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New Hampshire

HOUSE RECORD

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Concord, N.H.

Thursday, February 28, 2019

No. 7

HOUSE JOURNAL NO. 6 (Cont'd)

Wednesday, February 27, 2019

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

HOUSE JOURNAL NO. 7

Thursday, February 28, 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 Guest Chaplain, Reverend Drew Courtright, Curate of St. Paul's Church in Concord. Gracious and Loving God bless the leaders of our land, that we may be a people at peace among ourselves and a blessing to other nations of the earth. To the President and members of the Cabinet, to Governors of States, Mayors of Cities, and to all in administrative authority, grant wisdom and grace in the exercise of their duties. To Senators and Representatives, and those who make our laws in States, Cities, and Towns, give courage, wisdom, and foresight to provide for the needs of all our people, especially those who are suffering and, on the margins, and to work together for the common good. To the Judges and officers of our Courts, give understanding and integrity, that human rights may be safeguarded, and justice served. And finally, help us to know our origins as a nation of immigrants, to realize that Black History is everyone's history, and to love one another as You love us. In Your Holy Name we pray. Amen.

Representative Connie Lane, member from Concord, led the Pledge of Allegiance.

The National Anthem was sung by Ryann Frank

LEAVES OF ABSENCE

Reps. Crawford, Elliott, Fedolfi, O'Hearne, Pantelakos, Read, Sanborn, Spang, Tilton and Langley, the day, illness.

Reps. Barry, Bernet, Cornell, Cote, Desjardin, Doherty, Edgar, Egan, Ellison, Fowler, Frost, Barbara Griffin, Harvey, Hennessey, Hunt, Kanzler, Major, McBride, Merlino, Moffett, Morrill, Morrison, Panasiti, Plumer, Seaworth, Somero, Somssich, Trento, Varney, Wolf, Woodbury and Diggs, the day, important business.

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

Rep. Petrigno, death in the family.

INTRODUCTION OF GUESTS

Peter Frank, Kevin Proulx, Jillian and Dottie McDonnell, Alyssa O'Mara, and Jim Kelly, father of the singer, guests of Rep. Lane. Kevin Kezarian, Barbara Ashley, Deb Alverini, and George Mitchell, guests of Rep. Massimilla.

MOTION TO SPECIAL ORDER

Rep. Massimilla moved that **HB 572**, proclaiming the second Saturday in June as Pollyanna of Littleton New Hampshire Recognition Day, be made a Special Order as the first order of business.

Motion adopted.

SPECIAL ORDER

HB 572, proclaiming the second Saturday in June as Pollyanna of Littleton New Hampshire Recognition Day. **OUGHT TO PASS.**

Rep. Sallie Fellows for Executive Departments and Administration. This bill adds Pollyanna Day to the list of proclamations the Governor makes each year. The children's classic "Pollyanna" was written by Littleton New Hampshire author Eleanor Porter in 1913 and has been translated into 13 languages. The Disney movie was released in 1960, and in the last decade a stage version has been performed at venues across the country. Tourists from around the world visit Littleton each year to see the life-size bronze Pollyanna statue who is the epitome of positivity. A Pollyanna Day will recognize the optimism and hard work of the townspeople who have made Littleton a vibrant north country community. Vote 15-2.
Committee report adopted and ordered to third reading.

REGULAR CALENDAR CONT'D

HB 488-FN, requiring interpreters for the deaf and hard of hearing at the state house campus. **OUGHT TO PASS.**

Rep. Sherry Frost for Legislative Administration. This bill would require the provision of interpreters for deaf or hard of hearing constituents who wish to meet with their representatives or senators on the State House grounds. This measure is an important first step to providing access for the deaf and hard of hearing community to their representation in Concord. Vote 7-4.

Committee report adopted and referred to the Committee on Finance.

HB 232-FN-L, relative to enforcement of immigration laws and the prohibition of sanctuary policies. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Jim Maggiore for the Majority of Municipal and County Government. The intent of this bill is to compel state and local police to comply with federal immigration detainer requests, as well as to prohibit state and local governments from adopting their own immigration policies. Even with the proposed amended this bill exposes municipalities to possible legal liability in violation of at least three Constitutional Amendments: the Fourth - unreasonable search and seizure as well as arbitrary arrest, the Tenth - balance of power between federal and state government, and the Fourteenth - equal protection under the law. If this bill were to pass, state and local law enforcement agencies would be impinged on by the responsibility for honoring and fulfilling federal immigration detainer requests, effectively stripping local officials of their autonomy and forcing them to prioritize federal law. Detainers are not arrest warrants. Persons held without probable cause, or arrested due to possible racial profiling, expose the local agency and municipality to potentially costly legal liability. In addition to significant legal liability, this bill would put upward financial pressure on legal and police budgets. The fiscal note is silent as to additional budget requirements. Statistics on costs and fiscal burdens of illegal immigration, as well as public safety issues related to illegal immigration, provided to the committee during testimony were not sourced, and are therefore unreliable. This bill strips local control, exposes municipalities to potentially cost litigation, puts upward pressure on budgets, begets racial profiling, and undermines police/community relations. Prudent immigration laws are important, but this bill is rife with issues that would have negative impacts on local communities throughout New Hampshire. Vote 11-9.

Rep. James Belanger for the Minority of Municipal and County Government. Sanctuary towns and cities are not currently permitted in New Hampshire. If a person is detained or charged with any crime and it is discovered that there are immigration charges against this individual, the law enforcement person should not ignore those pending charges. Law enforcement should enforce the laws, no matter whose laws they are. Imagine a community deciding not to enforce speed limits on state highways within their jurisdiction and how this could get out of hand. Our country is based on laws that are passed by the people, and law enforcement should consider any violation that comes to their attention. This bill does not, as some have suggested, provide that anyone suspected of being an immigrant should be detained and their status checked. It simply supports dictates on a particular person that have been issued by other law enforcement units whether they be local, state or federal. The amended version of the bill addressed concerns.

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

Reps. Notter, Abramson and Kittredge spoke against.

Rep. Maggiore spoke in favor.

Rep. Notter requested a roll call; sufficiently seconded.

YEAS 211 - NAYS 132

YEAS - 211

BELKNAP

Huot, David

St. Clair, Charlie

Sylvia, Michael

CARROLL

Buco, Thomas
Knirk, Jerry

Burroughs, Anita
Ticehurst, Susan

Butler, Edward
Woodcock, Stephen

DesMarais, Edith

CHESHIRE

Abbott, Michael
Eaton, Daniel
Ley, Douglas
Swinburne, Sandy
Weber, Lucy

Ames, Richard
Faulkner, Barry
Mann, John
Thompson, Craig

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

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

COOS

Craig, Kevin
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
Baroody, Benjamin
Bosman, James
Cleaver, Skip
DiSilvestro, Linda
Freitas, Mary
Hamer, Heidi
Indruk, Greg
King, Mark
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Piedra, Israel
Newman, Ray
Newman, Sue
St. John, Michelle
Smith, Timothy
Van Houten, Constance
Williams, Kermit

Bouldin, Andrew
Beaulieu, Jane
Bouchard, Donald
Cohen, Bruce
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Murray, Megan
Mombourquette, Donna
Nutting-Wong, Allison
Porter, Marjorie
Radhakrishnan, Julie
Shaw, Barbara
Stack, Kathryn
Telerski, Laura
Vann, Ivy

Backus, Robert
Bergeron, Paul
Burt, John
Connors, Erika
Espitia, Manny
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Mangipudi, Latha
Mullen, Sue
Pedersen, Michael
Prout, Andrew
Riel, Cole
Snow, Kendall
Stevens, Deb
Toomey, Dan
Thomas, Wendy

Balch, Chris
Bordy, William
Chretien, Jacqueline
Dargie, Paul
Davis, Fred
Hall, Brett
Herbert, Christopher
Judy, Jean
Leishman, Peter
Martin, Joelle
Murphy, Nancy
Pickering, Daniel
Query, Joshua
Rung, Rosemarie
Sofikitis, Catherine
Lekas, Tony
Vail, Suzanne
Warden, Mark

MERRIMACK

Bartlett, Christy
Fox, Samantha
Luneau, David
Pimentel, Roderick
Saunderson, George
Soucy, Timothy
Wazir, Safiya

Buchanan, Ryan
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
Woods, Gary

Ebel, Karen
Lane, Connie
Myler, Mel
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth

ROCKINGHAM

Berrien, Skip
Cahill, Michael
Cushing, Robert Renny
Gilman, Julie
Le, Tamara
Malloy, Dennis
Vallone, Mark

Bershtein, Alan
Cali-Pitts, Jacqueline
Davis, Dan
Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Ward, Gerald

Bunker, Lisa
Costable, Michael
DiLorenzo, Charlotte
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Warner, Anne

Bushway, Patricia
Coursin, David
Eisner, Mary
Murray, Kate
Maggiore, Jim
Meuse, David
Yokela, Josh

STRAFFORD

Bixby, Peter
Ellis, Donna
Grassie, Chuck
Levesque, Cassandra
Rich, Cecilia
Towne, Matthew

Cannon, Gerri
Fargo, Kristina
Higgins, Peg
Smith, Marjorie
Salloway, Jeffrey
Vincent, Kenneth

Chase, Wendy
Fontneau, Timothy
Horigan, Timothy
Opderbecke, Linn
Sandler, Catt
Wall, Janet

Conley, Casey
Gourgue, Amanda
Kenney, Cam
Schmidt, Peter
Southworth, Thomas

SULLIVAN

Cloutier, John
Tanner, Linda

Merchant, Gary

Oxenham, Lee

Sullivan, Brian

NAYS - 132**BELKNAP**

Aldrich, Glen
Fields, Dennis
Mackie, Jonathan

Bean, Harry
Howard, Raymond
Spanos, Peter

Comtois, Barbara
Jurius, Deanna
Viens, Harry

Feeney, George
Lang, Timothy

CARROLL

Avellani, Lino
Marsh, William

Comeau, Ed
Nelson, Bill

Cordelli, Glenn

MacDonald, John

CHESHIRE

O'Day, John

Parkhurst, Henry

COOS

Fothergill, John

Furbush, Michael

Merner, Troy

GRAFTON

Gordon, Edward

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
Camarota, Linda
Gagne, Larry
Gunski, Michael
Ober, Lynne
Notter, Jeanine
Ober, Russell
Whittemore, James

Alexander, Joe
Danielson, David
Gould, Linda
Hinch, Richard
Lascelles, Richard
Nunez, Hershel
Renzullo, Andrew

Belanger, James
Erf, Keith
Graham, John
Hopper, Gary
Marzullo, JP
Plett, Fred
Rice, Kimberly

Boehm, Ralph
Flanagan, Jack
Greene, Bob
L'Heureux, Robert
McLean, Mark
Proulx, Mark
Ulery, Jordan

MERRIMACK

Allard, James
Kotowski, Frank
Testerman, Dave

Hill, Gregory
Marple, Richard
Walsh, Thomas

Horn, Werner
McGuire, Carol

Klose, John
Pearl, Howard

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
DeClercq, Edward
Doucette, Fred
Guthrie, Joseph
Osborne, Jason
Khan, Aboul
Griffin, Mary
Melvin, Charles
Piemonte, Tony
Roy, Terry
Torosian, Peter
Webb, James

Abrami, Patrick
Barnes, Arthur
Desilets, Joel
Edwards, Jess
Harb, Robert
Janigian, John
Kolodziej, Walter
Pearson, Mark
Milz, David
Potucek, John
Pearson, Stephen
True, Chris
Welch, David

Abramson, Max
Chirichiello, Brian
DeSimone, Debra
Gay, Betty
Hobson, Deborah
Janvrin, Jason
Love, David
McKinney, Betsy
O'Connor, John
Pratt, Kevin
Spillane, James
Verville, Kevin
Weyler, Kenneth

Acton, Dennis
Thomas, Douglas
Dolan, Tom
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
Lundgren, David
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Wallace, Scott

STRAFFORD

Harrington, Michael
Kittredge, Mac
Rooney, Abigail

Hayward, Peter
McNally, Jody
Beaudoin, Steven

Horgan, James
Perreault, Mona
Wuelper, Kurt

Keans, Sandra
Pitre, Joseph

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Laware, Thomas

Rollins, Skip

and the majority committee report was adopted.

HB 579, relative to local control of optional automobile registration discounts for seniors, veterans, and disabled persons. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Marjorie Porter for the Majority of Municipal and County Government. This bill as amended would allow municipalities to adopt a 30 percent discount on the municipal portion of vehicle registration fees. The discount would be available to seniors over 70, veterans and permanently disabled registrants. It offers some relief to veterans who rent and don't receive other veteran tax exemptions and credits, to which the majority is sympathetic. However, there is no income test for the credit, which means the people who can easily afford the full fee would get a discount. The impact of this discount is a direct reduction of revenue for the municipi-

pality, meaning the lost revenue would need to be made up through taxation. In addition, the Department of Transportation testified that they did not have the budget to perform the required software changes. For those reasons, the majority of the committee could not support this bill. Vote 16-2.

Rep. Max Abramson for the Minority of Municipal and County Government. While there are numerous property tax credits available for veterans, seniors, and the disabled, the minority noted that many of the same rent a room in a home, apartment, condo, trailer, or live at a housing authority. They do not benefit from any of these credits, and the minority wanted to do something to help out our veterans and recognize that the elderly and disabled drive much less during peak travel times, placing far less of a burden on our roads, reducing the need to widen them. As a local option, this proposed 30 percent discount on local car registration would work very well in some communities, and this kind of legislation serves as a powerful reminder for the oft forgotten back home that there are hardworking public servants in our state government who remember those who helped build, protect, and serve our great country.

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

Rep. Desilets spoke against and yielded to questions.

On a division vote, with 294 members having voted in the affirmative, and 51 in the negative, the majority committee report was adopted.

MOTION TO PRINT DEBATE

Rep. Aron moved that the debate on **HB 232-FN-L**, relative to enforcement of immigration laws and the prohibition of sanctuary policies, be printed in the Permanent Journal.

Motion adopted.

DEBATE ON HB 232-FN-L

Rep. Notter: Thank you, Mister Speaker. Sanctuary policies or laws, ordinances, resolutions, executive actions or any initiatives that prohibit local officials from inquiring, acting on or reporting on individual's immigration status, even when there is reasonable suspicion that an individual is in the country illegally. Why did I sponsor this bill and why am I concerned? The United States of America is the most welcoming nation on the planet with more legal immigrants each year than any other country, but when it comes to illegal aliens, public safety is an issue and I'm not just talking about diseases. By allowing sanctuary cities you are giving human traffickers a safe haven as well as drug dealers and terrorists. The opposition might claim that illegal aliens will not come forward to cooperate with police in the event they have witnessed a crime, but there is zero proof. Police are not inclined to bite the hand that feeds them. When they need information, it is not their policy to first inquire a witness' immigration status. Besides that, there are a number of federal programs that allow state and local police to seek lawful status for illegal aliens who aide in the prosecution of criminals. Even so, most illegal aliens don't suddenly begin trusting American police officers because of sanctuary policies. From the Federation of American Immigration Reform, I learned that anti-sanctuary measures do not place an unfunded mandate on states and localities. The proposed legislation is not an unfunded mandate because the federal government is not requiring the states and localities to take any specified action that costs them money. Moreover, cooperation with federal immigration officials prevents redundant enforcement actions for a recidivist criminal aliens and prevents wasteful and often dangerous use of taxpayer's resources. In 2017, the estimated costs of illegal immigration nationally totaled \$116 billion with \$85 billion being absorbed by state and local taxpayers. This estimate includes taxpayer money contributed by unauthorized workers. In Tennessee taxpayers spent \$793 million to subsidize illegal immigration. Such costs come in the form of education, healthcare, welfare and law enforcement resources. By comparison, the cost to New Hampshire taxpayers in 2017 was almost \$87 million. That number is surely higher now. Did you know that New Hampshire to date has six sanctuary cities? They include Cheshire County, the towns of Deerfield, Dublin, Harrisville, Lyme and the city of Manchester. We cannot sustain this kind of spending. We should be prudent with our constituents' pocketbooks and safety. Vote for the people who trusted you when they voted for you. Vote red on the ITL. Thank you, Mister Speaker.

Speaker Shurtleff: The Chair recognizes the member from. Rep. Long has a question. Do you yield to a question? The member does not yield. The Chair recognizes the member from Salem, Rep. Abbas. You decline? The Chair recognizes the member from Seabrook, Rep. Abramson.

Rep. Abramson: Thank you, Mister Speaker. Mister Speaker, I rise in opposition to the ITL motion by the committee. It was an 11-9 motion. It was very close and there was a lot of debate, discussion on the matter and what we did at the hearing is pass a very short amendment 19-0 and members are welcome to read that in their House Calendar. It's a one-word change. We all know that Gallup and other organizations do polling of Americans, but Gallup polls internationally and they asked, and they found in their first poll in Latin America that 42 million people in Latin America responded they would move to America if they could, if they were allowed to do it. But, around the world, internationally they found 750 million people, around the world, 750 million people would move to another country if they were able. Most in poor, corrupt or rundown, crime ridden

countries and of course their number one preferred destination was American. But already schools, hospitals, roads, housing, social services and other services are already overwhelmed. I recently read a report that said as many as 40 hospitals a year are closing down in America due in large part to rising costs but also because of uncompensated care and a disproportionate number we were told were for people who are here illegally, and some were even coming across from Canada and Mexico to take advantage of free American healthcare. We were told that in total that 155 billion a year cost nationally for services and welfare and cash payments for illegal immigrants was about \$1,200 per year per household in additional federal, state and local taxes, \$1,200 per year per household. Even though immigrants who come here legally are less likely to use welfare benefits and more likely to work, they are more likely to pay more in than they draw out, people that come in illegally, if they remain here for any length of time about 70% eventually end up on welfare or other cash benefits. Police officers under sanctuary cities' policies are prevented from doing their job. They are told that they are not allowed to enforce federal immigration laws. Could you imagine if we tried to do the same thing with federal weapons trafficking, child trafficking, piracy fraud, unemployment fraud or any other issue or federal kidnapping laws? Could you imagine if we took the same example and applied it to federal kidnapping and told police officers that they were not allowed to enforce federal kidnapping laws? It would absolutely be absurd. We would not even consider such a thing. There has been very little news media coverage, but there has been an enormous amount of discussion on social media. When I shared this on social media in my town, I immediately got about 130 different responses and absolutely every single person who answered the question said absolutely no to sanctuary cities. Some people were angry. Some people were surprised. Some people were shocked and those in their towns and cities who found out that their town or city had been converted into a sanctuary city without them being consulted were extremely upset and this is a completely inappropriate policy that we shouldn't allow municipalities to do. The fact is the American people were never consulted on an issue that effects our day to day life, probably more than any other single policy. Instead of straight answers on this, we have been getting placation and obfuscation. We're told at hearing that there were odious and hateful comments made, but there none actually made at the hearing. None of the statements at the hearing did they give us an example to work with. What we are simply trying to do is put a stop to illegal immigration. It's illegal immigration. We are a pro-immigration country. We are unanimous and magnanimous about the need to remain a melting pot and to remain a county that is open, but we need people to come into the country legally, the right way. If we don't have laws that are enforced, we don't have laws at all. Thank you very much.

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

Rep. Kittredge: Thank you, Mister Speaker. This is my first time at the well and I would like to precede my statement by thanking you for your gracious welcome and this House. I have made many friends here and I am tremendously impressed with the amount of elbow grease we butter our good intentions with. Thank you so much. Mister Speaker, I rise in support of HB 232 and to oppose the ITL majority vote of my committee. I will not revisit the foregoing arguments but go instead to the foundational issue. Why are we here? Many would say that it is to make law, and indeed we do, but that is not our purpose. Our purpose is to be the architects of order for New Hampshire and it is a solemn duty. We deliberate in great detail to insure public safety and enhance social harmony in an increasingly complicated world. And as you know, it is a continuing process of refinement. We do not, and must not, make the perfect the enemy of the good. Without order there is no language, communal society, tribe, nation or civilization. No agriculture, science, technology or even the simple ability to work and play together in harmony and reasonable safety. And indeed, our very deliberations as legislators require considerable organization, resources and synergy. In short, we must have order to get things done and not become a Tower of Babel. When we meet, does not our genial speaker begin our session by bringing the House to order? Such actions are so common and pervasive, that the fundamental need for order is often taken for granted, but we must not. And the New Hampshire House is the senior legislative body. These are critical responsibilities that must not be outsourced or neglected. Nor should we allow municipalities to "wing it," acting without our express permission. Whatever their desire for convenience or empathy, lack of coherent order destroys harmony and, all too often, destroys the safety and liberty of our constituents. There is no sanctuary in chaos. The intended effect of HB 232 has much the same purpose as the gavel of our gracious Speaker. It is to call the subordinate governmental authorities to order and direct them not to defeat vital coordination between the agencies of public safety and law enforcement. Whether town, county, state or federal, the blue line must not be denied the authority to posse-up and provide effective and abiding order. And it is our job to facilitate their difficult tasks by passing laws that gives prudent council to well-intended town and city fathers. HB 232 does this, and it is not inexpedient to legislate. Nor is prioritizing our empathy for our own constituents. An overwhelmed immigration system is no gift to those fleeing massive disorder in their home, for it enables the cartels and assorted predators to mingle among, even organize and manage, the caravans rushing our borders. As I stand here, in this Hall of heroes, I am convinced that this bill is essential to protect our role as the architects and guardians of law and order. Therefore, should we not press that red button with such force that our thumbs bleed. Please join me in opposing ITL for HB 232. I've got the band-aids. Thank you, Mister Speaker.

