose, but we do not know the long-term effects of marijuana on our individual lives and the social consequences, many of which were just stated. However, we have scientifically based observations which tell us that marijuana is not good for the developing brain of the fetus, children and our youth. This should cause us to be hesitant as we approach this consideration on legalization. First, we should consider the effects of maternal cannabis on the developing fetus. Just as know that tobacco and alcohol have adverse effects on the developing fetus, there are clear indications that the brain of the fetus is very sensitive to cannabis and is associated with behavioral disorders on into childhood. Low birth rate has also been associated with marijuana during pregnancy. In Colorado, marijuana consumption by pregnant mothers increased after legalization. Now, we can't financially support all of the developmental and behavioral demands in this state now. Do we really want to increase the demand on these services? Do we want more children appearing in our emergency rooms after they have ingested edible marijuana products left around by marijuana using parents? That's what happened in Colorado after legalization. And, are we willing to listen to our youth, such as those from Dover who articulated to the committee all the reasons they do not want marijuana to be a normal part of their community. Yes, we all acknowledge that weed is accessible to our youth and yes, as we've heard that vaping is now just one more way to furtively experience the effects of marijuana. Legalization will remove the social taboo and commercialization will induce more liberal use throughout our communities conveying to our youth that marijuana is not dangerous, not dangerous. But,

scientific observation shows that marijuana alters the physiologic connectivity of our developing adolescent brain interfering with academic achievement and inducing a variety of behavioral problems. Do we want to increase the challenges we face in preparing a competent work force and a responsible citizenry? Yes, it's clear we need more information, but in the meantime, legalization is an experiment. It's an experiment to determine what harm marijuana will cause in our communities. Our children are the long-term subjects of this experiment. These children have not given consent to be subjects of this long-term experiment. This experiment puts our children at risk. Are you ready to consent to make New Hampshire children subjects of this experiment? I say, this is not the New Hampshire way. I ask you to vote down this OTP, so another motion can be made.

Speaker Shurtleff: Will the member yield to a question? The member does not yield. The Chair recognizes the member from Epsom, Rep. McGuire.

Rep. McGuire: Thank you, Mister Speaker. I'd like to question that we are not really here to decide whether marijuana is good or bad. We are here to decide if it should be legal or illegal which is an entirely different question. Because it is illegal, it causes problems that we can solve regardless of other concerns and issues. Whether we think it is good or bad, there is no doubt there is a significant number of people in this state, our constituents and neighbors, want to use it and many of them want to use it so much that they are willing to go to great lengths to get it. Since they can't grow it legally, they have to buy it and it is, because it's illegal, that means they have to buy it from criminals. Dealing with criminals, in itself, is a bad thing. You can't take them to court if they short change you. You can't be sure that whatever you are buying is what they tell it to you, it's not been tested. Why would criminals label it? It's certainly not going to be enforcing any silly little laws we have about selling to minors. So, that is a concern. If it were legal, you would be dealing with the corner shop which will, if it's labeled you will know what it is. It won't be adulterated, and they will be enforcing our laws against selling to minors the same way they enforce selling alcohol and tobacco, which are also forbidden to minors. I think for adults not having to deal with these criminals is important. If it were legal, it also means we would not be funneling a great deal of money to these criminals and they would use it to fight for territory with other gangs, drive-by shootings and of course to subsidize the drug lords. The other concern is that if you are dealing with the criminals, they have a significant incentive to upgrade your drug purchase. They are going to want you to buy something that is more profitable to them, something that is smaller, more effective, more expensive and so that's how you get pushed into taking some other drug instead of straight cannabis. For these reasons, I hope that you would join me and supporting this bill to make it legal, whether you think it's a good thing. Thank you very much and I will not take questions.

Speaker Shurtleff: The member does not yield to any questions. The Chair recognizes the member from Derry, Rep. Stephen Pearson.

Rep. Stephen Pearson: Thank you, Mister Speaker. I am Representative Stephen Pearson. When I am not up here at the State House working in committee I am at my other job. I am a Lieutenant on the Manchester Fire Department. When I am on duty, I am in charge of one of the City of Manchester's Safe Stations. I have been at ground zero of our State's opioid Crisis since day one. In that role I speak with those that come into our Safe Station looking for help. One of the things that is often talked about is how they got to this point in their life. All too often marijuana is mentioned, not because of the drug itself, but the social scene that surrounds that drug. We hear all too often about how someone in the group got bored with pot and decided to take it up a notch and that drug is then introduced into their social group. Early on we saw meth being the drug that took it up a level, and then it switched to heroin, but in so many cases this story begins with pot. Proponents of this bill would argue that it's only pot, but it's never only pot. A mere month and a half ago the State of Oregon put the legalization of psychedelic mushrooms on the ballot. I'm going to say that again. A month and a half ago Oregon put the legalization of psychedelic mushrooms on the ballot. This is what happens when you allow a drug culture to take root. You see HB 481 endorses the creation of a drug culture. A culture sanctioned by the state. A culture that will not respect the age restrictions found in this bill. In the 22 years I have been in the fire service I have seen some horrible things. One of which was the day a three-year-old little girl told me her mommy was dead in the bathroom and pointed to the door. A three-year-old girl sitting on her couch playing with a doll and sadly she was right. This is what happens when someone becomes enveloped in a drug culture. We are not going to solve our drug crisis by legalizing more drugs. That is a fundamentally flawed argument. This bill creates far more problems than its worth. A bill that proponents argue for with untested theories, unrealistic revenue projections and a disregard for real consequences. I urge you to vote no on 481. New Hampshire can be the common-sense oasis in the Northeast.

Speaker Shurtleff: The Chair recognizes the member from Danville, Rep. Wallace to speak for the recommendation.

Rep. Wallace: Thank you, Mister Speaker. Colleagues, HB 481 seeks to legalize cannabis for adult recreational use. This bill is a direct result of the two-year cannabis study commission's findings. The Criminal Justice and Public Safety Committee had addressed the criminality of the issue. The majority of the committee has come to the conclusion that the bill is ready to move on to the second committee. The Criminal Justice and Public Safety Committee has had extensive discussions about the impacts of this bill. One of the key aspects

is the quality control of cannabis that is brought to market. The Cannabis Control Commission will set forth a method through which products will be tested and labeled for purity and content just like any other consumer product intended for ingestion. There are issues to be worked out in Ways and Means as far as taxation and retail sales go, but the Criminal Justice and Public Safety Committee does not address those issues. I hope that you can support the bill and move it on to its next committee. Thank you.

Speaker Shurtleff: The Chair recognizes the member from Salem, Rep. Abbas to speak against the recommendation.

Rep. Abbas: Thank you, Mister Speaker. One of the issues with HB 481 is that its attempting to commercialize an industry with, however its overly regulated and the tax structure is not actually understood whether that would actually hamper the business. The problem with that and the reason that led to this over regulation has to do with the federal prohibition. One of those regulations is that cultivators won't be able to transport or sell marijuana to out of state retailers because that is against federal law. However, HB 481 is attempting to legalize a substance that is still illegal under federal law. Essentially, we are picking and choosing which laws we want to follow and which ones we don't. The problem is with the tax structure and the over regulation is actually going to drive the retail price up by creating all these expenses that the retailers will have to make up for. What that will do, is allow the black market to continue to thrive and we've seen that throughout the country with states that have removed the prohibition. Massachusetts for example. An ounce of marijuana is selling around \$350 to \$400 an ounce, where in the black market it is about \$150 an ounce. So, this house bill, one of the goals of legalizing marijuana would be actually to eliminate the black market, however, due to the tax structure and the over regulation, it's highly doubtful that this house bill will actually succeed in that effort. The problem is with the black market is that that's where the children are buying marijuana from. The legal age to purchase marijuana is still going to be 21, if this were to pass. So, there is a persuasive argument that if marijuana is legalized, it's going to be cleaner and people will know what they are smoking. However, children who are still buying from the black market, it's still going to be a thriving industry. They are not going to go to a store if they are under 21. So, that objective will not be met as well. So, many of the supporters of this, they will want to generate a tax revenue. However, the tax revenue is based on a projection that the black market will go away, which I don't believe it will. There are also some public safety concerns. Just to clarify, if someone were to be pulled over by a police officer suspected of driving after using marijuana, at this point in time, there is not field sobriety test available that can effectively measure whether a drive is impaired. That is problematic in a sense that you now have a crime that you know that you will have a very difficult time proving if you were to prosecute this individual. I spoke before in the House on a different house bill involving habitual offenders and what I would say is that the study of that house bill, the amount of deadly car accidents increased in 2018 by over 40-50 accidents. So, that is a situation where you may have more marijuana out there, more people driving impaired and an inability to actually enforce that law. So, for that reason I'm going to ask you to vote no on HB 481. Thank you.

Speaker Shurtleff: The Chair recognizes the member from Harts Location, Rep. Butler to speak for the recommendation.

Rep. Butler: Thank you, Mister Speaker. I'm pleased to stand before you to support HB 481. As have many of you, I'm sure, I have supported legalization efforts in the past and was proud to be a part of the majorities that passed similar bills through this House and on to the body that will not be named. As most of you know, I am the House Commerce Chair and so I thought I would focus my remarks today on business and commerce related issues. After all, broadening access to cannabis and cannabis related products has begun to be a boom for businesses and revenues in Massachusetts and certainly so in many states where regulation supports a broad-based market for legal recreational cannabis use. I have no doubt it will be the same for New Hampshire. Legalization in Colorado and Washington happened in 2012 and sales began in 2014 so they have had the longest experience and examples to draw upon. Those state's economies have prospered, and opponents' dire predictions have not materialized. Oregon and Alaska voters approved similar measures in 2014 as did Massachusetts, Maine, Nevada, California voters in 2016. Encouraging business and revenue statistics are most easily available from Colorado and Washington. Now it is true that the population in Colorado is a little bigger than ours, 5.5 million verses our 1.3 and Washington state is 7.4 million, but still, in 2017 Colorado collected more than \$200 million in taxes from marijuana businesses. Washington generated more than \$400 million from marijuana excise and sales taxes in 2017. The first stores in the legal cannabis industry in Massachusetts opened in November and through January 27, customers spent about \$28 million on marijuana products. Marijuana businesses of course hire and retain workers and utilize services from a wide variety of collateral sectors, construction, engineering, security, legal, insurance and real estate. In 2018, US News and World Report ranked Denver, Portland and Seattle, all of which have regulated marijuana sales for adults, in the top ten best places to live in the nation. Workers' comp costs, which reflect the severity in number of workplace related injuries have decreased since legalization in Colorado. Again, US News and World Report ranked Colorado as the best economy state in the nation in 2017 and ranked Washington number three. An economic analysis of the legal marijuana industry in Colorado found that it generated \$2.4 billion in overall economic activity in 2015. Marijuana sales have increased by more than 50% since 2015 from just under \$1

billion to \$1.5 billion. Colorado broke records for the number of visitors and amount of tourist dollars spent in the sixth year in a row in 2016. These statistics are encouraging from a business and economic perspective. Legalizing access to recreational cannabis makes a great deal of sense. I support creating and supporting an industry that can stimulate our economy in such a variety of ways. One other issue the Commerce Committee deals with, which is a concern when we talk about creating a commercial cannabis industry, is banking. A few years ago, I went to an NCSL conference and attended a presentation from regulators from Colorado and Washington. Much of their presentation centered on the challenges of the early legal recreational cannabis business and how they were dealing with primarily cash businesses since banks were queasy about creating formal relationships with these new businesses. Luckily those early jitters have been minimized and some banks are now finding ways to work directly with commercial cannabis businesses. Despite the complications caused by federal law, hundreds of banks and credit unions do serve adult use cannabis businesses nationwide. All three therapeutic cannabis businesses in New Hampshire have access to banking and three financial institutions are already reportedly serving adult use businesses in Massachusetts. Of course, there are many other reasons to support legalizing and regulating the use of cannabis for adults, but one of those reasons is the very positive influence it will have on the creation of an entrepreneurial business climate that will support our local and state economies and will foster significant business growth and positive revenue gains for our state. Please support the Ought to Pass on HB 481. Thank you.

Speaker Shurtleff: Will the member yield to a question. The member will not yield to questions. The Chair recognizes the member from Campton, Rep. Richard Osborne to speak against the committee recommendation.

Rep. Richard Osborne: I am Richard Osborne from Campton. I'm speaking in opposition to this bill and I'm speaking as a physician who sees in this bill a danger to the health of children, pregnant women in particular and it's already been eloquently described what the risks are so I'm not going to go back through all of them. I would pass on to you words from the American Academy of Pediatrics, "Yes, more than half of Americans support the legalization of marijuana, but questions remain about how the drug affects our health." These questions are especially important for one group, pregnant women. Marijuana use during pregnancy is becoming more common despite the lack of clarity about its effects. The recommendation of the academy for women who are pregnant is don't use marijuana in any form throughout the pregnancy. We can debate whether the effects are important or not but at this stage in our knowledge of the effects of cannabis, I do not feel we are ready to let everyone use it without any regulation. Thank you.

Speaker Shurtleff: Will the member yield to a question? The member does not yield. The Chair recognizes the member from Keene, Rep. William Pearson.

Rep. William Pearson: Thank you, Mister Speaker. Thank you, Members. Listening to the debate this morning, I might think that Juuls are going to cure cancer and save the rainforest. I might also think that marijuana is going to start killing our children by the dozens. I suggest to you that both arguments are overblown. I've been serving here since 2014, which I recognize isn't long compared to some of the members, but its long enough to have heard this debate come up a couple of times now and for those who have been here since I was first elected in 2014, you'll notice that this is the first time I have ever risen to speak to this issue. Well, that's because I've been reluctant to talk on it. I feel passionate about it and if you had spoken to me in the halls, we might have talked about it, but there is an immense stigma associated with talking about it, much less even doing it, or rather much more than even doing it. So, why do I come up today? Well, I think after the past couple of sessions I've garnered a little bit of respect among this body, I hope at least, and I've come out on issues that are broader than just marijuana. I'd be remiss if I didn't acknowledge that I'm a 27-year old college educated male from Keene, New Hampshire. It seems obvious where I'm going to vote on this issue and why I support it but let me explain to you why. As reluctant as I am to break from the Pearson caucus, I know there are three of us now, I don't share my colleague's concern about cannabis. That goes to one of the bigger arguments that there's a real public health crisis associated here, and I know we are dealing with the opioid epidemic, but this is not that, not even close. Rather, I'd compare cannabis to coffee or sugar and in a 2015 report we saw 25,000 deaths in the United States associated with sugar. We saw 180,000 deaths associated worldwide with sugar. No one is talking about it here in this body in terms of regulating it. In fact, I posit to my colleague that if we want to remove marijuana and cannabis from these situations, we should remove them from the nefarious actors that end up peddling the cannabis. The very actors, "dealers" who would also have access to harder drugs. LSD, for instance, methamphetamines. These are things that your CVS won't carry obviously, but someone who deals marijuana may. I also want to address the argument that there's a public safety problem here. How are police going to regulate this on the roads? Well, if you look at a map of the Northeast, specifically New England, and the surrounding states, many of them have legalized marijuana. I'd also suggest to you that police officers are having to deal with this problem whether or not we pass this bill or not. These people are on the roadways. The reason we don't have a sales tax in New Hampshire is to entice Massachusetts residents, who by the way have access to legal marijuana, to come to our state. To say that they're not also carrying marijuana, I think is a misnomer and it's really ignoring our police officers. I also wanted to talk about the adverse effects on the developing mind. I'm reluctant to talk about this too because my story is anecdotal. We've heard some statistics about this and I'm not going to talk

about statistics. I will talk about my own life though. I can speak to that. I've experienced it. I graduated from Keene State in 2014. I now go to the University of New Hampshire School of Law. I've seen marijuana. I've been around it. I've ingested it during my time in undergrad and even more recently. I am preparing for the bar so there are ethics problems that I need to be careful of, but before that, I was pretty intimate with the substance and I would suggest that many of my colleagues were as well. To suggest that these people, some of the most highly educated people in the state, are experiencing mental developmental problems due to marijuana ingested, due to the ingesting of marijuana, I think is a complete farce. I'm sure some of you think my mental development has been stayed some. I'm looking over here. Maybe over here too. Be that as it may, I am but one example of a much broader cohort of people and I wish I could do them even more justice, ranging from the ages of 21 to 30 who regularly participate in the ingesting of marijuana and have really no side-effects aside, going full circle, from the stigma associated with it. That's why I'm really for this bill. It's because the problems that are associated with keeping it the way it is now have been far reaching and frankly they go to the criminal justice problems that we're trying to alleviate ourselves of right now, the overburdened prison populations, people who are not able to find jobs because of these low-level misdemeanor offences on their records. New Hampshire is a very white state, but there are also minority people who live in this state who are in this chamber and they are adversely affected by the marijuana policies that we have on the books. I think New Hampshire is behind the times on this. I think we should have done this yesterday. I'm glad that I've been able to speak to you about it today. I hope I can speak to you more about it in the future and I hope that you will respect my opinion, not just on this issue, but many others. Again, I acknowledge that there is a stigma associated with talking about it, especially as a young person coming from liberal Keene. I understand that, but I hope that I have engendered enough respect in this body that you will actually listen to the words I am saying today and support the committee's bipartisan recommendation of Ought to Pass.

Speaker Shurtleff: Will the member yield to a question? The member does not yield. The Chair recognizes the member from Stratham, Rep. Abrami, to speak against the recommendation.

Rep. Abrami: Thank you, Mister Speaker. Mister Speaker I rise in opposition to HB 481. I am the last speaker on this side, so everybody knows. As many of you also know, I have had the privilege to chair the Commission to study the legalization, regulation and taxation of marijuana. During that time, I took a neutral position. Being a good legislator, I did, but now I am rising in opposition. The commission made 54 recommendations reported on peer reviewed findings only, took testimony from 43 individuals, including from officials from eight states that had legalized and commercialized, simulated findings from recently published commission reports from New York state and Canada, and took no position on whether or not legalization and commercialization should happen in this state. We felt that all of you should be the ones voting on that, but I did have a ring-side seat to learn the good, the bad and the ugly about the topic. I'm going to give you my top ten reasons and I'm going to be brief as I can be. First, we are going to talk about what legalization means in the eyes of the adolescence, it means normalization. I'm just going to say that. It means normalization in the eyes of our adolescents and I'm not going to talk about what I was going to talk about because the Reps. from Campton, Exeter and Nashua did an excellent job of talking about that. And, that goes for vaping as well. The statistic you heard about, the 10% of our 12-graders vaping is true. So, vaping not of nicotine, I'm talking about vaping of marijuana. So, I will leave it at that. The second issue I want to talk about is this is not your grandpa's marijuana anymore. Listen to me. This is not your grandpa's marijuana anymore. I'm a child of the 60's, like many of you are, and 70's and 80's. In those days, it was 3% THC and today it's 15 to 30% THC, pushing 30%. Why is that? Because of states that have legalized. Big companies are involved today, and they hire botanists. What do those botanists do? They engineer the plants to be more potent and that's what we are faced with so when the Representative from Keene says we're dealing with sugar, we're not dealing with sugar. Now, extracts. They extract THC out of the plants and create waxes. Waxes with product names like shatter. Guess what? Those concentrates are up to 94% THC. How do they ingest that? Well I learned a lot more than I ever wanted to know. You take a dab, you take a piece and put it on a titanium nail that is heated, it vaporizes in a vaping device and voila, instant high. Now if you don't call that a hard drug, I don't know what you call it. Guess what? That product is available in every single state. Every single state has this product that has legalized it and it's going to be here in our state as well because there is no stopping it, there is no stopping it. So, there is my second reason. The other thing that hasn't been mentioned, my third reason, is that when we did revenue projections, we determined that only 11.4% of those in New Hampshire will smoke, over 21, will buy marijuana. So, we are going to pass a bill with social impacts, negative social impacts, just for 11.4% of the population. I thought that was worth mentioning. My fourth is of course the roadside impairment testing that the Representative from Salem touched on that. My fifth in relation to impaired testing, workplace issues. No one has addressed workplace issues and there is a couple of them. One is that we have to do drug testing at workplaces. There is not good test. Well there is a urine test. The problem with a urine test is that if you smoke it once, it's in your system for more than a day. If you are a habitual user, it's in your system for 30 days. So, you may not be impaired at the time of the test, but it's still in your system and that's the problem. With the roadside testing and this, is that there is no good way of testing if you are really impaired, that will hold up in court. That should be mentioned. My sixth point. My friend from

Harts Landing mentioned the banks and let me touch on that. In the commission we had a member from the banking commission and he said no way, no way will any bank in New Hampshire touch this marijuana money because it is still illegal federally. Why? Because bank board members are conservative. They do not want to be in violation of any state law or federal law and because it is still illegal federally, they will not. What about our medical marijuana or therapeutic cannabis? They deal with Century Bank in Massachusetts. But guess what? Century Bank has told us, told the commission through testimony, Century Bank is not going to take any additional business related to marijuana in New Hampshire. Back to workplace, my second point, back to workplace issues, I have ten of these. The employers cannot treat marijuana the same as they do alcohol. Why? Because alcohol is legal federally and marijuana is not. Employers must deal with the Control Substance Act of 1970, the Occupational Safety and Health Act of 1970 and the Drug Free Workplace Act of 1988. Nowhere in the bill we are voting on do we touch on this topic. It's an issue. My ninth point, I think the Representative from Derry did a nice job of touching on it, the firefighter. There is an opioid crisis going on and it just seems counterintuitive to me that we would pass something like this in the midst of this. For anybody in the room, if anybody in this room thinks that marijuana is not addictive, it's addictive. We heard testimony after testimony in the commission about this. We had counselors that came to us and said geez we would not be in business if it wasn't for all of the people that are addicted to marijuana. It is an addictive substance and at these levels of THC that I've talked about, you can see why. My final thing, which is kind of a three-prong, I apologize. Of the 54 commission recommendations, they put many of the recommendations in this bill which is great, but there is some major ones that are missing. There is no opt-out provision for municipalities. Now for lottery and for keno, we have opt-in provisions. We do not have an opt-in provision, so your community could be asleep at the switch and the people in your town may not want a marijuana store in the plaza, but guess what? If they don't, if there is not opt-out, a vague opt-out, that's not good enough. It has to be an opt-in provision because you can still be asleep at the switch and all of a sudden there is a marijuana store in your location. So that's one. Two, most other states have seed to sale tracking and that's to prevent any leakage of the product to avoid taxes, selling a product illegally in the black market. There is no provision here in this bill for seed to sale tracking where most other states that have legalized have that provision. The other reason they do it is to say to the federal government, cause remember this is still illegal federally. So, what the other states are trying to do is trying to show the federal government, we are regulating this very tightly, we have seed to sale tracking, but this bill doesn't have that. Then there is no ban on smoking or vaporizing of marijuana in indoor places. There is a provision for banning of smoking and vaporizing in outdoor places, although the vaporizing that I'm talking about isn't the vices we heard a lot of testimony on, it's the using of the dabbing and all of that. We need to make sure we outlaw that both inside and outside. We don't want anybody dabbing in front of our children. So, in conclusion, there is no societal need or benefit for cannabinoids with the hallucinogenic properties produced by THC. There are only downside risks and costs to society and I'll leave it at that. Thank you, Mister Speaker.

Speaker Shurtleff: Will the member yield to a question? The member does not yield. The Chair recognizes the member from Portsmouth, Rep. Meuse.

Rep. Meuse: Thank you, Mister Speaker. Today I rise to speak in support of HB 481. The elephant in the room when it comes to this legislation isn't anything in the bill itself, it's the status quo. Here in New Hampshire, buying and selling or growing cannabis is illegal yet the black market for cannabis continues to boom. Despite a hundred years of prohibition, people that want marijuana have no trouble getting it as one person who testified in our committee said, in New Hampshire if you want to get marijuana, just ask a child. We also heard from parents with children who suffered from the effects of cannabis and the consequences of its use. Their testimony was sincere and heart wrenching but a takeaway for me was that all of the stories that we heard ultimately focused on people who had little trouble getting access to this drug. Essentially if you want access to this drug in New Hampshire, you can get access to this drug in New Hampshire currently without this law. If this teaches us anything, it really teaches us a critical lesson over and over and over again and that lesson is prohibition does not work. Despite this I know that there are many people in this room, many in our committee who are genuinely conflicted when it came to this bill. So, for those of you who are leaning towards no, let me tell you what your no vote will do. If you vote no, you will basically be voting to keep black market drug dealers in business. For many people, these people provide the real gateway to more serious drugs like heroine and like fentanyl. If you vote no, you are also going to be saying no to new revenue. One of the things that is buried in this bill is there is a provision that does talk about how revenue would be used. Revenue from this bill would be used to fund new drug education programs for kids. It would provide additional resources to law enforcement for enforcement. It would be used to study the medical and social impact of cannabis and to actually make further refinements in the law. I don't think we look at this law as being a done deal or a work in progress yet. I think the expectation is it will continue to evolve over the years. Last, but not least, and this is something really important to consider is that if we vote no we are also going to be voting to enforce a set of laws on our citizens that all the states around us have chosen no longer to enforce. Even the country we share a border with, Canada, has chosen not to enforce those laws anymore.

On the other hand, if you choose to vote for this bill, you're not just going to be voting for legalization. You'll also going to be voting for regulation that will protect consumers. So, some of the other speakers have gotten into that a little bit, but one of the things that I have seen is that there is a picture floating around that shows cannabis products that have been designed to look like candy bars and to look like brand name snack foods and things like that. One of the things that is important to realize is that under this bill that kind of packaging would be illegal. What would be required is nutritional labeling that would spell things out like the concentration. So the advantage of that, if you are taking a look at kids who may be getting this illegally, is that kids are going to be getting a product, if they get marijuana that was totally legal in New Hampshire, they're going to be getting a product that's tested, where they understand the strength and that's been certified not to have adulterants, contaminants or other drugs added to it. That is not something they are going to get from anything they are buying on the black market currently. Many of us are also concerned about the impact on our roads, driving under the influence. I think one of things we have to realize is that this crime is not anything new. To be clear, there is absolutely nothing in HB 481 which actually legalizes driving under the influence of marijuana. Well we have heard a lot of conflicting testimony and statistics about the impact on accidents and arrests in states that have legalized. Here is something that is not in question here in New Hampshire. Should a person be stopped by police for suspicion for driving under the influence of cannabis, police will use the same procedures they use now to assess intoxication and to make an arrest. These situations and the resulting arrest and convictions will continue regardless of how we vote today. With 80% of our state's population living within 30 minutes of a bordering state where cannabis is legal, something that we also need to consider is that if we don't legalize, some of these people may buy the product over the state line and irresponsibly use it on their return trip. The bottom line is like any drug, like alcohol which we sell legally here in New Hampshire, there are no guarantees that cannabis is going to be completely safe for everyone who uses it, but in the same way that pharmaceutical companies are allowed to market over the counter medications with side effects that may be dangerous to certain people, cannabis should be legally available for adults who read the disclosures, who educate themselves about what they are getting into and who abide by our laws when they purchase, grow and consume it. HB 481 is an extremely thoughtful bill. Anybody who has read it knows how long it is and how much detail that the authors of this bill have gone into. This is the single most comprehensive piece of legislation of its kind that's been introduced before this body. It literally does try to check all the boxes. Part of this law is also the establishment of a commission that will make sure down the road if there are boxes that we failed to check. Initially we can make recommendations to make changes in the law, to make changes in actually how we do this. So, one of the things that I would say is, just to echo Rep. Pearson, is that this is the time for this. The other states surrounding us have done it and I genuinely believe that the status quo that we have right now just simply is no longer tenable, so I would ask you to vote Ought to Pass on HB 481 and to please send it on to the next step. Thank you.

Speaker Shurtleff: Will the member yield to a question? The member does not yield. The Chair recognizes the last speaker on this bill, the member from Hampton, Rep. Cushing.

Rep. Cushing: Thank you, Mister Speaker. I rise in support of HB 481. When I was a boy in the last century, growing up at Hampton Beach, there were a couple of activities that were prescribed by law and regulation, but they were also participated in by a wide body of the population. One of them was gambling and the other was the sale of intoxicating spirits. Although when I was growing up there was the Empire Laundry at Hampton Beach where people could go in and put some money down on the counter and get a laundry ticket and then when the Boston Herald arrived in the afternoon and had the treasury number on the front, they could take that laundry ticket, go back to the laundry and get some money. It was what the police chief called "The clean book." Also, the sale of intoxicating spirits was prohibited and there was a beer store right over the town line that saw a lot of traffic from the Town of Hampton and I remember going with my grandfather down to Seabrook to go visit Dr. Greens where he would get some medicine. Dr. Greens was the state liquor store and medicine was alcohol, which even during when the State of New Hampshire prohibited recreational use of alcohol, one could still obtain it medicinally at a pharmacy with a doctor's prescription. Times change. What we used to call felony bookmaking when I was a boy, is now called Powerball and rather than putting people in jail and breaking up gambling dens, we get praise on TV for our contribution to education by participating in what was previously an anti-social activity. You can buy a legal drink now at Hampton, both residents and tourists alike. In fact, that dry town that I grew up in now is the home of Smutty Nose Brewery and the two highest grossing volume liquor stores in the state. So, an activity that was once proscribed and prohibited now is regulated, legalized and taxed. Times change. What HB 481 wants to do is to relegalize the use of cannabis. For a couple of hundred years, they talked a lot about alcohol here, but it wasn't until 1934 that marijuana and cannabis was outlawed, and we've been dealing with what I think of as a failed war on cannabis for 85 years and it's time to bring that to an end. I say we do that because I come at it from a criminal justice and public safety perspective. I think the war of marijuana has had an adverse impact upon our society. No one can deny that there are some challenges and health impacts by use of cannabis. We've also come to realize is that the damage that is done by prohibition is at least, prohibition of cannabis, is equal to the damage done

by the prohibition of alcohol. It just doesn't work. I know change is hard. It's a little scary but I think now is the time that New Hampshire makes the transition from prohibition of cannabis to relegalization to taxation and regulation. The program that's outlined here, I know it's 26 pages, but it's pretty simple. The first thing that will happen is 60 days after the law passes, use of, and possession of cannabis by adults will be legal. Will be just like Maine, Vermont, Massachusetts, Quebec and the nine states in the country, the other states in the country that have legalized it. We will set up a Cannabis Control Commission that will be charged with licensing and regulating the growing, the production, the retail sales, the transportation and the testing of cannabis. There are strict controls that are underway that are included in this law that will prohibit it from getting in the hands of children. That's going to be a focus of this organization. It will have an advisory committee of stakeholders that will go out of business in 2025, but it will help us as we make a transition from, just as we had to do 85 years ago when we had a transition from prohibition of alcohol to the regulation and legalization and taxation of that prohibited substance. We have to make that change today when it comes to cannabis. So, I would ask you to please press the green button and vote yes on HB 481.

Speaker Shurtleff: The question before the House is the majority recommendation of Ought to Pass. Are you ready for the question? A roll call has been requested. Is that sufficiently seconded? It is sufficiently seconded. Members will take their seats. The House will be in order. This is a roll call vote. The Chair recognizes the member from Manchester, Rep. Mangipudi for a parliamentary inquiry.