Speaker Shurtleff: The question before the House is the recommendation that the bill is Inexpedient to Legislate. The Chair recognizes the last speaker on this bill, the member from Rockingham, Rep. Maggiore.

Rep. Maggiore: Thank you, Mister Speaker. Every speech should start with something that grabs the listener's attention, draws them in, holds their attention and makes them want to listen to the story. The best I can muster for the intro to HB 232 is this is a bad bill. It jeopardizes local law agency control, violates at least 3 constitutional amendments, exposes municipalities to potential costly litigation, as we have already seen in at least two towns in New Hampshire, begets racial profiling and undermines police community relationships. The bill requires local law enforcement agencies to comply with federal detainer requests, federal detainer requests. Detainer requests issued by federal law enforcement agencies are not arrest warrants. Immigration and customs enforcement or ICE detainers are issued by ICE enforcement agents without authorization by a judge. Under federal law, local law enforcement agencies are not required to hold anyone based on a federal detainer request alone. Therefore, local law enforcement would need probably cause to hold a person. A local enforcement agency that holds a person without probably cause would violate that person's 4th amendment rights, which protects against reasonable search and seizure and arbitrary arrest as well as their 14th amendment rights, which grants equal protection under the law. Moreover, HB 232 would put local law enforcement agencies at risk of violating the 10th amendment, which sets the balance of powers between the federal and state governments. The committee heard testimony that law enforcement agencies should enforce the laws no matter who's laws they are. Local police officers are not trained in enforcement of federal laws and are not generally expected to enforce them. If local police are not expected or even permitted to enforce federal law, how can they be expected to enforce federal immigration law? So, stripping local control, potential violations of constitutional rights, whatever upward pressure this might put on local budgets, and the threat of costly litigation should be enough to support the motion of ITL, but I guess I can put this aside for a second and say executive order 2017-09 signed on December 14, 2017. It was signed by Governor Sununu and it established the Governor's Advisory Council on Diversity and Inclusion. A council on which I serve very proudly with several other commissioners, chancellors, representatives of state agencies and associations and citizens. I guess I'm going back to this. The first three tenets of the order reads as follows: New Hampshire derives strength and prosperity from valuing the diversity of its population and its commitments to equal justice for all and when New Hampshire draws on the strength and talents of individuals who reflect its full population, it is better able to understand and meet the needs of its residents and their differences and New Hampshire has an obligation to enforce and safeguard the civil rights of all New Hampshire residents and visitors. So, if HB 232 passes, someone will have to explain to my colleagues on the council that our work is at risk of being undermined by this bill. I guess I'll do that. Someone will have to explain to the Governor that this body put the success of his executive order at risk. Okay, I guess I'll have to do that too. But someone will have to explain to the people of Nashua, Manchester, Laconia, Keene, Claremont and Lancaster where the council has already conducted listening sessions and extended the promise of our Governor to end discrimination, that our work is gravely at risk and in spite of their cries for help. I'm going to leave that job to everyone who voted against the ITL. I ask you to support the ITL. Thank you, Mister Speaker.

Speaker Shurtleff: Will the member yield to a question? The member will take no questions. A division vote. The member from Merrimack requests a roll call vote, Rep. Notter. Is that sufficiently seconded? This will be a roll call vote. Members will kindly take their seats. Just a reminder that your buttons are pushed, turn them on. The House will be in order. The question before the House is the recommendation that the bill is Inexpedient to Legislate. The Chair recognizes Rep. Belanger for a parliamentary inquiry.

Rep. Belanger: Thank you, Mister Speaker. If I know that in 2016 I was very opposed to HB 1621, which was essentially the same bill as we have before us today because there was the perception that then that sanctuary cities would never happen in New Hampshire and that bill was unnecessary, but now I hear that some municipalities are instructing their police departments to ignore immigration law violators. And, if I know that having law enforcement start ignoring law violators could lead to such ridiculous actions like ignoring speed limits on state highways in one's jurisdiction, which is in direct violation of the oath we took to enforce laws, all laws. And, if I know this bill is not a bill aimed at seeking immigration violators, but one that prohibits ignoring those already charged or convicted offenders of federal laws like kidnapping, tax fraud, drug and weapons trafficking, which equates to law enforcement committing obstruction of justice, would I now press the red button to vote no on this motion so that a sensible motion could be brought forward? Thank you.

Speaker Shurtleff: If you are in favor of the motion of ITL, you'll press the green button. If you are opposed, you'll press the red button. The Chair now recognizes Rep. Mombourquette for a parliamentary inquiry.

Rep. Mombourquette: Thank you, Mister Speaker. If I know that current federal law allows for voluntary compliance with immigration detainer requests and that this bill will remove decision making by local law enforcement most knowledgeable of their communities. And, if I know that this bill will promote racial profiling. And, if I know that this bill will deter local law-abiding immigrants from assisting law enforcement in pursuing real crime perpetrators, would I not vote yes to ITL HB 232 and press the green button with such force that our thumbs bleed? Thank you.

Speaker Shurtleff: The question before the House is the recommendation that the bill is Inexpedient to Legislate. 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 now be open for 30 seconds. Members should be in their seats. Have all members present had an opportunity to vote? The House will be attentive to the state of the vote. Who has not voted? Rep. Vincent is with us. Have all members now voted who were present? The House will be attentive to the state of the vote. With 211 votes of Yea and 132 votes of Nay, the ITL motion is adopted.

REGULAR CALENDAR CONT'D

HB 581-FN-L, relative to payment of membership dues for professional organizations on behalf of employees of municipalities and school districts. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Timothy Josephson for the Majority of Municipal and County Government. This bill would remove the ability of towns, cities, counties, and school districts to join professional organizations and pay membership dues using public funds. These organizations carry out the direction of their members -- who are often local elected officials -- and provide comprehensive training, education, and guidance to municipalities. For example, the NH Police Chief Association provides training and guidance to police chiefs across the state. This bill would not allow the town to pay the membership dues but instead make the chief pay out of their own pocket. Once tax monies are collected, the monies belong to the municipality and can be spent as the governing body sees fit as they have been elected to do as a governing body. The committee also felt that the existing budget process in towns and cities provide ample methods for membership dues to be removed as a line item within a town if the residents felt so strongly about not belonging to a professional organization. It is in the best interest of municipalities in the state to belong to these membership organizations as well as have municipal employees belong in order for them to become better public servants and officials. This is an issue of local control and these decisions are best made at the local level. Vote 17-2.

Rep. Max Abramson for the Minority of Municipal and County Government. The intent of this bill was to fulfill a longstanding principle espoused by the Founding Fathers. That, as Thomas Jefferson warned, "To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical." RSA 15:5 already bars the use of state funds for the lobbying of the state itself, yet the sponsors of this bill so aptly note your local tax dollars are not secured from this same misuse. The minority respects the right of the smallest minority—the individual—to refuse the use of his hard-earned dollars for the promotion of legislation that acts against his own interests, against his religion, against his opinions, his values, his faith, his conscience. The bedrock of our free society was the principle of individual choice and freedom of speech, of the press, of religion, and the promotion of ideas which one supports to whatever end that the individual considers such ideas worth supporting—and not one penny more. Municipalities should be free to join organizations that provide this legislature with information, education, costs, or warnings, but should never force taxpayers to pay for political advocacy.

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

Rep. Carson spoke in favor.

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

YEAS 252 - NAYS 94

YEAS - 252

BELKNAP

Feeney, George
Spanos, Peter

Fields, Dennis
St. Clair, Charlie

Huot, David
Viens, Harry

Jurius, Deanna

CARROLL

Buco, Thomas
Knirk, Jerry
Ticehurst, Susan

Burroughs, Anita
MacDonald, John
Woodcock, Stephen

Butler, Edward
Marsh, William

DesMarais, Edith
Nelson, Bill

CHESHIRE

Abbott, Michael
Eaton, Daniel
Ley, Douglas
Swinburne, Sandy
Weber, Lucy

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

Berch, Paul
Fenton, Donovan
Parkhurst, Henry
Von Plinsky, Sparky

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

COOS

Fothergill, John
Moynihan, Wayne

Furbush, Michael
Noel, Henry

Laflamme, Larry
Tucker, Edith

Merner, Troy
Thomas, Yvonne

GRAFTON

Abel, Richard
Dontonville, Roger

Adjutant, Joshua
Fellows, Sallie

Almy, Susan
Ford, Susan

Campion, Polly
French, Elaine

Gordon, Edward
Massimilla, Linda
Osborne, Richard
Smith, Suzanne

Josephson, Timothy
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

Ladd, Rick
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

Maes, Kevin
Nordgren, Sharon
Stringham, Jerry

HILLSBOROUGH

Alexander, Joe
Balch, Chris
Bergeron, Paul
Chretien, Jacqueline
Danielson, David
Espitia, Manny
Gould, Linda
Hamer, Heidi
Indruk, Greg
King, Mark
Leishman, Peter
Martin, Joelle
Murphy, Nancy
Pedersen, Michael
Porter, Marjorie
Radhakrishnan, Julie
Newman, Sue
St. John, Michelle
Toomey, Dan
Thomas, Wendy

Bouldin, Amanda
Baroody, Benjamin
Bordy, William
Cleaver, Skip
Dargie, Paul
Davis, Fred
Graham, John
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Pickering, Daniel
Proulx, Mark
Renzullo, Andrew
Shaw, Barbara
Stack, Kathryn
Vail, Suzanne
Williams, Kermit

Bouldin, Andrew
Beaulieu, Jane
Bosman, James
Cohen, Bruce
DiSilvestro, Linda
Freitas, Mary
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Murray, Megan
Mombourquette, Donna
Nutting-Wong, Allison
Piedra, Israel
Query, Joshua
Riel, Cole
Snow, Kendall
Stevens, Deb
Van Houten, Constance

Backus, Robert
Belanger, James
Bouchard, Donald
Connors, Erika
Dutzy, Sherry
Goley, Jeffrey
Hall, Brett
Herbert, Christopher
Judy, Jean
L'Heureux, Robert
Mangipudi, Latha
Mullen, Sue
O'Brien, Michael
Plett, Fred
Newman, Ray
Rung, Rosemarie
Sofikitis, Catherine
Telerski, Laura
Vann, Ivy

MERRIMACK

Allard, James
Ebel, Karen
Klose, John
MacKay, James
Richards, Beth
Schamberg, Thomas
Testerman, Dave
Wells, Kenneth

Bartlett, Christy
Fox, Samantha
Kotowski, Frank
McWilliams, Rebecca
Rodd, Beth
Schuett, Dianne
Turcotte, Alan
Woods, Gary

Buchanan, Ryan
Fulweiler, Joyce
Lane, Connie
Myler, Mel
Rogers, Katherine
Schultz, Kristina
Wallner, Mary Jane

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

ROCKINGHAM

Abrami, Patrick
Bunker, Lisa
Chirichiello, Brian
DeClercq, Edward
Gilman, Julie
Guthrie, Joseph
Katsakiores, Phyllis
Loughman, Tom
Malloy, Dennis
Meuse, David
Sytek, John
Webb, James

Altschiller, Debra
Bushway, Patricia
Coursin, David
DiLorenzo, Charlotte
Green, Dennis
Harb, Robert
Khan, Aboul
Lovejoy, Patricia
McBeath, Rebecca
Milz, David
Vallone, Mark
Welch, David

Barnes, Arthur
Cahill, Michael
Cushing, Robert Renny
Doucette, Fred
Grossman, Gaby
Janvrin, Jason
Kolodziej, Walter
Griffin, Mary
McConnell, Liz
O'Connor, John
Ward, Gerald

Berrien, Skip
Cali-Pitts, Jacqueline
Thomas, Douglas
Eisner, Mary
Grote, Jaci
Murray, Kate
Le, Tamara
Maggiore, Jim
McKinney, Betsy
Potucek, John
Warner, Anne

STRAFFORD

Bixby, Peter
Ellis, Donna
Grassie, Chuck
Horrigan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Vincent, Kenneth

Cannon, Gerri
Fargo, Kristina
Harrington, Michael
Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Wall, Janet

Chase, Wendy
Fontneau, Timothy
Higgins, Peg
Kenney, Cam
Schmidt, Peter
Southworth, Thomas

Conley, Casey
Gourgue, Amanda
Horgan, James
Levesque, Cassandra
Rich, Cecilia
Towne, Matthew

SULLIVAN

Cloutier, John
Stapleton, Walter

Lucas, Gates
Sullivan, Brian

Oxenham, Lee
Tanner, Linda

Rollins, Skip

NAYS - 94

BELKNAP

Aldrich, Glen
Lang, Timothy

Bean, Harry
Mackie, Jonathan

Comtois, Barbara
Sylvia, Michael

Howard, Raymond

CARROLL

Avellani, Lino

Comeau, Ed

Cordelli, Glenn

CHESHIRE

Mann, John

O'Day, John

COOS

Craig, Kevin

Hatch, William

GRAFTON

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
 Erf, Keith
 Gunski, Michael
 Lascelles, Richard
 Nunez, Hershel
 Lekas, Tony
 Whittemore, James

Boehm, Ralph
 Flanagan, Jack
 Hinch, Richard
 Marzullo, JP
 Prout, Andrew
 Smith, Timothy

Burt, John
 Gagne, Larry
 Hopper, Gary
 McLean, Mark
 Ober, Russell
 Ulery, Jordan

Camarota, Linda
 Greene, Bob
 Ober, Lynne
 Notter, Jeanine
 Rice, Kimberly
 Warden, Mark

MERRIMACK

Hill, Gregory
 Pearl, Howard

Horn, Werner
 Walsh, Thomas

Marple, Richard
 Yakubovich, Michael

McGuire, Carol

ROCKINGHAM

Abbas, Daryl
 Bershtein, Alan
 DeSimone, Debra
 Hobson, Deborah
 Love, David
 Melvin, Charles
 Prudhomme-O'Brien, Katherine
 Torosian, Peter
 Weyler, Kenneth

Abramson, Max
 Costable, Michael
 Dolan, Tom
 Hoelzel, Kathleen
 Lundgren, David
 Packard, Sherman
 Roy, Terry
 True, Chris
 Yokela, Josh

Acton, Dennis
 Davis, Dan
 Edwards, Jess
 Osborne, Jason
 Pearson, Mark
 Piemonte, Tony
 Pearson, Stephen
 Verville, Kevin

Baldasaro, Al
 Desilets, Joel
 Gay, Betty
 Janigian, John
 McMahon, Charles
 Pratt, Kevin
 Spillane, James
 Wallace, Scott

STRAFFORD

Hayward, Peter
 Pitre, Joseph

Kittredge, Mac
 Rooney, Abigail

McNally, Jody
 Beaudoin, Steven

Perreault, Mona
 Wuelper, Kurt

SULLIVAN

Aron, Judy
 Smith, Steven

Callum, John

Laware, Thomas

Merchant, Gary

and the majority committee report was adopted.

HB 641-L, allowing municipalities to collect an occupancy fee from operators of local room rentals. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jim Maggiore for the Majority of Municipal and County Government. This bill would allow municipalities to augment the cost of services associated with tourism and transient traffic. When the meals and rooms tax was enacted in 1967 the state/local revenue share was 60/40. Since 2001 the local share has not exceeded 30 percent. In FY 2019 state aid to municipalities was approximately 72 percent of the aid provided in 2009. These reductions and in state aid have a direct impact on property tax rates. This bill is enabling legislation that would allow municipalities the option to collect no more than a \$2 fee per room, per night that would be deposited in a capital reserve fund, or the like, for the expressed purpose of augmenting the municipal costs of supporting tourism and transient traffic. During testimony from a seacoast community and the City of Lebanon, the committee heard that a \$2 per room, per night fee would not have a significant impact on occupancy rates. As this bill is enabling legislation, the committee believes the additional nominal fee is an option for communities to help fund services not currently funded at appropriate rates as set by the State. Vote 12-6.

Rep. James Belanger for the Minority of Municipal and County Government. This bill would extend the state room and meals tax to rooms rented in a municipality with the funds being kept locally. It would thus become a local "rooms tax" in addition to the state tax. This would increase revenue to the municipality and is a local option that must be adopted by the legislative body. It is enabling legislation which could vary from community to community depending on the rate set by that particular municipality. The maximum amount to be collected is \$2 per night. However, there is no doubt it is a tax and, although set at \$2 maximum this year, what will it be next year? Businesses operating a bed and breakfasts will be obligated to collect this, as will anyone renting a room for overnight stays. Folks that have to seek alternate living arrangements due to being displaced as a result of a house fire will be subject to this tax. After advertising rates on web sites an owner may decide to absorb the tax to keep the advertised rates unchanged and thus suffer loss of revenue. Customers may choose to stay in an adjoining community to avoid the tax. A tax is a tax, no matter how it is collected and where the revenue goes. This bill should come out of the House with an Inexpedient to Legislate determination.

Majority Amendment (0438h)

Amend RSA 353:11, II and III as inserted by section 1 of the bill by replacing them with the following:

II. As authorized by the legislative body vote, the fee may be collected as a daily charge of up to \$2 per room containing occupied beds, or as a percentage of the price of the room, provided that the rate shall not exceed \$2 per occupancy per 24-hour period. If the average daily price of the room does not exceed \$40, the occupancy fee shall not be collected. Enforcement powers for nonpayment shall be the same as those provided under RSA 31:39-c, RSA 31:39-d, and RSA 47:17-b, relative to enforcement of ordinances.

III. The revenues collected shall be deposited in a capital reserve fund, tourism support fund, revolving fund, or other special revenue fund as may be authorized. Such funds shall be used to augment funding for the cost of municipal services associated with the increase in tourism and transient traffic.

Majority committee amendment adopted.

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

Rep. Abramson spoke against and yielded to questions.

Rep. Belanger spoke against.

Rep. Josephson spoke in favor.

Rep. Abramson requested a roll call; sufficiently seconded.

YEAS 194 - NAYS 151**YEAS - 194
BELKNAP**

Huot, David St. Clair, Charlie

CARROLL

Burroughs, Anita Butler, Edward DesMarais, Edith Knirk, Jerry
Ticehurst, Susan Woodcock, Stephen

CHESHIRE

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

COOS

Hatch, William 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
Josephson, Timothy Maes, Kevin Massimilla, Linda Mulligan, Mary Jane
Muscatel, Garrett Nordgren, Sharon Osborne, Richard Ruprecht, Dennis
Stavis, Laurel Stringham, Jerry Smith, Suzanne Sykes, George
Weston, Joyce

HILLSBOROUGH

Bouldin, Amanda Bouldin, Andrew Backus, Robert Balch, Chris
Beaulieu, Jane Bordy, William Bosman, James Bouchard, Donald
Chretien, Jacqueline Cleaver, Skip Cohen, Bruce Connors, Erika
Dargie, Paul 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 Schmidt, Janice Jack, Martin Jeudy, Jean
King, Mark Klee, Patricia Klein-Knight, Nicole 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 Radhakrishnan, Julie Riel, Cole Rung, Rosemarie
Newman, Sue Shaw, Barbara 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
Richards, Beth
Schamberg, Thomas
Wallner, Mary Jane
Woods, Gary

McWilliams, Rebecca
Rodd, Beth
Schuett, Dianne
Walz, Mary Beth

Myler, Mel
Rogers, Katherine
Schultz, Kristina
Wazir, Safiya

Pimentel, Roderick
Saunderson, George
Turcotte, Alan
Wells, Kenneth

ROCKINGHAM

Berrien, Skip
Cali-Pitts, Jacqueline
Dolan, Tom
Grote, Jaci
Maggiore, Jim
Meuse, David

Bunker, Lisa
Coursin, David
Eisner, Mary
Murray, Kate
Malloy, Dennis
Vallone, Mark

Bushway, Patricia
Cushing, Robert Renny
Gilman, Julie
Le, Tamara
McBeath, Rebecca
Ward, Gerald

Cahill, Michael
DiLorenzo, Charlotte
Grossman, Gaby
Loughman, Tom
McConnell, Liz
Warner, Anne

STRAFFORD

Bixby, Peter
Ellis, Donna
Grassie, Chuck
Levesque, Cassandra
Rich, Cecilia
Vincent, Kenneth

Cannon, Gerri
Fargo, Kristina
Higgins, Peg
Smith, Marjorie
Sandler, Catt
Wall, Janet

Chase, Wendy
Fontneau, Timothy
Horrigan, Timothy
Opderbecke, Linn
Southworth, Thomas

Conley, Casey
Gourgue, Amanda
Kenney, Cam
Schmidt, Peter
Towne, Matthew

SULLIVAN

Cloutier, John
Tanner, Linda

Oxenham, Lee

Stapleton, Walter

Sullivan, Brian

NAYS - 151

BELKNAP

Aldrich, Glen
Fields, Dennis
Mackie, Jonathan

Bean, Harry
Howard, Raymond
Spanos, Peter

Comtois, Barbara
Jurius, Deanna
Sylvia, Michael

Feeney, George
Lang, Timothy
Viens, Harry

CARROLL

Avellani, Lino
MacDonald, John

Buco, Thomas
Marsh, William

Comeau, Ed
Nelson, Bill

Cordelli, Glenn

CHESHIRE

Eaton, Daniel

O'Day, John

Parkhurst, Henry

COOS

Craig, Kevin

Fothergill, John

Furbush, Michael

Merner, Troy

GRAFTON

Gordon, Edward

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
Bergeron, Paul
Danielson, David
Gagne, Larry
Gunski, Michael
Ober, Lynne
Notter, Jeanine
Prout, Andrew
Lekas, Tony

Alexander, Joe
Boehm, Ralph
DiSilvestro, Linda
Gould, Linda
Hinch, Richard
Lascelles, Richard
Nunez, Hershel
Ober, Russell
Ulery, Jordan

Baroody, Benjamin
Burt, John
Erf, Keith
Graham, John
Hopper, Gary
Marzullo, JP
Plett, Fred
Renzullo, Andrew
Warden, Mark

Belanger, James
Camarota, Linda
Flanagan, Jack
Greene, Bob
L'Heureux, Robert
McLean, Mark
Proulx, Mark
Rice, Kimberly
Whittemore, James

MERRIMACK

Allard, James
Kotowski, Frank
Soucy, Timothy

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
Gay, Betty
Hobson, Deborah
Janvrin, Jason
Love, David
Pearson, Mark

Abrami, Patrick
Barnes, Arthur
Davis, Dan
DeSimone, Debra
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
Lovejoy, Patricia
McKinney, Betsy

Abramson, Max
Bershtein, Alan
Thomas, Douglas
Doucette, Fred
Guthrie, Joseph
Osborne, Jason
Khan, Aboul
Lundgren, David
McMahon, Charles

Acton, Dennis
Chirichiello, Brian
DeClercq, Edward
Edwards, Jess
Harb, Robert
Janigian, John
Kolodziej, Walter
Griffin, Mary
Melvin, Charles

Milz, David
Potucek, John
Pearson, Stephen
True, Chris
Welch, David

O'Connor, John
Pratt, Kevin
Spillane, James
Verville, Kevin
Weyler, Kenneth

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

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

STRAFFORD

Harrington, Michael
Kittredge, Mac
Rooney, Abigail

Hayward, Peter
McNally, Jody
Beaudoin, Steven

Horgan, James
Perreault, Mona
Salloway, Jeffrey

Keans, Sandra
Pitre, Joseph
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 referred to the Committee on Ways and Means.

HB 510-FN-A, relative to state motor vehicle registration fees and funding for noise abatement projects. **INEXPEDIENT TO LEGISLATE.**

Rep. Karen Ebel for Public Works and Highways. This bill seeks to raise much needed revenue for the Department of Transportation (DOT) to do its important work for our state by increasing vehicle registration fees on a prorated basis. The committee voted to recommend this bill Inexpedient to Legislate primarily because the revenue generated was to be restricted to use for DOT's Type II noise abatement projects and the highway and bridge betterment account for infrastructure needs in the DOT regional districts. While both these programs are worthy of increased funding, like so much of DOT's work, the committee felt that any revenue generated on behalf of the Department should be unrestricted to enable the legislature through the budget and 10-year transportation plan processes, to appropriate funds with the input of the agency, the executive branch, and the public. DOT did not take a position on the bill, except to say that its revenue needs are acute, not just with respect to infrastructure, but also with respect to operating responsibilities. Vote 20-0.

Committee report adopted.

HB 107-FN-A, making appropriations for costs involved in controlling invasive aquatic species. **OUGHT TO PASS.** Rep. Linda Gould for Resources, Recreation and Development. Aquatic invasive species are having extreme adverse effects on our lakes and rivers. Currently, 86 water bodies, comprised of 11 rivers and 75 lakes, are infested with some type of invasive aquatic species. We are fighting a losing battle and need a plan to eradicate those weeds and species which have a deleterious effect on our tourism. The bill appropriates \$5 million in each of the first two years of the program to better control and eradicate invasive aquatics. Vote 19-0.

Committee report adopted and referred to the Committee on Finance.

HB 542-FN-A, establishing a grant program to support municipalities in updating their wetlands regulations. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Chuck Grassie for the Majority of Resources, Recreation and Development. The majority of the committee understands the importance of protecting our wetland resources. This bill will allow the Office of Strategic Initiatives to update the "Guidebook on Buffers and Surface Waters for New Hampshire Municipalities" and create a new model wetlands ordinance for adoption by local communities. Additional funding is provided in the form of grants to assist local planning boards to develop, in conjunction with the regional planning commissions, wetlands protection ordinances, regulations, and maps specific to the needs of their communities. The amendment corrects references to the Office of Strategic Initiatives and clarifies the development of a model ordinance. The majority felt that investing in good local regulations would head off the need for costly remediation efforts and infrastructure repairs and improvements which might be needed where the function of a wetland has been lost. Vote 10-9.

Rep. Andrew Renzullo for the Minority of Resources, Recreation and Development. This bill establishes a grant program to support municipalities in updating their wetlands regulations. It creates a new fund called the Wetland Regulations Fund and deposits \$350,000 into said fund. Even by state government standards, this is a very low priority item on which to spend taxpayer dollars. \$50,000 of the fund is earmarked to be used by the Office of Strategic Planning to update the "Guidebook on Buffers and Surface Waters for New Hampshire Municipalities" and to create a model wetlands ordinance. The remaining \$300,000 is to be used by the Office of Strategic Planning to distribute grants to municipalities in adopting or updating municipal wetlands regulations. If a community is interested in adopting or updating a wetlands regulation, it does not take a grant of money. It takes an effort by the town's citizens.

Majority Amendment (0182h)

Amend RSA 48-A:15-b as inserted by section 2 of the bill by replacing it with the following:
482-A:15-b Wetlands Regulations Fund.

I. There is hereby established within the office of the state treasurer the wetlands regulations fund. This fund shall be administered by the office of strategic initiatives and shall be nonlapsing and continually

appropriated to the office of strategic initiatives. Grants and donations from federal and private sources may be deposited in this fund. The fund shall be used to assist municipalities in updating or adopting wetlands regulations.

II. A municipality may apply to the office of strategic initiatives for a grant from the wetlands regulations fund in order to update or adopt municipal wetlands regulations. Priority shall be given to requests in the following order:

- (a) Municipalities that work with a regional planning commission.
- (b) Municipalities that have no wetlands regulations.
- (c) Municipalities that have identified a critical need for wetlands protection.
- (d) Municipalities with wetlands regulations that need updating.

III. Applications shall be accepted on a revolving basis. The director of the office of strategic initiatives shall respond to the request within 30 days of its receipt.

Amend the bill by replacing section 3 with the following:

3 Appropriation. The sum of \$350,000 for the fiscal year ending June 30, 2020 is hereby appropriated to the office of strategic initiatives to be deposited in the wetlands regulations fund. From this amount, \$300,000 shall be used for distributing grants to municipalities adopting or updating municipal wetlands regulations, and \$50,000 shall be used by the office of strategic initiatives to update the "Guidebook on Buffers and Surface Waters for New Hampshire Municipalities" and to create a model wetlands ordinance. This appropriation is in addition to any other funds appropriated to the office of strategic initiatives. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

On a division vote, with 211 members having voted in the affirmative, and 117 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. Renzullo spoke against and yielded to questions.

Rep. Grassie spoke in favor.

Rep. Suzanne Smith yielded to questions.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 208 - NAYS 140

YEAS - 208 BELKNAP

Huot, David St. Clair, Charlie

CARROLL

Buco, Thomas Burroughs, Anita Butler, Edward DesMarais, Edith
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 Parkhurst, Henry
Schapiro, Joe Swinburne, Sandy Thompson, Craig Von Plinsky, Sparky
Pearson, William Weber, Lucy

COOS

Hatch, William 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
Ruprecht, Dennis Stavis, Laurel Stringham, Jerry Smith, Suzanne
Sykes, George Weston, Joyce

HILLSBOROUGH

Bouldin, Amanda Bouldin, Andrew Backus, Robert Balch, Chris
Beaulieu, Jane Bergeron, Paul Bordy, William Bosman, James
Bouchard, Donald Chretien, Jacqueline Cleaver, Skip Cohen, Bruce
Connors, Erika Dargie, Paul 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 Schmidt, Janice
Jack, Martin Jeudy, Jean King, Mark Klee, Patricia

Klein-Knight, Nicole
Mangipudi, Latha
Mullen, Sue
O'Brien, Michael
Porter, Marjorie
Riel, Cole
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Williams, Kermit

Leishman, Peter
Martin, Joelle
Murphy, Nancy
Pedersen, Michael
Query, Joshua
Rung, Rosemarie
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance

Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Pickering, Daniel
Newman, Ray
Newman, Sue
St. John, Michelle
Telerski, Laura
Vann, Ivy

Murray, Megan
Mombourquette, Donna
Nutting-Wong, Allison
Piedra, Israel
Radhakrishnan, Julie
Shaw, Barbara
Stack, Kathryn
Toomey, Dan
Thomas, Wendy

MERRIMACK

Bartlett, Christy
Fox, Samantha
Luneau, David
Pimentel, Roderick
Saunderson, George
Soucy, Timothy
Wazir, Safiya

Buchanan, Ryan
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
Woods, Gary

Ebel, Karen
Lane, Connie
Myler, Mel
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth

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Altschiller, Debra
Bushway, Patricia
Cushing, Robert Renny
Grossman, Gaby
Khan, Aboul
Maggiore, Jim
Meuse, David

Barnes, Arthur
Cahill, Michael
DiLorenzo, Charlotte
Grote, Jaci
Le, Tamara
Malloy, Dennis
Vallone, Mark

Berrien, Skip
Cali-Pitts, Jacqueline
Eisner, Mary
Guthrie, Joseph
Loughman, Tom
McBeath, Rebecca
Ward, Gerald

Bunker, Lisa
Coursin, David
Gilman, Julie
Murray, Kate
Lovejoy, Patricia
McConnell, Liz
Warner, Anne

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Ellis, Donna
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Southworth, Thomas

Cannon, Gerri
Fargo, Kristina
Higgins, Peg
Levesque, Cassandra
Rich, Cecilia
Towne, Matthew

Chase, Wendy
Fontneau, Timothy
Horrigan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Vincent, Kenneth

Conley, Casey
Gourgue, Amanda
Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Wall, Janet

SULLIVAN

Cloutier, John
Tanner, Linda

Merchant, Gary

Oxenham, Lee

Sullivan, Brian

NAYS - 140

BELKNAP

Aldrich, Glen
Fields, Dennis
Mackie, Jonathan

Bean, Harry
Howard, Raymond
Spanos, Peter

Comtois, Barbara
Jurius, Deanna
Sylvia, Michael

Feeney, George
Lang, Timothy
Viens, Harry

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Piemonte, Tony
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Torosian, Peter
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Abrami, Patrick
Bershtein, Alan
Thomas, Douglas
Dolan, Tom
Green, Dennis
Osborne, Jason
Kolodziej, Walter
Pearson, Mark
Milz, David
Potucek, John
Pearson, Stephen
True, Chris
Welch, David

Abramson, Max
Chirichiello, Brian
DeClercq, Edward
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Harb, Robert
Janigian, John
Love, David
McKinney, Betsy
O'Connor, John
Pratt, Kevin
Spillane, James
Verville, Kevin
Weyler, Kenneth

Acton, Dennis
Costable, Michael
Desilets, Joel
Edwards, Jess
Hobson, Deborah
Janvrin, Jason
Lundgren, David
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Wallace, Scott
Yokela, Josh

STRAFFORD

Harrington, Michael
McNally, Jody
Beaudoin, Steven

Hayward, Peter
Perreault, Mona
Wuelper, Kurt

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. Wallner, Chairman of the Committee on Finance, under the provisions of House Rule 46 (f), declined the referral of **HB 488-FN**, requiring interpreters for the deaf and hard of hearing at the state house campus.

REGULAR CALENDAR CONT'D

HB 557-FN-A, creating a fund for dredging the seacoast. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Deborah Hobson for Resources, Recreation and Development. This bill was proposed to create and appropriate funds through gifts, grants, donations and developmental fees to support dredging projects as required by state and federal regulations under RSA 12-G:46. Dredging supports the region's economy by keeping channels at adequate depths to ensure safe passage for commercial and recreational users. Environmental circumstances at the seashore over the past few years have created a heavier than normal change in the ocean floor and silt movement in the Hampton/Seabrook and Rye harbors. These changes require routine pier maintenance and water way dredging sooner than normal. The amendment appropriates monies to the existing Harbor Dredging and Pier Maintenance Fund and will be used to match federal dollars when those monies become available. If we do not allocate these funds now, we will be unable to match federal dollars in time for the 2019 season. This bill has unanimous support of the committee and the Department of Environmental Services. Vote 19-0.

Amendment (0303h)

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

AN ACT relative to funds credited to the harbor dredging and pier maintenance fund and making appropriations for the dredging of Rye harbor and Seabrook/Hampton harbor.

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

1 New Paragraph; Division of Ports and Harbors; Harbor Dredging and Pier Maintenance Fund. Amend RSA 12-G:46 by inserting after paragraph III the following new paragraph:

IV. Gifts, grants, development fees, and donations from federal, private, and other sources may be credited to the fund.

2 Appropriations; Dredging of Rye Harbor and Seabrook/Hampton Harbor.

I. The sum of \$243,750 for the fiscal year ending June 30, 2020 is hereby appropriated to the harbor dredging and pier maintenance fund established in RSA 12-G:46 for the dredging of the Seabrook/Hampton harbor. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The sum of \$637,500 for the fiscal year ending June 30, 2021 is hereby appropriated to the harbor dredging and pier maintenance fund established in RSA 12-G:46 for the dredging of the Rye harbor. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date.

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

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

AMENDED ANALYSIS

This bill permits gifts, grants, donations, and development fees to be credited to the harbor dredging and pier maintenance fund. The bill also makes appropriations for the dredging of the Rye harbor and the Seabrook/Hampton harbor.

Committee amendment adopted.

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

On a division vote, with 325 members having voted in the affirmative, and 18 in the negative, the committee report was adopted and referred to the Committee on Finance.

HB 625-FN, relative to an aquatic invasive species decal for boats. **OUGHT TO PASS WITH AMENDMENT.** Rep. Suzanne Smith for Resources, Recreation and Development. Aquatic invasive plants and animal species such as Asian clam continue to threaten NH's lakes and rivers. Although volunteers inspect boats entering NH's public waterways at the busiest ramps, there are many boat ramps which do not have any inspection procedures in place. Municipalities and lake associations understand that invasive weeds lower the quality of the lake experience, whether one is swimming, fishing or boating. Our lakes, great ponds, and rivers are an economic boon to the state and working to control and eradicate these aquatic nuisances is of utmost importance. The amendment clarifies that the aquatic invasive species decal may be purchased from the Department of Environmental Services (DES) online for \$20. The purchaser's email receipt would serve as proof of purchase until the actual decal arrives in the mail. DES will contract with an outside vendor which removes the burden from the department. DES will receive \$17 and the outside vendor will receive \$3 for processing. Marine Patrol testified that the Department of Safety uses this method for their safe boating course certificates. When boaters register their boats in NH, \$9.50 of their registration fee goes to the Lake Restoration and Preservation Fund and to control aquatic invasives. Although we do not know exactly how many transient boaters visit NH's waters, this legislation will tap into that market and not raise fees for the 90,000 boaters who register their boats in NH. Vote 19-0.

Amendment (0292h)

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Aquatic Invasive Species Decal. Amend RSA 487 by inserting after section 42 the following new subdivision:

Aquatic Invasive Species Decal

487:43 Aquatic Invasive Species Decal.

I. No person shall operate a powerboat registered in another state on New Hampshire public waters without displaying a New Hampshire aquatic invasive species decal from the department of environmental services.

II. Boats operating on interstate waters shared with the state of Maine shall be exempt from the requirement in paragraph I if they are displaying the equivalent aquatic invasive species decal issued by that state. The provisions of this paragraph shall not be valid unless the state of Maine enacts legislation that is substantially the same as the decal requirements in this section and gives reciprocal exemptions to a boat displaying the New Hampshire aquatic invasive species decal.

III. A decal shall be purchased from the department for \$20. The revenue from each decal shall be distributed to the lake restoration and preservation fund established in RSA 487:25 in the same proportions as the addition to the boat fee under RSA 487:25, I.

IV. The New Hampshire aquatic invasive species decal shall:

- (a) Be displayed within 3 inches of a boat's valid registration decal.
- (b) Expire on December 31 each year.
- (c) Change color each calendar year. The color of the decal shall not conflict with the New Hampshire registration validation decal in any year.
- (d) Measure 3 inches by 3 inches.

V. Failure to purchase or display the New Hampshire aquatic invasive species decal in accordance with this section shall be a violation. For purposes of this section, the boat operator shall have 48 hours to demonstrate compliance with this section. The boat operator may present proof of purchase with a valid transaction date as proof of compliance.

VI. Any person who violates this section shall be guilty of a violation punishable by a fine of \$50 for a first offense, \$100 for a second offense, and \$250 for any subsequent offense. The authority to enforce these sections shall extend to all peace officers in the state of New Hampshire. All fines collected under this paragraph shall be paid to department of safety for deposit into the navigation and safety fund established in RSA 270-E:6-a.

VII. The commissioner may enter into contracts with individuals, public or private corporations, or institutions for assistance in developing, implementing, and issuing the aquatic invasive species decal. The commissioner shall adopt rules under RSA 541-A relative to any matters necessary to implement the provisions of this subdivision.

Committee amendment adopted.

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

HB 630-FN, increasing certain fines for OHRV and snowmobile operation violations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kevin Maes for Resources, Recreation and Development. This bill increases certain fines for OHRV and snowmobile operation violations. The concern has been that current fines do not deter the minority of riders who violate current law. This has become a major concern to landowners and those who use the New Hampshire Trail System. This bill has the support of the Department of Natural and Cultural Resources, the New Hampshire Snowmobile Association, and the NH Off Highway Vehicle Association. The amendment addresses the distribution of monies to the appropriate sheriff departments. Vote 19-0.

Amendment (0458h)

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 4:

2 New Paragraph; OHRV Fines. Amend RSA 215-A:18 by inserting after paragraph III the following new paragraph:

IV. The court or justice of any court in which a complaint is prosecuted for a violation of this chapter, or any rule adopted pursuant to RSA 541-A under the authority of this chapter, brought by a sheriff, shall, within 30 days after any fine or forfeiture is paid, remit the amount of the fine or forfeiture to the county in whose service the sheriff was acting; provided, however that, from each fine collected by a district court, there shall be deducted \$10 and 20 percent of that part of the fine which exceeds \$10.

3 New Paragraph; Snowmobile Fines. Amend RSA 215-C:33 by inserting after paragraph III the following new paragraph:

IV. The court or justice of any court in which a complaint is prosecuted for a violation of this chapter, or any rule adopted pursuant to RSA 541-A under the authority of this chapter, brought by a sheriff, shall, within 30 days after any fine or forfeiture is paid, remit the amount of the fine or forfeiture to the county in whose service the sheriff was acting; provided, however that, from each fine collected by a district court, there shall be deducted \$10 and 20 percent of that part of the fine which exceeds \$10.

AMENDED ANALYSIS

This bill increases fines for certain OHRV and snowmobile violations and, in cases where an OHRV or snowmobile complaint is prosecuted by the county sheriff, requires the fine or forfeiture to be remitted to the county sheriff.

Committee amendment adopted.

Committee report adopted and referred to the Committee on Criminal Justice and Public Safety.