Rep. Mangipudi: Thank you, Mister Speaker. Mister Speaker, if I know legalizing and commercializing of marijuana will normalize this drug in the eyes of our youth. And if I know that potencies today are upwards of ten times higher than what it was in the 70's and 80's variety and the concentrates are now upwards of 94% THC. And if I further know that vaping of marijuana is done by 10% of 12th graders and 8% of 10th graders. And if I believe that we decriminalized marijuana in 2017 which led to a dramatic increase in marijuana related arrests in just one year. For example, in 2017 New Hampshire public defenders handled about 234 cases of marijuana possession. In 2018.

Speaker Shurtleff: The member will suspend for a moment. This is a parliamentary inquiry to the Chair. If I believe. If I now. Thank you.

Rep. Mangipudi: Okay. In 2018, that number was reduced to just 37 and 22 of those cases were reduced to a violation. And if I believe that we have legalized medical marijuana and that over 7,000 individuals have access to medical marijuana right now. And if Mister Speaker if I also know that marijuana being illegal federally creates a complication with banking and workplace issues. And if I also know that despite attempts by many companies, no roadside impairment test is available today. And if.

Speaker Shurtleff: If the member will suspend? I'm starting to believe so if you would just move ahead and finish this up. Normally we would do two or three "would I believe" or "would I know" so. Thank you. I appreciate your cooperation.

Rep. Mangipudi: Okay, thank you. I haven't smoked. If I believe that this bill permits full commercialization of marijuana allowing a major industry to manufacture, sell and market an addictive product to our young people in the midst of a substance misuse epidemic in our state.

Speaker Shurtleff: I would ask the member to get to the last sentence to tell us what button to push.

Rep. Mangipudi: Mister Speaker, I would now press the red button to defeat the pending motion, so another motion can be brought to forth. Thank you, Mister Speaker.

Speaker Shurtleff: The Chair recognizes the member from Bradford, Rep. Rodd, for a parliamentary inquiry.

Rep. Rodd: Thank you, Mister Chair and colleagues. If I know that the recreational marijuana is legal in every other state in New England except New Hampshire and that it provides for quality control and taxation revenue. And I also know that there are no quality controls on the black market and that legalizing and taxing marijuana products will bring income into the state while providing oversight of marijuana products' potency and purity, would I then press the green button to support the committee report of Ought to Pass. Thank you.

Speaker Shurtleff: This is a roll call vote. The question before the House is the majority recommendation of Ought to Pass. If you agree, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will now be open for 30 seconds. Have all members present had an opportunity to vote? The House will be attentive to the state of the vote. With 209 members voting Yea and 147 voting Nay, the majority recommendation passes. This bill will be sent to the Ways and Means Committee.

REGULAR CALENDAR CONT'D

HB 726-FN, relative to the secure psychiatric unit and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT.

Rep. Nancy Murphy for Criminal Justice and Public Safety. For over 3 decades the State of New Hampshire has been transferring civilly committed patients whose mental illness is so severe that they are a threat to themselves and others from the state hospital, an accredited mental health hospital, to the state prisons secure psychiatric unit, an un accredited facility, where they are co-mingled with sentenced prisoners. Two separate legislative study committees over the past two decades have recommended building a secure psychiatric forensic hospital, and the recent 10-year state mental health plan calls for a new facility to treat those

patients. The governor announced his budget will contain funds to build a new psychiatric hospital, and this bill as amended establishes an advisory council of stake holders to assist in the planning and construction of a new facility that will be a step forward to ending to criminalization of persons with mental illness. Vote 18-1.

Amendment (0633h)

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

AN ACT establishing a secure forensic psychiatric hospital advisory council.

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

1 New Section; Secure Forensic Psychiatric Hospital Advisory Council. Amend RSA 622 by inserting after section 52 the following new section:

622:52-a Secure Forensic Psychiatric Hospital Advisory Council.

I. There is hereby established a secure forensic psychiatric hospital advisory council to assist the commissioner of the department of health and human services with the planning and construction of a new secure multi-purpose forensic psychiatric hospital to treat patients currently civilly committed to the secure psychiatric unit. The members of the advisory council shall be:

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

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

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

(d) The commissioner of the department of corrections, or designee.

(e) The director of medical and forensic services of the department of corrections, or designee.

(f) The chief operating officer of the New Hampshire hospital, or designee.

(g) One member representing New Hampshire Legal Assistance, appointed by that organization.

(h) One member of the American Civil Liberties Union of New Hampshire, appointed by that organization.

(i) A representative of the National Alliance on Mental Illness New Hampshire, appointed by such organization.

(j) A representative of the New Hampshire Psychiatric Society, appointed by the society.

(k) A representative of the New Hampshire Community Behavioral Health Association, appointed by such organization.

(l) A representative of Advocates for Ethical Mental Health Treatment, appointed by such organization.

(m) A representative of the Community Support Network, Inc, appointed by that organization.

(n) Two members of the public, one of whom shall be a family member of a person who was civilly committed to the secure psychiatric unit, appointed by the governor.

II. The advisory council shall assist the commissioner of the department of health and human services in the development of plans for and the construction of a new secure multi-purpose forensic psychiatric hospital for the purpose of providing treatment in an accredited institution for patients currently treated pursuant to the provisions of RSA 622:45.

III. Legislative members shall receive mileage at the legislative rate while attending to the duties of the advisory council.

IV. The members of the advisory council shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 30 days of the effective date of this section. Nine members of the commission shall constitute a quorum.

V. The advisory council shall submit an annual report on November 1 of each year, commencing November 1, 2019, and a final report on November 1, 2022, 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, the chairpersons of the house criminal justice and public safety and the house health, human services, and elderly affairs committees, the chairperson of the senate judiciary committee, the chairperson of the senate health, human services, and elderly affairs committee, the state library, and the governor.

2 Repeal. RSA 622:52-a, relative to the secure forensic psychiatric hospital advisory council, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect January 1, 2023.

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

AMENDED ANALYSIS

This bill establishes a secure forensic psychiatric hospital advisory council to assist the commissioner of the department of health and human services in the development of plans for and the construction of a new secure multi-purpose forensic psychiatric hospital. The council is repealed January 1, 2023.

Committee amendment adopted.

Committee report adopted and referred to the Committee on Finance.

CLERK'S NOTE

Pursuant to House Rule 50, the following legislation was withdrawn from the committee as it had not acted on the legislation by the date specified in House Rule 65, and the reference to the committee is revoked.

HB 732-FN, relative to over-sentencing and racial profiling. **WITHOUT RECOMMENDATION.**

MOTION TO LAY ON THE TABLE

Rep. Rodd moved that **HB 732-FN**, relative to over-sentencing and racial profiling, be laid on the table.

Motion adopted.

REFERRAL DECLINED

Rep. Wallner, Chairman of the Committee on Finance, under the provisions of House Rule 46 (f), declined the referral of **HB 726-FN**, relative to the secure psychiatric unit and making an appropriation therefor.

REGULAR CALENDAR CONT'D

HB 177-FN, relative to the calculation of stabilization grants. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David Luneau for the Majority of Education. Many school districts across the state rely on the stabilization grant to make up for some of the inadequacies in the education funding model. In 2017, a change in law would wipe out the stabilization grant over 25 years by reducing payments to school districts by 4% each year. As a result, some districts with the lowest equalized property values per pupil and highest property taxes have been forced to close schools, increase class sizes, and eliminate academic and cocurricular programs. These districts have referred to the situation as demoralizing. This bill stops the continued reduction in stabilization grants. The amendment restores the stabilization funds back to 2016 levels. Vote 17-3.

Rep. Glenn Cordelli for the Minority of Education. This bill puts a hold on future cuts to school district stabilization grants. Based upon previous legislation, stabilization grants are being reduced by 4% annually. The original bill held stabilization grants at the current rate. The fiscal note places the cost of this freeze at over \$12 million for 2020 and over \$19 million for 2021. The amended bill, however, freezes the stabilization grants at the 2016 funding levels. The costs of this funding level will approximately double the state costs. The minority believes the amended bill goes too far and costs too much.

Majority Amendment (0258h)

Amend RSA 198:41, IV(e) as inserted by section 1 of the bill by replacing it with the following:

(e) For fiscal year 2020 and each fiscal year thereafter, the department of education shall distribute a total education grant to each municipality in an amount equal to the total education grant to that municipality for the fiscal year in which the grant is calculated plus the amount of the fiscal year 2016 stabilization grant, if any, distributed to the municipality. No stabilization grant shall be distributed to any municipality for any fiscal year in which the municipality's education property tax revenue collected pursuant to RSA 76 exceeds the total cost of an adequate education or to any municipality for any fiscal year in which the municipality's ADMA is zero.

AMENDED ANALYSIS

This bill limits the education grant to each municipality for fiscal year 2020 and thereafter to an amount equal to the total education grant to that municipality for the fiscal year in which the grant is calculated plus the amount of the fiscal year 2016 stabilization grant to that municipality.

On a division vote, with 260 members having voted in the affirmative, and 96 in the negative, the majority committee amendment was adopted.

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

Rep. Dolan requested a roll call; sufficiently seconded.

YEAS 268 - NAYS 90**YEAS - 268****BELKNAP**

Feeney, George
Beaudoin, Richard

Fields, Dennis
St. Clair, Charlie

Huot, David
Viens, Harry

Lang, Timothy

CARROLL

Buco, Thomas
DesMarais, Edith
Marsh, William

Burroughs, Anita
Kanzler, Harrison
Nelson, Bill

Butler, Edward
Knirk, Jerry
Ticehurst, Susan

Crawford, Karel
MacDonald, John
Woodcock, Stephen

CHESHIRE

Abbott, Michael
Eaton, Daniel

Ames, Richard
Faulkner, Barry

Berch, Paul
Fenton, Donovan

Bordenet, John
Gomarlo, Jennie

Ley, Douglas
Parkhurst, Henry
Thompson, Craig

Mann, John
Schapiro, Joe
Von Plinsky, Sparky

Meador, David
Swinburne, Sandy
Pearson, William

Morrill, David
Tatro, Bruce
Weber, Lucy

COOS

Fothergill, John
Moynihan, Wayne

Hatch, William
Noel, Henry

Laflamme, Larry
Tucker, Edith

Merner, Troy
Thomas, Yvonne

GRAFTON

Abel, Richard
Dontonville, Roger
Gordon, Edward
Massimilla, Linda
Nordgren, Sharon
Stringham, Jerry

Adjutant, Joshua
Fellows, Sallie
Josephson, Timothy
Migliore, Vincent Paul
Osborne, Richard
Smith, Suzanne

Almy, Susan
Ford, Susan
Ladd, Rick
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

Campion, Polly
French, Elaine
Maes, Kevin
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

HILLSBOROUGH

Bouldin, Amanda
Baroody, Benjamin
Bernet, Jennifer
Bouchard, Donald
Connors, Erika
DiSilvestro, Linda
Flanagan, Jack
Hall, Brett
Herbert, Christopher
Jack, Martin
Klein-Knight, Nicole
Lascelles, Richard
Mangipudi, Latha
Mullen, Sue
Nutting-Wong, Allison
Piedra, Israel
Radhakrishnan, Julie
Newman, Sue
St. John, Michelle
Telerski, Laura
Vann, Ivy

Bouldin, Andrew
Beaulieu, Jane
Boehm, Ralph
Chretien, Jacqueline
Danielson, David
Dutzy, Sherry
Freitas, Mary
Hamer, Heidi
Hinch, Richard
Jeudy, Jean
Komi, Richard
Leishman, Peter
Martin, Joelle
Murphy, Nancy
O'Brien, Michael
Porter, Marjorie
Rice, Kimberly
Shaw, Barbara
Stack, Kathryn
Toomey, Dan
Thomas, Wendy

Backus, Robert
Belanger, James
Bordy, William
Cleaver, Skip
Dargie, Paul
Espitia, Manny
Goley, Jeffrey
Harriott-Gathright, Linda
Indruk, Greg
King, Mark
L'Heureux, Robert
Long, Patrick
McGhee, Kat
Nutter, Jeanine
Pedersen, Michael
Query, Joshua
Riel, Cole
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Williams, Kermit

Balch, Chris
Bergeron, Paul
Bosman, James
Cohen, Bruce
Desjardin, Kathy
Davis, Fred
Griffith, Willis
Heath, Mary
Schmidt, Janice
Klee, Patricia
Langley, Diane
Murray, Megan
Mombourquette, Donna
Nutter-Upham, Frances
Pickering, Daniel
Newman, Ray
Rung, Rosemarie
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance

MERRIMACK

Allard, James
Fox, Samantha
Klose, John
McWilliams, Rebecca
Rodd, Beth
Schuett, Dianne
Turcotte, Alan
Wells, Kenneth

Bartlett, Christy
Fulweiler, Joyce
Lane, Connie
Myler, Mel
Rogers, Katherine
Schultz, Kristina
Wallner, Mary Jane

Carson, Clyde
Horn, Werner
Luneau, David
Pimentel, Roderick
Saunderson, George
Soucy, Timothy
Walz, Mary Beth

Ebel, Karen
Karrick, David
MacKay, James
Richards, Beth
Schamberg, Thomas
Testerman, Dave
Wazir, Safiya

ROCKINGHAM

Abbas, Daryl
Berrien, Skip
Chirichiello, Brian
DeSimone, Debra
Gay, Betty
Guthrie, Joseph
Murray, Kate
Loughman, Tom
Maggiore, Jim
McKinney, Betsy
Packard, Sherman
Read, Ellen
Warner, Anne

Abrami, Patrick
Bunker, Lisa
Coursin, David
DiLorenzo, Charlotte
Gilman, Julie
Harb, Robert
Katsakiores, Phyllis
Love, David
Malloy, Dennis
Meuse, David
Potucek, John
Sytek, John
Webb, James

Altschiller, Debra
Bushway, Patricia
Cushing, Robert Renny
Doucette, Fred
Grossman, Gaby
Hoelzel, Kathleen
Khan, Aboul
Lovejoy, Patricia
McBeath, Rebecca
Milz, David
Pratt, Kevin
Vallone, Mark

Barnes, Arthur
Cahill, Michael
DeClercq, Edward
Eisner, Mary
Grote, Jaci
Janvrin, Jason
Le, Tamara
Griffin, Mary
McConnell, Liz
O'Connor, John
Prudhomme-O'Brien, Katherine
Ward, Gerald

STRAFFORD

Bixby, Peter
Ellis, Donna
Higgins, Peg
Kenney, Cam
Schmidt, Peter
Southworth, Thomas

Cannon, Gerri
Gourgue, Amanda
Horgan, James
Levesque, Cassandra
Rich, Cecilia
Spang, Judith

Chase, Wendy
Grassie, Chuck
Horrigan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Towne, Matthew

Conley, Casey
Hayward, Peter
Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Wall, Janet

Callum, John
O'Hearne, Andrew
Smith, Steven

Cloutier, John
Oxenham, Lee
Sullivan, Brian

SULLIVAN

Laware, Thomas
Rollins, Skip
Tanner, Linda

Merchant, Gary
Stapleton, Walter

NAYS - 90**BELKNAP**

Aldrich, Glen
Jurius, Deanna
Varney, Peter

Bean, Harry
Mackie, Jonathan

Comtois, Barbara
Spanos, Peter

Howard, Raymond
Sylvia, Michael

CARROLL

Avellani, Lino

Comeau, Ed

Cordelli, Glenn

CHESHIRE

O'Day, John

COOS

Craig, Kevin

Furbush, Michael

HILLSBOROUGH

Lekas, Alicia
Erf, Keith
Gunski, Michael
McLean, Mark
Prout, Andrew
Lekas, Tony

Alexander, Joe
Gagne, Larry
Hopper, Gary
Nunez, Hershel
Ober, Russell
Ulery, Jordan

Burt, John
Gould, Linda
Ober, Lynne
Plett, Fred
Renzullo, Andrew
Warden, Mark

Camarota, Linda
Greene, Bob
Marzullo, JP
Proulx, Mark
Sanborn, Laurie
Whittemore, James

MERRIMACK

Hill, Gregory
Pearl, Howard

Kotowski, Frank
Seaworth, Brian

Marple, Richard
Walsh, Thomas

McGuire, Carol
Yakubovich, Michael

ROCKINGHAM

Abramson, Max
Costable, Michael
Dolan, Tom
Hobson, Deborah
Lundgren, David
Melvin, Charles
Pearson, Stephen
Verville, Kevin
Yokela, Josh

Acton, Dennis
Davis, Dan
Edwards, Jess
Osborne, Jason
Pearson, Mark
Owens, Becky
Spillane, James
Wallace, Scott

Bershtein, Alan
Thomas, Douglas
Fowler, William
Janigian, John
McBride, Everett
Piemonte, Tony
Torosian, Peter
Welch, David

Cali-Pitts, Jacqueline
Desilets, Joel
Green, Dennis
Kolodziej, Walter
McMahon, Charles
Roy, Terry
True, Chris
Weyler, Kenneth

STRAFFORD

Harrington, Michael
Pitre, Joseph

Kittredge, Mac
Rooney, Abigail

McNally, Jody
Beaudoin, Steven

Perreault, Mona
Wuelper, Kurt

SULLIVAN

Aron, Judy

Lucas, Gates

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

The House recessed at 12:10 p.m.

RECESS

The House reconvened at 1:20 p.m.

(Speaker Shurtleff in the Chair)

REGULAR CALENDAR CONT'D

HB 184-FN, relative to the calculation of kindergarten students in the average daily membership and repealing prorated kindergarten funding based on Keno revenues. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David Luneau for the Majority of Education. Under current law, school districts receive half of the state adequacy funds for each full-day kindergarten student as they receive for students in grades 1-12. Changes made to the law during the last session provide additional funds conditional on the amount of money raised through Keno. However, revenue from Keno has been insufficient to fund full-day kindergarten and school districts need reliable and predictable funding in order to develop their budgets. This bill corrects this problem by including full-day kindergarten students in the adequacy funding formula. Nothing in this bill requires school districts to offer full-day programs. Keno revenue, like other lottery revenue, will continue to be deposited into the state's education trust fund. Vote 12-6.

Rep. Rick Ladd for the Minority of Education. During the previous session, funding a portion of full day kindergarten was sold to communities by stating that local property taxes raised for full day kindergarten could be partially off-set by Keno revenues. The minority believes that it has been too short a time frame to judge the effectiveness of the one-year old Keno kindergarten program. The minority recognizes the importance and need for kindergarten instruction and supports parents having the option or choice to enroll children for either a full day or half day program, but the minority is uncomfortable with the abrupt change this bill conveys. Many communities went forward to support full day kindergarten programming due to the availability of the Keno funding mechanism even though many citizens attending town meetings may have had reservations about Keno.

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

Rep. Ladd spoke against.

Rep. Luneau spoke in favor and yielded to questions.

Rep. Cordelli requested a roll call; sufficiently seconded.

YEAS 203 - NAYS 148

YEAS - 203 BELKNAP

Huot, David St. Clair, Charlie

CARROLL

Buco, Thomas Burroughs, Anita DesMarais, Edith Kanzler, Harrison
Knirk, Jerry Ticehurst, Susan Woodcock, Stephen

CHESHIRE

Abbott, Michael Ames, Richard Berch, Paul Bordenet, John
Eaton, Daniel Faulkner, Barry Fenton, Donovan Gomarlo, Jennie
Ley, Douglas Mann, John Meader, David Morrill, David
Parkhurst, Henry Schapiro, Joe Swinburne, Sandy Tatro, Bruce
Thompson, Craig Von Plinsky, Sparky Pearson, William Weber, Lucy

COOS

Laflamme, Larry Moynihan, Wayne Noel, Henry Tucker, Edith
Thomas, Yvonne

GRAFTON

Abel, Richard Adjutant, Joshua Almy, Susan Campion, Polly
Dontonville, Roger Fellows, Sallie Ford, Susan French, Elaine
Gordon, Edward Josephson, Timothy Maes, Kevin Massimilla, Linda
Mulligan, Mary Jane Muscatel, Garrett Nordgren, Sharon Osborne, Richard
Stavis, Laurel Smith, Suzanne Sykes, George Weston, Joyce

HILLSBOROUGH

Bouldin, Amanda Bouldin, Andrew Backus, Robert Balch, Chris
Baroody, Benjamin Beaulieu, Jane Bergeron, Paul Bernet, Jennifer
Bordy, William Bosman, James Bouchard, Donald Chretien, Jacqueline
Cleaver, Skip Connors, Erika Danielson, David Dargie, Paul
Desjardin, Kathy DiSilvestro, Linda Dutzy, Sherry Espitia, Manny
Davis, Fred Freitas, Mary Goley, Jeffrey Griffith, Willis
Hall, Brett Hamer, Heidi Harriott-Gathright, Linda Heath, Mary
Herbert, Christopher Indruk, Greg Jack, Martin Jeudy, Jean
King, Mark Klee, Patricia Klein-Knight, Nicole Komi, Richard
Langley, Diane Leishman, Peter Long, Patrick Murray, Megan
Mangipudi, Latha Martin, Joelle McGhee, Kat Mombourquette, Donna
Mullen, Sue Murphy, Nancy Nutter-Upham, Frances Nutting-Wong, Allison
O'Brien, Michael Pedersen, Michael Pickering, Daniel Piedra, Israel
Porter, Marjorie Query, Joshua Newman, Ray Riel, Cole
Rung, Rosemarie Newman, Sue Snow, Kendall Sofikitis, Catherine
St. John, Michelle Stack, Kathryn Stevens, Deb Smith, Timothy
Telerski, Laura Toomey, Dan Vail, Suzanne Van Houten, Constance
Vann, Ivy Thomas, Wendy Williams, Kermit

MERRIMACK

Bartlett, Christy Carson, Clyde Ebel, Karen Fox, Samantha
Fulweiler, Joyce Karrick, David Lane, Connie Luneau, David
MacKay, James McWilliams, Rebecca Myler, Mel Pimentel, Roderick
Richards, Beth Rodd, Beth Rogers, Katherine Saunderson, George

Schamberg, Thomas
Turcotte, Alan
Wells, Kenneth

Schuett, Dianne
Wallner, Mary Jane

Schultz, Kristina
Walz, Mary Beth

Soucy, Timothy
Wazir, Safiya

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
DiLorenzo, Charlotte
Grote, Jaci
Maggiore, Jim
Meuse, David
Warner, Anne

Berrien, Skip
Cali-Pitts, Jacqueline
Eisner, Mary
Murray, Kate
Malloy, Dennis
Read, Ellen

Bunker, Lisa
Coursin, David
Gilman, Julie
Le, Tamara
McBeath, Rebecca
Vallone, Mark

Bushway, Patricia
Cushing, Robert Renny
Grossman, Gaby
Loughman, Tom
McConnell, Liz
Ward, Gerald

STRAFFORD

Bixby, Peter
Ellis, Donna
Horrigan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Towne, Matthew

Cannon, Gerri
Gourgue, Amanda
Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Wall, Janet

Chase, Wendy
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Southworth, Thomas

Conley, Casey
Higgins, Peg
Levesque, Cassandra
Rich, Cecilia
Spang, Judith

SULLIVAN

Cloutier, John
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

NAYS - 148

BELKNAP

Aldrich, Glen
Fields, Dennis
Mackie, Jonathan
Varney, Peter

Bean, Harry
Howard, Raymond
Beaudoin, Richard
Viens, Harry

Comtois, Barbara
Jurius, Deanna
Spanos, Peter

Feeney, George
Lang, Timothy
Sylvia, Michael

CARROLL

Avellani, Lino
MacDonald, John

Comeau, Ed
Marsh, William

Cordelli, Glenn
Nelson, Bill

Crawford, Karel

CHESHIRE

O'Day, John

COOS

Craig, Kevin
Merner, Troy

Fothergill, John

Furbush, Michael

GRAFTON

Ladd, Rick

Migliore, Vincent Paul

Ruprecht, Dennis

Stringham, Jerry

HILLSBOROUGH

Lekas, Alicia
Burt, John
Gagne, Larry
Hinch, Richard
Lascelles, Richard
Nunez, Hershel
Ober, Russell
Lekas, Tony

Alexander, Joe
Camarota, Linda
Gould, Linda
Hopper, Gary
Marzullo, JP
Plett, Fred
Renzullo, Andrew
Ulery, Jordan

Belanger, James
Erf, Keith
Greene, Bob
L'Heureux, Robert
McLean, Mark
Proulx, Mark
Rice, Kimberly
Warden, Mark

Boehm, Ralph
Flanagan, Jack
Gunski, Michael
Ober, Lynne
Notter, Jeanine
Prout, Andrew
Shaw, Barbara
Whittemore, James

MERRIMACK

Allard, James
Kotowski, Frank
Seaworth, Brian

Hill, Gregory
Marple, Richard
Testerman, Dave

Horn, Werner
McGuire, Carol
Walsh, Thomas

Klose, John
Pearl, Howard
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Costable, Michael
Desilets, Joel
Edwards, Jess
Guthrie, Joseph
Osborne, Jason
Khan, Aboul
Griffin, Mary

Abrami, Patrick
Barnes, Arthur
Davis, Dan
DeSimone, Debra
Fowler, William
Harb, Robert
Janigian, John
Kolodziej, Walter
Pearson, Mark

Abramson, Max
Bershtein, Alan
Thomas, Douglas
Dolan, Tom
Gay, Betty
Hobson, Deborah
Janvrin, Jason
Love, David
McBride, Everett

Acton, Dennis
Chirichiello, Brian
DeClercq, Edward
Doucette, Fred
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
Lundgren, David
McKinney, Betsy

McMahon, Charles
Owens, Becky
Pratt, Kevin
Spillane, James
Verville, Kevin
Weyler, Kenneth

Melvin, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Wallace, Scott
Yokela, Josh

Milz, David
Piemonte, Tony
Roy, Terry
Torosian, Peter
Webb, James

O'Connor, John
Potucek, John
Pearson, Stephen
True, Chris
Welch, David

STRAFFORD

Harrington, Michael
McNally, Jody
Wuelper, Kurt

Hayward, Peter
Perreault, Mona

Horgan, James
Pitre, Joseph

Kittredge, Mac
Rooney, Abigail

SULLIVAN

Aron, Judy
Rollins, Skip

Callum, John
Stapleton, Walter

Laware, Thomas
Smith, Steven

Lucas, Gates

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

HB 551-FN-A, establishing a school funding commission and making an appropriation therefor. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Mel Myler for the Majority of Education. The majority believes that an independent commission is needed to review all aspects of education funding. It has been ten years (2008) since a comprehensive review of how we fund public school has been done. RSA 193-E:2-b calls for review of the funding of an adequate education every ten years. Why an independent commission? It would engage at the decision-making table more sectors of the New Hampshire community than does a legislative study committee. It brings varied voices to the dialogue and study. Frankly, for the past thirty years, this legislative body has refused to deal comprehensively with the charges of the original *Claremont* dictates. Legislative study committees have to "tweak" around the edges of providing enough funding for an adequate education for all New Hampshire students. The funding of the commission will come from the excess funds in the education trust fund. The funding will provide for commission staffing and data development funding and experts to guide the review. Now is the time for an independent look at new and innovating funding ways we might consider for the future of our students. Vote 12-7.

Rep. Rick Ladd for the Minority of Education. The minority supports passage of this bill by replacing it with amendment 0576h. As amended, the bill would be changed to establish a legislative committee for the review, revision, and update of the cost and delivery of an adequate education; from the majority recommendation to form a commission costing as much as \$500,000. The minority proposes that the committee comprise five representatives, three senators, and the governor or designee as ex officio member. The charges of the committee are closely aligned with those of the majority's proposed commission. The committee as proposed by the minority is modeled after the process established by HB 927 which passed in 2007 and led to the formation of the Joint Legislative Oversight Committee on Costing an Adequate Education. That committee conscientiously and professionally reviewed educational needs and resources required for the opportunity for an adequate education. Third party organizations such as the Education Commission of the States, National Council of State Legislatures, Department of Education, New Hampshire Center for Public Policy Studies, and the NH School Boards Association offered input. This process proved effective and resulted in the state funding formula adopted in 2008 that included funding elements such as base adequacy, differentiated aid, and fiscal capacity disparity aid. Ultimately, any new education funding formula must be owned and approved by the NH Legislature and the committee process, not another commission, is viewed as a productive means to that end.

Majority Amendment (0245h)

Amend the bill by replacing section 2 with the following:

2 Appropriation. The sum of \$500,000 for the fiscal year ending June 30, 2020 is hereby appropriated to the commission to study school funding established in RSA 193-E:2-e for the purpose of administration, staffing, and the utilization of independent school finance experts. Notwithstanding restrictions on the use of moneys in the education trust fund in RSA 198:39, said appropriation shall be a charge against the education trust fund and shall be nonlapsing.

Majority committee amendment adopted.

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

Rep. Ladd offered minority committee amendment (0576h).

Minority Amendment (0576h)

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

AN ACT establishing a committee to review, revise, and update the cost and delivery of an adequate education.

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

1 New Section; Legislative Committee for the Review, Revision, and Update of the Delivery and Costing an Adequate Education Established. Amend RSA 193-E by inserting after section 2-d the following new section: 193-E:2-e Legislative Committee for the Review, Revision, and Update of the Delivery and Cost of an Adequate Education.

I. There is hereby established the joint legislative committee for the review, revision, and update of the delivery and cost of an adequate education. The members of the committee shall be as follows:

(a) Five members of the house of representatives, which shall include at least 2 of whom shall be members of the house education committee and at least 2 of whom shall be members of the house finance committee, appointed by the speaker of the house of representatives.

(b) Three members of the senate, at least one of whom shall be a member of the senate education committee and at least one of whom shall be a member of the senate finance committee, appointed by the president of the senate.

(c) The governor or designee as ex officio member of the committee.

II. The committee shall:

(a) Review and study the analytical models and formulae for determining the delivery and cost of an adequate education and the educational needs and resources needed to ensure equitable delivery and cost of an adequate education for students throughout the state.

(b) Review the education formula and make recommendations to ensure a uniform and equitable design for financing the cost of an adequate education for all public school students in the state.

(c) Determine whether the New Hampshire school funding formula complies with court decisions mandating the opportunity for an adequate education for all students, with a revenue source that is uniform across the state.

(d) Identify trends and disparities across the state in student performance in kindergarten through grade 12 based upon current school costing options.

(e) Identify and recommend education costing options that support districts in which inequity in income effects the ability of some communities to increase the amount raised by local property taxes in support of the opportunity of an adequate education.

(f) Re-establish a baseline for the universal cost of an opportunity for an adequate education that represents the per pupil resources necessary including the costs of programs, staffing, and facilities attributable to the subset of education that supports the specific criteria and substantive programs to deliver the opportunity for an adequate education as defined in RSA 193-E:2-a.

(g) Develop and propose criteria for identifying schools with enhanced needs and identify and propose any resources these schools may need.

(h) Consider other policy issues as the committee deems necessary. The committee may consult with outside resources and state agencies, including but not limited to the department of education, the department of revenue administration, and the legislative assistant's office.

III. The members of the legislative committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 60 days of the effective date of this section. Five members of the committee shall constitute a quorum. The committee shall establish a calendar to meet on a regular basis.