HB 682-FN, establishing a water resources fund in the department of environmental services and charging certain application and permit fees. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Judith Spang for the Majority of Resources, Recreation and Development. The fee increases in this bill are critical to the ability of the Department of Environmental Services (DES) to perform the responsibilities the legislature and the federal government have charged them with. State general funds provide less than 9 percent of DES's operating budget. For development projects in-state, the agency relies solely on fees. By law, the amount of fees, including those in HB 682, are capped relative to the actual cost to the agency of providing the service. In 2018, legislation signed into law required DES to shorten the response time for applications for wetlands, alteration of terrain, and dredge and fill permit requests by one-third to one-half. More staff had to be hired. The legislature gave the agency no money to fulfill these shortened permitting times. This is on top of 11 years with no fee increases, despite soaring costs of personnel and other expenses. Inadequate fees mean inadequate review of projects, delays or denial of permit applications, and possible loss of streamlining of permits with federal agencies. The land development industry supported faster turnaround of their permit requests and did not testify in committee opposing the fee increases in this bill. As for the rulemaking, the fees must be set according to the actual costs of reviewing and acting on a wide variety of projects. Every two years, the Commissioner of DES will review the fees to see if they have been adequate to cover program expenses. If not, a detailed justification would be required through the RSA 541-A rulemaking process to get approval for adjusting them. If there is an objection to the proposed fee increases or the rulemaking process, the committee heard none from the affected industry. Vote 10-9.

Rep. Andrew Renzullo for the Minority of Resources, Recreation and Development. This bill has at least 20 new or increased fees. The Department of Environmental Services (DES) asserts that fees need to be adjusted because they have not changed in over a decade. According to the fiscal note, the DES compared the revenue

from the existing fee structure (\$1,865,677) to the revenue from the proposed structure in the bill (\$4,852,256). That is an increase of \$2,986,679. So, fees did not just double. They are close to triple what they are now. That large a fee increase cannot be justified. Let us look at a few of these new fees or increased fees. Right now, a temporary seasonal dock is exempt from permitting requirements. It is a permit by notification. The fee is \$0. Under this bill the fee will be \$300. The application fee for an excavating and dredging permit goes from \$200 to \$400, plus an increase from \$2 to \$6 per square foot of permanent dock surface area, an increase from \$1 to \$3 per square foot of seasonal dock surface, and an increase from \$0.20 to \$0.60 per square foot for dredge and fill surface area. Also, the Department of Transportation calculated, based on the previous three years, that the average increase in fees paid to DES by DOT would have been \$148,512.73 (220.6%) more each year for FY 2016 – FY 2018 had the proposed fees been in place. However, if these inordinately large fee increases bother us, the DES has proposed a solution. The bill proposes that the Commissioner of DES shall henceforth adjust the fees by rule. So, we as legislators will never have to see them again. That is a serious thing to contemplate and a betrayal of our duty to our constituents who expect us to monitor and control the agencies of the government in their behalf. In closing, this bill is a very complicated, far reaching, multi-faceted, and excessively expensive to New Hampshire citizens and businesses.

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

Rep. Renzullo spoke against.

Rep. Suzanne Smith spoke in favor.

Rep. Costable requested a roll call; sufficiently seconded.

YEAS 201 - NAYS 147

YEAS - 201 BELKNAP

Huot, David

St. Clair, Charlie

CARROLL

Buco, Thomas
Knirk, Jerry

Burroughs, Anita
Ticehurst, Susan

Butler, Edward
Woodcock, Stephen

DesMarais, Edith

CHESHIRE

Abbott, Michael
Eaton, Daniel
Ley, Douglas
Schapiro, Joe
Pearson, William

Ames, Richard
Faulkner, Barry
Mann, John
Swinburne, Sandy
Weber, Lucy

Berch, Paul
Fenton, Donovan
Meador, David
Thompson, Craig

Bordenet, John
Gomarlo, Jennie
Parkhurst, Henry
Von Plinsky, Sparky

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

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Bouchard, Donald
Dargie, Paul
Davis, Fred
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Herbert, Christopher
Judy, Jean
Leishman, Peter
Martin, Joelle
Murphy, Nancy
Pedersen, Michael
Query, Joshua
Rung, Rosemarie
St. John, Michelle
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Freitas, Mary
Hamer, Heidi
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Stack, Kathryn
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NAYS - 147**BELKNAP**

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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 Ways and Means.

The House recessed at 12:15 p.m.

RECESS

The House reconvened at 1:30 p.m.

(Speaker Shurtleff in the Chair)

REGULAR CALENDAR CONT'D

HB 727-FN-A, relative to boat ramp and parking improvements at Mount Sunapee state park beach and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bruce Cohen for Resources, Recreation and Development. This bill makes an appropriation of \$1 million to the Department of Natural and Cultural Resources for boat ramp improvements and creating additional parking at the Mount Sunapee State Park beach. The bill will provide the people of New Hampshire with an increase in public boat access for trailered boats on Lake Sunapee. The amendment authorizes the State Treasurer to borrow such funds for the expansion and, for said purpose, issue bonds and notes on behalf of the state of NH. The amendment also removes any reference to leasing the parcel of land in Newbury known as the Wild Goose site. As amended, this bill received a unanimous vote in the committee. Vote 19-0.

Amendment (0347h)

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

1 Mount Sunapee State Park Beach; Boat Ramp and Parking Improvements; Bonded Appropriation to the Department of Natural and Cultural Resources; Paid From General Funds.

I. The sum of \$500,000 is hereby appropriated to department of natural and cultural resources, division of parks and recreations, for the biennium ending June 30, 2021, for the purpose of creating additional parking and improving the boat ramp at Mount Sunapee state park beach.

II. To provide funds for the appropriation made in paragraph I, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$500,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest of the bonds and notes shall be made from the general fund of the state.

2 Mount Sunapee State Park Beach; Boat Ramp and Parking Improvements; Bonded Appropriation to the Department of Natural and Cultural Resources; Paid From Statewide Public Boat Access Fund.

I. The sum of \$500,000 is hereby appropriated to department of natural and cultural resources, division of parks and recreations, for the biennium ending June 30, 2021, for the purpose of creating additional parking and improving the boat ramp at Mount Sunapee state park beach.

II. To provide funds for the appropriation made in paragraph I, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$500,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest of the bonds and notes shall be made from the statewide public boat access fund established in RSA 233-A:13.

3 Mount Sunapee State Park Beach Project. The department of natural and cultural resources shall be responsible for the improvements to and operation of the boat ramp and parking at Mount Sunapee state park beach. The department of natural and cultural resources, on behalf of the state, may accept donations designated for the Mount Sunapee state park beach project and shall use such donations to offset project costs. The improved boat ramp shall be deemed to be a public boat access area as defined in RSA 233-A:1, IV.

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

AMENDED ANALYSIS

This bill makes 2 bonded appropriations to the department of natural and cultural resources for boat ramp and parking improvements at Mount Sunapee state park beach, one of which shall be paid from the public boat access fund.

Committee amendment adopted.

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

Rep. Suzanne Smith yielded to questions.

Committee report adopted and referred to the Committee on Public Works and Highways.

HB 290, relative to the removal of certain wood stoves upon the sale of a home and notification of such removal to the department of environmental services. **INEXPEDIENT TO LEGISLATE.**

Rep. Jacqueline Cali-Pitts for Science, Technology and Energy. This bill would have required that certain older wood stoves be removed from homes. Stoves having a nameplate indicating a manufacture date prior to 1940 would be exempt. The area of concern was that most stoves of that era do not have dates on them and all stoves not certified by the EPA for sale after July 1, 1986 would also have to be removed from a home and destroyed when the home is sold. This would fall on the seller to do and would add an extra burden on the homeowner. In problem emission areas of the state, the Department of Environmental Services established a buyback program which would continue if funds were still available to alleviate the problem. The bill is well intentioned but needs more work. Vote 10-9.

Rep. Notter requested a roll call; sufficiently seconded.

YEAS 207 - NAYS 131

YEAS - 207
BELKNAP

Aldrich, Glen
Fields, Dennis
Lang, Timothy
Sylvia, Michael

Bean, Harry
Howard, Raymond
Mackie, Jonathan
Viens, Harry

Comtois, Barbara
Huot, David
Spanos, Peter

Feeney, George
Jurius, Deanna
St. Clair, Charlie

CARROLL

Avellani, Lino
Cordelli, Glenn
Nelson, Bill

Burroughs, Anita
Knirk, Jerry
Ticehurst, Susan

Butler, Edward
MacDonald, John

Comeau, Ed
Marsh, William

CHESHIRE

Ames, Richard
O'Day, John

Eaton, Daniel
Von Plinsky, Sparky

Ley, Douglas
Weber, Lucy

Meador, David

COOS

Craig, Kevin
Moynihan, Wayne

Furbush, Michael
Tucker, Edith

Laflamme, Larry

Merner, Troy

GRAFTON

Almy, Susan
Josephson, Timothy
Nordgren, Sharon

Campion, Polly
Ladd, Rick
Sykes, George

Ford, Susan
Massimilla, Linda

Gordon, Edward
Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
Baroody, Benjamin
Burt, John
DiSilvestro, Linda
Goley, Jeffrey
Gunski, Michael
Schmidt, Janice
Lascelles, Richard
McGhee, Kat
Nunez, Hershel
Proulx, Mark
Renzullo, Andrew
Shaw, Barbara
Ulery, Jordan

Alexander, Joe
Belanger, James
Camarota, Linda
Erf, Keith
Gould, Linda
Harriott-Gathright, Linda
Klee, Patricia
Murray, Megan
McLean, Mark
O'Brien, Michael
Prout, Andrew
Rice, Kimberly
Stevens, Deb
Vann, Ivy

Backus, Robert
Boehm, Ralph
Connors, Erika
Flanagan, Jack
Graham, John
Hinch, Richard
L'Heureux, Robert
Martin, Joelle
Murphy, Nancy
Pickering, Daniel
Ober, Russell
Rung, Rosemarie
Lekas, Tony
Warden, Mark

Balch, Chris
Bosman, James
Danielson, David
Gagne, Larry
Greene, Bob
Hopper, Gary
Ober, Lynne
Marzullo, JP
Notter, Jeanine
Plett, Fred
Radhakrishnan, Julie
Newman, Sue
Smith, Timothy
Whittemore, James

MERRIMACK

Allard, James
Karrick, David

Ebel, Karen
Klose, John

Hill, Gregory
Kotowski, Frank

Horn, Werner
Marple, Richard

McGuire, Carol
Schultz, Kristina
Wallner, Mary Jane
Yakubovich, Michael

Pearl, Howard
Soucy, Timothy
Walsh, Thomas

Rodd, Beth
Testerman, Dave
Wazir, Safiya

Schuett, Dianne
Turcotte, Alan
Woods, Gary

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Chirichiello, Brian
Thomas, Douglas
Dolan, Tom
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
Lovejoy, Patricia
McKinney, Betsy
O'Connor, John
Pratt, Kevin
Spillane, James
Vallone, Mark
Welch, David

Abrami, Patrick
Barnes, Arthur
Costable, Michael
DeClercq, Edward
Doucette, Fred
Guthrie, Joseph
Osborne, Jason
Khan, Aboul
Griffin, Mary
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Verville, Kevin
Weyler, Kenneth

Abramson, Max
Bershtein, Alan
Cushing, Robert Renny
Desilets, Joel
Edwards, Jess
Harb, Robert
Janigian, John
Le, Tamara
Pearson, Mark
Melvin, Charles
Piemonte, Tony
Roy, Terry
Torosian, Peter
Warner, Anne
Yokela, Josh

Acton, Dennis
Cali-Pitts, Jacqueline
Davis, Dan
DeSimone, Debra
Gay, Betty
Hobson, Deborah
Janvrin, Jason
Love, David
Maggiore, Jim
Milz, David
Potucek, John
Pearson, Stephen
True, Chris
Webb, James

STRAFFORD

Fargo, Kristina
Horgan, James
McNally, Jody
Beaudoin, Steven

Fontneau, Timothy
Keans, Sandra
Perreault, Mona
Sandler, Catt

Harrington, Michael
Kittredge, Mac
Pitre, Joseph
Towne, Matthew

Hayward, Peter
Levesque, Cassandra
Rooney, Abigail
Wuelper, Kurt

SULLIVAN

Aron, Judy
Lucas, Gates

Callum, John
Rollins, Skip

Cloutier, John
Stapleton, Walter

Laware, Thomas
Smith, Steven

NAYS - 131

CARROLL

Buco, Thomas

DesMarais, Edith

Woodcock, Stephen

CHESHIRE

Abbott, Michael
Fenton, Donovan
Schapiro, Joe

Berch, Paul
Gomarlo, Jennie
Swinburne, Sandy

Bordenet, John
Mann, John
Pearson, William

Faulkner, Barry
Parkhurst, Henry

COOS

Noel, Henry

GRAFTON

Abel, Richard
French, Elaine
Osborne, Richard
Smith, Suzanne

Adjutant, Joshua
Maes, Kevin
Ruprecht, Dennis
Weston, Joyce

Dontonville, Roger
Mulligan, Mary Jane
Stavis, Laurel

Fellows, Sallie
Muscatel, Garrett
Stringham, Jerry

HILLSBOROUGH

Bouldin, Amanda
Bordy, William
Cohen, Bruce
Davis, Fred
Hamer, Heidi
Jack, Martin
Leishman, Peter
Nutter-Upham, Frances
Porter, Marjorie
Snow, Kendall
Telerski, Laura
Williams, Kermit

Bouldin, Andrew
Bouchard, Donald
Dargie, Paul
Freitas, Mary
Heath, Mary
Judy, Jean
Mangipudi, Latha
Nutting-Wong, Allison
Query, Joshua
Sofikitis, Catherine
Toomey, Dan

Beaulieu, Jane
Chretien, Jacqueline
Dutzy, Sherry
Griffith, Willis
Herbert, Christopher
King, Mark
Mombourquette, Donna
Pedersen, Michael
Newman, Ray
St. John, Michelle
Vail, Suzanne

Bergeron, Paul
Cleaver, Skip
Espitia, Manny
Hall, Brett
Indruk, Greg
Klein-Knight, Nicole
Mullen, Sue
Piedra, Israel
Riel, Cole
Stack, Kathryn
Thomas, Wendy

MERRIMACK

Bartlett, Christy
Fulweiler, Joyce
McWilliams, Rebecca
Saunderson, George

Buchanan, Ryan
Lane, Connie
Myler, Mel
Schamberg, Thomas

Carson, Clyde
Luneau, David
Pimentel, Roderick
Walz, Mary Beth

Fox, Samantha
MacKay, James
Rogers, Katherine
Wells, Kenneth

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
Gilman, Julie
Loughman, Tom
Meuse, David

Berrien, Skip
Coursin, David
Grossman, Gaby
Malloy, Dennis
Ward, Gerald

Bunker, Lisa
DiLorenzo, Charlotte
Grote, Jaci
McBeath, Rebecca

Bushway, Patricia
Eisner, Mary
Murray, Kate
McConnell, Liz

STRAFFORD

Bixby, Peter
Ellis, Donna
Horrigan, Timothy
Schmidt, Peter
Treleaven, Susan

Cannon, Gerri
Gourgue, Amanda
Kenney, Cam
Rich, Cecilia
Vincent, Kenneth

Chase, Wendy
Grassie, Chuck
Smith, Marjorie
Salloway, Jeffrey
Wall, Janet

Conley, Casey
Higgins, Peg
Opderbecke, Linn
Southworth, Thomas

SULLIVAN

Merchant, Gary

Oxenham, Lee

Sullivan, Brian

Tanner, Linda

and the committee report was adopted.

HB 254-FN-A, relative to the provision allowing operators to retain a portion of meals and rooms taxes collected and the appropriation of meals and rooms tax revenues to school building aid. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennie Gomarlo for Ways and Means. This bill sought to cap the 3% commission retained by operators collecting rooms and meals tax. The cap of \$100 is far too low to compensate the operators for their costs in collecting the tax. The credit card fees incurred usually offset the 3% commission by themselves, and there are also substantial record-keeping, compliance, and audit costs. The tax is on the customer, not on the businesses which must collect it for us. The committee also felt the amount of the retained revenues to the state would not significantly contribute to the school building aid fund. Vote 19-0.

Rep. Cahill spoke against.

Rep. Tucker spoke in favor.

Committee report adopted.

HB 623-FN-A, relative to the rates of the business profits tax and business enterprise tax. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Susan Almy for the Majority of Ways and Means. As amended, the bill freezes the business profits and business enterprise tax rates at the levels paid for tax year 2018, rather than allow them to descend further. Relatively small changes in tax rates are much less important to businesses than workforce issues (training and basic education, physical and mental health and addiction, housing, workforce renewal in an aging population), transportation, energy costs, client-friendly permitting, quality of life and a functioning legal system. Most of these areas are ones that the state plays an important role in, and that we have been progressively underfunding for years. When times were good, the legislature cut revenues rather than adequately fund the contractors and state employees that carry out the work of government. When the economy slowed, we cut employees and further underpaid contractors, reducing services to businesses and citizens alike. And we cut multiple revenues to the municipalities and counties, directly increasing the property tax. Businesses pay that tax too. The business-funded Council on State Taxation reports yearly that in our state, almost half of all taxes, fees, and other charges levied on businesses are property tax, while the business taxes come in a poor second. The current group of business tax rate cuts, if left unchecked, will reduce our total general and education trust fund revenues by 6% from 2016-22, assuming a constant economy. The cuts have not generated new revenues: the first set followed a normal recovery – normal for our state – in 2015, and the second coincided with the massive federal stimulus passed in December 2017. When we next have a recession (many predict 2020) we will emerge with revenues that require major cuts in state-level spending, due to the tax cuts. And more will be down-shifted to the property tax, which is already almost two-thirds of our entire tax system. Vote 12-7.

Rep. Alan Bershtein for the Minority of Ways and Means. This bill repeals scheduled reductions to the business tax rate. Passage of this bill will inhibit job creation and reduce competitiveness of NH businesses. Capricious reversal of tax policy increases tax regime uncertainty and dissuades future investment. The tax which each business is bound to pay ought to be certain, and not arbitrary. This bill increases unpredictability of legislative action and undermines the ability of enterprises to plan for the future.

Majority Amendment (0416h)

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

1 Business Profits Tax; Imposition of Tax; 2019. RSA 77-A:2 is repealed and reenacted to read as follows:
77-A:2 Imposition of Tax. A tax is imposed at the rate of 7.9 percent upon the taxable business profits of every business organization.

2 Business Enterprise Tax; Imposition of Tax; 2019. RSA 77-E:2 is repealed and reenacted to read as follows:

77-E:2 Imposition of Tax. A tax is imposed at the rate of .675 percent upon the taxable enterprise value tax base of every business enterprise.

On a division vote, with 234 members having voted in the affirmative, and 95 in the negative, the majority committee amendment adopted.

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

Reps. Almy and Stringham spoke in favor.

Rep. Bershtein spoke against.

Rep. Horn requested a roll call; sufficiently seconded.