IV. The joint legislative committee shall submit an interim report to the speaker of the house of representatives, the president of the senate, the senate clerk, the house clerk, the governor and the state library not more than 9 months after its first meeting, and a final report on or before September 1, 2020. The joint legislative committee shall remain active until the general court addresses its recommendations.

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

AMENDED ANALYSIS

This bill establishes a joint legislative committee for the review, revision, and update of the cost and delivery of an adequate education.

Rep. Ladd spoke in favor and yielded to questions.

Rep. Myler spoke against.

On a division vote, with 156 members having voted in the affirmative, and 199 in the negative, the minority committee amendment failed.

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

Rep. Verville requested a roll call; sufficiently seconded.

YEAS 207 - NAYS 148

YEAS - 207

BELKNAP

CARROLL

Burroughs, Anita
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

Kanzler, Harrison

Knirk, Jerry

CHESHIRE

Abbott, Michael
Eaton, Daniel
Ley, Douglas
Parkhurst, Henry
Thompson, Craig

Ames, Richard
Faulkner, Barry
Mann, John
Schapiro, Joe
Von Plinsky, Sparky

Berch, Paul
Fenton, Donovan
Meador, David
Swinburne, Sandy
Pearson, William

Bordenet, John
Gomarlo, Jennie
Morrill, David
Tatro, Bruce
Weber, Lucy

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Dontonville, Roger
Josephson, Timothy
Nordgren, Sharon
Stringham, Jerry

Adjutant, Joshua
Fellows, Sallie
Maes, Kevin
Osborne, Richard
Smith, Suzanne

Almy, Susan
Ford, Susan
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

Campion, Polly
French, Elaine
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

HILLSBOROUGH

Bouldin, Amanda
Baroody, Benjamin
Bordy, William
Cleaver, Skip
Desjardin, Kathy
Freitas, Mary
Hamer, Heidi
Indruk, Greg
King, Mark
Langley, Diane
Mangipudi, Latha
Mullen, Sue
O'Brien, Michael
Porter, Marjorie
Riel, Cole
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance

Bouldin, Andrew
Beaulieu, Jane
Bosman, James
Cohen, Bruce
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Leishman, Peter
Martin, Joelle
Murphy, Nancy
Pedersen, Michael
Query, Joshua
Rung, Rosemarie
St. John, Michelle
Telerski, Laura
Vann, Ivy

Backus, Robert
Bergeron, Paul
Bouchard, Donald
Connors, Erika
Espitia, Manny
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Pickering, Daniel
Newman, Ray
Newman, Sue
Stack, Kathryn
Toomey, Dan
Thomas, Wendy

Balch, Chris
Bernet, Jennifer
Chretien, Jacqueline
Dargie, Paul
Davis, Fred
Hall, Brett
Herbert, Christopher
Jeudy, Jean
Komi, Richard
Murray, Megan
Mombourquette, Donna
Nutting-Wong, Allison
Piedra, Israel
Radhakrishnan, Julie
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Williams, Kermit

MERRIMACK

Bartlett, Christy
Fulweiler, Joyce
MacKay, James
Richards, Beth
Schamberg, Thomas
Turcotte, Alan
Wells, Kenneth

Carson, Clyde
Karrick, David
McWilliams, Rebecca
Rodd, Beth
Schuett, Dianne
Wallner, Mary Jane

Ebel, Karen
Lane, Connie
Myler, Mel
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth

Fox, Samantha
Luneau, David
Pimentel, Roderick
Saunderson, George
Soucy, Timothy
Wazir, Safiya

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
DiLorenzo, Charlotte
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Ward, Gerald

Berrien, Skip
Cali-Pitts, Jacqueline
Eisner, Mary
Murray, Kate
Maggiore, Jim
Meuse, David
Warner, Anne

Bunker, Lisa
Coursin, David
Gilman, Julie
Le, Tamara
Malloy, Dennis
Read, Ellen

Bushway, Patricia
Cushing, Robert Renny
Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Vallone, Mark

STRAFFORD

Bixby, Peter
Ellis, Donna
Horriggan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Towne, Matthew

Cannon, Gerri
Gourgue, Amanda
Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Wall, Janet

Chase, Wendy
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Southworth, Thomas

Conley, Casey
Higgins, Peg
Levesque, Cassandra
Rich, Cecilia
Spang, Judith

SULLIVAN

Callum, John
Oxenham, Lee

Cloutier, John
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

NAYS - 148**BELKNAP**

Aldrich, Glen
Howard, Raymond
Beaudoin, Richard
Viens, Harry

Bean, Harry
Jurius, Deanna
Spanos, Peter

Comtois, Barbara
Lang, Timothy
Sylvia, Michael

Feeney, George
Mackie, Jonathan
Varney, Peter

CARROLL

Avellani, Lino
Crawford, Karel

Buco, Thomas
MacDonald, John

Comeau, Ed
Marsh, William

Cordelli, Glenn
Nelson, Bill

CHESHIRE

O'Day, John

COOS

Craig, Kevin

Fothergill, John

Furbush, Michael

Merner, Troy

GRAFTON

Gordon, Edward

Ladd, Rick

Massimilla, Linda

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
Burt, John
Flanagan, Jack
Gunski, Michael
Ober, Lynne
Notter, Jeanine
Prout, Andrew
Shaw, Barbara
Whittemore, James

Alexander, Joe
Camarota, Linda
Gagne, Larry
Hinch, Richard
Lascelles, Richard
Nunez, Hershel
Ober, Russell
Lekas, Tony

Belanger, James
Danielson, David
Gould, Linda
Hopper, Gary
Marzullo, JP
Plett, Fred
Renzullo, Andrew
Ulery, Jordan

Boehm, Ralph
Erf, Keith
Greene, Bob
L'Heureux, Robert
McLean, Mark
Proulx, Mark
Rice, Kimberly
Warden, Mark

MERRIMACK

Allard, James
Kotowski, Frank
Seaworth, Brian

Hill, Gregory
Marple, Richard
Testerman, Dave

Horn, Werner
McGuire, Carol
Walsh, Thomas

Klose, John
Pearl, Howard
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Costable, Michael
Desilets, Joel
Edwards, Jess
Guthrie, Joseph
Osborne, Jason
Khan, Aboul
Griffin, Mary
McMahon, Charles
Owens, Becky
Pratt, Kevin
Spillane, James
Verville, Kevin
Weyler, Kenneth

Abrami, Patrick
Barnes, Arthur
Davis, Dan
DeSimone, Debra
Fowler, William
Harb, Robert
Janigian, John
Kolodziej, Walter
Pearson, Mark
Melvin, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Wallace, Scott
Yokela, Josh

Abramson, Max
Bershtein, Alan
Thomas, Douglas
Dolan, Tom
Gay, Betty
Hobson, Deborah
Janvrin, Jason
Love, David
McBride, Everett
Milz, David
Piemonte, Tony
Roy, Terry
Torosian, Peter
Webb, James

Acton, Dennis
Chirichiello, Brian
DeClercq, Edward
Doucette, Fred
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
Lundgren, David
McKinney, Betsy
O'Connor, John
Potucek, John
Pearson, Stephen
True, Chris
Welch, David

STRAFFORD

Harrington, Michael
McNally, Jody
Wuelper, Kurt

Hayward, Peter
Perreault, Mona

Horgan, James
Pitre, Joseph

Kittredge, Mac
Rooney, Abigail

SULLIVAN

Aron, Judy
Stapleton, Walter

Laware, Thomas
Smith, Steven

Lucas, Gates

Rollins, Skip

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

HB 564, relative to possession of firearms in safe school zones. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David Doherty for the Majority of Education. The majority of the committee feels that the implementation of this bill, which codifies the Federal Gun Free Schools Act in New Hampshire Law, is in the best interest of the students of our state. It is the majority opinion of the committee that firearms do not belong in schools or on school property, with the exception of trained personnel authorized by school administration. Also, the amendment allows parents or others picking up students to keep firearms in vehicles without loading or unloading, rectifying potentially unsafe situations. This bill is a positive first step toward safer schools. Vote 11-8.

Rep. Rick Ladd for the Minority of Education. With several exceptions, this bill prevents a person from knowingly carrying a firearm as defined by RSA 173-B:1, XI in a safe school zone as currently defined in NH law. The definition of safe school zone states that school property includes any real property, public or private, that is used for school purposes including educational and extra-curricular activity sponsored programs. This might include a school-sponsored activity conducted at a community field or town common area elsewhere from the school or regularly used school sites. Will these locations be identified as safe school zones? How will a person with a firearm who is passing by or stopping to observe the activity know the location is now a safe school zone as defined by RSA 193-D:1? Aside from constitutional questions, the bill is not clear as to what is or isn't a safe school zone. Does a school-sponsored field trip to a local museum, historical site, or to the capitol building now require these locations to be posted as safe school zones even though the site is apart from the school, playground, or bus? Lastly, the minority believes that this bill will make schools less safe and result in interpretation confusion. The New Hampshire School Boards Association testified against the passage of this bill.

Majority Amendment (0532h)

Amend RSA 159:19-b, II(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Any person picking up or dropping off a student, provided the firearm remains in a motor vehicle. Majority committee amendment adopted.

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

MOTION TO LAY ON THE TABLE

Rep. Baldasaro moved that **HB 564**, relative to possession of firearms in safe school zones, be laid on the table. Rep. Heath requested a roll call; sufficiently seconded.

YEAS 148 - NAYS 206

YEAS - 148

BELKNAP

Aldrich, Glen
Fields, Dennis
Mackie, Jonathan
Varney, Peter

Bean, Harry
Howard, Raymond
Beaudoin, Richard
Viens, Harry

Comtois, Barbara
Jurius, Deanna
Spanos, Peter

Feeney, George
Lang, Timothy
Sylvia, Michael

CARROLL

Avellani, Lino
MacDonald, John

Comeau, Ed
Marsh, William

Cordelli, Glenn
Nelson, Bill

Crawford, Karel

CHESHIRE

O'Day, John

COOS

Craig, Kevin

Fothergill, John

Furbush, Michael

Merner, Troy

GRAFTON

Gordon, Edward

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
Burt, John
Flanagan, Jack
Greene, Bob
L'Heureux, Robert
McLean, Mark
Proulx, Mark
Rice, Kimberly
Whittemore, James

Alexander, Joe
Camarota, Linda
Gagne, Larry
Gunski, Michael
Ober, Lynne
Notter, Jeanine
Prout, Andrew
Lekas, Tony

Belanger, James
Danielson, David
Goley, Jeffrey
Hinch, Richard
Lascelles, Richard
Nunez, Hershel
Ober, Russell
Ulery, Jordan

Boehm, Ralph
Erf, Keith
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Marzullo, JP
Plett, Fred
Renzullo, Andrew
Warden, Mark

MERRIMACK

Allard, James
Kotowski, Frank
Seaworth, Brian

Hill, Gregory
Marple, Richard
Testerman, Dave

Horn, Werner
McGuire, Carol
Walsh, Thomas

Klose, John
Pearl, Howard
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Costable, Michael
Desilets, Joel

Abrami, Patrick
Barnes, Arthur
Davis, Dan
DeSimone, Debra

Abramson, Max
Bershtein, Alan
Thomas, Douglas
Dolan, Tom

Acton, Dennis
Chirichiello, Brian
DeClercq, Edward
Doucette, Fred

Edwards, Jess
Guthrie, Joseph
Osborne, Jason
Khan, Aboul
Griffin, Mary
McMahon, Charles
Owens, Becky
Pratt, Kevin
Spillane, James
Verville, Kevin
Weyler, Kenneth

Fowler, William
Harb, Robert
Janigian, John
Kolodziej, Walter
Pearson, Mark
Melvin, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Wallace, Scott
Yokela, Josh

Gay, Betty
Hobson, Deborah
Janvrin, Jason
Love, David
McBride, Everett
Milz, David
Piemonte, Tony
Roy, Terry
Torosian, Peter
Webb, James

Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
Lundgren, David
McKinney, Betsy
O'Connor, John
Potucek, John
Pearson, Stephen
True, Chris
Welch, David

STRAFFORD

Harrington, Michael
McNally, Jody
Wuelper, Kurt

Hayward, Peter
Perreault, Mona

Horgan, James
Pitre, Joseph

Kittredge, Mac
Rooney, Abigail

SULLIVAN

Aron, Judy
Rollins, Skip

Callum, John
Stapleton, Walter

Laware, Thomas
Smith, Steven

Lucas, Gates

NAYS - 206 BELKNAP

Huot, David

St. Clair, Charlie

CARROLL

Buco, Thomas
Knirk, Jerry

Burroughs, Anita
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

Kanzler, Harrison

CHESHIRE

Abbott, Michael
Eaton, Daniel
Ley, Douglas
Parkhurst, Henry
Thompson, Craig

Ames, Richard
Faulkner, Barry
Mann, John
Schapiro, Joe
Von Plinsky, Sparky

Berch, Paul
Fenton, Donovan
Meader, David
Swinburne, Sandy
Pearson, William

Bordenet, John
Gomarlo, Jennie
Morrill, David
Tatro, Bruce
Weber, Lucy

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Dontonville, Roger
Josephson, Timothy
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

Adjutant, Joshua
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Stringham, Jerry

Almy, Susan
Ford, Susan
Massimilla, Linda
Osborne, Richard
Smith, Suzanne

Campion, Polly
French, Elaine
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

HILLSBOROUGH

Bouldin, Amanda
Baroody, Benjamin
Bordy, William
Cleaver, Skip
Desjardin, Kathy
Freitas, Mary
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Pickering, Daniel
Newman, Ray
Newman, Sue
St. John, Michelle
Telerski, Laura
Vann, Ivy

Bouldin, Andrew
Beaulieu, Jane
Bosman, James
Cohen, Bruce
Dutzy, Sherry
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Murray, Megan
Mombourquette, Donna
Nutting-Wong, Allison
Piedra, Israel
Radhakrishnan, Julie
Shaw, Barbara
Stack, Kathryn
Toomey, Dan
Thomas, Wendy

Backus, Robert
Bergeron, Paul
Bouchard, Donald
Connors, Erika
Espitia, Manny
Hall, Brett
Herbert, Christopher
Judy, Jean
Langley, Diane
Mangipudi, Latha
Mullen, Sue
O'Brien, Michael
Porter, Marjorie
Riel, Cole
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Williams, Kermit

Balch, Chris
Bernet, Jennifer
Chretien, Jacqueline
Dargie, Paul
Davis, Fred
Hamer, Heidi
Indruk, Greg
King, Mark
Leishman, Peter
Martin, Joelle
Murphy, Nancy
Pedersen, Michael
Query, Joshua
Rung, Rosemarie
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance

MERRIMACK

Bartlett, Christy
Fulweiler, Joyce

Carson, Clyde
Karrick, David

Ebel, Karen
Lane, Connie

Fox, Samantha
Luneau, David

MacKay, James
Richards, Beth
Schamberg, Thomas
Turcotte, Alan
Wells, Kenneth

McWilliams, Rebecca
Rodd, Beth
Schuett, Dianne
Wallner, Mary Jane

Myler, Mel
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth

Pimentel, Roderick
Saunderson, George
Soucy, Timothy
Wazir, Safiya

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
DiLorenzo, Charlotte
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Ward, Gerald

Berrien, Skip
Cali-Pitts, Jacqueline
Eisner, Mary
Murray, Kate
Maggiore, Jim
Meuse, David
Warner, Anne

Bunker, Lisa
Coursin, David
Gilman, Julie
Le, Tamara
Malloy, Dennis
Read, Ellen

Bushway, Patricia
Cushing, Robert Renny
Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Vallone, Mark

STRAFFORD

Bixby, Peter
Ellis, Donna
Horrigan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Towne, Matthew

Cannon, Gerri
Gourgue, Amanda
Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Wall, Janet

Chase, Wendy
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Southworth, Thomas

Conley, Casey
Higgins, Peg
Levesque, Cassandra
Rich, Cecilia
Spang, Judith

SULLIVAN

Cloutier, John
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

and the motion failed.

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

DISORDERLY SPEECH MOTION

Rep. DiLorenzo moved that the debate by Rep. Burt was disorderly speech.
The question being was the debate by Rep Burt disorderly speech?
Rep. Altschiller requested a roll call; sufficiently seconded.

YEAS 225 - NAYS 104

YEAS - 225

BELKNAP

Comtois, Barbara
Viens, Harry

Huot, David

Beaudoin, Richard

St. Clair, Charlie

CARROLL

Buco, Thomas
Knirk, Jerry

Burroughs, Anita
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

Kanzler, Harrison

CHESHIRE

Abbott, Michael
Eaton, Daniel
Ley, Douglas
Schapiro, Joe
Von Plinsky, Sparky

Ames, Richard
Faulkner, Barry
Meader, David
Swinburne, Sandy
Pearson, William

Berch, Paul
Fenton, Donovan
Morrill, David
Tatro, Bruce
Weber, Lucy

Bordenet, John
Gomarlo, Jennie
Parkhurst, Henry
Thompson, Craig

COOS

Fothergill, John
Noel, Henry

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

Abel, Richard
Dontonville, Roger
Gordon, Edward
Massimilla, Linda
Osborne, Richard
Smith, Suzanne

Adjutant, Joshua
Fellows, Sallie
Josephson, Timothy
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

Almy, Susan
Ford, Susan
Ladd, Rick
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

Campion, Polly
French, Elaine
Maes, Kevin
Nordgren, Sharon
Stringham, Jerry

HILLSBOROUGH

Lekas, Alicia
Beaulieu, Jane
Bordy, William

Bouldin, Amanda
Bergeron, Paul
Bosman, James

Bouldin, Andrew
Bernet, Jennifer
Bouchard, Donald

Balch, Chris
Boehm, Ralph
Chretien, Jacqueline

Cleaver, Skip
Desjardin, Kathy
Griffith, Willis
Heath, Mary
Jack, Martin
Langley, Diane
Mangipudi, Latha
Mombourquette, Donna
Nutting-Wong, Allison
Piedra, Israel
Newman, Ray
Rung, Rosemarie
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance

Cohen, Bruce
Espitia, Manny
Hall, Brett
Herbert, Christopher
Judy, Jean
Leishman, Peter
Martin, Joelle
Mullen, Sue
O'Brien, Michael
Plett, Fred
Radhakrishnan, Julie
Newman, Sue
St. John, Michelle
Telerski, Laura
Vann, Ivy

Connors, Erika
Davis, Fred
Hamer, Heidi
Indruk, Greg
King, Mark
Long, Patrick
Marzullo, JP
Murphy, Nancy
Pedersen, Michael
Porter, Marjorie
Rice, Kimberly
Shaw, Barbara
Stack, Kathryn
Toomey, Dan
Thomas, Wendy

Dargie, Paul
Freitas, Mary
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Murray, Megan
McGhee, Kat
Nutter-Upham, Frances
Pickering, Daniel
Query, Joshua
Riel, Cole
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Williams, Kermit

Bartlett, Christy
Fulweiler, Joyce
Luneau, David
Pimentel, Roderick
Saunderson, George
Soucy, Timothy
Wazir, Safiya

Carson, Clyde
Karrick, David
MacKay, James
Richards, Beth
Schamberg, Thomas
Turcotte, Alan
Wells, Kenneth

Ebel, Karen
Kotowski, Frank
McWilliams, Rebecca
Rodd, Beth
Schuett, Dianne
Wallner, Mary Jane

Fox, Samantha
Lane, Connie
Myler, Mel
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth

MERRIMACK

Acton, Dennis
Bushway, Patricia
Costable, Michael
Desilets, Joel
Gilman, Julie
Murray, Kate
Maggiore, Jim
Meuse, David
Sytek, John
Welch, David

Altschiller, Debra
Cahill, Michael
Coursin, David
DeSimone, Debra
Grossman, Gaby
Le, Tamara
Malloy, Dennis
Milz, David
Vallone, Mark

Berrien, Skip
Cali-Pitts, Jacqueline
Cushing, Robert Renny
DiLorenzo, Charlotte
Grote, Jaci
Loughman, Tom
McBeath, Rebecca
Owens, Becky
Ward, Gerald

Bunker, Lisa
Chirichiello, Brian
Davis, Dan
Eisner, Mary
Hobson, Deborah
Lovejoy, Patricia
McConnell, Liz
Roy, Terry
Webb, James

ROCKINGHAM

Bixby, Peter
Ellis, Donna
Higgins, Peg
Levesque, Cassandra
Rich, Cecilia
Spang, Judith

Cannon, Gerri
Gourgue, Amanda
Horrigan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Towne, Matthew

Chase, Wendy
Grassie, Chuck
Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Wall, Janet

Conley, Casey
Hayward, Peter
Kenney, Cam
Schmidt, Peter
Southworth, Thomas

STRAFFORD

Cloutier, John
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

NAYS - 104

BELKNAP

Aldrich, Glen
Mackie, Jonathan

Bean, Harry
Spanos, Peter

Feeney, George
Varney, Peter

Fields, Dennis

CARROLL

Avellani, Lino
Marsh, William

Comeau, Ed
Nelson, Bill

Cordelli, Glenn

MacDonald, John

CHESHIRE

COOS

GRAFTON

HILLSBOROUGH

Belanger, James
Flanagan, Jack
Klein-Knight, Nicole
Notter, Jeanine
Renzullo, Andrew

Burt, John
Gagne, Larry
Ober, Lynne
Proulx, Mark
Lekas, Tony

Camarota, Linda
Greene, Bob
Lascelles, Richard
Prout, Andrew
Ulery, Jordan

Danielson, David
Hinch, Richard
McLean, Mark
Ober, Russell
Whittemore, James

Mann, John

O'Day, John

Furbush, Michael

Migliore, Vincent Paul

MERRIMACK

Allard, James
McGuire, Carol
Walsh, Thomas

Horn, Werner
Pearl, Howard
Yakubovich, Michael

Klose, John
Seaworth, Brian

Marple, Richard
Testerman, Dave

ROCKINGHAM

Abbas, Daryl
Barnes, Arthur
Dolan, Tom
Gay, Betty
Hoelzel, Kathleen
Katsakiores, Phyllis
Griffin, Mary
McMahon, Charles
Piemonte, Tony
Pearson, Stephen
Verville, Kevin

Abrami, Patrick
Bershtein, Alan
Doucette, Fred
Green, Dennis
Osborne, Jason
Khan, Aboul
Pearson, Mark
Melvin, Charles
Potucek, John
Spillane, James
Weyler, Kenneth

Abramson, Max
Thomas, Douglas
Edwards, Jess
Guthrie, Joseph
Janigian, John
Kolodziej, Walter
McBride, Everett
O'Connor, John
Pratt, Kevin
Torosian, Peter
Yokela, Josh

Baldasaro, Al
DeClercq, Edward
Fowler, William
Harb, Robert
Janvrin, Jason
Love, David
McKinney, Betsy
Packard, Sherman
Prudhomme-O'Brien, Katherine
True, Chris

STRAFFORD

Harrington, Michael
Perreault, Mona

Horgan, James
Pitre, Joseph

Kittredge, Mac
Rooney, Abigail

McNally, Jody
Wuelper, Kurt

SULLIVAN

Aron, Judy
Rollins, Skip

Callum, John
Stapleton, Walter

Laware, Thomas

Lucas, Gates

and the motion was adopted.

Rep. Burt apologized to the House.

The question before the House is the adoption of the majority committee report of Ought to Pass with Amendment.

Rep. Heath spoke in favor.

Reps. Tony Lekas and Ladd spoke against and yielded to questions.

Rep. Myler yielded to questions.

Rep. Vallone spoke in favor and yielded to questions.

MOTON TO INDEFINITELY POSTPONE

Rep. Spillane moved that **HB 564**, relative to possession of firearms in safe school zones, be Indefinitely Postponed.

Rep. Spillane requested a roll call; sufficiently seconded.

YEAS 145 - NAYS 202**YEAS - 145****BELKNAP**

Aldrich, Glen
Fields, Dennis
Mackie, Jonathan
Varney, Peter

Bean, Harry
Howard, Raymond
Beaudoin, Richard
Viens, Harry

Comtois, Barbara
Jurius, Deanna
Spanos, Peter

Feeney, George
Lang, Timothy
Sylvia, Michael

CARROLL

Avellani, Lino
Marsh, William

Comeau, Ed
Nelson, Bill

Cordelli, Glenn

MacDonald, John

CHESHIRE

O'Day, John

COOS

Craig, Kevin

Furbush, Michael

Merner, Troy

GRAFTON

Gordon, Edward

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
Burt, John
Flanagan, Jack
Gunski, Michael
L'Heureux, Robert
McLean, Mark
Proulx, Mark
Rice, Kimberly
Whittemore, James

Alexander, Joe
Camarota, Linda
Gagne, Larry
Hinch, Richard
Ober, Lynne
Notter, Jeanine
Prout, Andrew
Shaw, Barbara

Belanger, James
Danielson, David
Gould, Linda
Hopper, Gary
Lascelles, Richard
Nunez, Hershel
Ober, Russell
Lekas, Tony

Boehm, Ralph
Erf, Keith
Greene, Bob
King, Mark
Marzullo, JP
Plett, Fred
Renzullo, Andrew
Ulery, Jordan

MERRIMACK

Allard, James
Kotowski, Frank
Seaworth, Brian

Hill, Gregory
Marple, Richard
Testerman, Dave

Horn, Werner
McGuire, Carol
Walsh, Thomas

Klose, John
Pearl, Howard
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Costable, Michael
Desilets, Joel
Edwards, Jess
Guthrie, Joseph
Osborne, Jason
Khan, Aboul
Pearson, Mark
Melvin, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Wallace, Scott
Yokela, Josh

Abrami, Patrick
Barnes, Arthur
Davis, Dan
DeSimone, Debra
Fowler, William
Harb, Robert
Janigian, John
Kolodziej, Walter
McBride, Everett
Milz, David
Piemonte, Tony
Roy, Terry
Torosian, Peter
Webb, James

Abramson, Max
Bershtein, Alan
Thomas, Douglas
Dolan, Tom
Gay, Betty
Hobson, Deborah
Janvrin, Jason
Love, David
McKinney, Betsy
O'Connor, John
Potucek, John
Pearson, Stephen
True, Chris
Welch, David

Acton, Dennis
Chirichiello, Brian
DeClercq, Edward
Doucette, Fred
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
Griffin, Mary
McMahon, Charles
Owens, Becky
Pratt, Kevin
Spillane, James
Verville, Kevin
Weyler, Kenneth

STRAFFORD

Harrington, Michael
McNally, Jody
Wuelper, Kurt

Hayward, Peter
Perreault, Mona

Horgan, James
Pitre, Joseph

Kittredge, Mac
Rooney, Abigail

SULLIVAN

Aron, Judy
Rollins, Skip

Callum, John
Stapleton, Walter

Laware, Thomas
Smith, Steven

Lucas, Gates

**NAYS - 202
BELKNAP**

Huot, David

St. Clair, Charlie

CARROLL

Buco, Thomas
Kanzler, Harrison

Burroughs, Anita
Knirk, Jerry

Butler, Edward
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

CHESHIRE

Abbott, Michael
Eaton, Daniel
Ley, Douglas
Parkhurst, Henry
Thompson, Craig

Ames, Richard
Faulkner, Barry
Mann, John
Schapiro, Joe
Von Plinsky, Sparky

Berch, Paul
Fenton, Donovan
Meador, David
Swinburne, Sandy
Pearson, William

Bordenet, John
Gomarlo, Jennie
Morrill, David
Tatro, Bruce
Weber, Lucy

COOS

Fothergill, John
Noel, Henry

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

Abel, Richard
Dontonville, Roger
Josephson, Timothy
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

Adjutant, Joshua
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Stringham, Jerry

Almy, Susan
Ford, Susan
Massimilla, Linda
Osborne, Richard
Smith, Suzanne

Campion, Polly
French, Elaine
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

HILLSBOROUGH

Bouldin, Amanda
Beaulieu, Jane
Bosman, James
Cohen, Bruce
Espitia, Manny
Hall, Brett
Herbert, Christopher
Jeudy, Jean
Leishman, Peter
Martin, Joelle
Murphy, Nancy

Bouldin, Andrew
Bergeron, Paul
Bouchard, Donald
Connors, Erika
Davis, Fred
Hamer, Heidi
Indruk, Greg
Klee, Patricia
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances

Backus, Robert
Bernet, Jennifer
Chretien, Jacqueline
Dargie, Paul
Freitas, Mary
Harriott-Gathright, Linda
Schmidt, Janice
Klein-Knight, Nicole
Murray, Megan
Mombourquette, Donna
Nutting-Wong, Allison

Balch, Chris
Bordy, William
Cleaver, Skip
Desjardin, Kathy
Griffith, Willis
Heath, Mary
Jack, Martin
Langley, Diane
Mangipudi, Latha
Mullen, Sue
O'Brien, Michael

Pedersen, Michael
Query, Joshua
Rung, Rosemarie
St. John, Michelle
Telerski, Laura
Vann, Ivy

Pickering, Daniel
Newman, Ray
Newman, Sue
Stack, Kathryn
Toomey, Dan
Thomas, Wendy

Piedra, Israel
Radhakrishnan, Julie
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Williams, Kermit

Porter, Marjorie
Riel, Cole
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance

MERRIMACK

Bartlett, Christy
Fulweiler, Joyce
MacKay, James
Richards, Beth
Schamberg, Thomas
Wallner, Mary Jane

Carson, Clyde
Karrick, David
McWilliams, Rebecca
Rodd, Beth
Schuett, Dianne
Walz, Mary Beth

Ebel, Karen
Lane, Connie
Myler, Mel
Rogers, Katherine
Schultz, Kristina
Wazir, Safiya

Fox, Samantha
Luneau, David
Pimentel, Roderick
Saunderson, George
Soucy, Timothy
Wells, Kenneth

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
DiLorenzo, Charlotte
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Ward, Gerald

Berrien, Skip
Cali-Pitts, Jacqueline
Eisner, Mary
Murray, Kate
Maggiore, Jim
Meuse, David

Bunker, Lisa
Coursin, David
Gilman, Julie
Le, Tamara
Malloy, Dennis
Read, Ellen

Bushway, Patricia
Cushing, Robert Renny
Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Vallone, Mark

STRAFFORD

Bixby, Peter
Ellis, Donna
Horrigan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Towne, Matthew

Cannon, Gerri
Gourgue, Amanda
Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Wall, Janet

Chase, Wendy
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Southworth, Thomas

Conley, Casey
Higgins, Peg
Levesque, Cassandra
Rich, Cecilia
Spang, Judith

SULLIVAN

Cloutier, John
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

and the motion failed.

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

YEAS 194 - NAYS 154

YEAS - 194 BELKNAP

Huot, David

St. Clair, Charlie

CARROLL

Buco, Thomas
Kanzler, Harrison

Burroughs, Anita
Knirk, Jerry

Butler, Edward
Ticehurst, Susan

DesMarais, Edith

CHESHIRE

Abbott, Michael
Eaton, Daniel
Ley, Douglas
Parkhurst, Henry
Thompson, Craig

Ames, Richard
Faulkner, Barry
Mann, John
Schapiro, Joe
Von Plinsky, Sparky

Berch, Paul
Fenton, Donovan
Meador, David
Swinburne, Sandy
Pearson, William

Bordenet, John
Gomarlo, Jennie
Morrill, David
Tatro, Bruce
Weber, Lucy

COOS

Hatch, William

Laflamme, Larry

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Dontonville, Roger
Josephson, Timothy
Nordgren, Sharon
Smith, Suzanne

Adjutant, Joshua
Fellows, Sallie
Maes, Kevin
Osborne, Richard
Sykes, George

Almy, Susan
Ford, Susan
Mulligan, Mary Jane
Stavis, Laurel
Weston, Joyce

Campion, Polly
French, Elaine
Muscatel, Garrett
Stringham, Jerry

HILLSBOROUGH

Bouldin, Amanda
Bergeron, Paul
Bouchard, Donald

Bouldin, Andrew
Bernet, Jennifer
Chretien, Jacqueline

Backus, Robert
Bordy, William
Cleaver, Skip

Beaulieu, Jane
Bosman, James
Cohen, Bruce

Connors, Erika
Davis, Fred
Hamer, Heidi
Indruk, Greg
Klein-Knight, Nicole
Murray, Megan
Mombourquette, Donna
Nutting-Wong, Allison
Piedra, Israel
Radhakrishnan, Julie
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Williams, Kermit

Dargie, Paul
Freitas, Mary
Harriott-Gathright, Linda
Schmidt, Janice
Langley, Diane
Mangipudi, Latha
Mullen, Sue
O'Brien, Michael
Porter, Marjorie
Riel, Cole
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance

Desjardin, Kathy
Griffith, Willis
Heath, Mary
Jeudy, Jean
Leishman, Peter
Martin, Joelle
Murphy, Nancy
Pedersen, Michael
Query, Joshua
Rung, Rosemarie
St. John, Michelle
Telerski, Laura
Vann, Ivy

Espitia, Manny
Hall, Brett
Herbert, Christopher
Klee, Patricia
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Pickering, Daniel
Newman, Ray
Newman, Sue
Stack, Kathryn
Toomey, Dan
Thomas, Wendy

MERRIMACK

Bartlett, Christy
Fulweiler, Joyce
MacKay, James
Richards, Beth
Schamberg, Thomas
Wallner, Mary Jane

Carson, Clyde
Karrick, David
McWilliams, Rebecca
Rodd, Beth
Schuett, Dianne
Walz, Mary Beth

Ebel, Karen
Lane, Connie
Myler, Mel
Rogers, Katherine
Schultz, Kristina
Wazir, Safiya

Fox, Samantha
Luneau, David
Pimentel, Roderick
Saunderson, George
Soucy, Timothy
Wells, Kenneth

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
DiLorenzo, Charlotte
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Ward, Gerald

Berrien, Skip
Cali-Pitts, Jacqueline
Eisner, Mary
Murray, Kate
Maggiore, Jim
Meuse, David

Bunker, Lisa
Coursin, David
Gilman, Julie
Le, Tamara
Malloy, Dennis
Read, Ellen

Bushway, Patricia
Cushing, Robert Renny
Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Vallone, Mark

STRAFFORD

Bixby, Peter
Ellis, Donna
Horrigan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Towne, Matthew

Cannon, Gerri
Gourgue, Amanda
Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Wall, Janet

Chase, Wendy
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Southworth, Thomas

Conley, Casey
Higgins, Peg
Levesque, Cassandra
Rich, Cecilia
Spang, Judith

SULLIVAN

Cloutier, John
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

NAYS - 154

BELKNAP

Aldrich, Glen
Fields, Dennis
Mackie, Jonathan
Varney, Peter

Bean, Harry
Howard, Raymond
Beaudoin, Richard
Viens, Harry

Comtois, Barbara
Jurius, Deanna
Spanos, Peter

Feeney, George
Lang, Timothy
Sylvia, Michael

CARROLL

Avellani, Lino
Marsh, William

Comeau, Ed
Nelson, Bill

Cordelli, Glenn
Woodcock, Stephen

MacDonald, John

CHESHIRE

O'Day, John

COOS

Craig, Kevin
Tucker, Edith

Fothergill, John
Thomas, Yvonne

Furbush, Michael

Merner, Troy

GRAFTON

Gordon, Edward
Ruprecht, Dennis

Ladd, Rick

Massimilla, Linda

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
Boehm, Ralph
Erf, Keith
Greene, Bob

Alexander, Joe
Burt, John
Flanagan, Jack
Gunski, Michael

Balch, Chris
Camarota, Linda
Gagne, Larry
Hinch, Richard

Belanger, James
Danielson, David
Gould, Linda
Hopper, Gary

Jack, Martin
 Lascelles, Richard
 Nunez, Hershel
 Ober, Russell
 Lekas, Tony

King, Mark
 Marzullo, JP
 Plett, Fred
 Renzullo, Andrew
 Ulery, Jordan

L'Heureux, Robert
 McLean, Mark
 Proulx, Mark
 Rice, Kimberly
 Warden, Mark

Ober, Lynne
 Notter, Jeanine
 Prout, Andrew
 Shaw, Barbara
 Whittemore, James

MERRIMACK

Allard, James
 Kotowski, Frank
 Seaworth, Brian

Hill, Gregory
 Marple, Richard
 Testerman, Dave

Horn, Werner
 McGuire, Carol
 Walsh, Thomas

Klose, John
 Pearl, Howard
 Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
 Baldasaro, Al
 Costable, Michael
 Desilets, Joel
 Edwards, Jess
 Guthrie, Joseph
 Osborne, Jason
 Khan, Aboul
 Pearson, Mark
 Melvin, Charles
 Packard, Sherman
 Prudhomme-O'Brien, Katherine
 Sytek, John
 Wallace, Scott
 Yokela, Josh

Abrami, Patrick
 Barnes, Arthur
 Davis, Dan
 DeSimone, Debra
 Fowler, William
 Harb, Robert
 Janigian, John
 Kolodziej, Walter
 McBride, Everett
 Milz, David
 Piemonte, Tony
 Roy, Terry
 Torosian, Peter
 Webb, James

Abramson, Max
 Bershtein, Alan
 Thomas, Douglas
 Dolan, Tom
 Gay, Betty
 Hobson, Deborah
 Janvrin, Jason
 Love, David
 McKinney, Betsy
 O'Connor, John
 Potucek, John
 Pearson, Stephen
 True, Chris
 Welch, David

Acton, Dennis
 Chirichiello, Brian
 DeClercq, Edward
 Doucette, Fred
 Green, Dennis
 Hoelzel, Kathleen
 Katsakiores, Phyllis
 Griffin, Mary
 McMahon, Charles
 Owens, Becky
 Pratt, Kevin
 Spillane, James
 Verville, Kevin
 Weyler, Kenneth

STRAFFORD

Harrington, Michael
 McNally, Jody
 Wuelper, Kurt

Hayward, Peter
 Perreault, Mona

Horgan, James
 Pitre, Joseph

Kittredge, Mac
 Rooney, Abigail

SULLIVAN

Aron, Judy
 Rollins, Skip

Callum, John
 Stapleton, Walter

Laware, Thomas
 Smith, Steven

Lucas, Gates

and the majority committee report was adopted and referred to the Committee on Criminal Justice and Public Safety.

MOTION TO PRINT DEBATE

Rep. Ley moved that the debate on **HB 564**, relative to possession of firearms in safe school zones, be printed in the Permanent Journal.
 Motion adopted.

DEBATE ON HB 564

Speaker Shurtleff: Why does the member rise?

Rep. Baldasaro: A motion.

Speaker Shurtleff: Please state your motion.

Rep. Baldasaro: I'd like to do a tabling motion and I'd like a division vote.

Speaker Shurtleff: A motion to table is in order. The member from Londonderry requests a motion to table. This will be a division vote. The member from Manchester requests a roll call vote and that is significantly seconded. This will now be a roll call vote on the motion to table. The question before the House is a motion to table HB 564. The member from Londonderry is recognized for a parliamentary inquiry.

Rep. Baldasaro: Thank you, Mister Speaker. Mister Speaker, if I know that I was just at the Parkland school area and got off the plane a little while ago and talked to many parents. And, Mister Speaker, if you knew what I know that those parents do not want a no gun zone.

Speaker Shurtleff: The member will suspend. The member's motion is on the tabling itself. The question is why do I think it should be put on the table. It's not about the underlying bill, but just the motion to table it. The member may proceed.

Rep. Baldasaro: Well anyways, Mister Speaker, if I know that it's very important that we table this bill because the last thing we want is our schools to be no gun zones and for them crazies to come after our children, would you join me and press the green button.

Speaker Shurtleff: The question before the House is the motion to table. This is a roll call vote. If you are in favor of that motion, you'll press the green button. If you opposed to the motion to table, you'll press the red button. Voting stations will be open for 30 seconds. The member notified the clerk and that is sufficient. The Chair recognizes Rep. Ley for a parliamentary inquiry. The House will be in order.

Rep. Ley: Thank you, Mister Speaker. Mister Speaker, if I know that protection and safety of our students is of vital concern to the Education Committee and the Education Committee worked long and hard on this bill. And if I know this bill has garnered a great deal of public attention and therefore deserves to be heard and considered in this House, would I now vote against the tabling motion by pressing the red button. Thank you.

Speaker Shurtleff: The question before the House is on the motion to table. If you are in support of that motion, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Have all members present had an opportunity to vote? The House will be attentive to the state of the vote. With 148 members voting Yea and 206 members voting Nay, the motion to table is defeated. The question before the House is the majority recommendation of Ought to Pass as Amended. The Chair recognizes the member from Goffstown, Rep. Burt.

Rep. Burt: Thank you, Mister Speaker. Mister Speaker, to the last Representative from Goffstown that came up before me, I feel pretty white. Anyways, Mister Speaker, I apologize if I made a joke. So, Mister Speaker. Mister Speaker? Hello? It's pretty loud.

Speaker Shurtleff: The member will suspend for a moment. I was talking with the clerk when you opened your remarks and knowing the member and the respect he has for this chamber, I know that you will be extremely cautious with his comments in the future. Words can have harmful meanings and I ask the member to proceed but keep that admonishment in mind.

Rep. Burt: You are 100% right, Mister Speaker. Thank you. So, Mister Speaker, sadly Parkland, Florida had a shooting at their school. They had a report and out of that report, Mister Speaker, came a couple of recommendations. One is they need more money for school safety. I understand that part. The other is that they have to, this is what the commission said, they have to look at arming our teachers. The other thing, Mister Speaker, is look over at Dartmouth hospital. I've mentioned this before on the House floor and I just do not know how a son could do this, but he walked right by at the hospital. He walked right by that gun free zone sticker on the door. He goes up to where his mother was, and his step dad was there, a nurse and several other people. He pulls a gun out and he shoots her. Again, Mister Speaker, I just cannot wrap myself around this, but that was a gun free zone. He walks out of the building and gets into his car and he heads back to Rhode Island, Connecticut, wherever he is from. Now, Mister Speaker, I know teachers that carry guns in this state. They have called me. They have told me that they are doing this and if we remove those guns what are those teachers going to do when a crazy person walks into that school? Are they going to be like the Parkland, Florida teachers that threw themselves over the children to protect them? I bet you they will, but they will end up dead. So, lastly and finally, if this bill passes, there will be a school shooting in New Hampshire. When that happens, there will be dead children and the blood of those children will be on the hands of these people that vote for it. Thank you, Mister Speaker.

Speaker Shurtleff: The House will be in order. I say to the Representative from Goffstown, I must tell you that I am somewhat disappointed with your comments from the well. You have always had a good way of expressing yourself and saying what you think, but you have crossed over that line a couple of times today and I'm disappointed, not in you, but in the manner in which you make this House look. We have people that listen and are here in the gallery expect better and more of you as well as all members. I ask you to please keep that in mind the next time you come to the well or I'll ask you to suspend again. Will the member now yield to a question?

Representative Harrington, you are recognized for a question.

Rep. Harrington: Thank you, Mister Speaker. Thank you for taking my question, Representative. I'm trying to figure out how this bill works. It seems to be the premise of the bill is that someone decides they want to kill people at a school. They load up a gun and drive down to the school and they run up and see a sign that says it's a gun free zone. They say damn, I can't shoot anybody today and they go home. The premise is a sign is going to block it. So, if signs are going to stop shootings at the school, why don't we expand the use of signs. This is my question to you. Why don't we make the entire state a no assault with a deadly weapon, murder free zone and post signs. We won't have to worry about anybody getting shot anywhere.

Speaker Shurtleff: The House will be in order. That question does not need an answer. That's not the type of questions we expect on the floor. Will the member yield to another question? The member from Londonderry, Rep. Baldasaro is recognized.

Rep. Baldasaro: Thank you, Mister Speaker. Mister Speaker, I just have to first ask a question if I may.

Speaker Shurtleff: A question of the Chair or a question of the member?

Rep. Baldasaro: Mister Speaker, per our constitution, New Hampshire, talks about freedom of speech on the floor. A question is asked using what's going on all around the world, all around the country, and he is being shut down. I'm just asking. Somebody's question being asked. There has been many shootings and he just wants an answer.

Speaker Shurtleff: May I ask the member a question? In this body, we listen to the Constitution of the United States and more importantly the State of New Hampshire. We follow our House Rules. We follow practice and precedent, but in this body the rule of common decency and civility will always be paramount in

our dealings with our members. Some of the comments we heard earlier today in this debate were entirely uncalled for. The opening statement by the member from Goffstown disappoints me as a fellow member of the New Hampshire House because it lowers the credibility of this body and I know that member and I expect more from him than that. The House will be in order. That answers your question, my friend.

Rep. Baldasaro: I agree with you, Mister Speaker, on the first thing that was said 100%.

Speaker Shurtleff: Now, do you have a question for the member?

Rep. Baldasaro: Now, my question for the member, Mister Speaker. Thank you, Representative, for taking my question. I just got back, and I talked to a lot of parents down there in Florida of the shooting. Would you believe that many of those parents believe if the word was out that their school was not a no gun zone, that criminals would think twice about that, going to that school? Would you agree with that?

Rep. Burt: Yes, I would. If the criminals know that it is not a gun free zone, they are less likely to attack.

Speaker Shurtleff: Rep. DiLorenzo is recognized for a Point of Privilege.

Rep. DiLorenzo: Thank you, Mister Speaker. Mister Speaker, disorderly words were used by a member of this House in a debate and I'd like to put the question to the House on whether or not to accept those words.

Speaker Shurtleff: Could you restate your request? I don't believe some of the members heard you. Could you restate the request?

Rep. DiLorenzo: Yes, disorderly words were used by a member of this House and I would like to put a question to this House on whether we should accept those words or reject those words. Thank you, Mister Speaker.

Speaker Shurtleff: The motion the member makes, which is in order, is were the remarks of the previous speaker appropriate in this chamber. That motion is in order and the Chair is going to ask for a division vote. Members will kindly take their seats. A roll call has been requested and sufficiently seconded. This will be a roll call. The House will come to order. As soon as the House settles down I will recognize the member from Durham. Rep. Smith you are recognized. Did you have a question of the Chair? We have a motion pending, but it could be you have a higher priority. Let me state the question to the body because some of you may have not heard it. The question before this body is when the member from Goffstown spoke earlier, was he disorderly in the speech that he used on the floor of the House. That is an appropriate order for this chamber to take up. Parliamentary inquiries. There is no debate. The question has been put to the body. Parliamentary inquiries are appropriate if a member on either side of this question wishes to speak. Having said that, I recognize the member from Durham for a parliamentary inquiry. If there is somebody on the other side that wants to speak, I'll offer them the same opportunity. The member from Durham may proceed with her parliamentary inquiry. She is recognized.

Rep. Marjorie Smith: Thank you, Mister Speaker. If I hold this body in respect and integrity and believe that that is how we as a body choose to act, would I now vote yes on the pending motion? I'm sorry and press the green button.

Speaker Shurtleff: Why does the member rise?

Rep. Packard: Thank you, Mister Speaker. This is a true parliamentary inquiry to you. What is the result of a yes or no vote on this motion?

Speaker Shurtleff: If the body votes yes and this motion prevails, I will ask the member to come down front and apologize to this body for the language he used in his remarks. This is a formal apology to the body, if the motion prevails. If the motion fails, then we will proceed with our debate on the bill.

Rep. Packard: Thank you, Mister Speaker.

Speaker Shurtleff: State your inquiry please.

Rep. Verville: Thank you, Mister Speaker. In order for me to decide how to vote on this I need a definition of disorderly speech as it's applying to the motion on the floor please.

Speaker Shurtleff: Well let me grab Webster's and I can give you a definition of the word disorderly. I can give you my definition of what disorderly would entail. Disorderly is any speech that would bring shame or dishonor on this body and on to the member uttering the words that would be held in disrepute by anybody hearing them. I thank the member for his question because it is a good question. I don't mean to be dismissive. I can tell you how Mason's defines the use of disorderly words in debate. It says on Section 123, paragraph 1, no person may indulge in personalities, impugn motives of members, or use indecent or profane language. 2. When disorderly words are used by a member in debate, notice should immediately be taken of them. Thank you for the question. Why does the member from Brookline rise?

Rep. Flanagan: Thank you, Mister Speaker. Parliamentary inquiry. In the past, we've had members that have spoken out of turn or out of sorts and they did apologize, and we kept on with the days business. Would that not be considered past practice?

Speaker Shurtleff: No, it wouldn't. As the clerk has pointed out to me, a member specifically rose, which is a member's right to put that question to the body. It's in proper form. We have a member later today that's going to apologize for a comment and that's fine and what you are referring to, but in this instance a member of this body was so upset and incensed by the words that she heard, she came forward which is her right and made the motion. That's why we are now going to the vote.

Rep. Flanagan: You're the Speaker, sir.

Speaker Shurtleff: That's going to be the last question. I've answered three and that's all I'm going to answer. Three strikes, that's all. I would ask the members to please take their seats. We are in the voting mode. I'll state the question before the vote as I always do. Members will please be seated while we are in the voting mode. The question before the House is were the remarks by the member from Goffstown disorderly speech when used on the floor of the House? If you agree that it was, you'll press the green button. If you don't believe it was, you'll press the red button. Voting stations will now be open for 30 seconds. Have all members present voted when the question was put? The House will be attentive to the state of the vote. With 225 members voting Yea and 104 members voting Nay, the motion is adopted. I would ask the member from Goffstown to please come down to the well. Pursuant to the vote of this body, I would ask the member to apologize to the body for the remarks in your statement.

Rep. Burt: Thank you, Mister Speaker. Mister Speaker, you are correct. I have always treated this House with a lot of respect. The first part of my speech was way out of line and I do apologize for that. You know, the Representative from Londonderry and I, we pick on each other a lot about his going to Florida and his tan so that was totally out of line. I do apologize for that. On the second part, Mister Speaker, if that is what I am being called out for.

Speaker Shurtleff: That was not the question. It was on the opening remarks. You have apologized for that. It was for the comments earlier.

Rep. Burt: Oh, it was on the opening remarks. It wasn't the last remarks? Then I do agree with you, Mister Speaker. I have always treated this House with respect and I have always treated oppositions and everybody that I know, I treat everybody here as friends. I would never take anybody personally or call anybody personal. I do not do that, and I haven't in the past, so I do apologize. I flubbed once in the nine years I've been here, and I will try better. Thank you for not calling me out on the last part.

Speaker Shurtleff: I thank the member for his apology. Why does the member rise?

Rep. Harrington: Inquiry of the Chair.

Speaker Shurtleff: You may inquire.

Rep. Harrington: Mister Speaker, I had asked a question there and the person was not allowed to answer it. In my opinion the premise of this bill is based on signs stop crime, so I simply asked the other Representative his opinion if he thought that additional signs would stop additional crimes and you refused to allow him to answer the question. I don't know why.

Speaker Shurtleff: I would be glad to explain to the member. As I understood your question to the member is if we put signs all over the State of New Hampshire, would we then have no murders whatsoever, I found that the question itself was factitious and not a true genuine question of the member based on the policy that came out of the committee or his feelings about that vote. So, based on that reason, that's why I asked that the member not answer the question.

Rep. Harrington: I didn't say that it would stop crimes, I said based on the bills position that it should be just as effective at stopping crimes with signs that prevent murder as signs that prevent people taking guns to schools. I disagree with you. I think he should have been given the opportunity to answer the question.

Speaker Shurtleff: I thank the member for his question. As soon as I find my place, we will begin. The Chair recognizes the member from Manchester, Rep. Heath.

Rep. Heath: Thank you, Mister Speaker. I rise in support of HB 564 as amended. HB 564 codifies the Federal Gun Free Schools Act established in the early 90's. A couple of years ago I always thought there was no question. School zones were always gun free. I learned that the New Hampshire state law does not prohibit guns in schools and a recent statement from the AG's office has left school districts and police departments in murky waters on enforcement and jeopardizes safe spaces for our children to learn and grow. Currently, state officials including those in the Attorney General's office have told school officials and local police departments that they cannot enforce the federal law leaving superintendents and school boards helpless to promote their school zones as gun free for the safety of their students. HB 564 will fix that. It will bring us in line with the federal legislation that has been in place since the early 90's. A gun free school zone is defined as a public-school property including school playgrounds, athletic fields, administrative and physical plant buildings and school buses or vans. HB 564 won't solve all of the problems, but it's a good step. That and the vigilance every single day in our schools. Our teachers are standing in their classrooms every single day and they are listening to their students. They are hearing what their students are saying and often they are stopping horrendous acts that could take place in their schools. There are far too many guns in our society that our children have access to. We shouldn't be arguing about guns in our schools. We should be talking about the support for our public schools. It's strange, a private school can prohibit guns, but a public school can't. Right now, an adult can bring a gun into a school and excuse me for being emotional, but I have watched too many children die and I don't want that ever to happen in the State of New Hampshire. Right now, an adult can bring a gun to school and unless they issue threats or start shooting, school administrators have little recourse other than going into a lockdown. The presence of firearms in our schools disrupts learning

environments and takes school personnel away from resources from their primary job of teaching children. Some children are already far too familiar with going into lockdown. In our City of Manchester, we had an 8-hour lockdown. Kids were forced to remain in their school for eight hours. Can you imagine a child with a disability forced to go through something like that? HB 564, as amended, doesn't apply to any person picking up or dropping off a student as long as the weapon is locked in their car. Any person authorized in writing by the school board, any duly appointed law enforcement officer, ROTC or properly trained SRO or member of the armed service of the United States or National Guard. The majority of our states, 47 of them, and the District of Columbia prohibit carrying or possessing a firearm on K-12 school property or events. Only Hawaii, New Hampshire and Wyoming do not. New Hampshire has never experienced, and I say thank God every single day that we have not experienced a multi-student shooting. And, while this bill can't promise that it will prevent such a tragedy, it's one step closer from keeping our New Hampshire children safe from harm. We have had letters of support from many schools, organizations, NEA New Hampshire and many superintendents. We as a group have worked with many educators on this bill for over six months. Superintendent need to have the standing to be able to say they can create gun free areas. Thank you and I ask for your support for HB 564. A vote affirmatively will keep our children and educators safe and I thank you for listening and I'm sorry for being so emotional.

Speaker Shurtleff: Will the member yield to a question? The member does not yield. The Chair recognizes Rep. Lekas from Hudson to speak.

Rep. Tony Lekas: Thank you, Mister Speaker. Teachers, staff and parents carry in public schools across New Hampshire every school day now and that is actually explicitly permitted by federal law for those that have a license to carry valid in the state where the school is. I've had children and grandchildren in the Hudson schools and I've carried in the schools many times and I know other parents who do the same. The question is why do we go to the trouble of doing that and I'll tell you it is some trouble and expense. Some think it is, so we feel important or macho or something of that nature. The answer is actually that we carry out of love. Love for our lives, love for our families lives and love for the lives of other innocents around us. An author I'm sure at least some of you have heard of, J.R. Tolkien has stated it better than I can, "I do not love the bright sword for its sharpness, nor the arrow for its swiftness, nor the warrior for his glory. I love only that which they defend." I'm a firearms instructor and I've trained teachers and staff who carry because they love and feel a duty to protect the children they are responsible for. Some are uncomfortable with the idea of people carrying around them. They feel that guns don't belong around children and especially don't belong in schools. Actually, it is people who intend to harm children that don't belong around children, not guns. That's not the issue. This bill will do nothing to keep such people from harming children. Instead it will prevent those who carry out of love and could be available to protect children if there were such a threat from having effective tools to do so. If you do care for the children, please press the red button to oppose this committee recommendation. Thank you.

Speaker Shurtleff: Will the member yield to a question? Rep. Horn you are recognized for a question.

Rep. Horn: Thank you, Mister Speaker. Thank you, Representative, for taking my question. I have a permit to carry in New Hampshire and I substitute teach. I asked my vice principal what his response would be if I was carrying on campus and his response would be he would ask me to leave. My question is do you feel other administrators would feel comfortable asking somebody to leave if they felt that they were carrying a weapon on campus?

Rep. Tony Lekas: It certainly possible, maybe even likely that some administrators might do that, might ask staff or a teacher to leave who is carrying, but I don't believe whatever that person, I'm sure that person would do so with good intent. But, I don't believe in fact they would actually be doing anything to protect the students and actually quite the opposite.

Speaker Shurtleff: Will the member yield to a follow up question? Member yields, Rep. Horn.

Rep. Horn: As an individual responsible, having a permit, being asked to leave from the school grounds, do you find it unusual that I would acquiesce to that request being that he is in charge of that campus, in charge of that safety and I'm a responsible individual that will honor his commitment?

Rep. Tony Lekas: No, I'm not surprised.

Speaker Shurtleff: Will the member yield to a further question? The member yields. Rep. Seaworth you are recognized for a question.

Rep. Seaworth: Thank you, Mister Speaker. Thank you to the member for taking my question. I was a little confused by the member who spoke before you and I'd ask your help on this. As I looked at the bill last night, the member stated in the first part of the debate that this bill simply codifies the existing federal law into our state law. Yet, as I was looking at this bill last night, it seemed that this bill goes further than state law. Can you help me understand what the case is here?

Rep. Tony Lekas: As I stated, federal law does explicitly permit carrying in schools and school zones if that person has a license to carry that is valid in the state in which the school is and you know, while that's not required as part of New Hampshire law and recently this body and the other passed a bill that removed a requirement for a license to carry. Still under federal law if someone is going to carry legally in the schools, they would have to have a valid license to carry.

Speaker Shurtleff: Would the member yield to another question? Rep. Spillane you are recognized for a question.

Rep. Spillane: Thank you, Mister Speaker. Thank you to the member for taking my question. I've been listening to the debate on this and points that are being made and I don't see how this is enforceable without an illegal search of a person picking up their child. What is to state that the person carrying that's picking up their child has actually locked the gun in their vehicle? What's the enforcement mechanism or is this law completely unenforceable without illegal search of individuals?

Rep. Tony Lekas: I believe the only circumstance where this law would really come into play is if somehow the firearm became visible and was noticed, but otherwise I believe you are correct.

Speaker Shurtleff: Would the member yield to one more question? Rep. Nelson you are recognized for a question.

Rep. Nelson: Thank you, Mister Speaker. I know someone said, opposed to, in favor of this bill about state police are allowed to go on. My question regards federal agents. I have some people that I know that are federal agents that go all over the country doing investigative work. One could be in the Secret Service, Marshalls, etc. How do they stand in this whole process? Are they allowed to drop their child off to school or if there is a problem to respond or would that be illegal?

Rep. Tony Lekas: I'm not certain of the answer. I'd have to look over the bill, that part of it about who's allowed to carry more carefully. I know there is something there about law enforcement being permitted under some circumstance, but I don't know who all is covered.

Speaker Shurtleff: Will the member recognize Rep. Spillane for his second and last follow up?

Rep. Spillane: Thank you, Mister Speaker. Thank you to the member for taking another follow up question. Something that the previous questioner asked made me also want to ask. I have at least one constituent in my town who is a TSA agent and in fact a supervisor of the TSA and as such carries and is frequently at the school. Would this then also create problems for him and his duties as a TSA agent?

Rep. Tony Lekas: It's possible that it would but again I would have to look over the section of the bill that details who or what law enforcement is permitted to carry and under what circumstances before I could give a good answer.

Speaker Shurtleff: The Chair recognizes the member from Haverhill, Rep. Ladd.

Rep. Ladd: Thank you very much, Mister Speaker. When this bill came before the Education Committee, there were a number of questions which we asked and of course we had taken the testimony from various groups. One of the questions I had is I'd like to have a description of or the definition of what is a safe school zone. We had that in statute, so I will read it right now. It means an area inclusive of any school property or school buses. So, then I asked a question. What is a definition of school property? School property is also in statute and it say school property means all real property, physical plant and equipment used for school purposes including but not limited to school playgrounds, buses whether public or private. Then I asked the next question. What is a school purpose? That's also in statute. School purpose means school sponsored programs including but not limited to educational or extracurricular activities. Now where I live and of course I have always spoken about Haverhill today, but we have a town to our South, Piermont. Piermont this last Fall had a problem with their athletic fields and they called up and I was a Commissioner at Haverhill Corner where we have a commons, North commons and a South commons. It used to be the playground and athletic facilities for Haverhill Academy. They said can we use those fields? We said sure they are available, come on up and you can use them. We made them available. My question now is are the commons in Haverhill now a safe school zone if they are used for a school purpose which is an after-school activity, extracurricular activity? And, then if it is because we don't have a posted as such. There is no active school within a thousand, within a long ways so the Academy is now Woodsville High School up the road another eight miles. So, how does a person walking by that has a permit and carrying properly know that when the kids from Piermont are playing there on that field or the kids from anywhere playing in that field in an active school activity are now in a safe school zone? How are you going to enforce that? Is it going to be that the fourth-graders that show up here at the Capitol building or to a museum or other place are now entering a safe school zone? It's not posted as such. Can you not carry? I don't know. I asked these questions and I did not get an answer. I'm also concerned that in New Hampshire the safe school zone I understand is considered to be 1,000 linear feet, radius wise, around the school or within or abutting that school bus area. So, some of that is defined, however, there are those unanswered questions, and these are the same questions the New Hampshire School Board Association addressed when they met earlier. They bring all the folks together in Concord and they develop their resolutions for the upcoming year and there was a request from several school districts to have this particular issue addressed. After an hours' worth of debate, New Hampshire School Board Association took the position that they were contrary to this bill. Could not support it. So, there is a lot of portions, elements that are undefined in this bill and it's going to make it hard for folks to enforce. The school board or the school district can, in writing, say that it's okay for you carry a weapon. What criteria are they using? Are we using the same criteria from one school district to another school district? No, we're not. That's an individual policy decision made. That makes it more difficult to enforce. So, with all this, I found it hard to vote and support this bill and I'm familiar with many of the recommendations, the 59 recommendations that came out of the Governor's task force on emergency preparedness in our schools. We have done an awful lot in this state to make our schools safer. Not one of those recommendations addresses this particular issue, although it was

discussed to some degree. So, I feel that we're not at the place where we can pass this legislation until we have some of these questions answered and we have some definitive answers so that it is enforceable. So, with that I would suggest that we vote this bill down. Thank you.

Speaker Shurtleff: Will the member yield to a question? Rep. Flanagan you are recognized for a question.