YEAS 200 - NAYS 141

YEAS - 200 BELKNAP

Huot, David

St. Clair, Charlie

Buco, Thomas
Knirk, Jerry

Burroughs, Anita
Ticehurst, Susan

CARROLL

Butler, Edward
Woodcock, Stephen

DesMarais, Edith

CHESHIRE

Abbott, Michael
Eaton, Daniel
Ley, Douglas
Schapiro, Joe
Pearson, William

Ames, Richard
Faulkner, Barry
Mann, John
Swinburne, Sandy
Weber, Lucy

Berch, Paul
Fenton, Donovan
Meador, David
Thompson, Craig

Bordenet, John
Gomarlo, Jennie
Parkhurst, Henry
Von Plinsky, Sparky

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Dontonville, Roger
Josephson, Timothy
Muscatel, Garrett
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Adjutant, Joshua
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Sykes, George

Almy, Susan
Ford, Susan
Massimilla, Linda
Osborne, Richard
Weston, Joyce

Campion, Polly
French, Elaine
Mulligan, Mary Jane
Ruprecht, Dennis

HILLSBOROUGH

Bouldin, Amanda
Baroody, Benjamin
Bosman, James
Cohen, Bruce
Dutzy, Sherry
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
Williams, Kermit

Bouldin, Andrew
Beaulieu, Jane
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

Backus, Robert
Bergeron, Paul
Chretien, Jacqueline
Dargie, Paul
Davis, Fred
Hall, Brett
Herbert, Christopher
Jeudy, Jean
Komi, Richard
Mangipudi, Latha
Mullen, Sue
O'Brien, Michael
Porter, Marjorie
Rung, Rosemarie
Sofikitis, Catherine
Smith, Timothy
Vann, Ivy

Balch, Chris
Bordy, William
Cleaver, Skip
DiSilvestro, Linda
Freitas, Mary
Hamer, Heidi
Indruk, Greg
King, Mark
Leishman, Peter
Martin, Joelle
Murphy, Nancy
Pedersen, Michael
Query, Joshua
Newman, Sue
St. John, Michelle
Tellerski, Laura
Thomas, Wendy

MERRIMACK

Bartlett, Christy
Fox, Samantha
Luneau, David
Pimentel, Roderick
Schamberg, Thomas
Turcotte, Alan
Wells, Kenneth

Buchanan, Ryan
Fulweiler, Joyce
MacKay, James
Rodd, Beth
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

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

ROCKINGHAM

Altschiller, Debra
Cahill, Michael

Berrien, Skip
Cali-Pitts, Jacqueline

Bunker, Lisa
Coursin, David

Bushway, Patricia
Cushing, Robert Renny

DiLorenzo, Charlotte
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Warner, Anne

Eisner, Mary
Murray, Kate
Maggiore, Jim
Meuse, David

Gilman, Julie
Le, Tamara
Malloy, Dennis
Vallone, Mark

Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Ward, Gerald

STRAFFORD

Bixby, Peter
Ellis, Donna
Higgins, Peg
Levesque, Cassandra
Rich, Cecilia
Towne, Matthew

Cannon, Gerri
Fargo, Kristina
Horrigan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Treleaven, Susan

Chase, Wendy
Fontneau, Timothy
Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Vincent, Kenneth

Conley, Casey
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Southworth, Thomas
Wall, Janet

SULLIVAN

Cloutier, John
Tanner, Linda

Merchant, Gary

Oxenham, Lee

Sullivan, Brian

NAYS - 141

BELKNAP

Aldrich, Glen
Fields, Dennis
Mackie, Jonathan

Bean, Harry
Howard, Raymond
Spanos, Peter

Comtois, Barbara
Jurius, Deanna
Sylvia, Michael

Feeney, George
Lang, Timothy
Viens, Harry

CARROLL

Comeau, Ed
Nelson, Bill

Cordelli, Glenn

MacDonald, John

Marsh, William

CHESHIRE

O'Day, John

COOS

Craig, Kevin

Fothergill, John

Furbush, Michael

Merner, Troy

GRAFTON

Gordon, Edward

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
Burns, Charles
Erf, Keith
Graham, John
Hopper, Gary
Marzullo, JP
Plett, Fred
Radhakrishnan, Julie
Ulery, Jordan

Alexander, Joe
Burt, John
Flanagan, Jack
Greene, Bob
L'Heureux, Robert
McLean, Mark
Proulx, Mark
Renzullo, Andrew
Warden, Mark

Belanger, James
Camarota, Linda
Gagne, Larry
Gunski, Michael
Ober, Lynne
Notter, Jeanine
Prout, Andrew
Rice, Kimberly
Whittemore, James

Boehm, Ralph
Danielson, David
Gould, Linda
Hinch, Richard
Lascelles, Richard
Nunez, Hershel
Ober, Russell
Lekas, Tony

MERRIMACK

Allard, James
Kotowski, Frank
Testerman, Dave

Hill, Gregory
Marple, Richard
Walsh, Thomas

Horn, Werner
McGuire, Carol
Yakubovich, Michael

Klose, John
Pearl, Howard

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Costable, Michael
Desilets, Joel
Edwards, Jess
Harb, Robert
Janigian, John
Love, David
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Wallace, Scott
Yokela, Josh

Abrami, Patrick
Barnes, Arthur
Davis, Dan
DeSimone, Debra
Gay, Betty
Hobson, Deborah
Janvrin, Jason
Griffin, Mary
Melvin, Charles
Piemonte, Tony
Roy, Terry
Torosian, Peter
Webb, James

Abramson, Max
Bershtein, Alan
Thomas, Douglas
Dolan, Tom
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
Pearson, Mark
Milz, David
Potucek, John
Pearson, Stephen
True, Chris
Welch, David

Acton, Dennis
Chirichiello, Brian
DeClercq, Edward
Doucette, Fred
Guthrie, Joseph
Osborne, Jason
Khan, Aboul
McKinney, Betsy
O'Connor, John
Pratt, Kevin
Spillane, James
Verville, Kevin
Weyler, Kenneth

STRAFFORD

Harrington, Michael
McNally, Jody
Beaudoin, Steven

Hayward, Peter
Perreault, Mona
Wuelper, Kurt

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.

MOTION TO PRINT DEBATE

Rep. Abramson moved that the debate on **HB 623-FN-A**, relative to the rates of the business profits tax and business enterprise tax, be printed in the Permanent Journal.

Motion adopted.

DEBATE ON HB 623-FN-A

Rep. Almy: Thank you, Mister Speaker. On the revenue increases that we saw during the 2016 to 2017 budget are not due to the tax rate cuts placed in that budget over the objections of Governor Hassan unlike what has been mentioned in certain circles. Those rate increases were greatly increased last term. They are not due to the even large ones placed in last terms budget over the objections of the Ways and Means Committee, which felt that we ought to digest the many tax cuts in business that we had already made before we moved forward with further rate cuts. There is a lot about business tax collection which you do not know, and I am about to get a little academic. I'm sorry. I didn't know a lot of this either until recently because the DRA has become much better at analysis.

Speaker Shurtleff: The member will suspend for a moment. Please address to your remarks and not from any sounds you are hearing from the House Members and also to speak to what is before us in this legislation. Please proceed.

Rep. Almy: The key point is that varying business tax years interact with our state fiscal years so that in each fiscal year we collect the majority of our taxes on economic activity from the prior fiscal year. Some comes from the year before that and under a quarter comes from the fiscal year that we are living in. The second key point is that we draw our taxes from national and global economic activity. This has been apparent to the Ways and Means Committee for some time, but I think not to the legislature as a whole. Businesses and conglomerates that operate partly inside of our state pay us a percentage of their worldwide activity commensured it with their presence here. We are not an island. If the economy, which we tax, remains static, the 2016-22 rate cuts would create a loss of 6% of our total general and education trust fund revenues by 2024. This is a major hit for a frugal state government. The loss has been masked so far by extraneous events that provided the current surpluses. By 2024, a recession is almost certain. Moody's now predicts a major slowdown to .5% growth a year on a year from now. When the recession comes we will need what we have lost in order to maintain the basic public services that both our citizens and our businesses rely on. In 2014-15 New Hampshire experienced the normal delayed recovery in business revenues that the Ways and Means tax has seen in all past recessions that we have data for. As a result, we caught up with three years of revenue growth in the other 49 states in a single fiscal year. That was FY16, which by chance was the first year of the first tax cut. 77% of the economic activity that produced FY16 happened in 2014 to 2015, before the law was passed. We should have seen the impact of that cut in the FY17, but in FY17, there was no revenue growth at all. Then, half way through FY18 in December 2017, sorry to get wonky, in December 2017, the Congress gave businesses major tax cuts and they gave them an incentive to prepay their tax bills to states and localities. For the first time ever, a major stimulus was added to a growing economy and the growth surge was, as the President would say, huge. Experts tell us the main effects will dissipate by 2020, but no one can tell us what happens then. No one has ever tried this before. New Hampshire's FY18 benefited from that national growth quickly because of the incentive to fast forward state payments. Business tax revenues in the last half of FY18 surge into FY19. Our FY19-21 will all benefit from this surge because our business taxes rely on the economies of two years prior. But, by 22, that impact will be gone. It's been a long time since the last recession. There is global uncertainty. I understand the talks with North Korea were breaking down again yesterday. The rate cuts will take a large chunk of the total available for the next budget. This budget must pay for the increase services that our businesses and citizens need to survive the recession and prosper after it. That is why we need to stop the bleeding now in our most important state revenue source and I want you to listen well to my colleague from Woodstock when he comes up. Thank you.

Speaker Shurtleff: The Chair recognizes the member from Nottingham, Rep. Bershtein to speak against the committee recommendation.

Rep. Bershtein: Thank you, Mister Speaker. I rise before this wonderful body in opposition to HB 623, a bill which increases the current rate of business taxes and repeals scheduled reductions that are to come at the end of next year. There are many reasons to ITL this bill. It imposes a retroactive tax increase. It breaches

a promise made by this very chamber. It inhibits job creation. It inhibits investment. It seems arbitrary, evidenced by the very fact that the amendment passed just moments ago, increases the business enterprise tax 35% from the bill as originally submitted. 35%. But instead of getting into the weeds, let's focus on a different aspect of this bill. First, some context. Most members of the Ways and Means Committee, including our esteemed Chair, the sponsor of this bill, believe our economy is going into recession. In committee, we actually went around the room and just about everyone gave their prediction as to when the recession would happen. Also, recently the federal reserve had some sobering words about a pending economic slowdown. So, let's go with the premise of our Chair that we are headed into recession. By definition a recession is negative economic growth for two or more consecutive quarters. Businesses at that point in time will be reeling and they are going to be facing tough decisions about layoffs, furloughs, plant closures. All very painful things especially for workers. Raising taxes during a recession is kicking them when they are down, and it takes a bad situation and makes it that much worse. This isn't just my opinion for there is no school of economic thought, whether it is Keynesianism or Austrian Economics, whether it's Monetarism or Mercantilism, none of these schools of economic thought advocate for a tax increase during a recession. As a matter of fact, each of these schools of thought advocate for exactly the opposite. During a recession, you lower taxes. That's exactly the opposite of what this bill is proposing. This bill gets rid of a scheduled reduction in business taxes at exactly the same time when the bill's own sponsor predicts we go into recession. As the kids would say, SMH. I'm certainly not bewitched, but I am bothered and bewildered. If you take one thing away from my speech today, it's that it is bad policy to raise taxes during a recession. The good news is in the event of a downturn we already have a safety net. This body in its wisdom has created a rainy-day fund which is ever increasing and at this moment in time the rainy-day fund is at record highs and it looks like it will go even higher. A rainy-day fund exists to make up for revenue shortfalls during a downturn because everyone say it with me, it's bad policy to raise taxes during a recession. In summary, HB 623 is bad policy because it raises taxes during a recession. Let's not self-inflict pain by passing retroactive tax increases and for goodness sakes, let's not plan to raise taxes during a recession. This one is an easy call, ITL. Thank you very much.

Speaker Shurtleff: The House will be in order. The Chair recognizes the last speaker on this bill, the member from Lincoln, Rep. Stringham.

Rep. Stringham: Thank you, Mister Speaker. According to the Council of State Taxation, in their most recent report, New Hampshire businesses pay \$3.1 billion in state taxes annually. The tax burden includes property taxes, utility, insurance excise taxes, unemployment taxes, gas taxes and yes, some corporate income taxes. \$700 million or less than 25% is for corporate taxes. We have the business profit tax or BPT in New Hampshire and the business enterprise tax, the BET. As I said, these two combine to less than 25%. BPT is paid upon company profits and BET is paid on wages. These taxes are largely paid by a small percentage of businesses that are large or highly profitable. For example, 537 businesses paid more than 75% of the BPT, each paying more than \$100,000 per year. 77% of New Hampshire businesses don't pay either of these taxes. So, let's talk about HB 623. What 623 does is maintain the BPT and BET tax cuts implemented over the past two years and leaves tax rates at the December 2018 level. This is not a tax increase over the December 2018 levels. This bill repeals roughly \$84 million in anticipated further business cuts over the upcoming budget cycle. Because business income taxes go to the general and education trust fund, passage of this bill and maintaining current tax rates as of December, will inevitably lead to greater support to cities and towns and diminish the reliance on property taxes to meet education and community needs. These taxes businesses pay just as well as citizens. Well how much do businesses pay in property taxes? \$1.7 billion. That's over 2 ½ times more than they pay on the BET and the BPT combined. It's 52% of their tax burden and these property taxes, which have been rising dramatically over the past decade, continue. Partly, this is because our citizens at the town level recognize the needs that the state has left unfilled and are trying to compensate. That's why that percentage keeps going up for businesses. Partly it's because not having enough revenues, we here in Concord have ended the state's routine contributions to local retirements, revenue sharing, water projects, county eldercare and some level of baseline education. So, my good colleague talked about don't cut taxes or don't increase taxes during a recession. Well, we've been in the opposite of a recession and we did the opposite, we cut taxes. So, it seems like if you are going to use the argument for one, you use it for the other. We are not yet in a recession. We are not even talking about further increasing taxes right now, just leaving it at the end of 2018. Rather than reducing a business tax that mostly benefits less than 1% of the business in the state, let's start to do what the Governor's economic development office said we need to do, to promote growth, which is implement policies that retain and attract young adults, particularly those aged 25-35. Businesses are not going to be able meet their growth potential without them. I'm a business owner. I'm sure that a lot of you are too. Our housing market is struggling to house enough workers to make business succeed and business growth possible. Can our businesses prosper without the lower- and middle-income citizens who will raise and train our new generations and without the amenities and services that attract and retain the highest talent? I don't think so. Please pass this bill.

Speaker Shurtleff: Will the member yield to a question? The member does not yield. The question before the House is the recommendation of Ought to Pass as Amended. Are you ready for the question? A roll call

has been requested. Is that sufficiently seconded? It is sufficiently seconded. Members will kindly take their seats. The House will be in order. The question before the House is the recommendation that the bill Ought to Pass with Amendment. The Chair recognizes Rep. Abrami for a parliamentary inquiry.

Rep. Abrami: Thank you, Mister Speaker. Mister Speaker, if I know that the New Hampshire business tax reductions have had a significant stimulative impact on business growth resulting in one of the lowest unemployment rates in the country. And, if I know revenue for the first eight months of this year are \$134.5 million above plan with a good percentage due to these tax cuts. And, if I also know that the additional cuts that are scheduled will add to the business growth and continued growth in business tax revenues. And, Mister Speaker, if I know that the reversal of the future business tax cuts, cuts that companies across New Hampshire, small and large, have based their business plans upon is a betrayal to our business community by this legislature. Would I then press the red button to vote down the pending motion, so another motion can be made? Thank you, Mister Speaker.

Speaker Shurtleff: The Chair recognizes Rep. Ley for a parliamentary inquiry.

Rep. Ley: Thank you, Mister Speaker. Mister Speaker, if I know I heard a great deal of concern about rising property taxes while on the campaign trail this past Autumn. And, if I understand correlation and know that continuing to reduce the business taxes will only result in skyrocketing property taxes for our constituents. And, if I know that unpredictable property tax increases cause undue stress for New Hampshire families and undermine their ability to plan for the future. And, finally, if I know this bill does not increase business taxes, but simply freezes tax cuts that are primarily benefiting our large out of state corporations, would I now press the green button to pass this bill and stop funding government on the backs of those who can least afford it? Thank you.

Speaker Shurtleff: The question before the House is that the bill Ought to Pass as Amended. 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 200 members having voted Yea and 141 voting Nay, the recommendation is adopted. This bill will be sent to the Finance Committee as a second committee. Representative Avellani declared a conflict of interest and did not participate in this vote.

REGULAR CALENDAR CONT'D

HB 686-FN-A-L, relative to calculating and funding the interim cost of an opportunity for an adequate education and extending the interest and dividends tax to capital gains. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard Ames for the Majority of Ways and Means. The first part of this bill, as amended, extends the existing 5% tax on interest and dividends to capital gains, more than triples the personal exemption from the tax for seniors over age 65, and more than doubles the dollar amount of all other personal exemptions from the tax. An individual taxpayer under age 65 will be eligible for a \$5,000 personal exemption. A married couple, both over age 65, will be eligible for \$25,000 in total personal exemptions. Capital gain proceeds from primary residence sales and capital gains earned within IRAs and 401k retirement accounts would also be exempt. Estimates reviewed by the committee show that the extended tax, net of the higher exemption amounts, would likely have produced between \$150 and \$180 million per year if it had been fully in place in fiscal years 2018 and 2019. These estimates indicate that about 83% of the new revenue would come from taxpayers with adjusted gross income above \$200,000, a result that will help move our tax system in the direction of fairness. These estimates also indicate that more than 4,500 New Hampshire taxpayers would experience a net tax reduction as a result of the higher personal exemptions. New economic conditions could, of course, substantially alter these results in future years. The new revenue produced by the bill enables sorely needed public education funding and property tax relief. This funding and relief is accomplished in the second part of the bill by fully reversing all stabilization grant cuts, by reducing the statewide education property tax (SWEPT) rate by 25%, by increasing per pupil education adequacy grants, and by recommending a study commission to develop a long-term resolution to ongoing public education funding issues. The second part of the bill was not assessed by the Ways and Means Committee on the understanding that this part would be subject to a second committee review. Accordingly, the Ways and Means Committee majority recommends Ought to Pass on this bill, as amended, and then referral to the finance committee for consideration of the education and property tax relief components of the bill. Vote 12-7.

Rep. Patrick Abrami for the Minority of Ways and Means. The minority of the committee, knowing that this was a two-committee bill, thus focused just on the taxation portion of this bill and not the education funding portion of the bill which will be handled by the Finance Committee. This bill calls for capital gains to be taxed at the same rate as the current interest and dividends tax, which is 5 percent. Yes, the exemptions for all three categories of income-combined would go up, but not enough to offset the negative effects of this tax. A capital gain is a profit realized on the sale of a non-inventory asset that was purchased at a cost amount that was lower than the amount realized on the sale of the asset. The minority believes this would be an attack on business creation. This is a tax on risk taking. There are no guarantees when you invest your money in

a business. If the business fails, the investors lose their money. With this tax as proposed, New Hampshire will not join the investor in sharing in their loss but will seek 5 percent on the gain realized by the sale of a successful business. This goes for ownership of stocks, bonds, precious metals, property, and other non-inventory assets. There are nine states, including NH, that do not have a capital gains tax and eight others that have capital gain tax rates below those being recommended in this bill. The minority feels imposing a capital gains tax will slow our economic growth which has resulted in huge increases in revenues to the state. In the short run, this may seem like a means to increase state revenue, but in the long-run, it will result in a decline in overall revenue as a result of the economic slowdown that would result from this tax. The job of the NH Department of Business and Economic Affairs, to attract entrepreneurs to NH, will be made harder if this bill passes, since they will now have to explain this 5 percent tax on risk taking and success.

Majority Amendment (0404h)

Amend RSA 77:3, I to read as follows:

I. Taxable income is that ***interest, dividend, and capital gain*** income, ***as defined in RSA 77:4***, received ~~[from interest and dividends]~~ during the tax year prior to the assessment date by:

(a) Individuals who are inhabitants or residents of this state for any part of the taxable year whose gross interest ~~[and]~~, ***gross*** dividend ~~[income from all sources]~~, ***and capital gain income, as defined in RSA 77:4***, including income from a qualified investment company pursuant to RSA 77:4, V, exceeds ~~[\$2,400]~~ ***\$5,000*** during that taxable period.

(b) Partnerships, limited liability companies, and associations, the beneficial interest in which is not represented by transferable shares, whose gross interest ~~[and]~~, ***gross*** dividend, ~~[income from all sources]~~ ***and capital gain income, as defined in RSA 77:4***, exceeds ~~[\$2,400]~~ ***\$5,000*** during the taxable year, but not including a qualified investment company as defined in RSA 77-A:1, XXI, or a trust comprising a part of an employee benefit plan, as defined in the Employee Retirement Income Security Act of 1974, section 3.

(c) Executors deriving their appointment from a court of this state whose gross interest ~~[and]~~, ***gross*** dividend, ~~[income from all sources]~~ ***and capital gain income, as defined in RSA 77:4***, exceeds ~~[\$2,400]~~ ***\$5,000*** during the taxable year.

3 Taxation of Incomes; What Taxable. Amend RSA 77:4, IV and V to read as follows:

IV. ~~[Dividends, other than that portion of a dividend declared by corporations to be a return of capital and considered by the federal internal revenue service to be such, the exemption of which is permitted by RSA 77:7.]~~ ***The capital gain reported on the taxpayer's federal income tax return which shall be the amount, if any, that is equal to the positive sum of the net short-term capital gain or loss and the net long-term capital gain or loss reported on that return.***

V. Amounts reported and taxed federally as ~~[dividends or interest]~~ ***interest, dividend, or capital gain income*** to a holder of an ownership interest in a qualified investment company as defined in RSA 77-A:1, XXI, a mutual fund, or a unit investment trust.