Rep. Flanagan: Thank you, Mister Speaker. After listening to the Representative from Hanover, I'm not sure, Haverhill, excuse me, that he may have the answer, but if I have a gun and I'm picking up my child at school and I hear gun shots in the school. Do I then not go into the school to defend the children there with my legally owned gun or does the law require me as a good Samaritan to go in and protect the children because I have a gun and I'm there or do I wait six to ten minutes for the police to show up? And, I'm not sure how this law may affect that situation. If you have the answer, that would be great.

Rep. Ladd: I don't think I have that answer. I am not an attorney nor am I in law enforcement. I do know that every second counts and if you read the Governor's task force report. In that, as identified by Director Plummer of Homeland Security, every 5 seconds means a life, so I would say that if there is somebody that can respond, you know, I won't say what to do because I shouldn't because I am not that attorney, so I apologize for not having an answer to that one.

Speaker Shurtleff: Does the member yield to another question? Rep. Cordelli you are recognized for a question.

Rep. Cordelli: Thank you, Mister Speaker. Thank you, Representative. During the public hearing that the Education Committee had on this bill, seems to me that there were quite a few parents who came forward and testified that their children were scared in school about this issue. My recollection is that a lot of the concern was about the drills, the active shooter drills that they were experiencing in school, not someone possibly carrying a gun. Could you discuss those hearings and those concerns?

Rep. Ladd: You're tapping my memory here. You are talking about HB 123 where we have ten fire drills or ten emergency drills during the course of the year and in that bill, we are identifying one as a bill where we are reacting to a terrorists or assault within the building. There are a number of ways we can handle that. The drill does not have to involve students. When we did some research to try to amend this and we had a subcommittee put together, we found that there are some states and even here in New Hampshire where much of the training and preparedness for this is being done by staff in the school on a workday when kids are not there and depending upon their age, if it's appropriate for the student, they're involved and this is always done in conjunction with local authorities and first responders. The best way to address within our schools is to deal with some of the issues down in the weeds. Some of the emotional behavioral conditions of students has to be done and we just can't do it superficially anymore. We have to really dig down and work with them. Work with community mental health and the resources we have in our schools to get into education training and to work with students. This is a real issue that we must deal with and in today's world in talking with many superintendents, school principals and teachers, I would not want to be an educator in a schoolhouse today. There are so many issues you are dealing with beyond reading, writing and arithmetic, spelling and cursive has gone out the window, than I used to work with. But, this one right here, when we worked with the Director of Homeland Security, Perry came up and we worked with parents in Lyme, Orford area and with the local authorities. The parents and school staff and the Director of Homeland Security and emergency management all came to the same closure that it's through training and working with parents and fear is conveyed from a parent oftentimes to a young child and there goes the, it's not just dealing with one individual, it's a, you've got to deal with a community. Thank you.

Speaker Shurtleff: Will the member yield to another question? The member will yield to one more. Representative Boehm.

Rep. Boehm: Thank you, Mister Speaker. Thank you to the Rep. from Haverhill for taking the question. For the last few years the NHIAA has held their high school championship baseball games at Fisher Cat's stadium. With this bill then, does that make Fisher Cat stadium during those high school games a gun free zone?

Rep. Ladd: NHIAA sanctions all of our high school sports down through the upper level of the middle school and yes, it would be a sanction sport and that area would be used for school extracurricular purpose, yes.

Speaker Shurtleff: The member does not yield to further questions. Rep. Welch has a question for the Chair or the Education Committee, if they wish to answer. Rep. Welch you may inquire.

Rep. Welch: Thank you, Mister Speaker. Thank you to the Representative for taking my question. I'm a member of a colonial militia group and there a number of colonial militia groups in the State of New Hampshire. We go into the schools once a year and we demonstrate colonial medicine, colonial homemaking, colonial militia and colonial ranger among other things and we bring our muskets into the school and we fire a cannon at the end of that school day. Would passage of this bill prevent groups like this from participating?

Rep. Myler: The bill provides an opportunity for school districts to allow certain arms on schools. For example, they could, if they wanted to, have a teacher have a sidearm on there. That could be authorized. My presumption would be that would be part of a curriculum program and that would be permissible.

Speaker Shurtleff: The Chair recognizes our last speaker on this bill, the member from Epping, Rep. Vallone.

Rep. Vallone: Thank you, Mister Speaker. So, I speak to you as a gun owner and as a principal. I was a principal of Epping Elementary School for 20 years and every day I did meet and greet, which was people

would drive up and they would drop their kids off and they would drive back at the end of the day and pick up their kids. I was very concerned about HB 564 when it first came out because it required those folks who drive by with their little bumper stickers that say security by Smith & Wesson and all of those other great things knowing that we have a lot of people who carry, that they would have to lock up their guns or unload their guns and then load them back up. Considering how dangerous that is, the act of loading and unloading a gun, I didn't think that was making schools any safer. So, the bill has been amended so it reads more like the federal law which allows parents to continue and I had no problem for 20 years and I have no problem with this bill, frankly. Again, I think the Representative from Contoocook talked about the fact that firearms are allowed in schools, so it isn't making the schools completely gun free, but you are allowing people to come into the school who are trained in their use. As a principal, I didn't really like it when people came into the school and I didn't really know what their disposition was and sometimes we had some tough situations with people who were going through a crisis, mental health and substance abuse. We all know about that today. The fact that they were carrying was something else. That was really bothersome to me. So, I think that this law helps to clarify. It's not a perfect law. Certainly, it isn't, but it does help clarify and I do think that it will make schools safer. No guarantees. There is no guarantees and I think the signage issue is one thing that we should consider. It's a misnomer. We should have much better signage about what it is. It said guns are restricted. That would be a better way of putting it so that we don't have that mystique of somehow that being, of being "gun free." I think that's something that, I really appreciated the many people who showed up, both for and against the bill, who spoke on these issues. It helped to clarify my thinking in that regard and that's why I am supporting this, and I urge you all to vote in favor of HB 564.

Speaker Shurtleff: Will the member yield to a question? Rep. Lang you are recognized for a question.

Rep. Lang: Thank you, Mister Speaker. Thank you, Representative for taking my question. In doing my research for this bill, I read that the policy committee that makes policy recommendations to school boards across the state, the New Hampshire School Board Association recommended against this law. Is that accurate?

Rep. Vallone: It was a very unusual kind of description. They didn't say that they came out against the bill. I don't think they took a vote. They said they could not be in favor of it and that's two different things. That's pretty much how we took it too.

Speaker Shurtleff: Will the member yield to another question? The member does not yield. The question before the House is the majority recommendation of...Why does the member rise?

Rep. Spillane: Mister Speaker, with all the questions we've had on this bill and the problems and the fact that I can't tell that we are not going to make parents into criminals here with the passage of this bill. I would like to move Indefinite Postponement please.

Speaker Shurtleff: Your motion is to postpone? Indefinite Postponement. That's a higher motion and is in order. A roll call has been requested. Is the roll call sufficiently seconded? It is sufficiently seconded. Members will take their seats. This will be a roll call vote. The House will be in order. The question before the House is the majority recommendation that the bill Ought to Pass. The Chair recognizes the member from Londonderry, Rep. Baldasaro for a parliamentary inquiry.

Rep. Baldasaro: Thank you, Mister Speaker. Mister Speaker, if I know that this bill is in conflict with the federal law where you can have a permit and be on school grounds. And, Mister Speaker, if I know that there are many issues that have come up with this legislation that we are going to make our citizens, law abiding citizens, criminals by going into the school area or coming home from work even though the amendment says you can drop off and have the gun in the car, forget that they have it on their side. Mister Speaker, if I know that this bill is not ready for prime time, will I press the green button and let's move on to the other bill. Thank you.

Speaker Shurtleff: The question before the House is the motion to Indefinitely Postpone this bill. This is a roll call vote. The member from wherever he is from, the beautiful Town of Jaffrey, the home of *Amos Fortune* is recognized for a parliamentary inquiry.

Rep. Ley: Thank you, Mister Speaker and thank you for that recovery there recognizing *Amos Fortune*, a slave who purchased his freedom and resided in Jaffrey and left a small endowment which currently funds a speaker's series every summer. Mister Speaker, if I know that this bill has been thoroughly discussed, both in committee and today here on the floor of the House. And, Mister Speaker, if I know that the public is greatly interested in this subject and greatly desires a decision to be made by this House. And, Mister Speaker, if I know that Indefinite Postponement will kill this bill for this Session and kill this subject for the following year as well, would I now oppose the motion and press the red button. Thank you.

Speaker Shurtleff: This is a roll call vote. The question before the House is the motion to Indefinitely Postpone HB 564. If you are in favor of that, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Have all members present had an opportunity to vote? The House will be attentive to the state of the vote. With 145 members voting Yea and 202 members voting Nay, the motion to Indefinitely Postpone is defeated. The Chair now recognizes. That was the last speaker and we are now on to the vote. A roll call has been asked for. Is that sufficiently seconded? It is so members will kindly take their seats. This will be a roll call vote. The question before the House is the recommendation that the bill Ought to Pass as Amended. If you are in support of that, you'll press the green button. If

you are opposed, you'll press the red button. Voting stations will be open. Wait a minute. You would think I was double parked. I'm still hung up on *Amos Fortune* and the fact that I can remember a man that died 200 years ago, but I could not remember the hometown of our Majority Leader. On that note, I'll recognize Rep. Rice for a parliamentary inquiry and also extend my apologies.

Rep. Rice: Thank you, Mister Speaker. If I know that we believe in local control and that the New Hampshire School Board Association opposes passage of this bill. And furthermore, if I know that a gun free zone sign is not going to stop someone who has evil intent and that this bill would in effect disarm New Hampshire. And, if I know that a based upon statutory definitions a law-abiding citizen with a self-defense firearm could be arrested if they were in the same location as a school class on a field trip or lived within 1,000 feet of a school in their own home could not own a gun, would I now vote against this unconstitutional legislation by pressing the red button. Thank you, Mister Speaker.

Speaker Shurtleff: The Chair recognizes Rep. Tanner. You are recognized. Well I had written down Rep. Luneau.

Rep. Tanner: Thank you. If I know that thoughts, prayers and lockdown drills are not enough to address the issue of gun violence prevention in schools. And, if I know that when someone rings the bell at a school to be let in, that person does not know how to recognize a good guy with gun from a bad guy with a gun. And, if I know that this bill allows for the school and the school board to authorize a designated or designated person who are vetted and well trained to carry a firearm on the school property, would I push the green button to support the committee vote to protect our students and help make our schools safer? Thank you.

Speaker Shurtleff: The question before the House is the recommendation of Ought to Pass as Amended. If you are in support, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Have all members present had an opportunity to vote? The House will be attentive to the state of the vote. With 194 members having voted Yea and 154 voting Nay, the motion of Ought to Pass as Amended is adopted.

MOTION TO PRINT DEBATE

Rep. Ley moved that the debate on the motion of disorderly speech be printed in the Permanent Journal. On a division vote, with 121 members having voted in the affirmative, and 227 in the negative, the motion failed.

REGULAR CALENDAR CONT'D

HB 673-FN-A, relative to the governor's scholarship program to cover the costs of the college level examination program and making an appropriation therefor. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Mark Vallone for the Majority of Education. This bill would take public funds and give them for private purposes, as students from private schools would be eligible to apply for funds to cover the cost of taking College-Level Examination Program (CLEP) examinations. Local school districts already have the authority and means to provide for CLEP examinations. Vote 11-8.

Rep. Glenn Cordelli for the Minority of Education. We continually hear about the cost of college, college debt, and our workforce needs. The goal of this bill is to provide an on-ramp to college credits. It expands the Governor's Scholarship Program to provide scholarships for people to take the College-Level Examination Program (CLEP) exams. Colleges, including approximately 20 in New Hampshire, award college credits for passing the examination. This opens the door not only to students, but also adults who might not have been able to attend college after high school. People will potentially be able to obtain their freshman year for free.

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

Rep. Cordelli spoke against.

Rep. Vallone spoke in favor.

Rep. Dolan requested a roll call; sufficiently seconded.

YEAS 202 - NAYS 141

YEAS - 202 BELKNAP

Huot, David

St. Clair, Charlie

CARROLL

Buco, Thomas
Kanzler, Harrison
Woodcock, Stephen

Burroughs, Anita
Knirk, Jerry

Butler, Edward
Marsh, William

DesMarais, Edith
Ticehurst, Susan

CHESHIRE

Abbott, Michael
Eaton, Daniel

Ames, Richard
Faulkner, Barry

Berch, Paul
Fenton, Donovan

Bordenet, John
Ley, Douglas

Mann, John
Schapiro, Joe
Von Plinsky, Sparky

Meador, David
Swinburne, Sandy
Pearson, William

Morrill, David
Tatro, Bruce
Weber, Lucy

Parkhurst, Henry
Thompson, Craig

COOS

Hatch, William
Thomas, Yvonne

Laflamme, Larry

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Dontonville, Roger
Josephson, Timothy
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

Adjutant, Joshua
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Stringham, Jerry

Almy, Susan
Ford, Susan
Massimilla, Linda
Osborne, Richard
Smith, Suzanne

Campion, Polly
French, Elaine
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

HILLSBOROUGH

Bouldin, Amanda
Baroody, Benjamin
Bordy, William
Cleaver, Skip
Dargie, Paul
Freitas, Mary
Hamer, Heidi
Indruk, Greg
King, Mark
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Pickering, Daniel
Newman, Ray
Newman, Sue
Stack, Kathryn
Toomey, Dan
Thomas, Wendy

Bouldin, Andrew
Beaulieu, Jane
Bosman, James
Cohen, Bruce
Desjardin, Kathy
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Murray, Megan
Mombourquette, Donna
Nutting-Wong, Allison
Piedra, Israel
Radhakrishnan, Julie
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Williams, Kermit

Backus, Robert
Bergeron, Paul
Bouchard, Donald
Connors, Erika
Espitia, Manny
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Mangipudi, Latha
Mullen, Sue
O'Brien, Michael
Porter, Marjorie
Riel, Cole
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance

Balch, Chris
Bernet, Jennifer
Chretien, Jacqueline
Danielson, David
Davis, Fred
Hall, Brett
Herbert, Christopher
Jeudy, Jean
Leishman, Peter
Martin, Joelle
Murphy, Nancy
Pedersen, Michael
Query, Joshua
Rung, Rosemarie
St. John, Michelle
Tellerski, Laura
Vann, Ivy

MERRIMACK

Bartlett, Christy
Fulweiler, Joyce
Luneau, David
Richards, Beth
Schamberg, Thomas
Turcotte, Alan
Wells, Kenneth

Carson, Clyde
Karrick, David
MacKay, James
Rodd, Beth
Schuett, Dianne
Wallner, Mary Jane

Ebel, Karen
Klose, John
McWilliams, Rebecca
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth

Fox, Samantha
Lane, Connie
Myler, Mel
Saunderson, George
Soucy, Timothy
Wazir, Safiya

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
DiLorenzo, Charlotte
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Ward, Gerald

Berrien, Skip
Cali-Pitts, Jacqueline
Eisner, Mary
Murray, Kate
Maggiore, Jim
Meuse, David

Bunker, Lisa
Coursin, David
Gilman, Julie
Le, Tamara
Malloy, Dennis
Read, Ellen

Bushway, Patricia
Cushing, Robert Renny
Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Vallone, Mark

STRAFFORD

Bixby, Peter
Ellis, Donna
Horrigan, Timothy
Opderbecke, Linn
Sandler, Catt
Wall, Janet

Cannon, Gerri
Gourgue, Amanda
Keans, Sandra
Schmidt, Peter
Southworth, Thomas

Chase, Wendy
Grassie, Chuck
Kenney, Cam
Rich, Cecilia
Spang, Judith

Conley, Casey
Higgins, Peg
Smith, Marjorie
Salloway, Jeffrey
Towne, Matthew

SULLIVAN

Cloutier, John
Tanner, Linda

Merchant, Gary

Oxenham, Lee

Sullivan, Brian

NAYS - 141

BELKNAP

Aldrich, Glen
Fields, Dennis
Mackie, Jonathan
Varney, Peter

Bean, Harry
Howard, Raymond
Beaudoin, Richard
Viens, Harry

Comtois, Barbara
Jurius, Deanna
Spanos, Peter

Feeney, George
Lang, Timothy
Sylvia, Michael

CARROLLAvellani, Lino
Nelson, Bill

Comeau, Ed

Cordelli, Glenn

MacDonald, John

CHESHIRE

O'Day, John

COOSCraig, Kevin
Tucker, Edith

Fothergill, John

Furbush, Michael

Merner, Troy

GRAFTON

Gordon, Edward

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGHLekas, Alicia
Burt, John
Gagne, Larry
Hinch, Richard
Langley, Diane
Notter, Jeanine
Prout, Andrew
Shaw, Barbara
Whittemore, JamesAlexander, Joe
Camarota, Linda
Gould, Linda
Hopper, Gary
Lascelles, Richard
Nunez, Hershel
Ober, Russell
Lekas, TonyBelanger, James
Erf, Keith
Greene, Bob
L'Heureux, Robert
Marzullo, JP
Plett, Fred
Renzullo, Andrew
Ulery, JordanBoehm, Ralph
Flanagan, Jack
Gunski, Michael
Ober, Lynne
McLean, Mark
Proulx, Mark
Rice, Kimberly
Warden, Mark**MERRIMACK**Allard, James
Marple, Richard
Testerman, DaveHill, Gregory
McGuire, Carol
Walsh, ThomasHorn, Werner
Pearl, Howard
Yakubovich, MichaelKotowski, Frank
Seaworth, Brian**ROCKINGHAM**Abbas, Daryl
Baldasaro, Al
Costable, Michael
Desilets, Joel
Edwards, Jess
Guthrie, Joseph
Osborne, Jason
Khan, Aboul
Pearson, Mark
Milz, David
Piemonte, Tony
Roy, Terry
Torosian, Peter
Welch, DavidAbrami, Patrick
Barnes, Arthur
Davis, Dan
DeSimone, Debra
Fowler, William
Harb, Robert
Janigian, John
Kolodziej, Walter
McBride, Everett
O'Connor, John
Potucek, John
Pearson, Stephen
True, Chris
Weyler, KennethAbramson, Max
Bershtein, Alan
Thomas, Douglas
Dolan, Tom
Gay, Betty
Hobson, Deborah
Janvrin, Jason
Love, David
McMahon, Charles
Owens, Becky
Pratt, Kevin
Spillane, James
Verville, Kevin
Yokela, JoshActon, Dennis
Chirichiello, Brian
DeClercq, Edward
Doucette, Fred
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
Griffin, Mary
Melvin, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Webb, James**STRAFFORD**Harrington, Michael
McNally, Jody
Wuelper, KurtHayward, Peter
Perreault, MonaKittredge, Mac
Pitre, JosephLevesque, Cassandra
Rooney, Abigail**SULLIVAN**Aron, Judy
Smith, Steven

Callum, John

Laware, Thomas

Rollins, Skip

and the majority committee report was adopted.

HB 689-FN-A, establishing a student career and college investment program and making an appropriation therefor. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Patricia Cornell for the Majority of Education. The majority of the committee felt that this bill, which provides for money to be deposited in a student career and college investment account after completion of a financial literacy program, would encourage lifelong savings habits, encourage post-secondary education, and help address New Hampshire's workforce shortage. This bill has the support of New Hampshire Stay Work Play, the NH School Boards Association, and New Futures Kids Count. Vote 14-4.

Rep. Glenn Cordelli for the Minority of Education. This bill establishes a college savings plan for students who pass a financial literacy course. The funding will come from an annual surcharge on all mutual funds that will be placed in a new state fund. An account for an eligible student will be opened with \$250 from the fund. A new commission will annually determine the amount of additional funds to be placed in the student's account when criteria are met. The minority does not support this new fee. We have been told by the committee majority that public funds should not be used for private benefit.

Majority Amendment (0546h)

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

1 Findings. The general court finds that New Hampshire has a critical workforce shortage and supports the attainment of a postsecondary degree or high quality credential by 65 percent of the state's working age population by the year 2025. The projections of New Hampshire's demographic future are clear; declining numbers of high school graduates and a rapidly increasing proportion of that population are eligible for the free and reduced price lunch program. Students from families where no one has earned a college degree and/or low income have lower college attendance rates and lower college graduation rates. Moreover, such families have much higher reliance on government assistance programs. Purposeful intervention is required to break these cycles and create a culture of savings and investment, and attainment of postsecondary credentials. Student's savings accounts are a proven vehicle for achieving these goals.

2 New Subparagraph; Application of Receipts; Student Career and College Investment Program Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (343) the following new subparagraph:

(344) Moneys deposited in the student career and college investment program fund established in RSA 195-J:6.

3 Student Career and College Investment Program. RSA 195-J is repealed and reenacted to read as follows:

CHAPTER 195-J**STUDENT CAREER AND COLLEGE INVESTMENT PROGRAM**

195-J:1 Definitions. In this chapter:

I. "Account provider" means an entity that has been procured by the state treasurer and approved by the governor and council to hold student accounts, based upon a finding that the entity is subject to sufficient governmental or regulatory oversight, and possesses suitable internal controls to ensure the safety and soundness of amounts held in student accounts.

II. "Commission" means the student career and college investment program commission established in RSA 195-J:7.

III. "Department" means department of education.

IV. "Eligible student" means a student who is a resident of this state, who is enrolled in a public school or chartered public school in this state, and who complies with the requirements of RSA 195-J:3.

V. "Program" means the student career and college investment program.

VI. "Responsible individual" means a parent or legal guardian of an eligible student.

VII. "Student account" means an account established with an account provider on behalf of an eligible student in accordance with this chapter.

195-J:2 Program Established. There is hereby established the student career and college investment program. The purpose of the program is to increase opportunities for college and career success for all students, to encourage positive postsecondary education savings behavior for low and moderate income families, and to provide, in cooperation with the public schools, financial literacy education for all students and their parents.

195-J:3 Eligibility.

I. Beginning in the 2019-2020 academic year, a student shall be eligible to participate in the program upon completion of a financial literacy module based on standards and competencies approved by the department and offered at the student's school of attendance, in the second grade or later. If a financial literacy module is not offered at a student's school of attendance, the department shall provide alternate access to an approved financial literacy module. School districts shall maintain a record of each student who has completed a financial literacy module and shall provide that information to the department. The responsible individual shall grant permission for the department to transmit information and documentation evidencing completion of the financial literacy module to the account provider.

II. The responsible individual shall also grant permission to the department of education to collect educational, savings, and demographic data to evaluate the effectiveness of the program and disseminate the results in the form of aggregated data. No personally identifiable information shall be disseminated, collected, or retained in accordance with RSA 189:65-68.

III. Participation in the program pursuant to this chapter shall not result in the loss or suspension of any federally-funded state-administered income-sensitive benefits, assistance, or subsidies received by a family participating in the program or for which such family may qualify.

195-J:4 Establishment of Student Accounts.

I. Beginning with the 2019-2020 academic year, a responsible individual, on behalf of an eligible student, may establish a student account in the New Hampshire college tuition savings plan pursuant to RSA 195-H, that complies with the requirements of section 529 of the Internal Revenue Code of 1986, as amended, and any related federal law applicable to the plan with the eligible student listed as the beneficiary. The student account shall be established in the responsible individual's name and through the account provider. No funds shall be required to establish the student account. The department shall furnish the information necessary to establish the student account to the account provider.

II. Upon establishment of the student account and verification of eligibility of each student by the account provider, the commission shall transfer \$250 from the student career and college investment program fund to the account provider for deposit into the student account. The commission shall ensure the proper recordkeeping and reporting procedures regarding the status of student accounts, including records of beginning balances, contributions, earnings, bonuses, and matches earned by each program participant during the fiscal year.

III. When the principal balance of a student account reaches \$500, the commission shall transfer an amount, to be determined annually by the commission based on the availability of funds, to the account provider for deposit into the student account.

195-J:5 Administration.

I. The commission shall administer the program, in cooperation with the department of education and the higher education commission.

II. The commission may adopt rules, pursuant to RSA 541-A, relative to the development of financial literacy materials, promotion and marketing of the program, data collection and related research, privacy and reporting requirements related to the program.

195-J:6 Student Career and College Investment Program Fund Established.

I. There is established the student career and college investment program fund which shall be nonlapsing and be kept separate and distinct from all other funds. The fund is established to meet the requirements of the program established in this chapter and shall be administered by the commission.

II. The fund shall consist of all moneys transferred pursuant to RSA 421-B:6-614 (b)(3), all moneys appropriated to the fund, all moneys received under state or federal law, and any gifts, grants, or donations to the state or to the commission by private parties for the purpose of establishing and administering the program.

III. The commission shall include requests for appropriations in the budget submitted pursuant to RSA 9:4.

IV. The commission may accept, budget, and expend moneys in the fund received from any party for the purposes established in this chapter.

V. All moneys in the fund shall be continually appropriated to the commission.

VI. The commission shall establish separate accounts within the fund in order to segregate funds according to funding source.

195-J:7 Commission Established.

I. The student career and college investment program commission is hereby established to ensure the proper administration, management, and development of the program. The members of the commission shall be as follows:

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

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

(c) The state treasurer, or designee.

(d) The director of the division of educator support and higher education, department of education, or designee.

(e) The chairperson of the university system of New Hampshire board of trustees, or designee.

(f) The director of the New Hampshire financial literacy education program, or designee.

(g) One member from a community philanthropic organization, appointed by the governor.

(h) One member representing the interests of the New Hampshire Children's Fund, appointed by the governor.

(i) One member from the New Hampshire Higher Education Assistance Foundation, appointed by the foundation.

(j) One member from the Coos Coalition for Young Children and Families, appointed by that organization.

(k) One member representing the New Hampshire Community Loan Fund, appointed by that organization.

(l) One member from New Futures, appointed by the president of the organization.

(m) One member from SPARK-NH, appointed by the chairperson of the organization.

(n) Three public members, nominated by the chairperson of the commission and confirmed by the governor.

II. The commission shall elect a chairperson from its membership, and any other officers it deems necessary. The terms of the elected members of the commission shall be coterminous with their terms in office; the terms of all other appointed members shall be 3 years. In the event of a vacancy, a new member shall be appointed for the unexpired term in the same manner as the original appointment. Ten members of the commission shall constitute a quorum.

III. Members of the commission shall serve without compensation, but shall be reimbursed for necessary travel and other necessary expenses. Legislative members shall receive mileage at the legislative rate when attending to the duties of the commission.

IV. The department of education shall provide administrative and clerical support to the commission as may be necessary.

V. The commission shall keep written records of all its proceedings.

VI. No member of the commission shall have any personal interest in the gains or profits of any investment made by the commission; nor shall any member of the commission, directly or indirectly, for such member or as an agent, in any manner use the same except to make such current and necessary payments as are authorized by the commission; nor shall any member of the commission become an endorser or surety, or in any manner an obligor, for money loaned to or borrowed from the commission.

VII. Members of the commission shall be held harmless from either criminal or civil liability for any decisions made or services rendered under the provisions of this chapter.

195-J:8 Duties of the Commission. The commission shall:

I. Investigate methods for encouraging increased participation of families with young children, including those of low and moderate income, in the New Hampshire college tuition savings plan as defined in RSA 195-H and other children's savings plans.

II. Develop administrative and operational practices in cooperation with the department for staffing, structuring, managing, marketing, and funding mechanisms to sustain a statewide program and include clearly stated objectives, action plans, and evaluation procedures.

III. Establish recordkeeping and reporting procedures regarding the status of the program consistent with RSA 195-J:4.

195-J:9 Reports.

I.(a) The commission shall, as needed, issue requests for proposals to evaluate the status of the program.

(b) The commission shall consider and, if appropriate, give preference to proposals which best demonstrate experience in research relating to similar program outcomes.

(c) The final selection of the proposal shall be made by the commission.

II. At least annually, the commission shall make or cause to be made an annual report regarding the status of the program to the speaker of the house of representatives, the senate president, and the state library.

4 Uniform Securities Act; Fees. Amend RSA 421-B:6-614 (b)(3) to read as follows:

(3) Annual non-refundable registration fee for each class of an issuer of open end mutual funds, due on or before May 1 of each year, if required to register under RSA 421-B:3-301 [~~\$1,000~~] ***\$1,100, from which the secretary of state shall transfer \$100 to the student career and college investment program fund established in RSA 195-J:6.***

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

AMENDED ANALYSIS

This bill establishes a student career and college investment program which will be available to any student enrolled in a public school or chartered public school and who completes a financial literacy program in the second grade or later. The bill requires a portion of the registration fee for certain mutual funds to be transferred to the program fund.

Majority committee amendment adopted.

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

YEAS 216 - NAYS 126

YEAS - 216 BELKNAP

Feeney, George
St. Clair, Charlie

Fields, Dennis
Varney, Peter

Huot, David

Beaudoin, Richard

CARROLL

Burroughs, Anita
Knirk, Jerry

Butler, Edward
Nelson, Bill

DesMarais, Edith
Ticehurst, Susan

Kanzler, Harrison
Woodcock, Stephen

CHESHIRE

Abbott, Michael
Eaton, Daniel
Mann, John
Schapiro, Joe
Von Plinsky, Sparky

Ames, Richard
Faulkner, Barry
Meader, David
Swinburne, Sandy
Pearson, William

Berch, Paul
Fenton, Donovan
Morrill, David
Tatro, Bruce
Weber, Lucy

Bordenet, John
Ley, Douglas
Parkhurst, Henry
Thompson, Craig

COOS

Hatch, William
Thomas, Yvonne

Laflamme, Larry

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Dontonville, Roger

Adjutant, Joshua
Fellows, Sallie

Almy, Susan
Ford, Susan

Campion, Polly
French, Elaine

Gordon, Edward
Massimilla, Linda
Nordgren, Sharon
Stringham, Jerry

Josephson, Timothy
Migliore, Vincent Paul
Osborne, Richard
Smith, Suzanne

Ladd, Rick
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

Maes, Kevin
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

HILLSBOROUGH

Bouldin, Amanda
Baroody, Benjamin
Bordy, William
Cleaver, Skip
Desjardin, Kathy
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Pickering, Daniel
Newman, Ray
Shaw, Barbara
Stack, Kathryn
Toomey, Dan
Vann, Ivy

Bouldin, Andrew
Beaulieu, Jane
Bosman, James
Cohen, Bruce
Espitia, Manny
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Murray, Megan
Mombourquette, Donna
Nutting-Wong, Allison
Piedra, Israel
Radhakrishnan, Julie
Snow, Kendall
Stevens, Deb
Ulery, Jordan
Thomas, Wendy

Backus, Robert
Bergeron, Paul
Bouchard, Donald
Connors, Erika
Davis, Fred
Hall, Brett
Herbert, Christopher
Jeudy, Jean
Langley, Diane
Mangipudi, Latha
Mullen, Sue
O'Brien, Michael
Porter, Marjorie
Riel, Cole
Snow, Kendall
Smith, Timothy
Vail, Suzanne
Williams, Kermit

Balch, Chris
Bernet, Jennifer
Chretien, Jacqueline
Dargie, Paul
Freitas, Mary
Hamer, Heidi
Indruk, Greg
King, Mark
Leishman, Peter
Martin, Joelle
Murphy, Nancy
Pedersen, Michael
Query, Joshua
Newman, Sue
St. John, Michelle
Telerski, Laura
Van Houten, Constance

MERRIMACK

Bartlett, Christy
Fulweiler, Joyce
Luneau, David
Richards, Beth
Schamberg, Thomas
Turcotte, Alan
Wells, Kenneth

Carson, Clyde
Karrick, David
MacKay, James
Rodd, Beth
Schuett, Dianne
Wallner, Mary Jane

Ebel, Karen
Kotowski, Frank
McWilliams, Rebecca
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth

Fox, Samantha
Lane, Connie
Myler, Mel
Saunderson, George
Soucy, Timothy
Wazir, Safiya

ROCKINGHAM

Abrami, Patrick
Bushway, Patricia
Cushing, Robert Renny
Gilman, Julie
Harb, Robert
Loughman, Tom
McBeath, Rebecca
Pratt, Kevin
Welch, David

Altschiller, Debra
Cahill, Michael
DiLorenzo, Charlotte
Grossman, Gaby
Hoelzel, Kathleen
Lovejoy, Patricia
McBride, Everett
Read, Ellen

Berrien, Skip
Cali-Pitts, Jacqueline
Eisner, Mary
Grote, Jaci
Murray, Kate
Maggiore, Jim
McConnell, Liz
Vallone, Mark

Bunker, Lisa
Coursin, David
Gay, Betty
Guthrie, Joseph
Le, Tamara
Malloy, Dennis
Meuse, David
Ward, Gerald

STRAFFORD

Bixby, Peter
Ellis, Donna
Horrigan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Wall, Janet

Cannon, Gerri
Gourgue, Amanda
Keans, Sandra
Opderbecke, Linn
Sandler, Catt

Chase, Wendy
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Southworth, Thomas

Conley, Casey
Higgins, Peg
Levesque, Cassandra
Rich, Cecilia
Spang, Judith

SULLIVAN

Cloutier, John

Oxenham, Lee

Sullivan, Brian

Tanner, Linda

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BELKNAP

Aldrich, Glen
Jurius, Deanna
Sylvia, Michael

Bean, Harry
Lang, Timothy
Viens, Harry

Comtois, Barbara
Mackie, Jonathan

Howard, Raymond
Spanos, Peter

CARROLL

Avellani, Lino
MacDonald, John

Buco, Thomas
Marsh, William

Comeau, Ed

Cordelli, Glenn

CHESHIRE

COOS

Craig, Kevin
Tucker, Edith

Fothergill, John

Furbush, Michael

Merner, Troy

HILLSBOROUGH

Lekas, Alicia
Burt, John
Flanagan, Jack
Gunski, Michael
Ober, Lynne
Notter, Jeanine
Prout, Andrew
Rung, Rosemarie

Alexander, Joe
Camarota, Linda
Gagne, Larry
Hinch, Richard
Lascelles, Richard
Nunez, Hershel
Ober, Russell
Lekas, Tony

Belanger, James
Danielson, David
Gould, Linda
Hopper, Gary
Marzullo, JP
Plett, Fred
Renzullo, Andrew
Warden, Mark

Boehm, Ralph
Erf, Keith
Greene, Bob
L'Heureux, Robert
McLean, Mark
Proulx, Mark
Rice, Kimberly
Whittemore, James

MERRIMACK

Allard, James
Marple, Richard
Testerman, Dave

Hill, Gregory
McGuire, Carol
Walsh, Thomas

Horn, Werner
Pearl, Howard
Yakubovich, Michael

Klose, John
Seaworth, Brian

ROCKINGHAM

Abbas, Daryl
Barnes, Arthur
Davis, Dan
DeSimone, Debra
Green, Dennis
Janvrin, Jason
Love, David
Melvin, Charles
Packard, Sherman
Roy, Terry
Torosian, Peter
Weyler, Kenneth

Abramson, Max
Bershtein, Alan
Thomas, Douglas
Dolan, Tom
Hobson, Deborah
Katsakiores, Phyllis
Griffin, Mary
Milz, David
Piemonte, Tony
Pearson, Stephen
True, Chris
Yokela, Josh

Acton, Dennis
Chirichiello, Brian
DeClercq, Edward
Edwards, Jess
Osborne, Jason
Khan, Aboul
Pearson, Mark
O'Connor, John
Potucek, John
Spillane, James
Verville, Kevin

Baldasaro, Al
Costable, Michael
Desilets, Joel
Fowler, William
Janigian, John
Kolodziej, Walter
McMahon, Charles
Owens, Becky
Prudhomme-O'Brien, Katherine
Sytek, John
Webb, James

STRAFFORD

Harrington, Michael
Perreault, Mona

Hayward, Peter
Pitre, Joseph

Kittredge, Mac
Rooney, Abigail

McNally, Jody
Wuelper, Kurt

SULLIVAN

Aron, Judy
Merchant, Gary

Callum, John
Rollins, Skip

Laware, Thomas
Smith, Steven

Lucas, Gates

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

HB 709-FN-A-L, relative to the formula for determining funding for an adequate education. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Luneau for Education. This bill establishes fiscal capacity disparity aid to municipalities based on equalized valuation per pupil; requires school districts to report on the use of adequate education grant funds; amends the law governing transportation of pupils in kindergarten through grade 12; and repeals stabilization grants to municipalities. The committee felt this bill has the most comprehensive framework to direct state adequacy grants to school districts with the least fiscal capacity to support public education. These districts do not have the fiscal capacity to pay for public education through local property taxes to the same degree that districts with high property value per pupil, and this has led to inequities in access to an opportunity for an adequate education across the state. The amendment allows communities to retain excess statewide education property tax (SWEPT) dollars and removes the pupil transportation section. In FY20, the amendment restores stabilization grants to 2016 levels. Starting in FY21, the amendment replaces the stabilization grant with fiscal capacity disparity aid. The bill as amended provides immediate and meaningful property tax relief and moves the state in the direction of providing equitable access to an opportunity for an adequate education for all our students. Vote 17-2.

Amendment (0526h)

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

1 Cost of an Opportunity for an Adequate Education. Amend RSA 198:40-a, III to read as follows:

III. The sum total calculated under paragraph II shall be the cost of an *opportunity for an* adequate education. The department shall determine the cost of an *opportunity for an* adequate education for each municipality based on the ADMA of pupils who reside in that municipality.

IV. A school district which receives adequate education aid under this section for schools within its jurisdiction shall separately account for such aid as part of its financial accounting procedures. Such aid may also be used to provide enhanced programs in schools within its jurisdiction for which such aid has been allocated that are known to improve pupil achievement, including but not limited to: pre-kindergarten programs, full-day kindergarten programs, extended learning time, professional development opportunities for teachers, hiring of additional instructional and non-instructional personnel, programs designed to reduce class size, parental involvement programs,

additional technology resources, dropout prevention programs, principal incentive programs, and curriculum enrichment programs. The school district shall determine which programs are most needed and most appropriate for their pupils. The department shall annually review and update the list of approved programs from which a school district may choose.

V. A school district which receives adequate education aid under this section for use in schools within its jurisdiction shall annually submit a report to the commissioner documenting for each school within its jurisdiction for which such aid has been allocated, the enhanced programs selected for implementation, an explanation of the specific educational needs which the program is intended to address, an explanation of how the program will be implemented in the school, and an estimate of the cost of implementing the program. The commissioner shall review these reports to ensure that adequate education aid will be used to provide programs approved under paragraph I.

VI. A school district which receives adequate education aid for schools within its jurisdiction pursuant to this section shall direct such aid to the schools for which such aid was calculated. A school district which receives adequate education aid for pupils that attend schools in another school district, shall direct such aid to the school district where its pupils are being educated. Any adequate education aid directed from one school district to another pursuant to this paragraph shall be a credit against any existing financial liability between the school districts.

2 School Money; Additional Aid Based on Free or Reduced-Price Meals; Fiscal Capacity Disparity Aid. RSA 198:40-b and 40-c are repealed and reenacted to read as follows:

198:40-b Additional Aid Based on Free or Reduced-Price Meals.

I. The commissioner shall distribute the following aid to a municipality's school district:

- (a) An additional \$927 multiplied by the ADMA, in a school district in which at least 12 percent but less than 24 percent of the ADMA is eligible to receive a free or reduced-price meal; or
- (b) An additional \$1,854 multiplied by the ADMA, in a school district in which at least 24 percent but less than 36 percent of the ADMA is eligible to receive a free or reduced-price meal; or
- (c) An additional \$2,781 multiplied by the ADMA, in a school district in which at least 36 percent but less than 48 percent of the ADMA is eligible to receive a free or reduced-price meal; or
- (d) An additional \$3,708 multiplied by the ADMA, in a school district in which 48 percent or more of the ADMA is eligible to receive a free or reduced-price meal.

II. No chartered public school or municipality required to make an excess education tax payment pursuant to RSA 198:42-a shall be eligible to receive aid under this section.

198:40-c Fiscal Capacity Disparity Aid.

I. In addition to aid for the cost of the opportunity for an adequate education provided under RSA 198:40-a, each biennium the commissioner shall calculate fiscal capacity disparity aid and provide that amount of aid in each year of the biennium to a municipality's school districts as follows:

- (a) A municipality with an equalized valuation per pupil of \$350,000 or less shall receive \$6,000 per pupil in the municipality's ADMA.
- (b) A municipality with an equalized valuation per pupil between \$350,001 and \$999,999 shall receive a grant equal to .0092 cents for each dollar of difference between its equalized valuation per pupil and \$1,000,000, per pupil in the municipality's ADMA.
- (c) A municipality with an equalized valuation per pupil of \$1,000,000 or more shall receive no fiscal capacity disparity aid.

II. Fiscal capacity disparity aid shall be distributed pursuant to RSA 198:42.

III. In this section, "equalized valuation per pupil" means a municipality's equalized valuation, including properties subject to taxation under RSA 82 and RSA 83-F, as determined by the department of revenue administration, that was the basis for the local tax assessment in the determination year, divided by the school district's kindergarten through grade 12 ADMA in the determination year.

IV. No chartered public school or municipality required to make an excess education tax payment pursuant to RSA 198:42-a shall be eligible to receive aid under this section.

3 School Money; Consumer Price Index Adjustment. Amend RSA 198:40-d to read as follows:

198:40-d Consumer Price Index Adjustment.

I. Beginning July 1, 2017 and every biennium thereafter, the department of education shall adjust the cost of an adequate education under RSA 198:40-a based on the average change in the Consumer Price Index for All Urban Consumers, Northeast Region, using the "services less medical care services" special aggregate index, as published by the Bureau of Labor Statistics, United States Department of Labor. The average change shall be calculated using the 3 calendar years ending 18 months before the beginning of the biennium for which the calculation is to be performed.

II. Beginning July 1, 2021 and every biennium thereafter, the department of education shall adjust the additional aid based on free or reduced-price meals as provided in RSA 198:40-b based on the average change in the Consumer Price Index for All Urban Consumers, Northeast Region, using the "services less medical care services" special aggregate index, as published by the Bureau

of Labor Statistics, United States Department of Labor. The average change shall be calculated using the 3 calendar years ending 18 months before the beginning of the biennium for which the calculation is to be performed.

4 Determination of Adequate Education Grants. Amend RSA 198:41, I to read as follows:

I. Except for municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department of education shall determine the total education grant for the municipality as follows:

(a) Add the per pupil cost of providing the opportunity for an adequate education for which each pupil is eligible pursuant to RSA 198:40-a, I-III, and from such amount;

(b) Subtract the amount of the education tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:8 for the next tax year; **and**

(c) Add the municipality's additional aid for free or reduced-price meals pursuant to RSA 198:40-b and fiscal capacity disparity aid pursuant to RSA 198:40-c.

5 Determination of Education Grants. RSA 198:41, III is repealed and reenacted to read as follows:

III.(a) No municipality shall receive a total education grant which is less than the total education grant received in the preceding fiscal year. This subparagraph shall not apply to a municipality required to make an excess education tax payment pursuant to RSA 198:42-a.

(b) For the fiscal year ending June 30, 2021, the department of education shall adjust a municipality's total education grant to an amount not to exceed 120 percent of the total education grant it received in the preceding fiscal year or an amount equal to its calculated cost of an opportunity for an adequate education under RSA 198:40-a less the amount of its education tax, whichever is greater.

(c) For the fiscal year ending June 30, 2022, and every fiscal year thereafter, the department of education shall adjust a municipality's total education grant to an amount not to exceed 102 percent of the total education grant it received in the preceding fiscal year or an amount equal to its calculated cost of an opportunity for an adequate education under RSA 198:40-a less the amount of its education tax, whichever is greater.

6 Determination of Education Grants. Amend RSA 198:41, IV(d) to read as follows:

(d) For fiscal year 2017 [~~and each fiscal year thereafter~~] **through fiscal year 2019**, the department of education shall distribute a total education grant to each municipality in an amount equal to the total education grant for the fiscal year in which the grant is calculated plus a percentage of the municipality's fiscal year 2012 stabilization grant, if any, distributed to the municipality; the percentage shall be 96 percent for fiscal year 2017, and shall be reduced by 4 percent of the amount of the 2012 education grant for each fiscal year [~~thereafter~~] **through fiscal year 2019**.

(e) For fiscal year 2020 and each fiscal year thereafter, the department of education shall distribute a total education grant to each municipality in an amount equal to the total education grant to that municipality for the fiscal year in which the grant is calculated plus the amount of the fiscal year 2016 stabilization grant, if any, distributed to the municipality. No stabilization grant shall be distributed to any municipality for any fiscal year in which the municipality's education property tax revenue collected pursuant to RSA 76 exceeds the total cost of an adequate education or to any municipality for any fiscal year in which the municipality's ADMA is zero.

7 Repeal. RSA 198:41, IV, relative to stabilization grants, is repealed.

8 Effective Date.

I. Section 6 of this act shall take effect July 1, 2019.

II. The remainder of this act shall take effect July 1, 2020.

AMENDED ANALYSIS

This bill:

I. Establishes fiscal capacity disparity aid to municipalities based on equalized valuation per pupil.

II. Provides additional aid to municipalities based on the percentage of pupils eligible to receive a free or reduced-price meal.

III. Requires school districts to report on the use of adequate education grant funds.

IV. Provides stabilization grants to municipalities in fiscal year 2020 and repeals the grants in fiscal year 2021 and thereafter.

Committee amendment adopted.

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

Rep. Luneau offered floor amendment (0693h).

Floor Amendment (0693h)

Amend RSA 198:40-b as inserted by section 2 of the bill by replacing it with the following:

198:40-b Additional Aid Based on Free or Reduced-Price Meals. The commissioner shall distribute the following additional aid to a municipality's school district:

I. An additional \$927 for each pupil in the ADMA who is eligible for a free or reduced-price meal in a school district in which at least 12 percent but less than 24 percent of the ADMA is eligible to receive a free or reduced-price meal; or

II. An additional \$1,854 for each pupil in the ADMA who is eligible for a free or reduced-price meal, in a school district in which at least 24 percent but less than 36 percent of the ADMA is eligible to receive a free or reduced-price meal; or

III. An additional \$2,781 for each pupil in the ADMA who is eligible for a free or reduced-price meal, in a school district in which at least 36 percent but less than 48 percent of the ADMA is eligible to receive a free or reduced-price meal; or

IV. An additional \$3,708 for each pupil in the ADMA who is eligible for a free or reduced-price meal, in a school district in which 48 percent or more of the ADMA is eligible to receive a free or reduced-price meal. Amend RSA 198:40-c as inserted by section 2 of the bill by deleting RSA 198:40-c, IV.

Amend RSA 198:41, III(a) as inserted by section 5 of the bill by replacing it with the following:

III.(a) No municipality shall receive a total education grant which is less than the total education grant received in the preceding fiscal year. This subparagraph shall not apply to a municipality in which the education tax revenue collected pursuant to RSA 76 exceeds the municipality's total cost of an adequate education. Rep. Luneau spoke in favor.

Floor amendment (0693h) adopted.

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

YEAS 262 - NAYS 82

YEAS - 262

BELKNAP

Fields, Dennis
Beaudoin, Richard

Huot, David
St. Clair, Charlie

Lang, Timothy
Varney, Peter

Mackie, Jonathan
Viens, Harry

CARROLL

Buco, Thomas
Kanzler, Harrison
Ticehurst, Susan

Burroughs, Anita
Knirk, Jerry
Woodcock, Stephen

Butler, Edward
MacDonald, John

DesMarais, Edith
Marsh, William

CHESHIRE

Abbott, Michael
Eaton, Daniel
Mann, John
Schapiro, Joe
Von Plinsky, Sparky

Ames, Richard
Faulkner, Barry
Meador, David
Swinburne, Sandy
Pearson, William

Berch, Paul
Fenton, Donovan
Morrill, David
Tatro, Bruce
Weber, Lucy

Bordenet, John
Ley, Douglas
Parkhurst, Henry
Thompson, Craig

COOS

Fothergill, John
Noel, Henry

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

Abel, Richard
Dontonville, Roger
Gordon, Edward
Massimilla, Linda
Nordgren, Sharon
Stringham, Jerry

Adjutant, Joshua
Fellows, Sallie
Josephson, Timothy
Migliore, Vincent Paul
Osborne, Richard
Smith, Suzanne

Almy, Susan
Ford, Susan
Ladd, Rick
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

Campion, Polly
French, Elaine
Maes, Kevin
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

HILLSBOROUGH

Alexander, Joe
Balch, Chris
Bergeron, Paul
Bosman, James
Cleaver, Skip
Dargie, Paul
Flanagan, Jack
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Murray, Megan
Mombourquette, Donna
Nutting-Wong, Allison

Bouldin, Amanda
Baroody, Benjamin
Bernet, Jennifer
Bouchard, Donald
Cohen, Bruce
Desjardin, Kathy
Freitas, Mary
Hall, Brett
Herbert, Christopher
Judy, Jean
Langley, Diane
Mangipudi, Latha
Mullen, Sue
O'Brien, Michael

Bouldin, Andrew
Beaulieu, Jane
Boehm, Ralph
Camarota, Linda
Connors, Erika
Espitia, Manny
Goley, Jeffrey
Hamer, Heidi
Indruk, Greg
King, Mark
Leishman, Peter
Martin, Joelle
Murphy, Nancy
Pedersen, Michael

Backus, Robert
Belanger, James
Bordy, William
Chretien, Jacqueline
Danielson, David
Davis, Fred
Gould, Linda
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Pickering, Daniel

Piedra, Israel
Radhakrishnan, Julie
Shaw, Barbara
Stack, Kathryn
Toomey, Dan
Thomas, Wendy

Porter, Marjorie
Riel, Cole
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Williams, Kermit

Query, Joshua
Rung, Rosemarie
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance

Newman, Ray
Newman, Sue
St. John, Michelle
Telerski, Laura
Vann, Ivy

MERRIMACK

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Fox, Samantha
Klose, John
MacKay, James
Rodd, Beth
Schuett, Dianne
Testerman, Dave
Wazir, Safiya

Bartlett, Christy
Fulweiler, Joyce
Kotowski, Frank
McWilliams, Rebecca
Rogers, Katherine
Schultz, Kristina
Turcotte, Alan
Wells, Kenneth

Carson, Clyde
Horn, Werner
Lane, Connie
Myler, Mel
Saunderson, George
Seaworth, Brian
Wallner, Mary Jane

Ebel, Karen
Karrick, David
Luneau, David
Richards, Beth
Schamberg, Thomas
Soucy, Timothy
Walz, Mary Beth

ROCKINGHAM

Abrami, Patrick
Bunker, Lisa
Chirichiello, Brian
DeClercq, Edward
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Hoelzel, Kathleen
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Maggiore, Jim
McConnell, Liz
Potucek, John
Sytek, John
Welch, David

Acton, Dennis
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Meuse, David
Pratt, Kevin
Vallone, Mark
Weyler, Kenneth

Altschiller, Debra
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Cushing, Robert Renny
DiLorenzo, Charlotte
Gilman, Julie
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Lovejoy, Patricia
McBeath, Rebecca
Milz, David
Prudhomme-O'Brien, Katherine
Ward, Gerald

Berrien, Skip
Cali-Pitts, Jacqueline
Thomas, Douglas
Eisner, Mary
Grossman, Gaby
Hobson, Deborah
Le, Tamara
Griffin, Mary
McBride, Everett
O'Connor, John
Read, Ellen
Webb, James

STRAFFORD

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Ellis, Donna
Higgins, Peg
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Opderbecke, Linn
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Wall, Janet

Cannon, Gerri
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Horrigan, Timothy
Levesque, Cassandra
Schmidt, Peter
Southworth, Thomas

Chase, Wendy
Grassie, Chuck
Keans, Sandra
Smith, Marjorie
Rich, Cecilia
Spang, Judith

Conley, Casey
Hayward, Peter
Kenney, Cam
McNally, Jody
Salloway, Jeffrey
Towne, Matthew

SULLIVAN

Callum, John
Merchant, Gary
Smith, Steven

Cloutier, John
Oxenham, Lee
Sullivan, Brian

Laware, Thomas
Rollins, Skip
Tanner, Linda

Lucas, Gates
Stapleton, Walter

NAYS - 82

BELKNAP

Aldrich, Glen
Howard, Raymond

Bean, Harry
Jurius, Deanna

Comtois, Barbara
Spanos, Peter

Feeney, George
Sylvia, Michael

CARROLL

Avellani, Lino

Comeau, Ed

Cordelli, Glenn

Nelson, Bill

CHESHIRE

O'Day, John

COOS

Craig, Kevin

Furbush, Michael

Merner, Troy

HILLSBOROUGH

Lekas, Alicia
Greene, Bob
Ober, Lynne
Notter, Jeanine
Prout, Andrew
Lekas, Tony

Burt, John
Gunski, Michael
Lascelles, Richard
Nunez, Hershel
Ober, Russell
Ulery, Jordan

Erf, Keith
Hinch, Richard
Marzullo, JP
Plett, Fred
Renzullo, Andrew
Warden, Mark

Gagne, Larry
L'Heureux, Robert
McLean, Mark
Proulx, Mark
Rice, Kimberly
Whittemore, James

MERRIMACK

Hill, Gregory
Walsh, Thomas

Marple, Richard
Yakubovich, Michael

McGuire, Carol

Pearl, Howard

ROCKINGHAM

Abbas, Daryl
 Costable, Michael
 Doucette, Fred
 Janigian, John
 Pearson, Mark
 Packard, Sherman
 Spillane, James
 Yokela, Josh

Abramson, Max
 Davis, Dan
 Edwards, Jess
 Janvrin, Jason
 McMahon, Charles
 Piemonte, Tony
 Torosian, Peter

Baldasaro, Al
 Desilets, Joel
 Green, Dennis
 Khan, Aboul
 Melvin, Charles
 Roy, Terry
 True, Chris

Bershtein, Alan
 Dolan, Tom
 Osborne, Jason
 Kolodziej, Walter
 Owens, Becky
 Pearson, Stephen
 Verville, Kevin

STRAFFORD

Harrington, Michael
 Rooney, Abigail

Horgan, James
 Wuelper, Kurt

Perreault, Mona

Pitre, Joseph

SULLIVAN

Aron, Judy

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

HB 719-FN-A, establishing the position of school nurse coordinator in the department of education and making an appropriation therefor. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David Luneau for the Majority of Education. This bill, as amended, establishes the position of school nurse coordinator in the Department of Education. The school nurse coordinator would coordinate and guide school nurses and other school personnel responsible for student health care in the areas of student health and wellness, safety, behavioral and mental health, and alcohol and substance misuse. The school nurse coordinator shall be a resource for administrators, professional development, parental education, and legislators. The committee believes that a nurse coordinator is especially critical given the complex needs of students. The position was recently staffed in the Department but is presently vacant. Vote 13-6.

Rep. Rick Ladd for the Minority of Education. This bill establishes a full-time coordinator position at the Department of Education. The cost of the program is estimated to be \$109,000 for FY 20 and \$111,000 for FY 21, including salary, benefits, travel, and other expenses. The school nurse coordinator is projected to be a resource for administrators, educators, families, and policymakers across the state; however, school nurses currently work closely and successfully with students, families, school staff, and other medical personnel in providing and delivering school-based nursing. This new position is viewed by the minority as another administrative position that will result in minimal change in the actual delivery of school nurse services that are now funded entirely through locally appropriated funds.

Majority Amendment (0268h)

Amend the bill by replacing sections 1 and 2 with the following:

1 New Section; Department of Education; New Position; School Nurse Coordinator. Amend RSA 21-N by inserting after section 6 the following new section:

21-N:6-a School Nurse Coordinator. There is established within the division of learner support the position of school nurse coordinator who shall be a classified employee. The school nurse coordinator shall be a licensed RN qualified to hold such position by reason of education and experience. The school nurse coordinator shall coordinate and provide technical assistance to guide school nurses and other school personnel responsible for student health care in the areas of student health and wellness, safety, behavioral and mental health, and alcohol and substance misuse. The school nurse coordinator shall also be a resource for administrators, educators, families, and policymakers across the state.

2 Appropriation. The sum of \$109,000 for the fiscal year ending June 30, 2020, and the sum of \$111,000 for the fiscal year ending June 30, 2021 are hereby appropriated to the department of education, division of learner support, for the position of school nurse coordinator established in RSA 21-N:6-a. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

Majority committee amendment adopted.

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

Rep. Ladd spoke against.

Rep. Tanner spoke in favor.

Rep. Cordelli requested a roll call; sufficiently seconded.

YEAS 198 - NAYS 146

**YEAS - 198
 BELKNAP**

CARROLL

Buco, Thomas
Kanzler, Harrison

Burroughs, Anita
Knirk, Jerry

Butler, Edward
Woodcock, Stephen

DesMarais, Edith

CHESHIRE

Abbott, Michael
Eaton, Daniel
Mann, John
Schapiro, Joe
Von Plinsky, Sparky

Ames, Richard
Faulkner, Barry
Meader, David
Swinburne, Sandy
Pearson, William

Berch, Paul
Fenton, Donovan
Morrill, David
Tatro, Bruce
Weber, Lucy

Bordenet, John
Ley, Douglas
Parkhurst, Henry
Thompson, Craig

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Dontonville, Roger
Josephson, Timothy
Nordgren, Sharon
Stringham, Jerry

Adjutant, Joshua
Fellows, Sallie
Maes, Kevin
Osborne, Richard
Smith, Suzanne

Almy, Susan
Ford, Susan
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

Campion, Polly
French, Elaine
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

HILLSBOROUGH

Bouldin, Amanda
Baroody, Benjamin
Bordy, William
Cleaver, Skip
Desjardin, Kathy
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Pickering, Daniel
Newman, Ray
Newman, Sue
Stack, Kathryn
Toomey, Dan
Thomas, Wendy

Bouldin, Andrew
Beaulieu, Jane
Bosman, James
Cohen, Bruce
Espitia, Manny
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Murray, Megan
Mombourquette, Donna
Nutting-Wong, Allison
Piedra, Israel
Radhakrishnan, Julie
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Williams, Kermit

Backus, Robert
Bergeron, Paul
Bouchard, Donald
Connors, Erika
Davis, Fred
Hall, Brett
Herbert, Christopher
Jeudy, Jean
Langley, Diane
Mangipudi, Latha
Mullen, Sue
O'Brien, Michael
Porter, Marjorie
Riel, Cole
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance

Balch, Chris
Bernet, Jennifer
Chretien, Jacqueline
Dargie, Paul
Freitas, Mary
Hamer, Heidi
Indruk, Greg
King, Mark
Leishman, Peter
Martin, Joelle
Murphy, Nancy
Pedersen, Michael
Query, Joshua
Rung, Rosemarie
St. John, Michelle
Telerski, Laura
Vann, Ivy

MERRIMACK

Bartlett, Christy
Fulweiler, Joyce
MacKay, James
Rodd, Beth
Schuett, Dianne
Wallner, Mary Jane

Carson, Clyde
Karrick, David
McWilliams, Rebecca
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth

Ebel, Karen
Lane, Connie
Myler, Mel
Saunderson, George
Soucy, Timothy
Wazir, Safiya

Fox, Samantha
Luneau, David
Richards, Beth
Schamberg, Thomas
Turcotte, Alan
Wells, Kenneth

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
DiLorenzo, Charlotte
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Ward, Gerald

Berrien, Skip
Cali-Pitts, Jacqueline
Eisner, Mary
Murray, Kate
Maggiore, Jim
Meuse, David

Bunker, Lisa
Coursin, David
Gilman, Julie
Le, Tamara
Malloy, Dennis
Read, Ellen

Bushway, Patricia
Cushing, Robert Renny
Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Vallone, Mark

STRAFFORD

Bixby, Peter
Ellis, Donna
Horrigan, Timothy
Opderbecke, Linn
Sandler, Catt
Wall, Janet

Cannon, Gerri
Gourgue, Amanda
Kenney, Cam
Schmidt, Peter
Southworth, Thomas

Chase, Wendy
Grassie, Chuck
Levesque, Cassandra
Rich, Cecilia
Spang, Judith

Conley, Casey
Higgins, Peg
Smith, Marjorie
Salloway, Jeffrey
Towne, Matthew

SULLIVAN

Cloutier, John
Tanner, Linda

Merchant, Gary

Oxenham, Lee

Sullivan, Brian

NAYS - 146**BELKNAP**

Aldrich, Glen
Fields, Dennis
Mackie, Jonathan
Varney, Peter

Bean, Harry
Howard, Raymond
Beaudoin, Richard
Viens, Harry

Comtois, Barbara
Jurius, Deanna
Spanos, Peter

Feeney, George
Lang, Timothy
Sylvia, Michael

CARROLL

Avellani, Lino
Marsh, William

Comeau, Ed
Nelson, Bill

Cordelli, Glenn
Ticehurst, Susan

MacDonald, John

CHESHIRE

O'Day, John

COOS

Craig, Kevin
Thomas, Yvonne

Fothergill, John

Furbush, Michael

Merner, Troy

GRAFTON

Gordon, Edward

Ladd, Rick

Massimilla, Linda

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
Burt, John
Flanagan, Jack
Gunski, Michael
Lascelles, Richard
Nunez, Hershel
Ober, Russell
Lekas, Tony

Alexander, Joe
Camarota, Linda
Gagne, Larry
Hinch, Richard
Marzullo, JP
Plett, Fred
Renzullo, Andrew
Ulery, Jordan

Belanger, James
Danielson, David
Gould, Linda
L'Heureux, Robert
McLean, Mark
Proulx, Mark
Rice, Kimberly
Warden, Mark

Boehm, Ralph
Erf, Keith
Greene, Bob
Ober, Lynne
Notter, Jeanine
Prout, Andrew
Shaw, Barbara
Whittemore, James

MERRIMACK

Allard, James
Kotowski, Frank
Seaworth, Brian

Hill, Gregory
Marple, Richard
Testerman, Dave

Horn, Werner
McGuire, Carol
Walsh, Thomas

Klose, John
Pearl, Howard
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Costable, Michael
Desilets, Joel
Edwards, Jess
Guthrie, Joseph
Osborne, Jason
Khan, Aboul
Pearson, Mark
Milz, David
Piemonte, Tony
Pearson, Stephen
True, Chris
Weyler, Kenneth

Abrami, Patrick
Barnes, Arthur
Davis, Dan
DeSimone, Debra
Fowler, William
Harb, Robert
Janigian, John
Kolodziej, Walter
McBride, Everett
O'Connor, John
Potucek, John
Spillane, James
Verville, Kevin
Yokela, Josh

Abramson, Max
Bershtein, Alan
Thomas, Douglas
Dolan, Tom
Gay, Betty
Hobson, Deborah
Janvrin, Jason
Love, David
McMahon, Charles
Owens, Becky
Pratt, Kevin
Sytek, John
Webb, James

Acton, Dennis
Chirichiello, Brian
DeClercq, Edward
Doucette, Fred
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
Griffin, Mary
Melvin, Charles
Packard, Sherman
Roy, Terry
Torosian, Peter
Welch, David

STRAFFORD

Harrington, Michael
Kittredge, Mac
Rooney, Abigail

Hayward, Peter
McNally, Jody
Wuelper, Kurt

Horgan, James
Perreault, Mona

Keans, Sandra
Pitre, Joseph

SULLIVAN

Aron, Judy
Rollins, Skip

Callum, John
Stapleton, Walter

Laware, Thomas
Smith, Steven

Lucas, Gates

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

CLERK'S NOTE

Pursuant to House Rule 50, the following legislation was withdrawn from the committee as it had not acted on the legislation by the date specified in House Rule 65, and the reference to the committee is revoked.