4 Taxation of Incomes; Exclusion of Certain Income; Employee Benefit Plans. Amend RSA 77:4-b to read as follows:

77:4-b ~~[Interest and Dividend]~~ Income of Employee Benefit Plans and Tax Deferred Investments Not Taxable. Notwithstanding any provisions of RSA 77:4 to the contrary, ~~[interest and dividend income]~~ ***interest, dividend, and capital gain income, as defined in RSA 77:4***, received by an employee benefit plan as defined by the Employee Retirement Income Security Act of 1974, section 3, or any successor act enacted for the purpose of regulating employee benefit plans, or an individual retirement arrangement, Keogh plan or any other arrangement pursuant to which payment of federal tax on the income thereof and of the plan sponsors, participants and beneficiaries is deferred, shall at no time be considered taxable income under RSA 77:4, either to the plan or arrangement or to its sponsors, participants or beneficiaries, irrespective of when or whether all or any portion of such income is accumulated or expended for the benefit of, or distributed in any form or manner to, such sponsors, participants or beneficiaries.

5 Taxation of Incomes; Exclusion of Certain Income; Qualified Investment Companies, Mutual Funds, and Unit Investment Trusts. Amend the introductory paragraph of RSA 77:4-d to read as follows:

77:4-d Special Rule for Qualified Investment Companies, Mutual Funds, and Unit Investment Trusts. Notwithstanding any other provision of RSA 77:4, the following income items shall not be treated as ~~[dividends or interest]~~ income taxable under this chapter:

6 Taxation of Incomes; Exclusion of Certain Income; College Tuition Savings Plans. Amend RSA 77:4-e to read as follows:

77:4-e ~~[Interest and Dividends]~~, ***Dividend, and Capital Gain Income*** from Funds Invested in College Tuition Savings Plan Not Taxable. Notwithstanding any provision of RSA 77:4, income and distributions from any qualified tuition program as defined in the Internal Revenue Code of 1986, as amended, shall not be taxable under this chapter to the plan or to its sponsors, participants, or beneficiaries to the extent that the same is exempt from federal income taxation under section 529 of the Internal Revenue Code of 1986, as amended, as that section was in effect on July 1, 2003.

7 Taxation of Incomes; Excess Compensation. Amend RSA 77:4-g to read as follows:

77:4-g ~~[Dividend]~~ **Excess Compensation.** Excess compensation determined by audit of the department shall not be considered ~~[a dividend]~~ **taxable income** under this chapter unless such determination is accepted by the Internal Revenue Service.

8 Taxation of Incomes; ABLE Plans. Amend RSA 77:4-h to read as follows:

77:4-h Interest ~~[and Dividends]~~, **Dividend, and Capital Gain Income** from Funds Invested in Achieving a Better Life Experience (ABLE) Plan Not Taxable. Notwithstanding any provision of RSA 77:4, income and distributions from any Achieving a Better Life Experience (ABLE) plan as defined in the Internal Revenue Code of 1986, as amended, shall not be taxable under this chapter to the plan or its sponsors, participants, or beneficiaries to the extent that the same is exempted from federal income taxation under section 529A of the Internal Revenue Code of 1986, as amended.

9 Exemptions Increased. Amend RSA 77:5 to read as follows:

77:5 Exemptions. Each taxpayer shall have the following exemptions:

I. Income of ~~[\$2,400]~~ **\$5,000.**

II. An additional ~~[\$1,200]~~ **\$7,500** if either or both taxpayers are 65 years of age or older on the last day of the tax year.

III. An additional ~~[\$1,200]~~ **\$2,500** if either or both taxpayers are blind.

IV. An additional ~~[\$1,200]~~ **\$2,500** if either or both taxpayers are disabled, unable to work, and have not yet reached their sixty-fifth birthday.

10 Taxation of Incomes; Married Taxpayers; Joint Returns. Amend RSA 77:5-a to read as follows:

77:5-a Married Taxpayers; Joint Returns. A married taxpayer may claim the exemptions provided in RSA 77:5 for both self and spouse, regardless of the ownership of the ~~[income from interest or dividends,]~~ **interest, dividend, or capital gain income, as defined in RSA 77:4**, provided that both ~~[husband and wife]~~ **spouses** file a joint return.

11 Taxation of Incomes; Decedents Estates. Amend RSA 77:9 to read as follows:

77:9 Decedents' Estates. The estates of deceased persons who last dwelt in this state shall be subject to the taxes imposed by this chapter upon all taxable income received by such persons during their lifetime, which has not already been taxed. The ~~[income]~~ **interest, dividend, or capital gain income, as defined in RSA 77:4**, received by such estates during administration shall be taxable to the estate, except such proportion thereof as equals the proportion of the estate to be distributed to non-taxable persons or organizations. The commissioner of revenue administration and executors and administrators of estates may effect a settlement by compromise of any question of doubt or dispute arising under this section.

12 Taxation of Incomes; Income From Trusts. Amend RSA 77:10 to read as follows:

77:10 Income From Trusts. ~~[Interest and dividend income]~~ **The interest, dividend, and capital gain income**, received by estates held by trustees treated as grantor trusts under section 671 of the United States Internal Revenue Code shall be included in the return of their grantor, to the extent that the grantor is an inhabitant or resident of this state. Income reported by, and taxed federally as interest ~~[or dividends to]~~, **dividend, or capital gain income to** a trust beneficiary who is an individual inhabitant or resident of this state with respect to distributions from a trust that is not treated as a grantor trust under section 671 of the United States Internal Revenue Code shall be included as interest ~~[or dividends]~~, **dividend, or capital gain income** in the return of such beneficiary and subject to taxation in accordance with the provisions of this chapter.

13 Taxation of Incomes; Returns and Declaration. Amend RSA 77:18, IV(a) and (b) to read as follows:

(a) Every individual whose total ~~[interest and dividend income]~~ **interest, dividend, or capital gain income, as defined in RSA 77:4**, is less than ~~[\$2,400]~~ **\$5,000** for a taxable period.

(b) For joint filers whose total ~~[interest and dividend income]~~ **interest, dividend, or capital gain income, as defined in RSA 77:4**, is less than ~~[\$4,800]~~ **\$10,000** for a taxable period.

14 Repeals. The following are repealed:

I. RSA 77:4-c, relative to sale or exchange of transferable shares not taxable.

II. RSA 77:7, relative to capital distribution.

15 Adequate Education; Interim Cost. Amend RSA 198:40-a to read as follows:

198:40-a Cost of an Opportunity for an Adequate Education.

I. For the biennium beginning July 1, ~~[2015]~~ **2019**, the **interim** annual cost of providing the opportunity for an adequate education as defined in RSA 193-E:2-a shall be as specified in paragraph II. **For subsequent state fiscal years**, the department shall adjust the rates specified in this paragraph in accordance with RSA 198:40-d.

II.(a) A cost of ~~[\$3,561.27]~~ **\$4,000** per pupil in the ADMA, plus differentiated aid as follows:

(b) An additional ~~[\$1,780.63]~~ **\$1,900** for each pupil in the ADMA who is eligible for a free or reduced price meal; plus

(c) An additional [~~\$697.77~~] **\$740** for each pupil in the ADMA who is an English language learner; plus

(d) An additional [~~\$1,915.86~~] **\$2,035** for each pupil in the ADMA who is receiving special education services; plus

~~[(e) An additional \$697.77 for each third grade pupil in the ADMA with a score below the proficient level on the reading component of the state assessment administered pursuant to RSA 193-C:6 or the authorized, locally-administered assessment as provided in RSA 193-C:3, IV(i), provided the pupil is not eligible to receive differentiated aid pursuant to subparagraphs (b)-(d). A school district receiving aid under this subparagraph shall annually provide to the department of education documentation demonstrating that the district has implemented an instructional program to improve non-proficient pupil reading.]~~

III. The sum total calculated under paragraph II shall be the *interim* cost of an adequate education. The department shall determine the *interim* cost of an adequate education for each municipality based on the ADMA of pupils who reside in that municipality.

16 Adjustment; Rates Per Pupil. Amend RSA 198:40-d to read as follows:

198:40-d Consumer Price Index Adjustment. Beginning July 1, [~~2017~~] **2021** and **for every biennium thereafter**, the department of education shall adjust **for each fiscal year of the biennium** 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. **For the first year of the biennium**, 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. **For the second year of the biennium, the adjustment from the adjusted first-year cost of an adequate education shall be the same as the average change calculated for the first year of the biennium.**

17 Adequate Education; Determination of Grants. Amend RSA 198:41, IV(d) to read as follows:

(d) For fiscal [~~year 2017 and each fiscal year thereafter~~] **years 2018 and 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~~] **92 percent for fiscal year 2018, and 88 percent for fiscal year 2019, subject, however, to the provisions of subparagraphs (e) and (f).**

(e) **For fiscal year 2017 and each fiscal year thereafter**, 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.

(f) **For fiscal year 2019, the department of education shall further distribute an additional stabilization grant to each municipality equal to the difference between the stabilization grant distributed to the municipality for fiscal year 2019 pursuant to subparagraph (d) and the municipality’s fiscal year 2012 stabilization grant, if any, distributed to the municipality, subject, however, to the provisions of subparagraph (e).**

(g) **For fiscal year 2020 and each fiscal year thereafter, the department of education shall calculate a total interim education grant for each municipality in an amount equal to the total interim education grant for the cost of an adequate education for the fiscal year in which the grant is calculated plus the total amount of the fiscal year 2012 stabilization grant, if any, distributed to the municipality, and shall distribute said total grant, provided, however, that no increase in the total grant, including the stabilization grant, distributed to a municipality for fiscal year 2020 above the total grant distributed to that municipality for fiscal year 2019 shall exceed one-half of the total increase in said grant, including the stabilization grants, otherwise calculated for said municipality for fiscal year 2020 pursuant to the provisions of subparagraphs (a) through (f).**

18 Education Tax. Amend RSA 76:3 to read as follows:

76:3 Education Tax. Beginning July 1, [~~2005~~] **2021**, and every fiscal year thereafter, the commissioner of the department of revenue administration shall set the education tax rate at a level sufficient to generate revenue of [~~\$363,000,000~~] **\$272,000,000** when imposed on all persons and property taxable pursuant to RSA 76:8, except property subject to tax under RSA 82 and RSA 83-F. The education property tax rate shall be effective for the following fiscal year. The rate shall be set to the nearest 1/2 cent necessary to generate the revenue required in this section.

19 Applicability. Sections 2-14 of this act shall be applicable to tax periods ending on and after December 31, 2020.

20 Effective Date.

I. Sections 16 and 18 of this act shall take effect July 1, 2021.

II. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill extends the interest and dividends tax to capital gains and increases exemptions for the tax. The bill revises the per pupil rates for the formula for determining adequate education grants to school districts. The bill also reduces the total amount collected from the state education property tax beginning July 2021. Majority committee amendment adopted.

MOTION TO LAY ON THE TABLE

Rep. Steven Smith moved that **HB 686-FN-A-L**, relative to calculating and funding the interim cost of an opportunity for an adequate education and extending the interest and dividends tax to capital gains, be laid on the table.

Rep. Bixby requested a roll call; sufficiently seconded.

YEAS 139 - NAYS 203**YEAS - 139****BELKNAP**

Aldrich, Glen
Fields, Dennis
Mackie, Jonathan

Bean, Harry
Howard, Raymond
Spanos, Peter

Comtois, Barbara
Jurius, Deanna
Sylvia, Michael

Feeney, George
Lang, Timothy
Viens, Harry

CARROLL

Avellani, Lino
Marsh, William

Comeau, Ed
Nelson, Bill

Cordelli, Glenn

MacDonald, John

CHESHIRE

O'Day, John

COOS

Craig, Kevin

Fothergill, John

Furbush, Michael

Merner, Troy

GRAFTON

Gordon, Edward

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
Burns, Charles
Erf, Keith
Graham, John
Hopper, Gary
Marzullo, JP
Plett, Fred
Renzullo, Andrew
Warden, Mark

Alexander, Joe
Burt, John
Flanagan, Jack
Greene, Bob
L'Heureux, Robert
McLean, Mark
Proulx, Mark
Rice, Kimberly
Whittemore, James

Belanger, James
Camarota, Linda
Gagne, Larry
Gunski, Michael
Ober, Lynne
Notter, Jeanine
Prout, Andrew
Lekas, Tony

Boehm, Ralph
Danielson, David
Gould, Linda
Hinch, Richard
Lascelles, Richard
Nunez, Hershel
Ober, Russell
Ulery, Jordan

MERRIMACK

Allard, James
Kotowski, Frank
Testerman, Dave

Hill, Gregory
Marple, Richard
Walsh, Thomas

Horn, Werner
McGuire, Carol
Yakubovich, Michael

Klose, John
Pearl, Howard

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Costable, Michael
Desilets, Joel
Edwards, Jess
Harb, Robert
Janigian, John
Love, David
McMahon, Charles
Piemonte, Tony
Roy, Terry
True, Chris
Welch, David

Abrami, Patrick
Barnes, Arthur
Davis, Dan
DeSimone, Debra
Gay, Betty
Hobson, Deborah
Janvrin, Jason
Griffin, Mary
Melvin, Charles
Potucek, John
Spillane, James
Verville, Kevin
Weyler, Kenneth

Abramson, Max
Bershtein, Alan
Thomas, Douglas
Dolan, Tom
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
Pearson, Mark
Milz, David
Pratt, Kevin
Sytek, John
Wallace, Scott
Yokela, Josh

Acton, Dennis
Chirichiello, Brian
DeClercq, Edward
Doucette, Fred
Guthrie, Joseph
Osborne, Jason
Khan, Aboul
McKinney, Betsy
Packard, Sherman
Prudhomme-O'Brien, Katherine
Torosian, Peter
Webb, James

STRAFFORD

Harrington, Michael
McNally, Jody
Beaudoin, Steven

Hayward, Peter
Perreault, Mona
Wuelper, Kurt

Horgan, James
Pitre, Joseph

Kittredge, Mac
Rooney, Abigail

SULLIVAN

Aron, Judy
Rollins, Skip

Callum, John
Stapleton, Walter

Laware, Thomas
Smith, Steven

Lucas, Gates

NAYS - 203**BELKNAP**

Huot, David

St. Clair, Charlie

CARROLL

Buco, Thomas
Knirk, Jerry

Burroughs, Anita
Ticehurst, Susan

Butler, Edward
Woodcock, Stephen

DesMarais, Edith

CHESHIRE

Abbott, Michael
Eaton, Daniel
Ley, Douglas
Schapiro, Joe
Pearson, William

Ames, Richard
Faulkner, Barry
Mann, John
Swinburne, Sandy
Weber, Lucy

Berch, Paul
Fenton, Donovan
Meador, David
Thompson, Craig

Bordenet, John
Gomarlo, Jennie
Parkhurst, Henry
Von Plinsky, Sparky

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Dontonville, Roger
Josephson, Timothy
Muscatel, Garrett
Stavis, Laurel

Adjutant, Joshua
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Stringham, Jerry

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

Campion, Polly
French, Elaine
Mulligan, Mary Jane
Ruprecht, Dennis
Weston, Joyce

HILLSBOROUGH

Bouldin, Amanda
Baroody, Benjamin
Bosman, James
Cohen, Bruce
Dutzy, Sherry
Goley, Jeffrey
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
Thomas, Wendy

Bouldin, Andrew
Beaulieu, Jane
Bouchard, Donald
Connors, Erika
Espitia, Manny
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
Williams, Kermit

Backus, Robert
Bergeron, Paul
Chretien, Jacqueline
Dargie, Paul
Davis, Fred
Hall, Brett
Herbert, Christopher
Judy, Jean
Komi, Richard
Mangipudi, Latha
Mullen, Sue
O'Brien, Michael
Porter, Marjorie
Riel, Cole
Snow, Kendall
Stevens, Deb
Vail, Suzanne

Balch, Chris
Bordy, William
Cleaver, Skip
DiSilvestro, Linda
Freitas, Mary
Hamer, Heidi
Indruk, Greg
King, Mark
Leishman, Peter
Martin, Joelle
Murphy, Nancy
Pedersen, Michael
Query, Joshua
Rung, Rosemarie
Sofikitis, Catherine
Smith, Timothy
Vann, Ivy

MERRIMACK

Bartlett, Christy
Fox, Samantha
Luneau, David
Pimentel, Roderick
Schamberg, Thomas
Turcotte, Alan
Wells, Kenneth

Buchanan, Ryan
Fulweiler, Joyce
MacKay, James
Rodd, Beth
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

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

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
DiLorenzo, Charlotte
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Warner, Anne

Berrien, Skip
Cali-Pitts, Jacqueline
Eisner, Mary
Murray, Kate
Maggiore, Jim
Meuse, David

Bunker, Lisa
Coursin, David
Gilman, Julie
Le, Tamara
Malloy, Dennis
Vallone, Mark

Bushway, Patricia
Cushing, Robert Renny
Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Ward, Gerald

STRAFFORD

Bixby, Peter
Ellis, Donna

Cannon, Gerri
Fargo, Kristina

Chase, Wendy
Fontneau, Timothy

Conley, Casey
Gourgue, Amanda

Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Southworth, Thomas
Wall, Janet

Higgins, Peg
Levesque, Cassandra
Rich, Cecilia
Towne, Matthew

Horrigan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Treleven, Susan

Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Vincent, Kenneth

SULLIVAN

Cloutier, John
Tanner, Linda

Merchant, Gary

Oxenham, Lee

Sullivan, Brian

and the motion failed.

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

Rep. Ames spoke in favor and yielded to questions.

Rep. Martin spoke in favor.

Rep. Abrami spoke against and yielded to questions.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 199 - NAYS 143

YEAS - 199 BELKNAP

Huot, David

St. Clair, Charlie

CARROLL

Burroughs, Anita
Ticehurst, Susan

Butler, Edward
Woodcock, Stephen

DesMarais, Edith

Knirk, Jerry

CHESHIRE

Abbott, Michael
Eaton, Daniel
Ley, Douglas
Schapiro, Joe
Pearson, William

Ames, Richard
Faulkner, Barry
Mann, John
Swinburne, Sandy
Weber, Lucy

Berch, Paul
Fenton, Donovan
Meador, David
Thompson, Craig

Bordenet, John
Gomarlo, Jennie
Parkhurst, Henry
Von Plinsky, Sparky

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Stringham, Jerry

Adjutant, Joshua
Ford, Susan
Massimilla, Linda
Osborne, Richard
Smith, Suzanne

Almy, Susan
French, Elaine
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

Dontonville, Roger
Josephson, Timothy
Muscateel, Garrett
Stavis, Laurel
Weston, Joyce

HILLSBOROUGH

Bouldin, Amanda
Baroody, Benjamin
Bosman, James
Cohen, Bruce
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Murray, Megan
Mombourquette, Donna
Nutting-Wong, Allison
Piedra, Israel
Radhakrishnan, Julie
Shaw, Barbara
Stack, Kathryn
Toomey, Dan
Williams, Kermit

Bouldin, Andrew
Beaulieu, Jane
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
Snow, Kendall
Stevens, Deb
Vail, Suzanne

Backus, Robert
Bergeron, Paul
Chretien, Jacqueline
Dargie, Paul
Davis, Fred
Hall, Brett
Herbert, Christopher
Judy, Jean
Komi, Richard
Martin, Joelle
Murphy, Nancy
Pedersen, Michael
Query, Joshua
Rung, Rosemarie
Sofikitis, Catherine
Smith, Timothy
Vann, Ivy

Balch, Chris
Bordy, William
Cleaver, Skip
DiSilvestro, Linda
Freitas, Mary
Hamer, Heidi
Indruk, Greg
King, Mark
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Pickering, Daniel
Newman, Ray
Newman, Sue
St. John, Michelle
Telerski, Laura
Thomas, Wendy

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Bartlett, Christy
Fox, Samantha
Luneau, David
Pimentel, Roderick

Buchanan, Ryan
Fulweiler, Joyce
MacKay, James
Rodd, Beth

Carson, Clyde
Karrick, David
McWilliams, Rebecca
Rogers, Katherine

Ebel, Karen
Lane, Connie
Myler, Mel
Saunderson, George

Schamberg, Thomas
Turcotte, Alan
Wells, Kenneth

Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

Schultz, Kristina
Walz, Mary Beth

Soucy, Timothy
Wazir, Safiya

ROCKINGHAM

Berrien, Skip
Cali-Pitts, Jacqueline
Eisner, Mary
Murray, Kate
Maggiore, Jim
Meuse, David

Bunker, Lisa
Coursin, David
Gilman, Julie
Le, Tamara
Malloy, Dennis
Vallone, Mark

Bushway, Patricia
Cushing, Robert Renny
Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Ward, Gerald

Cahill, Michael
DiLorenzo, Charlotte
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Warner, Anne

STRAFFORD

Bixby, Peter
Ellis, Donna
Higgins, Peg
Levesque, Cassandra
Rich, Cecilia
Treleaven, Susan

Cannon, Gerri
Fargo, Kristina
Horrigan, Timothy
Smith, Marjorie
Sandler, Catt
Vincent, Kenneth

Chase, Wendy
Gourgue, Amanda
Keans, Sandra
Opderbecke, Linn
Southworth, Thomas
Wall, Janet