HB 688-FN, relative to transfer and inspection of animals. **WITHOUT RECOMMENDATION.**

MOTION TO LAY ON THE TABLE

Rep. Bixby moved that **HB 688-FN**, relative to transfer and inspection of animals, be laid on the table. Motion adopted.

REGULAR CALENDAR CONT'D

HB 616-FN, relative to a cost of living adjustment for retirees in the state retirement system. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Dianne Schuett for the Majority of Executive Departments and Administration. This bill calls for a cost of living adjustment (COLA) for retirees in the state retirement system or their beneficiaries. Retirees have not been granted a COLA for nearly nine years and since the demise of the special account, COLAs can only be granted through legislation. According to statistics from the New Hampshire Retirement System (NHRS) approximately 94% of the state's retirees receive less than \$50,000 a year with 29% of them receiving less than \$10,000 a year. The COLA in this bill is 1.5% of a retiree's annual retirement allowance to begin on their first anniversary date occurring after July 1, 2020 and will only apply to those who have been retired for 60 months (5 years) as of July 1, 2019. The amendment, which was suggested by the NHRS, simply added language which clarified that the percentage increase is based on the annual retirement allowance. Vote 17-2.

Rep. Carol McGuire for the Minority of Executive Departments and Administration. The minority shares the concern of the majority that the value of retirees' defined benefit pensions are being eroded by time and inflation. However, we are also concerned about adding the costs of a COLA to property taxes, while we still have twenty years to go to pay off the unfunded liability owed on their current pensions. Securing the payments already promised to current retirees and employees is necessary, but it imposes a burden on property taxpayers. Adding to that burden is a matter of grave concern.

Majority Amendment (0094h)

Amend RSA 100-A:41-e, I as inserted by section 1 of the bill by replacing it with the following:

I. Any retired member of the New Hampshire retirement system or any of its predecessor systems, who has been retired for at least 60 months prior to or on July 1, 2019, or any beneficiary of such member who is receiving an allowance, shall be entitled to receive a cost of living adjustment (COLA) as a supplemental allowance, on the retired member's first anniversary date occurring after July 1, 2020. The amount of such COLA shall be 1.5 percent of a member's or beneficiary's annual retirement allowance.

Majority committee amendment adopted.

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

On a division vote, with 250 members having voted in the affirmative, and 91 in the negative, the majority committee report was adopted and referred to the Committee on Finance.

HB 516-FN, relative to funding for pollution control equipment at the Powder Mill fish hatchery through the purchase of a trout/salmon stamp. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. James Bosman for the Majority of Fish and Game and Marine Resources. This bill requires the purchase of a trout/salmon stamp to take trout or salmon. The revenue raised would be used to fund pollution control equipment at the Powder Mill fish hatchery, one of six hatcheries of NH. The committee appreciates the intent of this bill. However, with no clear EPA standards currently available, funding limited to just one hatchery, and no clear cost estimate, the committee could not support it at this time. Vote 12-6.

Rep. Ellen Read for the Minority of Fish and Game and Marine Resources. Testimony on both sides at the bill's hearing indicated that the Powder Mill fish hatchery is the primary if not sole source of significant pollution that is currently having a severe negative impact on recreational waterways and may soon impact Lake Winnepesaukee. Since all sides agree on the problem of pollution, the minority feels strongly that it is appropriate to secure a source of revenue now to mitigate the problem and to maintain these mitigation systems. The minority believes strongly that we must act as soon as possible to fix this problem and so wish to retain the bill to amend it to address the pollution from other hatcheries and refine the language around the fishing stamps as the revenue source.

Majority committee report adopted.

HB 696-FN, establishing a protective order for vulnerable adults. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy Weber for Health, Human Services and Elderly Affairs. This bill establishes a procedure to enable vulnerable adults to seek temporary and permanent relief from abuse, exploitation and neglect. The bill is necessary because our criminal statutes do not provide adequate protection for vulnerable adults; by the time abuse, neglect or exploitation can be proven, assets are long gone, or the vulnerable adult has been subjected to unsafe conditions for far too long. In answer to concerns raised at the public hearing, the amendment clarifies that the defendant can be ordered to pay bills for the plaintiff only if the defendant has a legal or fiduciary responsibility to do so, and that the court may only issue orders about possession of animals owned by the plaintiff or owned by the plaintiff jointly with the defendant. The court may not include an animal owned solely by the defendant in its order. Finally, the amendment provides firearms may be removed from the defendant only after a specific judicial finding is made that such removal is necessary for the protection of the vulnerable adult. Vote 22-0.

Amendment (0395h)

Amend RSA 173-D:4 through RSA 173-D:6 as inserted by section 1 of the bill by replacing them with the following:
173-D:4 Commencement of Proceedings; Hearing.

I. A vulnerable adult, guardian, or attorney-in-fact of a vulnerable adult, or if authorized by the vulnerable adult, the department, may seek relief pursuant to RSA 173-D:6 by filing a petition, in the county or district where the plaintiff or defendant resides, alleging abuse, exploitation or neglect by the defendant. Any person filing a petition containing false allegations of abuse shall be subject to criminal penalties. Notice of the pendency of the action and of the facts alleged against the defendant shall be given to the defendant, either personally or as provided in paragraph II. The plaintiff shall be permitted to supplement or amend the petition only if the defendant is provided an opportunity prior to the hearing to respond to the supplemental or amended petition. All petitions filed under this section shall include the home and work telephone numbers of the defendant, if known. Notice of the whereabouts of the plaintiff shall not be revealed except by order of the court for good cause shown. Any answer by the defendant shall be filed with the court and a copy shall be provided to the plaintiff by the court.

II. No filing fee or fee for service of process shall be charged for a petition or response under this section, and the plaintiff or defendant may proceed without legal counsel. Either a peace officer or the sheriff's department shall serve process under this section. Any proceeding under this chapter shall not preclude any other available civil or criminal remedy.

III. The clerks of the circuit courts shall supply forms for petitions and for relief under this chapter designed to facilitate pro se proceedings. All such petitions shall contain the following words: I swear that the foregoing information is true and correct to the best of my knowledge. I understand that making a false statement on this petition will subject me to criminal penalties.

IV.(a) The court shall hold a hearing within 30 days of the filing of a petition under this section or within 10 days of service of process upon the defendant, whichever occurs later.

(b) The time frame established in this paragraph may be extended for an additional 10 days upon motion by either party for good cause shown. A recusal by the judge or any act of God or closing of the court that interferes with the originally scheduled hearing shall not be cause for the dismissal of the petition. The court shall reschedule any hearing under this section in an expeditious manner.

V. In any proceeding under this chapter, the court shall not be bound by the technical rules of evidence and may admit evidence which it considers relevant and material.

VI. In a proceeding under this chapter, a support person may accompany a party in court and, if the party is not represented by an attorney, may sit with the party at the table that is generally reserved for the party and the party's attorney. The support person is present to provide moral and emotional support for a person who alleges he or she is a victim of abuse. The support person is not present as a legal adviser and may not provide legal advice. The support person may assist the person who alleges he or she is a victim of abuse in feeling more confident that he or she will not be injured or threatened by the other party during the proceedings if the person who alleges he or she is a victim of abuse and the other party are required to be present in close proximity. This section does not preclude the court from exercising its discretion to remove the support person from the courtroom if the court believes the support person is prompting, swaying, or influencing the party assisted by the support person.

173-D:5 Temporary Relief.

I. Upon a showing of an immediate and present danger of abuse, exploitation, or neglect, the court may enter temporary orders to protect the plaintiff with or without actual notice to defendant. The court may issue such temporary orders by telephone, facsimile or any other methods approved by court rules. Such telephonically issued orders shall be made by a circuit court judge to a law enforcement officer, shall be valid in any jurisdiction in the state, and shall be effective until the close of the next regular court business day. Such orders shall be returnable to the circuit court where the plaintiff resides or to which the plaintiff has fled, unless otherwise ordered by the issuing judge. If non-telephonic temporary orders are made ex parte, the party against whom such relief is issued may file a written request with the clerk of the court and request a hearing on such orders. Such hearing shall be held no less than 3 business days and no more than 5 business days after the request is received by the clerk. Such hearings may constitute the final hearing described in RSA 173-D:4, V. Such temporary relief may include:

(a) Protective orders:

(1) Restraining the defendant from abusing, exploiting, or neglecting the plaintiff.

(2) Restraining the defendant from entering the premises and curtilage where the plaintiff resides, except when the defendant is accompanied by a peace officer and, upon reasonable notice to the plaintiff, is allowed entry by the plaintiff for the sole purpose of retrieving toiletries, medication, clothing, business equipment, and any other items as determined by the court.

(3) Restraining the defendant from withholding items of the plaintiff's personal property which are specified in the order. A peace officer shall accompany the plaintiff or his/her representative in retrieving such property to protect the plaintiff.

(4) Restraining the defendant from contacting the plaintiff or entering a specified place frequented regularly by the plaintiff.

(5) Restraining the defendant from abusing the plaintiff, plaintiff's relatives, regardless of their place of residence, or plaintiff's household members in any way.

(6) Restraining the defendant from taking, converting, or damaging property in which the plaintiff may have a legal or equitable interest.

(7) Granting the plaintiff exclusive care, custody, or control of any animal owned, possessed, leased, kept, or held by the plaintiff or by the plaintiff jointly with the defendant in either household, and ordering the defendant to stay away from the animal and forbidding the defendant from taking, transferring, encumbering, concealing, committing an act of cruelty or neglect, or disposing of the animal.

(b) Other relief, including but not limited to:

(1) In the case of financial exploitation, prohibiting the defendant from transferring or otherwise encumbering any of his or her assets other than for necessary household expenses, provided, however, that such prohibition shall not extend to, encumber, or otherwise limit the rights of creditors, mortgagees, or secured parties in such property.

(2) Restraining the defendant from taking any action which would lead to the disconnection of any and all utilities and services to the parties' household, or the discontinuance of existing business or service contracts, including, but not limited to, mortgage or rental agreements.

(3) An order enjoining a party from specified behavior that the court determines is necessary to protect the vulnerable adult.

(4) If the court makes a specific finding that it is necessary for the protection of the plaintiff, the court may issue an order directing the defendant to relinquish to a police officer any and all firearms and ammunition in the control, ownership, or possession of the defendant, or any other person on behalf of the defendant for the duration of the protective order.

173-D:6 Relief.

I. A finding of abuse, exploitation, or neglect shall mean the defendant represents a credible threat to the safety of the plaintiff or physical, mental, or financial well-being. Upon a showing of abuse, exploitation, or neglect of the plaintiff by a preponderance of the evidence, the court shall grant such relief as is necessary to bring about a cessation of abuse, exploitation, or neglect. Such relief may include:

(a) Protective orders:

(1) Restraining the defendant from abusing, exploiting or neglecting the plaintiff.

(2) Restraining the defendant from entering the premises and curtilage where the plaintiff resides, except when the defendant is accompanied by a peace officer and is allowed entry by the plaintiff for the sole purpose of retrieving personal property specified by the court.

(3) Restraining the defendant from contacting the plaintiff or entering the plaintiff's place of employment, school, or any specified place frequented regularly by the plaintiff or by any family or household member.

(4) Restraining the defendant from abusing the plaintiff, plaintiff's relatives, regardless of their place of residence, or plaintiff's household members in any way.

(5) Restraining the defendant from taking, converting, or damaging property in which the plaintiff may have a legal or equitable interest.

(6) Granting the plaintiff exclusive care, custody, or control of any animal owned, possessed, leased, kept, or held by the plaintiff or by the plaintiff jointly with the defendant in either household, and ordering the defendant to stay away from the animal and forbidding the defendant from taking, transferring, encumbering, concealing, committing an act of cruelty or neglect, or disposing of the animal.

(b) Other relief including, but not limited to:

(1) Granting the plaintiff the exclusive use and possession of the premises and curtilage of the plaintiff's place of residence, unless the defendant exclusively owns or leases and pays for the premises and the defendant has no legal duty to support the plaintiff and provided, however, that such relief shall not extend to, extinguish, encumber, or otherwise limit the rights of creditors, mortgagees, or secured parties in such property.

(2) Restraining the defendant from withholding items of the plaintiff's personal property specified by the court. A peace officer shall accompany the plaintiff in retrieving such property to protect the plaintiff.

(3) Granting to the plaintiff the exclusive right of use and possession of the household furniture, furnishings, or a specific automobile, unless the defendant exclusively owns such personal property and the defendant has no legal duty to support the plaintiff.

(4) Ordering the defendant to make automobile, insurance, health care, utilities, rent, or mortgage payments if the defendant has a legal or fiduciary duty to do so.

(5) Ordering the defendant to pay the plaintiff monetary compensation for losses suffered as a direct result of the abuse, exploitation, or neglect which may include, but not be limited to, misappropriated funds, loss of earnings or support, medical and dental expenses, damage to property, out-of-pocket losses for injuries sustained, and moving and shelter expenses.

(6) If the court makes a specific finding that it is necessary for the protection of the plaintiff, issuing an order directing the defendant to relinquish to a police officer any and all firearms and ammunition in the control, ownership, or possession of the defendant, or any other person on behalf of the defendant for the duration of the protective order.

(7) Ordering the defendant to pay reasonable attorney's fees.

II. If the court makes a specific finding that it necessary for the protection of the plaintiff, the court may prohibit the defendant from purchasing, receiving, or possessing any deadly weapons and any and all firearms and ammunition for the duration of the order. The court may subsequently issue a search warrant authorizing a peace officer to seize any deadly weapons specified in the protective order and any and all firearms and ammunition, if there is probable cause to believe such firearms and ammunition and specified deadly weapons are kept on the premises or curtilage of the defendant.

III. The court shall not deny the plaintiff protective orders based solely on a lapse of time between an act of abuse, exploitation, or neglect and the filing of a petition, provided that the underlying act presents a credible threat to the plaintiff's current safety or physical, mental, or financial well-being.

IV. No order made under this section shall supersede or affect any court order pertaining to the possession of a residence or household furniture as determined by a circuit court, or title to real or personal property.

V. The findings of fact with respect to the protective order shall be final, but questions of law may be transferred from the circuit court to the supreme court.

VI. Any order under this section shall be for a fixed period of time not to exceed one year, but may be extended by order of the court upon a motion by the plaintiff, showing good cause, with notice to the defendant, for one year after the expiration of the first order and thereafter each extension may be for up to 5 years, upon the request of the plaintiff and at the discretion of the court. The court shall review the order and each renewal thereof and shall grant such relief as may be necessary to provide for the safety and well-being of the plaintiff. A defendant shall have the right to a hearing on the extension of any order under this paragraph to be held within 30 days of the extension. The court shall state in writing, at the respondent's request, its reason or reasons for granting the extension. The court shall retain jurisdiction to enforce and collect any financial compensation due to the plaintiff which accrued prior to the expiration of the protective order.

VII. Both parties shall be issued written copies of any orders issued by the court, and all orders shall bear the following language: "A willful violation of this order is a crime, as well as contempt of court. Violations of the protective provisions shall result in arrest and may result in imprisonment." Orders shall clearly state how any party can request a further hearing and how the plaintiff may bring a criminal complaint or a petition for contempt if there is a violation of any court order.

VIII.(a) No order issued under this chapter shall be modified other than by the court.

(b) If either party wishes the defendant to be excused from any provisions of an order of protection, the remedy is to petition the court for modification of such order.

(c) A defendant who is restrained from contacting the plaintiff or entering the premises of the plaintiff is prohibited from doing so even if invited by the plaintiff unless the restraining order has been modified by the court.

(d) This paragraph shall give unequivocal direction to peace officers that orders for protection are to be enforced as written and that no action by a party relieves them of the duty to enforce the order.

IX. Upon issuing an order against a defendant, in which a defendant is restrained from having any contact with the plaintiff, the court shall advise the plaintiff that it would be unwise and possibly unsafe for the plaintiff to contact the defendant. If the plaintiff wishes to contact the defendant for any reason, the court shall advise the plaintiff that such contact be made only after petitioning the court for a modification of the order. In an emergency situation, the plaintiff or plaintiff's family may request that the local police department notify the defendant and the local police may accompany the defendant to a designated location, such as a hospital, if appropriate.

X.(a) A copy of each protective order issued under this chapter shall be transmitted to the administrative office of the courts by facsimile or computer. An emergency protective order issued telephonically shall be transmitted by telephone or facsimile to the department of safety.

(b) The administrative office of the courts shall enter information regarding the protective orders into the state database which shall be made available to police and sheriff departments statewide. The department of safety shall make available information regarding emergency protective orders issued telephonically to police and sheriff departments statewide.

(c) The administrative office of the courts shall update the database upon expiration or termination of a protective order.

(d) Notwithstanding any other provision of law, the administrative office of the courts, the department of health and human services, or the department of safety, their employees and agents, and law enforcement officials shall not be held criminally or civilly liable for action taken under this chapter or RSA 458:16, provided they are acting in good faith and without gross negligence, and within the scope of their duties and authority.

XI. If a criminal records check conducted by the department of safety indicates that a potential buyer or transferee is prohibited from receipt or possession of a firearm pursuant to a protective order issued under this chapter, the department of safety shall notify the administrative office of the courts of the denial. The administrative office of the courts shall immediately notify the plaintiff that the defendant has attempted to purchase or obtain a firearm in violation of the protective order.

XII.(a) Within 15 days prior to the expiration of the protective orders, the defendant may request, by motion to the court, the return of any and all firearms and ammunition and specified deadly weapons held by the law enforcement agency while the protective order was in effect. Upon receipt of such a motion, the court shall schedule a hearing no later than 15 days after the expiration of the order. The court shall provide written notice to the plaintiff who shall have the right to appear and be heard, and to the law enforcement agency which has control of the firearms, ammunition, and specified deadly weapons. The scope of the hearing shall be limited to:

(1) Establishing whether the defendant is subject to any state or federal law or court order that precludes the defendant from owning or possessing a firearm; and

(2) Under circumstances where the plaintiff has requested an extension of the protective order, whether the plaintiff has established by a preponderance of the evidence that the defendant continues to represent a credible threat to the safety of the plaintiff.

(b) If the court finds that the defendant is not subject to any state or federal law or court order precluding the ownership or possession of firearms, or if the court denies the plaintiff's request to extend the protective order, the court shall issue a written order directing the law enforcement agency to return the requested firearms, ammunition, or deadly weapon to the defendant.

(c) Law enforcement agencies shall not release firearms and ammunition and specified deadly weapons without a court order granting such release. The law enforcement agency may charge the defendant a reasonable fee for the storage of any firearms and ammunition and specified deadly weapons taken pursuant to a protective order. The fee shall not exceed the actual cost incurred by the law enforcement agency for the storage of the firearms and ammunition and specified deadly weapons. The defendant may make alternative arrangements with a federally licensed firearms dealer for the storage of firearms, at the defendant's own expense, upon approval of the court. Such firearms shall be turned over to the appropriate law enforcement agency for transfer to the storage facility. Retrieval of such firearms shall be through the law enforcement agency responsible for their transfer to the storage facility pursuant to a court order as prescribed in this paragraph.

(d) No law enforcement agency shall be held liable for alleged damage or deterioration due to storage or transportation to any firearms and ammunition and specified deadly weapons held by a law enforcement agency, provided that due care is used.

Amend RSA 173-D:12 as inserted by section 1 of the bill by replacing it with the following:

173-D:12 Notice to the Victim.

I. Notwithstanding the peace officer's obligations in RSA 173-D:11, all peace officers shall give victims of abuse, exploitation, and neglect immediate and adequate notice of their right to go to the circuit court of their county to file a petition asking for protective orders against the abusive person and to seek a private criminal complaint.

II. The clerk of the court shall be responsible for advising victims of their right to request that the judge issue an order which may include:

(a) Restraining the defendant from abusing, exploiting, and/or neglecting the victim.

(b) Directing the defendant to leave and stay away from the victim's premises and curtilage.

(c) Restraining the defendant from contacting the victim, or entering any specified place frequented regularly by the victim.

(d) Restraining the defendant from abusing, in any way, the victim, household members, or victim's relatives, regardless of their place of residence.

(e) Restraining the defendant from taking, converting, or damaging personal or real property in which the victim may have a legal or equitable interest.

(f) Ordering the defendant to pay the victim monetary compensation for losses suffered as a direct result of the abuse, exploitation, or neglect which may include, but not be limited to, misappropriated funds, loss of earnings or support, medical and dental expenses, damage to property, out-of-pocket losses for injuries sustained, and moving and shelter expenses.

(g) Ordering the removal of any and all firearms and ammunition in the control, ownership, or possession of the defendant.

(h) Ordering the defendant to pay reasonable attorney's fees.

Committee amendment adopted.

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

Rep. O'Day spoke against and yielded to questions.

Rep. Weber spoke in favor.

Rep. Costable requested a roll call; sufficiently seconded.

YEAS 208 - NAYS 132**YEAS - 208
BELKNAP**

Fields, Dennis

St. Clair, Charlie

Burroughs, Anita
Knirk, JerryButler, Edward
Marsh, William**CARROLL**DesMarais, Edith
Ticehurst, SusanKanzler, Harrison
Woodcock, Stephen**CHESHIRE**Abbott, Michael
Eaton, Daniel
Mann, John
Schapiro, Joe
Von Plinsky, SparkyAmes, Richard
Faulkner, Barry
Meador, David
Swinburne, Sandy
Pearson, WilliamBerch, Paul
Fenton, Donovan
Morrill, David
Tatro, Bruce
Weber, LucyBordenet, John
Ley, Douglas
Parkhurst, Henry
Thompson, Craig**COOS**Fothergill, John
Noel, HenryHatch, William
Tucker, EdithLaflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

GRAFTONAbel, Richard
Dontonville, Roger
Gordon, Edward
Mulligan, Mary Jane
Stavis, Laurel
Weston, JoyceAdjutant, Joshua
Fellows, Sallie
Josephson, Timothy
Muscatel, Garrett
Stringham, JerryAlmy, Susan
Ford, Susan
Maes, Kevin
Nordgren, Sharon
Smith, SuzanneCampion, Polly
French, Elaine
Massimilla, Linda
Osborne, Richard
Sykes, George**HILLSBOROUGH**Bouldin, Amanda
Beaulieu, Jane
Bosman, James
Cohen, Bruce
Desjardin, Kathy
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Pickering, Daniel
Radhakrishnan, Julie
Shaw, Barbara
Stack, Kathryn
Toomey, Dan
Thomas, WendyBouldin, Andrew
Bergeron, Paul
Bouchard, Donald
Connors, Erika
Espitia, Manny
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Murray, Megan
Mombourquette, Donna
Nutting-Wong, Allison
Piedra, Israel
Riel, Cole
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Williams, KermitBalch, Chris
Bernet, Jennifer
Chretien, Jacqueline
Danielson, David
Davis, Fred
Hall, Brett
Herbert, Christopher
Judy, Jean
Langley, Diane
Mangipudi, Latha
Mullen, Sue
O'Brien, Michael
Porter, Marjorie
Rung, Rosemarie
Sofikitis, Catherine
Smith, Timothy
Van Houten, ConstanceBaroody, Benjamin
Bordy, William
Cleaver, Skip
Dargie, Paul
Freitas, Mary
Hamer, Heidi
Indruk, Greg
King, Mark
Leishman, Peter
Martin, Joelle
Murphy, Nancy
Pedersen, Michael
Newman, Ray
Newman, Sue
St. John, Michelle
Telerski, Laura
Vann, Ivy**MERRIMACK**Bartlett, Christy
Fulweiler, Joyce
Luneau, David
Richards, Beth
Schamberg, Thomas
Wallner, Mary JaneCarson, Clyde
Karrick, David
MacKay, James
Rodd, Beth
Schuett, Dianne
Walz, Mary BethEbel, Karen
Kotowski, Frank
McWilliams, Rebecca
Rogers, Katherine
Schultz, Kristina
Wazir, SafiyaFox, Samantha
Lane, Connie
Myler, Mel
Saunderson, George
Soucy, Timothy
Wells, Kenneth**ROCKINGHAM**Altschiller, Debra
Cahill, Michael
DiLorenzo, Charlotte
Grossman, Gaby
Le, Tamara
Malloy, Dennis
Meuse, David
Ward, GeraldBerrien, Skip
Cali-Pitts, Jacqueline
Eisner, Mary
Grote, Jaci
Loughman, Tom
McBeath, Rebecca
Read, EllenBunker, Lisa
Coursin, David
Gay, Betty
Guthrie, Joseph
Lovejoy, Patricia
McConnell, Liz
Sytek, JohnBushway, Patricia
Cushing, Robert Renny
Gilman, Julie
Murray, Kate
Maggiore, Jim
McMahon, Charles
Vallone, Mark**STRAFFORD**Bixby, Peter
Ellis, DonnaCannon, Gerri
Gourgue, AmandaChase, Wendy
Grassie, ChuckConley, Casey
Higgins, Peg

Horrigan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Towne, Matthew

Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Wall, Janet

Kenney, Cam
Schmidt, Peter
Southworth, Thomas

Levesque, Cassandra
Rich, Cecilia
Spang, Judith

SULLIVAN

Cloutier, John
Sullivan, Brian

Merchant, Gary
Tanner, Linda

Oxenham, Lee

Stapleton, Walter

NAYS - 132

BELKNAP

Aldrich, Glen
Howard, Raymond
Beaudoin, Richard
Viens, Harry

Bean, Harry
Jurius, Deanna
Spanos, Peter

Comtois, Barbara
Lang, Timothy
Sylvia, Michael

Feeney, George
Mackie, Jonathan
Varney, Peter

CARROLL

Avellani, Lino
MacDonald, John

Buco, Thomas

Comeau, Ed

Cordelli, Glenn

CHESHIRE

O'Day, John

COOS

Craig, Kevin

Furbush, Michael

Merner, Troy

GRAFTON

Ladd, Rick

Migliore, Vincent Paul

Ruprecht, Dennis

HILLSBOROUGH

Lekas, Alicia
Burt, John
Gagne, Larry
Hinch, Richard
Lascelles, Richard
Nunez, Hershel
Ober, Russell
Ulery, Jordan

Alexander, Joe
Camarota, Linda
Gould, Linda
Hopper, Gary
Marzullo, JP
Plett, Fred
Renzullo, Andrew
Whittemore, James

Belanger, James
Erf, Keith
Greene, Bob
L'Heureux, Robert
McLean, Mark
Proulx, Mark
Rice, Kimberly

Boehm, Ralph
Flanagan, Jack
Gunski, Michael
Ober, Lynne
Notter, Jeanine
Prout, Andrew
Lekas, Tony

MERRIMACK

Allard, James
Marple, Richard
Testerman, Dave

Hill, Gregory
McGuire, Carol
Turcotte, Alan

Horn, Werner
Pearl, Howard
Walsh, Thomas

Klose, John
Seaworth, Brian
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Costable, Michael
Desilets, Joel
Edwards, Jess
Hobson, Deborah
Janvrin, Jason
Love, David
Melvin, Charles
Packard, Sherman
Roy, Terry
True, Chris
Weyler, Kenneth

Abrami, Patrick
Barnes, Arthur
Davis, Dan
DeSimone, Debra
Fowler, William
Hoelzel, Kathleen
Katsakiores, Phyllis
Griffin, Mary
Milz, David
Piemonte, Tony
Pearson, Stephen
Verville, Kevin
Yokela, Josh

Abramson, Max
Bershtein, Alan
Thomas, Douglas
Dolan, Tom
Green, Dennis
Osborne, Jason
Khan, Aboul
Pearson, Mark
O'Connor, John
Potucek, John
Spillane, James
Webb, James

Acton, Dennis
Chirichiello, Brian
DeClercq, Edward
Doucette, Fred
Harb, Robert
Janigian, John
Kolodziej, Walter
McBride, Everett
Owens, Becky
Pratt, Kevin
Torosian, Peter
Welch, David

STRAFFORD

Harrington, Michael
McNally, Jody
Wuelper, Kurt

Hayward, Peter
Perreault, Mona

Horgan, James
Pitre, Joseph

Kittredge, Mac
Rooney, Abigail

SULLIVAN

Aron, Judy
Rollins, Skip

Callum, John
Smith, Steven

Laware, Thomas

Lucas, Gates

and the committee report was adopted and referred to the Committee on Criminal Justice and Public Safety.
Rep. Gay voted Yea and intended to vote Nay.

MOTION TO PRINT DEBATE

Rep. Janvrin moved that the debate on **HB 696-FN**, establishing a protective order for vulnerable adults, be printed in the Permanent Journal.
Motion adopted.

DEBATE ON HB 696-FN

Rep. O'Day: Thank you, Mister Speaker. Good afternoon everyone. The eagle is our country's symbol of freedom. It is protected by law, not because it is our symbol, but because of it being endangered of extinction. How many of us would climb up to its nest, take the eggs and throw them to the ground? The constitution is not a symbol, but a proclamation of our freedoms. It's the law of the land. HB 696 flies in the face of New Hampshire's Constitution, Articles 2, 2A and 15 and the U.S. Constitution Amendments 2, 4 and 6. If this bill is passed, our rights are endangered, and we'll become extinct. Are you willing to throw the eggs of freedom to the ground and crush them? Please vote no on the Ought to Pass so a motion can be made. I'd like a division vote.

Speaker Shurtleff: Will the member yield for a question? Rep. Harrington, you may inquire.

Rep. Harrington: Thank you, Mister Speaker. Thank you, Representative, for taking my question. What I wanted to ask you is that I am looking at this bill and in one section of it says that the court may enter temporary orders to protect the plaintiff with or without actual notice to the defendant. It says one of those temporary orders could be in order to direct the defendant to relinquish to a police officer any and all firearms and ammunition in their control. So, would you agree that it appears to me that without any chance to defend themselves, under this bill, a person could be stripped of their constitutional rights and forced to give up their guns which Article 2A says we have a right to defend ourselves with, with no chance to defend themselves before they are taken away?

Rep. O'Day: Yes, Representative, that's what I believe.

Speaker Shurtleff: The Chair recognizes the member from Walpole, Rep. Weber.

Rep. Weber: Thank you, Mister Speaker. Colleagues, it's important to remember that what this bill is about is protecting vulnerable adults who are being either exploited, neglected or abused. It's very narrowly tailored to protect the vulnerable adult. And, the amendment that you just adopted certainly in the bill, we believe that the forfeiture provisions were overbroad. But, the amendment that you just adopted recognized that forfeitures certainly not appropriate in most cases and will not under the statute, as under the bill as we are proposing it, occur only if there is a judicial finding that it is necessary to protect the safety of the elderly adult. If you can't make that finding as a judicial finding, then there is no forfeiture here. So, I ask that you afford our vulnerable elders protection that they do not have adequately under our current criminal statutes and press the green button. Thank you.

Speaker Shurtleff: Will the member yield to a question? The member does not yield. The is going to be a division vote. Members will kindly take their seats. A roll call has been requested. Is that sufficiently seconded? It is. This will now be a roll call vote. The question before the House is the recommendation of Ought to Pass as Amended. The Chair recognizes Rep. Osborne for a parliamentary inquiry.

Rep. Jason Osborne: Thank you, Mister Speaker. Mister Speaker, if I believe that the proposed bill as amended is likely to have unintended consequences when there are inter-family conflicts, putting the weakest and poorest members at risk. And, if I know that these laws could be used to create a legal advantage in a divorce proceeding. And, if I see that this bill states that the court shall not be bound by the technical rules of evidence, which could easily lead to false or fraudulent petitions. And, finally if I know that while this bill's stated purpose is to protect the elders from financial harm, it greatly oversteps the constitutional rights of our constituents, would I now press the red button?

Speaker Shurtleff: The question is on the recommendation of Ought to Pass as Amended. The Chair recognizes Rep. Weber for a parliamentary inquiry.

Rep. Weber: Thank you, Mister Speaker. Mister Speaker, if I know that this bill is simply a very scaled down and circumscribed bill modeled on our current domestic violence provisions and those have been in force for many years, would I now press the green button to accept the committee recommendation. Thank you.

Speaker Shurtleff: The question before the House is the recommendation that the bill Ought to Pass as Amended. This is a roll call vote. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Have all members present had an opportunity to vote? The House will be attentive to the state of the vote. With 208 members voting Yea and 132 voting Nay, the motion carries. This bill will be referred to the Criminal Justice Committee.

REGULAR CALENDAR CONT'D

HB 729-FN-A, establishing a citizen's right-to-know appeals commission and a right-to-know law ombudsman and making an appropriation therefor. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gary Hopper for the Majority of Judiciary. For decades, New Hampshire residents and municipalities have come to the legislature to resolve problems with Right-to-Know requests. We are ranked 49th out of 50

in transparency, in part because a citizen's only recourse when denied information is spending hundreds of dollars in filing fees and potentially far more than that in lawyer's fees. In 2017, the Right-to-Know Commission was asked to find a better way to resolve issues other than taking the government to court. This bill sets up an ombudsman who is a lawyer, trained in the New Hampshire Right-to-Know law, and who will be set up in one of the Secretary of State's offices. Citizens could approach the ombudsman with questions or file a formal complaint. The ombudsman would be able to resolve conflicts without the need for court, although that option would still be available. The ombudsman would be overseen by a Right-to-Know Commission made up of citizens from all around the state. The commission would be tasked with oversight of the ombudsman, working with the government on education, and working with the legislature on new laws to make sure the people have access to information. The amendment to this bill adds a sunset provision so that if it isn't helping the people in New Hampshire by 2024, it goes away. Vote 10-9.

Rep. David Woodbury for the Minority of Judiciary. This bill is well-intentioned, especially in the emphasis on citizen participation on the commission. However, the number and composition of the commission is not workable. There will be 15 members, but only 7 would constitute a quorum. Even that lesser number will be hard to assemble. In addition, this is a legally technical field, but lawyer members are severely limited, perhaps only as advisory only. Another objection lies in the superior court de novo appeal. Litigants can go through the entire commission process only to have an entirely new superior court trial. This is a waste of time and resources.

Majority Amendment (0402h)

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

5 Repeal. The following are repealed:

I. RSA 91-A:7, II-IV, relative to violation.

II. RSA 91-A:7-a through 91-A:7-e, relative to the citizen's right-to-know commission, office of the ombudsman, complaint process, appeal and enforcement, and rulemaking.

6 Effective Date.

I. Sections 1 and 4 of this act and, RSA 91-A:7-a and RSA 91-A:7-e as inserted by section 3 of this act shall take effect July 1, 2019.

II. Section 5 of this act shall take effect July 1, 2024.

III. The remainder of this act shall take effect April 1, 2020.

Majority committee amendment adopted.

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

Reps. Hopper and Wuelper spoke in favor.

Rep. Altschiller spoke against.

Rep. Wuelper requested a roll call; sufficiently seconded.

YEAS 177 - NAYS 165

YEAS - 177

BELKNAP

Aldrich, Glen
Fields, Dennis
Mackie, Jonathan
Viens, Harry

Bean, Harry
Howard, Raymond
Beaudoin, Richard

Comtois, Barbara
Jurius, Deanna
St. Clair, Charlie

Feeney, George
Lang, Timothy
Varney, Peter

CARROLL

Avellani, Lino
MacDonald, John

Burroughs, Anita
Marsh, William

Comeau, Ed
Nelson, Bill

Cordelli, Glenn
Ticehurst, Susan

CHESHIRE

Meador, David
Thompson, Craig

O'Day, John

Schapiro, Joe

Swinburne, Sandy

COOS

Fothergill, John

Furbush, Michael

Merner, Troy

Thomas, Yvonne

GRAFTON

Adjutant, Joshua
Massimilla, Linda

French, Elaine
Migliore, Vincent Paul

Gordon, Edward
Mulligan, Mary Jane

Ladd, Rick
Ruprecht, Dennis

HILLSBOROUGH

Lekas, Alicia
Camarota, Linda
Erf, Keith
Gould, Linda

Alexander, Joe
Chretien, Jacqueline
Flanagan, Jack
Greene, Bob

Belanger, James
Danielson, David
Freitas, Mary
Gunski, Michael

Burt, John
Desjardin, Kathy
Gagne, Larry
Hinch, Richard

Hopper, Gary
 Lascelles, Richard
 Mullen, Sue
 Proulx, Mark
 Rice, Kimberly
 Toomey, Dan

Indruk, Greg
 Murray, Megan
 Notter, Jeanine
 Prout, Andrew
 Shaw, Barbara
 Ulery, Jordan

King, Mark
 Marzullo, JP
 Nunez, Hershel
 Radhakrishnan, Julie
 St. John, Michelle
 Vail, Suzanne

L'Heureux, Robert
 McLean, Mark
 Plett, Fred
 Renzullo, Andrew
 Lekas, Tony
 Whitemore, James

MERRIMACK

Allard, James
 Kotowski, Frank
 Pearl, Howard
 Soucy, Timothy
 Wells, Kenneth

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

Horn, Werner
 McGuire, Carol
 Rogers, Katherine
 Turcotte, Alan

Klose, John
 McWilliams, Rebecca
 Seaworth, Brian
 Walsh, Thomas

ROCKINGHAM

Abbas, Daryl
 Baldasaro, Al
 Chirichiello, Brian
 Thomas, Douglas
 Dolan, Tom
 Gay, Betty
 Hobson, Deborah
 Janvrin, Jason
 Love, David
 McMahon, Charles
 O'Connor, John
 Potucek, John
 Spillane, James
 Vallone, Mark
 Weyler, Kenneth

Abrami, Patrick
 Barnes, Arthur
 Costable, Michael
 DeClercq, Edward
 Doucette, Fred
 Green, Dennis
 Hoelzel, Kathleen
 Katsakiores, Phyllis
 Griffin, Mary
 Melvin, Charles
 Owens, Becky
 Pratt, Kevin
 Sytek, John
 Verville, Kevin
 Yokela, Josh

Abramson, Max
 Bershtein, Alan
 Cushing, Robert Renny
 DeSimone, Debra
 Edwards, Jess
 Guthrie, Joseph
 Osborne, Jason
 Khan, Aboul
 Pearson, Mark
 Meuse, David
 Packard, Sherman
 Roy, Terry
 Torosian, Peter
 Webb, James

Acton, Dennis
 Cali-Pitts, Jacqueline
 Davis, Dan
 DiLorenzo, Charlotte
 Fowler, William
 Harb, Robert
 Janigian, John
 Kolodziej, Walter
 McBride, Everett
 Milz, David
 Piemonte, Tony
 Pearson, Stephen
 True, Chris
 Welch, David

STRAFFORD

Conley, Casey
 Kenney, Cam
 Perreault, Mona
 Towne, Matthew

Harrington, Michael
 Kittredge, Mac
 Pitre, Joseph
 Wuelper, Kurt

Hayward, Peter
 McNally, Jody
 Rooney, Abigail

Horgan, James
 Operbecke, Linn
 Sandler, Catt

SULLIVAN

Aron, Judy
 Oxenham, Lee
 Sullivan, Brian

Callum, John
 Rollins, Skip

Laware, Thomas
 Stapleton, Walter

Lucas, Gates
 Smith, Steven

NAYS - 165 BELKNAP

Huot, David

Spanos, Peter

Sylvia, Michael

CARROLL

Buco, Thomas
 Knirk, Jerry

Butler, Edward
 Woodcock, Stephen

DesMarais, Edith

Kanzler, Harrison

CHESHIRE

Abbott, Michael
 Eaton, Daniel
 Mann, John
 Von Plinsky, Sparky

Ames, Richard
 Faulkner, Barry
 Morrill, David
 Pearson, William

Berch, Paul
 Fenton, Donovan
 Parkhurst, Henry
 Weber, Lucy

Bordenet, John
 Ley, Douglas
 Tatro, Bruce

COOS

Craig, Kevin
 Noel, Henry

Hatch, William
 Tucker, Edith

Laflamme, Larry

Moynihan, Wayne

GRAFTON

Abel, Richard
 Fellows, Sallie
 Muscatel, Garrett
 Stringham, Jerry

Almy, Susan
 Ford, Susan
 Nordgren, Sharon
 Smith, Suzanne

Campion, Polly
 Josephson, Timothy
 Osborne, Richard
 Sykes, George

Dontonville, Roger
 Maes, Kevin
 Stavis, Laurel
 Weston, Joyce

HILLSBOROUGH

Bouldin, Amanda
 Baroody, Benjamin
 Boehm, Ralph
 Cleaver, Skip

Bouldin, Andrew
 Beaulieu, Jane
 Bordy, William
 Cohen, Bruce

Backus, Robert
 Bergeron, Paul
 Bosman, James
 Connors, Erika

Balch, Chris
 Bernet, Jennifer
 Bouchard, Donald
 Dargie, Paul

Espitia, Manny
Hall, Brett
Herbert, Christopher
Klee, Patricia
Leishman, Peter
McGhee, Kat
Nutting-Wong, Allison
Piedra, Israel
Riel, Cole
Sofikitis, Catherine
Telerski, Laura
Williams, Kermit

Davis, Fred
Hamer, Heidi
Schmidt, Janice
Klein-Knight, Nicole
Long, Patrick
Mombourquette, Donna
O'Brien, Michael
Porter, Marjorie
Rung, Rosemarie
Stack, Kathryn
Van Houten, Constance

Goley, Jeffrey
Harriott-Gathright, Linda
Jack, Martin
Ober, Lynne
Mangipudi, Latha
Murphy, Nancy
Pedersen, Michael
Newman, Ray
Newman, Sue
Stevens, Deb
Vann, Ivy

Griffith, Willis
Heath, Mary
Judy, Jean
Langley, Diane
Martin, Joelle
Nutter-Upham, Frances
Pickering, Daniel
Ober, Russell
Snow, Kendall
Smith, Timothy
Thomas, Wendy

MERRIMACK

Bartlett, Christy
Fulweiler, Joyce
MacKay, James
Schamberg, Thomas
Walz, Mary Beth

Carson, Clyde
Karrick, David
Myler, Mel
Schuett, Dianne
Wazir, Safiya

Ebel, Karen
Lane, Connie
Richards, Beth
Schultz, Kristina

Fox, Samantha
Luneau, David
Saunderson, George
Wallner, Mary Jane

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
Gilman, Julie
Le, Tamara
Malloy, Dennis
Ward, Gerald

Berrien, Skip
Coursin, David
Grossman, Gaby
Loughman, Tom
McBeath, Rebecca

Bunker, Lisa
Desilets, Joel
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz

Bushway, Patricia
Eisner, Mary
Murray, Kate
Maggiore, Jim
Read, Ellen

STRAFFORD

Bixby, Peter
Grassie, Chuck
Levesque, Cassandra
Salloway, Jeffrey

Cannon, Gerri
Higgins, Peg
Smith, Marjorie
Southworth, Thomas

Chase, Wendy
Horrigan, Timothy
Schmidt, Peter
Spang, Judith

Gourgue, Amanda
Keans, Sandra
Rich, Cecilia
Wall, Janet

SULLIVAN

Cloutier, John

Merchant, Gary

Tanner, Linda

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

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. McGuire moved that the House reconsider its action whereby, on a roll call vote of 177-165, the House adopted the majority committee report of Ought to Pass with Amendment on **HB 729-FN-A**, establishing a citizen's right-to-know appeals commission and a right-to-know law ombudsman and making an appropriation therefor.

The Speaker ruled the motion out of order.

REGULAR CALENDAR CONT'D

HB 712-FN, relative to a family and medical leave insurance program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Harrison Kanzler for the Majority of Labor, Industrial and Rehabilitative Services. The committee finds that family and medical leave insurance is critical to New Hampshire's efforts to address some of our most significant challenges: growing and maintaining our workforce, caring for our seniors and an aging population, and supporting recovery from the opioid public health epidemic. A significant majority of working Granite Staters lack access to paid family and medical leave. High workforce participation leaves few caregivers at home so when needs arise, such as the birth of a child or serious illness like cancer strikes, families lose the income they depend on to make ends meet. Family and medical leave insurance is a bridge providing partial wage replacement to keep aging workers in the workforce longer, decrease dependence on food stamps and other government assistance following childbirth, and increase the odds of success for working people recovering from substance abuse. We also heard clearly from young people who testified that this policy will help attract and retain younger workers and their families to our state. Additionally, this bill is good for businesses and the broader economy. The establishment of a family and medical leave insurance program especially helps small employers, the backbone of the New Hampshire economy, who are often currently unable to offer this benefit to their employees. States who have adopted family and medical leave insurance programs have benefited from greater worker retention, reduced turnover and greater worker productivity. This bill is tailored to address many of our challenges and does so in a manner consistent with our Granite State values and ethos. The program piggybacks off the existing unemployment system and is designed to minimize administrative duties for businesses. Employers could opt out of the program if they provide an

equivalent or better benefit. Participating employers would remit insurance premium payments equal to 0.5% of wages (an average of \$5 per week) into the Family and Medical Leave Insurance Fund and be authorized to either pay those premiums themselves as a benefit to employees or to withdraw all or part of the insurance payment as a payroll deduction. The insurance program would provide temporary, partial wage replacement (60% of wages) to eligible individuals for up to 12 weeks of leave annually to care for themselves or a family member. Medical certification demonstrating need would be required to qualify for benefits. The insurance program benefits and administration are funded through premium payments. This legislation gives the Unemployment Insurance Advisory Council fiduciary responsibilities to monitor the finances of the Family and Medical Leave Insurance Fund and the Commissioner of the Department of Employment Security the ability to adjust premiums or benefits up or down by 10% to ensure solvency of the fund. The proposed premium amount was set based on a New Hampshire specific actuarial analysis completed by UNH Carsey School with support from the U.S. Department of Labor. An overwhelming majority of Granite Staters support the establishment of a Family and Medical Leave Insurance Program, along with a majority of the House Labor Committee. Vote 12-6.

Rep. Lino Avellani for the Minority of Labor, Industrial and Rehabilitative Services. This incarnation of FMLI insurance plan is a mandatory participation plan of every public and private employee currently employed in the State of NH. This bill also mandates all employees participate in this social style, state run insurance plan, whether they meet the eligibility requirements to qualify for participation or not. This legislation does not explicitly exempt general fund revenues from being used to cover shortfalls or exempt employers from making up similar shortfalls of this fund. This legislation is also another burden on employers that include additional payroll costs and filings. While employers may offer better coverage for FMLA, this legislation sets a minimum standard for such coverages for FMLI and offers no exemption process for employers who already have an existing plan in place. There are also several private insurers that now offer this type of FMLI insurance on the open market. NH businesses do not need another layer of state intrusion in the employer/employee relationship. The minority feels this bill does just that. The amendment might pose a constitutional issue by forcing one group of employees to participate while others may not.

Majority Amendment (0418h)

Amend RSA 282-B:2, III-XIII as inserted by section 1 of the bill by replacing it with the following:

III. "Commissioner" means the commissioner of the department of employment security.

IV. "Department" means the department of employment security.

V. "Employer" has the same definition as relevant provisions of RSA 282-A:8, except as provided in RSA 282-A:9.

VI. "Employment" means wages paid for services by an employer that is covered by this chapter.

VII. "Family member" means a spouse or domestic partner under RSA 457, son, daughter, parent, step-parent, grandparent, or step grandparent related through birth, marriage, adoption, foster care, or legal guardianship.

VIII. "Family and medical leave" means leave from work:

(a) Because of the birth of a child of the employee, within the past 12 months; or

(b) Because of the placement of a child with the employee for adoption, legal guardianship, or fostering, within the past 12 months; or

(c) Because of a serious health condition of a family member; or

(d) Because of a serious health condition of the employee that isn't related to employment; or

(e) Because of any qualifying exigency arising from the foreign deployment with the Armed Forces, or to care for a service member with a serious injury or illness as permitted under the federal Family and Medical Leave Act, 29 U.S.C. section 2612(a)(1)

IX. "FMLI" means family and medical leave insurance.

X. "Federal Family and Medical Leave Act" means the federal Family and Medical Leave Act of 1993, 29 U.S.C. section 28.

XI. "Serious health condition" means any illness covered by the federal Family and Medical Leave Act including treatment for addiction as prescribed by a treating clinician, consistent with American Society of Addiction Medicine criteria, as well as treatment for a mental health condition, consistent with American Psychiatric Association criteria.

XII. "Fund" means the family and medical leave insurance fund as described in RSA 282-B:4.

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

I. This chapter applies to the state and nongovernmental employers beginning January 1, 2020, provided that any employer may instead exercise a business option of: participating in a self-insured plan, self-insuring, purchasing insurance, providing benefits, or any combination thereof, upon employer application and certification by the commissioner or authorized representative that the employer will provide an equivalent benefit to all of its employees. If the employer is subject to a collective bargaining agreement, this chapter shall apply to the employer upon the effective date of the first successor collective bargaining agreement follow-

ing January 1, 2020 to permit the employer and the union to negotiate the premium rate share under RSA 282-B:3, II. Political subdivisions of the state may opt into this chapter upon certification by the authorized representative that this chapter's insurance benefits are at least equivalent to the benefits provided under the collective bargaining agreement, provided the applicable bargaining unit has first ratified this option. Beginning January 1, 2020, this chapter shall be a mandatory subject of bargaining for collective bargaining agreements. Employees not covered by a collective bargaining agreement in a political subdivision of the state may opt into this chapter if the political subdivision has not.

Amend RSA 282-B:10 as inserted by section 1 of the bill by replacing it with the following:

282-B:10 Sustainability Mechanism. The commissioner shall continuously monitor the solvency of the fund. Should the commissioner determine at any time that the solvency of the fund is in jeopardy, or that the fund is in excess of necessary funds, the commissioner shall provide the advisory council with data supporting such solvency determination and may prospectively, effective in a future calendar quarter, increase or reduce FMLI premiums in RSA 282-B:3, II, decrease the benefits payable in RSA 282-B:6, III, or decrease the allowable length of leave in RSA 282-B:6, I, or any combination thereof, provided such prospective changes are no greater than or less than 10 percent of those required under this chapter. If the commissioner thereafter determines such changes are no longer necessary for fund solvency the commissioner shall reverse such changes. Advance notice of any and all changes pursuant to this paragraph shall be provided to all covered employers and employees.

Majority committee amendment adopted.

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

Reps. Flanagan and Abbas spoke against.

Reps. Sullivan and Kanzler spoke in favor.

Rep. Flanagan requested a roll call; sufficiently seconded.

YEAS 199 - NAYS 133

YEAS - 199 BELKNAP

Huot, David

St. Clair, Charlie

CARROLL

Buco, Thomas
Kanzler, Harrison

Burroughs, Anita
Knirk, Jerry

Butler, Edward
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

CHESHIRE

Abbott, Michael
Eaton, Daniel
Mann, John
Schapiro, Joe
Weber, Lucy

Ames, Richard
Faulkner, Barry
Meader, David
Swinburne, Sandy

Berch, Paul
Fenton, Donovan
Morrill, David
Tatro, Bruce

Bordenet, John
Ley, Douglas
Parkhurst, Henry
Pearson, William

COOS

Fothergill, John
Noel, Henry

Hatch, William
Tucker, Edith

Lafamme, Larry
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

Abel, Richard
Dontonville, Roger
Josephson, Timothy
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

Adjutant, Joshua
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Stringham, Jerry

Almy, Susan
Ford, Susan
Massimilla, Linda
Osborne, Richard
Smith, Suzanne

Campion, Polly
French, Elaine
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

HILLSBOROUGH

Bouldin, Amanda
Baroody, Benjamin
Bordy, William
Cleaver, Skip
Desjardin, Kathy
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Pickering, Daniel

Bouldin, Andrew
Beaulieu, Jane
Bosman, James
Cohen, Bruce
Espitia, Manny
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Murray, Megan
Mombourquette, Donna
Nutting-Wong, Allison
Piedra, Israel

Backus, Robert
Bergeron, Paul
Bouchard, Donald
Connors, Erika
Davis, Fred
Hall, Brett
Herbert, Christopher
Jeudy, Jean
Langley, Diane
Mangipudi, Latha
Mullen, Sue
O'Brien, Michael
Porter, Marjorie

Balch, Chris
Bernet, Jennifer
Chretien, Jacqueline
Dargie, Paul
Freitas, Mary
Hamer, Heidi
Indruk, Greg
King, Mark
Leishman, Peter
Martin, Joelle
Murphy, Nancy
Pedersen, Michael
Newman, Ray

Radhakrishnan, Julie
Shaw, Barbara
Stack, Kathryn
Toomey, Dan
Thomas, Wendy

Riel, Cole
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Williams, Kermit

Rung, Rosemarie
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance

Newman, Sue
St. John, Michelle
Telerski, Laura
Vann, Ivy

MERRIMACK

Bartlett, Christy
Karrick, David
McWilliams, Rebecca
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth

Carson, Clyde
Lane, Connie
Myler, Mel
Saunderson, George
Soucy, Timothy
Wazir, Safiya

Ebel, Karen
Luneau, David
Richards, Beth
Schamberg, Thomas
Turcotte, Alan
Wells, Kenneth

Fox, Samantha
MacKay, James
Rodd, Beth
Schuett, Dianne
Wallner, Mary Jane

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
DiLorenzo, Charlotte
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Vallone, Mark

Berrien, Skip
Cali-Pitts, Jacqueline
Eisner, Mary
Murray, Kate
Maggiore, Jim
McMahon, Charles
Ward, Gerald

Bunker, Lisa
Coursin, David
Gilman, Julie
Le, Tamara
Malloy, Dennis
Meuse, David

Bushway, Patricia
Cushing, Robert Renny
Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Read, Ellen

STRAFFORD

Bixby, Peter
Gourgue, Amanda
Keans, Sandra
Opderbecke, Linn
Southworth, Thomas

Cannon, Gerri
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Spang, Judith

Chase, Wendy
Higgins, Peg
Levesque, Cassandra
Rich, Cecilia
Towne, Matthew

Conley, Casey
Horrigan, Timothy
Smith, Marjorie
Sandler, Catt
Wall, Janet

SULLIVAN

Cloutier, John
Tanner, Linda

Merchant, Gary

Oxenham, Lee

Sullivan, Brian

NAYS - 133

BELKNAP

Aldrich, Glen
Fields, Dennis
Mackie, Jonathan
Varney, Peter

Bean, Harry
Howard, Raymond
Beaudoin, Richard
Viens, Harry

Comtois, Barbara
Jurius, Deanna
Spanos, Peter

Feeney, George
Lang, Timothy
Sylvia, Michael

CARROLL

Avellani, Lino
Marsh, William

Comeau, Ed
Nelson, Bill

Cordelli, Glenn

MacDonald, John

CHESHIRE

COOS

O'Day, John

Craig, Kevin

Furbush, Michael

Merner, Troy

GRAFTON

Gordon, Edward

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
Burt, John
Flanagan, Jack
Gunski, Michael
Ober, Lynne
Notter, Jeanine
Prout, Andrew
Lekas, Tony

Alexander, Joe
Camarota, Linda
Gagne, Larry
Hinch, Richard
Lascelles, Richard
Nunez, Hershel
Ober, Russell
Ulery, Jordan

Belanger, James
Danielson, David
Gould, Linda
Hopper, Gary
Marzullo, JP
Plett, Fred
Renzullo, Andrew
Whittemore, James

Boehm, Ralph
Erf, Keith
Greene, Bob
L'Heureux, Robert
McLean, Mark
Proulx, Mark
Rice, Kimberly

MERRIMACK

Allard, James
McGuire, Carol

Horn, Werner
Pearl, Howard

Klose, John
Walsh, Thomas

Marple, Richard
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Costable, Michael

Abrami, Patrick
Barnes, Arthur
Davis, Dan

Abramson, Max
Bershtein, Alan
Thomas, Douglas

Acton, Dennis
Chirichiello, Brian
DeClercq, Edward

Desilets, Joel
 Edwards, Jess
 Harb, Robert
 Janigian, John
 Kolodziej, Walter
 McBride, Everett
 Packard, Sherman
 Roy, Terry
 Torosian, Peter
 Welch, David

DeSimone, Debra
 Gay, Betty
 Hobson, Deborah
 Janvrin, Jason
 Love, David
 Melvin, Charles
 Piemonte, Tony
 Pearson, Stephen
 True, Chris
 Weyler, Kenneth

Dolan, Tom
 Green, Dennis
 Hoelzel, Kathleen
 Katsakiores, Phyllis
 Griffin, Mary
 Milz, David
 Potucek, John
 Spillane, James
 Verville, Kevin
 Yokela, Josh

Doucette, Fred
 Guthrie, Joseph
 Osborne, Jason
 Khan, Aboul
 Pearson, Mark
 O'Connor, John
 Pratt, Kevin
 Sytek, John
 Webb, James

STRAFFORD

Harrington, Michael
 McNally, Jody
 Wuelper, Kurt

Hayward, Peter
 Perreault, Mona

Horgan, James
 Pitre, Joseph

Kittredge, Mac
 Rooney, Abigail

SULLIVAN

Aron, Judy
 Rollins, Skip

Callum, John
 Stapleton, Walter

Laware, Thomas
 Smith, Steven

Lucas, Gates

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

REFERRAL DECLINED

Rep. Goley, Chairman of the Committee on Executive Departments and Administration, under the provisions of House Rule 46 (f), declined the referral of **HB 435**, relative to certain terminology in the rulemaking authority of the department of education.

RESOLUTION

Rep. Ley 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, Thursday, February 28, 2019 at 10:00 a.m.

Motion adopted.

LATE SESSION

Third Reading and Final Passage

HB 278, relative to the New Hampshire insurance department's annual hearing requirement.

HB 338, relative to rebates under the law governing unfair insurance practices.

HB 398, relative to New Hampshire MasoniCare.

HB 528-FN, relative to insurance reimbursement for emergency medical services.

HB 606, relative to certain insurance licensing statutes.

HB 607, relative to life and health insurance.

HB 518-FN, repealing certain statutes concerning reimbursement of cost of care by inmates.

HB 637-FN, relative to criminal history background checks by employers and public agencies.

HB 544, relative to the governance of the Manchester school district.

HB 570, establishing a commission to study career pathways from full-time service year programs to post-secondary education and employment opportunities in support of New Hampshire's future workforce needs.

HB 652, relative to suicide prevention.

HB 345, relative to certification of devices for the electronic counting of ballots.

HB 452, establishing a commission on the first-in-the-nation presidential primary.

HB 588, relative to presidential nominations.

HB 651, allowing the use of campaign funds for child care expenses.

HB 119, relative to training requirements for electrologists.

HB 418-FN, relative to the limitations on part-time employment under the New Hampshire retirement system.

HB 463-FN, relative to licensure of pharmacist assistants.

HB 627, relative to rulemaking by the board of pharmacy on compounding.

HB 675-FN, relative to the purchase of service credit in the state retirement system.

HB 196, relative to proof of residency for fish and game purposes.

HB 701-FN, relative to bow and arrow hunting for certain disabled veterans.

HB 174, relative to alternative treatment center licenses.

HB 237, establishing the New Hampshire rare disease advisory council.

HB 239, relative to requirements for supervision for licensure of certain mental health and drug counselors.

HB 310, relative to the membership of the wellness and primary prevention council.

HB 335, relative to therapeutic cannabis dispensary locations.

HB 350, relative to licensed prescribers of medical marijuana.

HB 369-FN, relative to the controlled drug prescription health and safety program.

HB 490, establishing a commission to study the role of clinical diagnosis and the limitations of serological diagnostic tests in determining the presence or absence of Lyme and other tick-borne diseases and available treatment protocols, and appropriate methods for educating physicians and the public about the inconclusive nature of prevailing test methods and available treatment alternatives.

HB 223, relative to night work.

HB 130-L, relative to property tax relief for totally and permanently disabled veterans.

HB 301-FN-L, relative to funeral and burial or cremation expenses for assisted persons.

HB 479-FN, relative to eligibility for the low and moderate income homeowners property tax relief.

HB 589, relative to signs for New Hampshire liquor and wine manufacturers.

HB 384, relative to access to historic burial sites on state-owned land.

HB 420, relative to naming buildings and other construction built using public funds.

HCR 2, requesting an investigation on whether opioids, benzodiazepines, and exposure to agent orange contribute to suicides by veterans.

HB 148, relative to electric bicycles.

HB 726-FN, establishing a secure forensic psychiatric hospital advisory council.

HB 689-FN-A, establishing a student career and college investment program and making an appropriation therefor.

HB 719-FN-A, establishing the position of school nurse coordinator in the department of education and making an appropriation therefor.

HB 435, relative to certain terminology in the rulemaking authority of the department of education.

UNANIMOUS CONSENT

Rep. William Pearson requested Unanimous Consent of the House regarding an apology and addressed the House.

RECESS MOTION

Rep. Ley 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 5:15 p.m.

RECESS