Conley, Casey
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Towne, Matthew

SULLIVAN

Cloutier, John
Stapleton, Walter

Merchant, Gary
Sullivan, Brian

Oxenham, Lee

Rollins, Skip

NAYS - 143

BELKNAP

Aldrich, Glen
Fields, Dennis
Mackie, Jonathan

Bean, Harry
Howard, Raymond
Spanos, Peter

Comtois, Barbara
Jurius, Deanna
Sylvia, Michael

Feeney, George
Lang, Timothy
Viens, Harry

CARROLL

Avellani, Lino
Marsh, William

Buco, Thomas
Nelson, Bill

Cordelli, Glenn

MacDonald, John

CHESHIRE

O'Day, John

COOS

Craig, Kevin

Fothergill, John

Furbush, Michael

Merner, Troy

GRAFTON

Gordon, Edward

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
Burns, Charles
Erf, Keith
Graham, John
Hopper, Gary
Leishman, Peter
Nunez, Hershel
Ober, Russell
Ulery, Jordan

Alexander, Joe
Burt, John
Flanagan, Jack
Greene, Bob
L'Heureux, Robert
Marzullo, JP
Plett, Fred
Renzullo, Andrew
Warden, Mark

Belanger, James
Camarota, Linda
Gagne, Larry
Gunski, Michael
Ober, Lynne
McLean, Mark
Proulx, Mark
Rice, Kimberly
Whittemore, James

Boehm, Ralph
Danielson, David
Gould, Linda
Hinch, Richard
Lascelles, Richard
Notter, Jeanine
Prout, Andrew
Lekas, Tony

MERRIMACK

Allard, James
Kotowski, Frank
Testerman, Dave

Hill, Gregory
Marple, Richard
Walsh, Thomas

Horn, Werner
McGuire, Carol
Yakubovich, Michael

Klose, John
Pearl, Howard

ROCKINGHAM

Abbas, Daryl
Altschiller, Debra
Chirichiello, Brian
DeClercq, Edward
Doucette, Fred
Guthrie, Joseph
Osborne, Jason
Khan, Aboul
Pearson, Mark
Milz, David
Potucek, John

Abrami, Patrick
Baldasaro, Al
Costable, Michael
Desilets, Joel
Edwards, Jess
Harb, Robert
Janigian, John
Kolodziej, Walter
McKinney, Betsy
O'Connor, John
Pratt, Kevin

Abramson, Max
Barnes, Arthur
Davis, Dan
DeSimone, Debra
Gay, Betty
Hobson, Deborah
Janvrin, Jason
Love, David
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine

Acton, Dennis
Bershtein, Alan
Thomas, Douglas
Dolan, Tom
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
Griffin, Mary
Melvin, Charles
Piemonte, Tony
Roy, Terry

Spillane, James
Verville, Kevin
Weyler, Kenneth

Sytek, John
Wallace, Scott
Yokela, Josh

Torosian, Peter
Webb, James

True, Chris
Welch, David

STRAFFORD

Fontneau, Timothy
Kittredge, Mac
Rooney, Abigail

Harrington, Michael
McNally, Jody
Beaudoin, Steven

Hayward, Peter
Perreault, Mona
Salloway, Jeffrey

Horgan, James
Pitre, Joseph
Wuelper, Kurt

SULLIVAN

Aron, Judy
Smith, Steven

Callum, John

Laware, Thomas

Lucas, Gates

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

MOTION TO PRINT DEBATE

Rep. Porter moved that the debate on **HB 686-FN-A-L**, relative to calculating and funding the interim cost of an opportunity for an adequate education and extending the interest and dividends tax to capital gain, be printed in the Permanent Journal.

Motion adopted.

DEBATE ON HB 686-FN-A-L

Rep. Steven Smith: Thank you, Mister Speaker. I am a little confused about a process and I was hoping you can straighten me out. We have passed, I believe, two bills currently related to the formula for funding an adequate education and stabilization grants and those bills, one of those repeals grants and the other extends them. So, they conflict and now we have a third bill about the funding formula. Can you tell me how all of that gets resolved because they can't all pass, can they?

Speaker Shurtleff: I will not comment on whether they pass or not. They will be going to second committees and this one will also. If it should pass, it will be going to the Finance Committee and I have great faith in our Finance Committee. I'm sure your questions will be answered at that body. Further question? I see the pause.

Rep. Steven Smith: Yes, thank you, Mister Speaker. I apologize for not characterizing my question properly. It wasn't whether or not you thought they were going to be popular and make it on a vote, but procedurally can the language in all of those bills all become law simultaneously? Do you know the answer?

Speaker Shurtleff: That I cannot give you an honest answer. Let me refer it to the clerk. This is how good my memory is. I just talked to the clerk and I thank him for his advice, as always. As the clerk has just mentioned, the last bill passed will be the one that will be effective by law, however, we see a lot of bills that have different aspects to them. When they go to another committee, a lot of times those bills can be merged into one bill to resolve the issues that you have pointed out to the House. I thank the member for his question.

Rep. Steven Smith: Thank you. May I make a motion now?

Speaker Shurtleff: It depends on what the motion is.

Rep. Steven Smith: I would like to table HB 686. Thank you, Mister Speaker.

Speaker Shurtleff: That motion would be in order. The motion just made was to table HB 686. That motion is in order. Are you ready for the question? A roll call has been requested. Is that sufficiently seconded? It is sufficiently seconded. This will be a roll call vote. Members will kindly take their seats. The question before the House is the motion to table HB 686. The Chair recognizes Rep. Steven Smith for a parliamentary inquiry.

Rep. Steven Smith: Thank you, Mister Speaker. I've been here awhile, and it still seems unusual to me that we are barraging Finance with a bunch of conflicting bills and if I know that they can take any of the language of a bill that's not ITL'd and put it into their final product, then would I vote to table the bill to avoid them having one more thing to deal with?

Speaker Shurtleff: The Chair recognizes Rep. Ley for a parliamentary inquiry.

Rep. Ley: Thank you, Mister Speaker. Mister Speaker, if I know that this bill has garnered a great deal of attention from all sides. And, if I know that it is time for this bill to be heard. And, if I know that in response to a prior query, the last bill to go entirely through the process of legislation is the bill that stands, if there is conflict, would I now vote against tabling by pressing the red button? Thank you.

Speaker Shurtleff: The question before the House is the motion to table HB 686. If you are in favor of that motion, you'll press the green button. If you are opposed to tabling, 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 139 members voting Yea and 203 members voting Nay, the motion to table is defeated. The Chair recognizes the member from Jaffrey, Rep. Ames to speak in support of the recommendation.

Rep. Ames: I stand here to ask you to support HB 686, as modified by the committee amendment (0404h). HB 686 extends to capital gains. Our existing 5% investment earning tax that currently applies only to interest and dividends. HB 686 also raises personal exemptions, more than doubling the individual exemption and bringing the exemption for a married couple over the age of 65 up from \$7,200 to \$25,000. The expected

result will be substantial new revenues in spite of the fact that our 5% flat rate on capital gains will be lower than the comparable rates of taxation on capital gains of every other Northeastern state. A department of revenue administration static analysis using 2015 to 2016 data, estimated a net of about \$95 million in new revenue per year after accounting for the loss of revenue due to the higher exemptions. Other estimates using current data and current economic conditions put the likely net new revenues at about \$150 million annually. Of course, changing economic conditions will inevitably affect the actual amount of revenues collected in future years. There is no persuasive evidence, however, that the presence of a tax on capital gains in our neighboring Northeastern states has affected or will affect economic activity to the good or to the bad, nor will it have such an affect in New Hampshire. More than 80% of the new revenue likely will come from taxpayers with incomes above \$200,000. Taxpayers in the bottom two income quintiles will typically experience no tax increase. An estimated 4,600 taxpayers will actually pay lower taxes because of the higher personal exemptions. The bill uses the federal definition of capital gains. This means that gains from typical primary residents, sales and gains realized within pension plans will not be taxes. Current year losses will be netted out against current year gains. The new revenue produced by the bill will enable sorely needed public education funding and property tax relief. This is accomplished in the bill, in the second part of the bill, by fully reversing all stabilization grant cuts by reducing the statewide education property tax rate by 25%, by increasing per pupil education adequacy grants, and by recommending a study commission to develop a long-term resolution to ongoing public education funding issues. HB 686 responds to fundamental taxation and education funding inequities. Currently, the burden placed by New Hampshire taxation, state and local, on those with very low incomes as a portion of their income is about 4 times greater than the tax burden borne by those with very high income. Currently, those in the middle of the income spectrum, bear a tax burden that is about twice the burden borne by the most affluent taxpayers. Currently, business property owners pay business profits tax on capital gain realized when business assets are sold, but wealthy investors in the stock market pay no gain when they realize capital gain on their holdings. Currently, educational and tax burden disparities between communities reflecting wide swings by zip code, in income and wealth, dramatically worsen this picture of inequity. The capital gains component of this bill joined with its public-school funding, property tax relief component will move us in the direction of fairness. From my position on the House Ways and Means Committee, I watched closely the ebb and flow produced by the state's existing revenue sources. Those revenues are fully committed to the needs of existing state programs and we all know of needs that are not being met. Relief at the margins may be possible, but I do not believe that meaningful, sustainable relief from the property tax and educational inequities that I have referred to is possible without the new revenue that would be equitably generated by this bill. As one example, HB 709 approved by this body yesterday, is a bill that will provide significant education and property tax relief, but it will die in Finance – that is my prediction – if a new revenue source is not identified to pay for its \$100 million plus price tag. I ask that you join me in voting OTP, Ought to Pass, on HB 686, as amended by (0404h) so that it can proceed to the Finance Committee for an in-depth examination in conjunction with the other education funding bills that have been passed by this body for that in-depth examination of the property tax relief and the education funding part of the bill. Thank you.

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

Rep. Abrami: Thank you, Mister Speaker. Mister Speaker, I rise in opposition to HB 686. We just had a long discussion about the fact that this is a 2-committee bill and it is a 2-committee bill, but Ways and Means is charged with really just looking at the revenue part of this bill, which is the imposition of a capital gains tax. This will be going to Finance where they will figure out how to spend that money, if this bill is passed. This state since its founding has never had a capital gains tax. Mister Speaker, for the record, a capital gain is a profit realized on the sale of a non-inventory asset that was purchased at a cost amount that was lower than the amount realized on the sale of that asset. That is the textbook definition of what a capital gain is. This bill calls for taxing such a gain at 5%, as we heard a rate similar to the interest and dividend tax, which is already on the books. Yes, this bill does call for some increases on exemptions, on all three types of taxes combined, but the minority of Ways and Means argues that this action is not enough to impact the negative effects of this new tax. Mister Speaker, the minority feels this is an attack on business creation and a tax on risk taking. I will repeat, a tax on business creation and a tax on risk taking. Those who invest in business can win big and they can lose big. There are no guarantees. I will repeat, there are no guarantees. When you start a business, buy a stock, buy a building, whatever it may be, there is no guarantee that the value of those assets will go up. According to the Small Business Administration, 20.1% of businesses fail after the first year. 49% of the businesses fail in five years. 67% fail in ten years. The point is investors and risk takers lose money many times because there are no guarantees. Today in New Hampshire, we as a state, we do not lose or benefit from individuals willing to take a risk. We don't. If they want to take the risk, great. If they lose, it's their problem. If they win, great. This dynamic will change if this bill passes. New Hampshire will not share in losses by a failed business but will take 5% of the gain when the value of the business is

successful and goes up. In my estimation, this is not fair at all. Mister Speaker let me give you two examples. Mister Speaker, years ago you could have bought McDonald's, 50% interest in McDonald's for \$25,000, but guess what? At that time, no one was going to take that risk. No one because they thought their \$25,000 was going to go down a rat hole. But, if you had taken that risk, you would be a billionaire now. Example closer to me personally is my brother. He was building a business from scratch in the 80's and things were going along just fine until the recession. What happened was he lost his business, he lost his house he used to collateralize his business. Now, the government, that would be New York State, didn't come to his rescue and say we will help pay for your house that you lost because you risked everything on a business, but New York State would surely, if that business succeeded, would have been glad to take the tax from him for his success, the capital gain. There are nine states, including New Hampshire, without a capital gains taxes and eight others who have capital gains taxes with rates lower than what is being proposed in this bill. Being one of these nine states, there is a reason for our economic success. Mister Speaker, the minority feels in a time of strong economic growth and revenues some \$128.8 million above planned for the first seven months of the year and as you heard in my PA, I've adjusted that because at lunch I checked and in February we gained another \$5.7 million above plan and things are still rolling along pretty well. We've heard a lot of doom and gloom with some from the other side about this, but things are moving along just well so we are up \$134.5 million right now on plan with another four months to go. The last comment is that the job of the New Hampshire Department of Business and Economic Affairs to attract entrepreneurs to New Hampshire will be made harder. Mister Speaker, they will now have to explain this 5% tax on risk taking and success, risk taking and success to potential businesses that want to move to New Hampshire. Please vote no on the pending OTP motion so another motion can be brought forth. Thank you.

Speaker Shurtleff: Will the member yield to a question? The member yields, Rep. Spillane you may inquire.

Rep. Spillane: Thank you, Mister Speaker. Thank you to the member for taking my question. I first had this question come up while the prior member was speaking. The prior member mentioned that we had a, we were experiencing decreasing revenues due to higher exemptions. Isn't that just another way of saying we are letting people keep more of the money they have earned?

Rep. Abrami: Yes, but here's what is going on in Ways and Means. Here is what is going on with our state revenues. We also had the federal tax cuts and we know with the federal tax cuts there are some anomalies. What I think the other side was trying to say is that all of this increased revenue that we are seeing is due to the federal tax cuts and not the state tax cuts. I argue the other way. I think it has something to do with both and I wouldn't discount the fact that these business tax cuts have helped us all. Thank you.

Speaker Shurtleff: Will the member yield to another question? The member yields. Rep. Lemas you are recognized to ask your question.

Rep. Tony Lemas: Thank you, Mister Speaker. Thank you for taking my question. I'd like to know if I am correct in my understanding that capital gains can be a very volatile source of income. If the economy is doing well we might get a lot of money from it and come to depend on that money and set up spending depending on it, but if the economy goes down, that's likely to drop rapidly and it's a very spiky form of income and it could get us in a lot of trouble if we came to depend on that. Is that correct?

Rep. Abrami: Yes, in a good economy, assets usually grow in value so yes. If you decide to sell your business or your stock or your building or whatever it might be, you will probably have a gain on that. In a time of recession, that's not the case. Your value may go down so when you go to sell your business, you may sell it at a loss and therefore there will be no gain. Thank you.

Speaker Shurtleff: Will the member yield to another question? Rep. Flanagan, you are recognized.

Rep. Flanagan: Thank you, Mister Speaker. Thank you, to the Representative, for taking my question. Yesterday we talked about income taxes, especially with family medical leave insurance. If I traded stock and made a capital gain or if I had a corporation that I deferred all of my income until the end of the year, which was then considered a capital gain and took that as my salary, are we creating another income tax?

Rep. Abrami: I don't know if I would call it an income tax. If you own stocks, you can get two ways you find out that you have to pay tax. If the company makes a profit, you'll get a dividend and that dividend is taxable, but in their bookkeeping if they declare a capital gain because the company could sell off an asset or whatever during the year, there is a capital gain so that is also taxable as a capital gain. Thank you.

Speaker Shurtleff: Will the member yield to another question? The member does not yield. The Chair recognizes the member from Milford, Rep. Martin. This will be our last speaker.

Rep. Martin: Thank you, Mister Speaker. Good afternoon House colleagues. HB 686 presents us with an opportunity to address our constituents' biggest concerns, property tax relief and public-school funding. Every one of us has heard from our constituents about these two critical issues. Not one constituent has talked to me about businesses or taxes. In Milford, property tax rates have gone up over 50% in just 10 years. How many of our incomes have gone up 50% over that time? I continue to hear from seniors and hardworking families worried that escalating property taxes will force them out of their homes. Over the last two days we have heard a lot about the upward pressure forced on local property taxes due to down-

shifted state costs including inadequate state funding of our public schools. All of these state costs, all of these state cuts to public education have added up and downshifted a huge cost burden to our local property taxpayers. HB 686 will not only boost state education adequacy funding and strengthen our public schools for all of New Hampshire's children, it will also cut, yes, I said cut, the statewide education property tax for every New Hampshire citizen. This bill will also provide additional tax cuts, especially beneficial for our most vulnerable seniors. Seniors in my community who looked at a \$25,000 exemption and said oh my gosh I will never reach that, this is a great bill. This is a tax cut bill. HB 686 accomplishes all it sets out to without robbing another funding source as well, without depriving another critical need for our New Hampshire citizens. This bill responsibly funds these solutions outlined. It simply extends the existing interest and dividends tax to include all investment income at the same low rate. I'll repeat what my colleague from Jaffrey mentioned. Our tax rate is the lowest of all New England states. As State Representatives, we were elected to represent our constituents' best interests. HB 686 is our opportunity to address two of their biggest concerns, public education funding and property tax relief. So, let's put our legislative priorities in line with the people's priorities. The pro-property tax, anti-public education legislative priorities of recent years in this chamber can end today. Let's build a New Hampshire that works for everyone and pass this tax cut bill. Please vote Ought to Pass on HB 686. Thank you.

Speaker Shurtleff: Will the member yield to a question? The member does not yield. Rep. Harrington has a question for a member of the committee. Does any member of the committee wish to answer it? Rep. Ames is recognized as the Vice Chair of the committee to respond to Rep. Harrington's question. Rep. Harrington, you may inquire.

Rep. Harrington: Thank you, Mister Speaker. Thank you, Representative. There has been a lot of discussion on property tax relief and I have looked through this, I see there is going to be a 25% reduction in the state education property tax which is not a real large portion of people's property tax bill and then we are going to increase the public education adequacy grants, but there is nothing in this that prevents a school from simply getting more money from the state and just spending it and not reducing property taxes at all, does it? Is there something in the bill that makes them use it to cut taxes? Can they spend it any way they want to?

Rep. Ames: That's a good question. The bill and the amendment which is where the statewide education property tax feature come up, provides directly for a cut in the statewide education property tax and it is a 25% cut which translates to .51 cents per 1,000 across the state. So that will happen if this bill goes forward as written. There will be a property tax for everyone. On top of that, so the cost of that might be \$80 or \$90 million, I don't remember the exact number, but that's a cost and it goes directly to property tax relief on top of that with the expectation that there would be additional revenues beyond that. The additional money would go for education funding by an increase in the adequacy formula. I think the base rate goes up in my bill, in 686, to \$4,000 from the, I don't know, \$3,750 or so it's at now. That money is steered through the adequacy formula to the school districts and you are quite right, the local decision making at that point will determine whether that money translates into more spending or a return to the municipalities that are part of that school district or to that city in the form of a lower local school tax rate. It's a local decision-making process. The school district might propose a higher level of spending in which case all the money would be used up that way if they got through the local approval process. If it didn't, it goes back the other way.

Speaker Shurtleff: Will the member from Jaffrey yield to another question. Rep. McGuire, you may inquire.

Rep. McGuire: Thank you, Mister Speaker. Thank you for taking my question. I wonder if the Ways and Means Committee is familiar with the experience in Connecticut when they created an income tax to lower their property taxes?

Rep. Ames: I believe the Ways and Means Committee was fully aware of the experience not only in Connecticut, but in many other states. Thank you.

Speaker Shurtleff: Will you yield to another question? Rep. Abrami, you may inquire.

Rep. Abrami: Thank you very much, Mister Speaker.

Rep. Ames: I have a question to the Chair. Can a committee member ask a committee member a question? Is that in order?

Speaker Shurtleff: To ask the majority because it is about the majority's proposal is in order, but whether to answer that question lies with the member from the committee.

Rep. Abrami: So, members of my caucus are confused about how we can call this bill a tax cut bill when it is going to raise \$80 to \$120 million. We are very confused about that. It's a new tax. Let's be sure about that and do you disagree with that?

Rep. Ames: I'll try to respond. I have not called this a tax cut bill, just to be clear. However, this bill will, like all things in the world, matters are complicated, and this is a complicated bill. This bill will result in a tax cut for people at the lower end of the income spectrum among those who are currently paying interest and dividends tax and who do not experience, do not realize in the world they live in, capital gains. They will receive a reduction. They will pay less interest in dividends tax. That is tax cut number one. Tax cut number

two, if 686 goes through as amended is the SWEPT cut, the property tax cut. That's a 25% cut in the rate so that will be experienced by all taxpayers who pay property tax. Then there will be a tax increase and that's the tax on people who have capital gains and who's personal exemptions are used up before you get to the capital gains or halfway through the capital gains.

Speaker Shurtleff: Will the member yield to another question. The member yields, you may inquire.

Rep. Abrami: Thank you, Mister Speaker. Thank you to my friend again. So, aren't we taxing the wealth creators? Aren't we taxing, won't we be taxing those risk takers that are willing to take the risk to create business, to create jobs, that are going to create even more revenue by this bill? That's why I have a problem with it sounds like a redistribution of wealth bill to me. I think we are poking at the wrong place here in terms of taking a risk with those who would be the most productive in our society.

Speaker Shurtleff: Will the member suspend? Was that the end of the question?

Rep. Abrami: Aren't we going after the wrong group of people to put a new tax in place on?

Rep. Ames: I think this is a fair tax that is being proposed. It will be borne by people at the higher end of the income spectrum and that's the way our tax system should operate. Thank you.

Speaker Shurtleff: I want to thank the member from Jaffrey, the Vice Chair of Ways and Means, for his indulgence in answering the questions. Thank you. This will be a division vote. A roll call has been requested and sufficiently seconded. This will be a roll call vote. Members will kindly take their seats. The question before the House is the recommendation that the bill Ought to Pass as Amended. The Chair recognizes the member from Londonderry, Rep. Packard for a parliamentary inquiry.

Rep. Packard: Thank you, Mister Speaker. If I know that if this bill passes, for the first time since its founding, New Hampshire would require a 5% tax, new tax, on capital gains. If I also know that this is an attack on business creation and there is no guarantee of success when someone invests in a business as I have done twice. I have been successful, but I know many who haven't. And, if I know that our very robust economy would be negatively impacted by the imposition of a capital gains tax. And, Mister Speaker, if I know that if this bill passes that the New Hampshire Department of Business and Economic Affairs' job of attracting new businesses and risk takers to our state will be made much harder. And, if I know that this bill is a new tax, would I now press the red button and stop taking more money out of one pocket and putting less in the other? Thank you, Mister Speaker.

Speaker Shurtleff: The question before the House is the recommendation that the bill Ought to Pass as Amended. The Chair recognizes the member from Jaffrey, Rep. Ley, for a parliamentary inquiry.

Rep. Ley: Thank you, Mister Speaker. Mister Speaker, if I know that this bill addresses property tax relief and public-school funding, the top concerns of our constituents. And, if I know that inadequate education funding has already led to escalating property taxes that our constituents cannot afford and that continued increases will be devastating to many, many more of our constituents. And, finally, if I know this bill increases investment in public education, reduces the interest and dividend taxes for more than 4,500 Granite Staters and takes meaningful steps to provide property tax relief for virtually all Granite State citizens, would I now press the green button to support the committee report? Thank you.

Speaker Shurtleff: This is a roll call vote. The question before the House is the recommendation that the bill Ought to Pass as Amended. 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 199 voting Yea and 143 voting Nay, the motion of Ought to Pass as Amended passes.

BILLS REMOVED FROM THE CONSENT CALENDAR

HB 565-FN, directing the department of health and human services to issue a request for proposals (RFP) for supervised visitation centers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Elaine French for Children and Family Law. This bill, as amended, directs the department of health and human (DCYF) services to issue a request for proposal (RFP) to establish a supervised visitation center in each county. This bill will establish safe places for parents and children, who are involved in Division of Children, Youth and Families cases to visit. It sets a standard for visitation centers. Vote 17-1.

Amendment (0552h)

Amend RSA 170-G:22 as inserted by section 2 of the bill by inserting after paragraph II the following new paragraph:

III. All supervised visitation centers or facilities in New Hampshire shall adhere to the Guiding Principles of Safe Havens: Supervised Visitation and Safe Exchange Grant Program developed by the United States Department of Justice, Office on Violence Against Women and participate as a member in good standing in the New Hampshire Family Visitation and Access Cooperative.

Committee amendment adopted.

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

Rep. McGuire spoke against.

Rep Berrien spoke in favor.

On a division vote, with 244 members having voted in the affirmative, and 92 in the negative, the committee report was adopted and referred to the Committee on Finance.

HB 706-FN-A, establishing an independent redistricting commission. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Wayne Moynihan for Election Law. This bill establishes an independent redistricting commission. Legislators will recall that the decennial census of the United States will occur in 2020. Thereafter, using the new population and other relevant data from the census, each state must undertake the redistricting of its county, state, and federal electoral districts. Heretofore, NH has conducted redistricting in committees composed of members of the NH House and Senate. In NH and in other states the process of redistricting has routinely become an often bitterly contested, expensive and litigated, partisan battle. The word frequently used to describe the result is “gerrymandering.” This bill creates a framework in statutory law which will enable NH to have the next redistricting process conducted by an independent commission. The bill is designed to have the redistricting process undertaken by 15 citizens, selected from a pool of 45 citizens who fulfill the qualifications set out in the bill, including party, non-party status, and with as little partisan impact as is reasonably possible. The commission is independent, but the process continues to involve the Secretary of State, and the elected leadership of both the NH House and Senate. The process leaves the ultimate decision to adopt the commission’s plan in the legislature as our NH Constitution requires. 21 other states have adopted an independent process for redistricting. This NH independent redistricting commission will put the interest of voters, constituents, and communities of common interest ahead of purely political considerations. Vote 20-0.

Amendment (0597h)

Amend the bill by replacing section 1 with the following:

1 New Chapter; Independent Redistricting Commission. Amend RSA by inserting after chapter 662-A the following new chapter:

**CHAPTER 662-B
INDEPENDENT REDISTRICTING COMMISSION**

662-B:1 Independent Redistricting Commission Established. There is hereby established a New Hampshire independent redistricting commission (“commission”), that shall convene no later than July 1 every 10 years beginning in 2021, in order to:

I. Conduct an open and transparent process enabling full public consideration of and comment on the drawing of district lines.

II. Draw district lines according to the redistricting criteria specified in this chapter.

III. Conduct its business with integrity and fairness.

662-B:2 Eligibility to Serve on the Commission.

I. A person shall be eligible for appointment to the commission if the person has registered as a voter in New Hampshire, and has been a member of the same political party or with no political party since the previous statewide election.

II. Each commission member shall have voted in 2 of the last 3 statewide general elections immediately preceding his or her application for appointment to the commission.

III. No person shall be eligible to serve as a member of the commission if, at any point during the 4 years prior to submitting an application for appointment to the commission, the person:

(a) Has been a candidate for, or elected to, any federal, state, or county elective public office.

(b) Served as an officer or employee of, or consultant to, a major political party or a campaign committee of a candidate for federal, state, or county elective public office.

(c) Served as an elected or appointed member of the state committee of a political party.

(d) Has been registered as a lobbyist in New Hampshire.

(e) Has contributed 75 percent or more of the individual campaign contribution limit allowable under the Federal Election Campaign Act, or any successor law that replace the Federal Election Campaign Act, to any one federal candidate.

IV. No person shall be eligible to serve as a commission member if he or she is a staff member, consultant to, under a contract with, or a person with an immediate family relationship with the governor, secretary of state, any member of the legislature, executive council, county commission, or any member of the United States Congress. As used in this section, a member of a person’s immediate family is one with whom the person has a bona fide relationship established through blood or legal relation, including parents, children, siblings, and in-laws.

V.(a) By joining the commission, a member waives his or her right to hold any federal, state, county, elective public office or to hold any appointed state public office for a period of 4 years from the date of appointment to the commission, and agrees to complete a financial disclosure form 15A as is required of legislators before accepting appointment as a commissioner.

(b) A member of the commission shall not be eligible, for a period of 2 years from the appointment, to serve as an officer or employee of, or as a consultant to, the New Hampshire general court, or any individual legislator in the state or in the United States Congress, or to register as a lobbyist in this state.

662-B:3 Appointment of Commissioners.

I. The secretary of state shall identify the pool of eligible commissioners. He or she shall, to the extent practicable, notify all eligible persons and invite them to apply. These efforts shall include, but not be limited to:

(a) Advertising the application period and criteria in all daily newspapers in the state once a week for 4 consecutive weeks.

(b) Advertising the application period and criteria on the home page of all state agency websites.

(c) Requesting media to publicize the commission's search for eligible members.

II.(a) A person who is eligible to serve as a member of the commission may submit an application to the secretary of state no later than February 1 of each year ending in the number one. From all timely and eligible applications received, the secretary of state shall choose 45 potential members of the commission by March 15 of each year ending in the number one. The 45 persons so selected shall proportionally represent the 5 current executive council districts. In addition to fair geographic representation, the secretary of state shall, to the extent practicable, achieve racial, ethnic, and gender diversity within the applicant pool, reflective of the state's diversity.

(b) The 45 persons so selected shall be divided into 3 pools: 15 members who are members of the largest political party in the state; 15 members who are members of the next largest political party in the state; and 15 persons who are not members of either the largest or next largest political party in the state. The secretary of state shall interview the 45 persons, screening for applicants who are compromise oriented, are able to be impartial, and have an appreciation for New Hampshire's diverse demographics and geography. As a result of those interviews, and no later than May 1 of each year ending in the number 1, the 3 pools shall be reduced by 5 persons each. The majority and minority leaders in each house of the general court shall review the 30 potential members for a period of up to 3 weeks and may each strike 2 applicants, up to a maximum of 8 total strikes by the 4 legislative leaders in total.

(c) From the potential members remaining, and no later than May 22 of each year ending in one, the secretary of state shall appoint at random 3 members who are members of the largest political party in the state, 3 members who are members of the next largest political party in the state, and 3 persons who are not members of either the largest or next largest political party in the state. These 9 members shall then appoint the final 6 members from those persons remaining in the pool. Of the final 6 members, 2 members shall be members of the largest political party in the state, 2 members shall be members of the next largest political party in the state, and 2 persons shall not be members of either the largest or next largest political party in the state.

III. In the event of substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office, a member of the commission may, after being served written notice and given an opportunity for a response, be removed by a vote of 11 members of the commission. A finding of substantial neglect of duty or gross misconduct in office may result in referral to the New Hampshire attorney general for criminal prosecution.

IV. Vacancies on the commission shall be filled when they occur, by selecting a new member from among the original pool of applicants still willing to serve and from the same party category as the member that held the now vacant position, or by seeking a replacement in the same manner as initial appointments.

V. The term of office of commission members expires upon the appointment of the first member of the succeeding commission.

662-B:4 Commission Meetings.

I. The commission shall act in public meetings by the affirmative vote of at least 9 members, including at least 2 members who are members of each of the 2 largest political parties in the state and 2 who are not members of either the largest or next largest political party in the state.

II. All meetings of the commission shall be open to the public. The commission shall publicly post notice of its meetings on the commission website and other appropriate outlets at least 7 days prior to such meetings. All records of the commission, including all communications to or from the commission regarding the work of the commission, shall be made available for public inspection.

III. The commission shall hold at least one public meeting in each county prior to drawing any maps and at least one public meeting in each county after releasing any proposed maps.

IV. The commission shall create a website that shall provide, at a minimum, a description of the role of the commission in the redistricting process, timely information to the public about the time, place, and purpose of each meeting of the commission, reports, minutes, and such other information that will support an open and transparent process.

V. The commission shall provide a meaningful opportunity for all persons to participate in the public meetings, including, but not limited to, issuing notices in multiple languages and ensuring that translation and sign language services are available at all hearings at the commission's expense or through partnership with outside organizations. Meetings shall be held only in spaces that are accessible under the Americans with Disabilities Act of 1990, as amended.

VI. Commission meetings shall be adequately advertised and planned so as to encourage attendance and participation across the state. This includes scheduling meetings outside of regular work hours and using technology that allows for real-time, virtual participation and feedback.

VII. The commission shall be considered a public body subject to RSA 91-A. No documents created or received by the commissioners or staff as part of official duties, including emails and text messages, shall be exempt from disclosure for any privilege other than attorney-client privilege.

VIII. Commissioners and staff may not communicate with outside persons attempting to influence commissioners or commission action outside of public meetings. To the extent that commissioners and staff receive such communications, the identity of the person or group and the subject of the communication shall be publicly disclosed on the commission website.

662-B:5 Developing Redistricting Maps.

I. During the map drawing process, any member of the public may submit maps or portion of maps for consideration by the commission. These submissions shall be made publicly available and shall include the name of the person making the submission. Electronically submitted maps may be posted on the commission website.

II.(a) The commission shall release proposed maps and shall display the proposed maps, in a manner determined by the commission, providing that such display shall include posting on the commission website for a minimum of 14 days for public comment and by distribution to the news media in a manner designed to achieve the widest public access reasonably possible before establishing a final plan. Additionally, the efforts to achieve access shall include but not be limited to:

- (1) Advertising the availability of the proposed maps in all daily newspapers in the state.
- (2) Advertising the availability of the proposed maps on the home page of all state agency websites.
- (3) Requesting media to publicize the availability of the proposed maps.

(b) When releasing a proposed map, the commission shall also release population data, geographic data, election data, and any other data used to create the plan.

III. The commission shall issue with all proposed and final maps written evaluations that measure the maps against external metrics. These metrics shall cover all criteria set forth in RSA 662-B:6, including the impact of the maps on the ability of minority communities to elect candidates of choice, measures of partisan fairness using multiple accepted methodologies, and the degree to which the maps preserve or divide communities of interest.

IV.(a) No later than January 15 of any year ending in 2, the commission shall act to approve final plans for New Hampshire county commission, house, senate, executive council, and congressional districts. Upon approval, the commission shall submit the final New Hampshire house and senate, executive council, and congressional district plans to the senate president, speaker of the house of representatives, and senate and house minority leaders. It is the intent of this chapter that the general court shall conduct a roll-call vote on the plan in either the house of representatives of the senate expeditiously, but not less than 7 days after the plan is received and made available to the members of the general court, under a procedure or rule permitting no amendments except those of a purely corrective nature. If is further the intent of this chapter that if the bill is approved by the first house in which it is considered, it shall expeditiously be brought to a vote in the second house under a similar provision or rule.

(b) If a chamber of the legislature fails to pass the final plans for the New Hampshire house and senate, the presiding officer of that chamber shall issue a written explanation specifying how the final plan fails the criteria listed in RSA 662-B:6 or any other binding federal or state law. The commission shall then amend the final plans to the extent necessary to satisfy the criteria in RSA 662-B:6 or other legal requirements and resubmit it to the legislature for a subsequent up or down floor vote.

(c) This process shall repeat until the legislature passes final plans for the New Hampshire house and senate at which point the plans shall be filed with the Secretary of State.

662-B:6 Redistricting Criteria.

I. The commission shall establish single or multi-member districts for the New Hampshire county commissions, house of representatives, and single member districts for the New Hampshire senate, executive council, and United States representative, using the following criteria as set forth in the following order of priority:

(a) Districts shall comply with the United States Constitution and all applicable federal laws. Districts shall be drawn on the basis of total population.

(b) Districts shall comply with the New Hampshire constitution and all applicable state laws.

(c) Districts shall form single boundaries and shall not be bisected or otherwise divided by other districts, and shall respect the geographic integrity of political boundaries to the extent practicable without violating the requirements of state law or any of the preceding subdivisions.

(d) Districts shall provide racial minorities and language minorities with an equal opportunity to participate in the political process and shall not diminish their ability to elect candidates of choice, whether alone or in coalition with others.

(e) Districts shall respect the integrity of communities of interest to the extent practicable. For purposes of this section a community of interest is defined as an area with recognized similarities of interests, including but not limited to racial, ethnic, economic, social, cultural, geographic, or historic identities. Communities of interest shall not include common relationships with political parties or political candidates.

II. The plan as a whole shall not have the intent or the effect of unduly favoring or disfavoring any political party, incumbent, or candidate for political office.

662-B:7 Failure of Commission and Legislature to Reach Consensus. If the commission fails to approve and file redistricting plans by January 15 in a year ending in 2, or the legislature fails to adopt and file a redistricting plan by February 15 of the even year following a federal decennial census, the New Hampshire supreme court shall appoint by March 1 in the even year following a decennial census a special master to create the relevant plans in accordance with the redistricting criteria and requirements set forth in RSA 662-B:6. The court shall make the special master's plans public and schedule a hearing where interested parties may present testimony and other evidence regarding the plans' compliance with redistricting criteria. The supreme court shall accept the master's proposed plan no later than April 1 of the even year following the decennial census and certify the results to the secretary of state, who shall forward the plan to the president of the senate, the speaker of the house of representatives, and the minority leaders of both the house of representatives and senate for adoption in accordance with RSA 662-B:5, IV.

662-B:8 Judicial Review.

I. The New Hampshire supreme court has original and exclusive jurisdiction in all proceedings in which the final and legislatively adopted redistricting map is challenged or is claimed not to have taken timely effect.

II. Any registered voter in this state may file a petition, within 45 days after adoption of a final map on the grounds that the plan violates any federal or state law.

III. The New Hampshire supreme court shall give priority to ruling on any matter related to redistricting presented to the court. If the court determines that the final plan violates any federal or state law, the court shall fashion the relief that it deems appropriate, including, but not limited to, appointment of a new special master in accordance with RSA 662-B:7.

662-B:9 Compensation. Members of the commission shall receive mileage reimbursement at the federal rate for expenses incurred in connection with the duties performed pursuant to this chapter.

662-B:10 Financial Independence.

I. For the fiscal year ending June 30, 2021, the governor may draw a warrant out of sums not otherwise appropriated to fund expenses of the commission established pursuant to this chapter.

II. For each subsequent biennium preceding the decennial census, the governor shall include in his or her budget recommendation appropriations sufficient to meet the estimated expenses of the commission, including but not limited to adequate funding for a statewide outreach program to solicit broad public participation in the redistricting process and adequate office space available for the operation of the commission.

662-B:11 Secretary of State to Provide Support. The secretary of state shall provide such administrative and staff support as is necessary for the commission to perform its duties.

Committee amendment adopted.

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

Rep. Moynihan offered floor amendment (0699h).

Floor Amendment (0699h)

Amend RSA 662-B:5, IV(a) as inserted by section 1 of the bill by replacing it with the following:

IV.(a) No later than January 15 of any year ending in 2, the commission shall act to approve final plans for New Hampshire county commission, house, senate, executive council, and congressional districts. Upon approval, the commission shall submit the final New Hampshire house and senate, executive council, and congressional district plans to the senate president, speaker of the house of representatives, and senate and house minority leaders.

Rep. Moynihan spoke in favor.

Floor amendment (0699h) adopted.

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

Rep. Boehm spoke against.

Rep. Moynihan spoke in favor.

Rep. Buchanan requested a roll call; sufficiently seconded.

YEAS 218 - NAYS 123

YEAS - 218

BELKNAP

CARROLL

Burroughs, Anita
Ticehurst, Susan

Butler, Edward
Woodcock, Stephen

DesMarais, Edith

Knirk, Jerry

CHESHIRE

Abbott, Michael
Eaton, Daniel
Ley, Douglas
Schapiro, Joe
Pearson, William

Ames, Richard
Faulkner, Barry
Mann, John
Swinburne, Sandy
Weber, Lucy

Berch, Paul
Fenton, Donovan
Meader, David
Thompson, Craig

Bordenet, John
Gomarlo, Jennie
Parkhurst, Henry
Von Plinsky, Sparky

COOS

Fothergill, John
Noel, Henry

Hatch, William
Tucker, Edith

Laflamme, Larry

Moynihan, Wayne

GRAFTON

Abel, Richard
Dontonville, Roger
Gordon, Edward
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

Adjutant, Joshua
Fellows, Sallie
Josephson, Timothy
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

Almy, Susan
Ford, Susan
Maes, Kevin
Nordgren, Sharon
Stringham, Jerry

Campion, Polly
French, Elaine
Massimilla, Linda
Osborne, Richard
Smith, Suzanne

HILLSBOROUGH

Bouldin, Amanda
Baroody, Benjamin
Bosman, James
Cleaver, Skip
Dargie, Paul
Davis, Fred
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Murray, Megan
Mombourquette, Donna
Nutting-Wong, Allison
Plett, Fred
Radhakrishnan, Julie
Shaw, Barbara
Stack, Kathryn
Toomey, Dan
Williams, Kermit

Bouldin, Andrew
Beaulieu, Jane
Bouchard, Donald
Cohen, Bruce
DiSilvestro, Linda
Freitas, Mary
Hall, Brett
Herbert, Christopher
Jeudy, Jean
Komi, Richard
Mangipudi, Latha
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Riel, Cole
Snow, Kendall
Stevens, Deb
Vail, Suzanne

Backus, Robert
Bergeron, Paul
Burns, Charles
Cohen, Erika
Dutzy, Sherry
Goley, Jeffrey
Hamer, Heidi
Indruk, Greg
King, Mark
Leishman, Peter
Martin, Joelle
Murphy, Nancy
Pickering, Daniel
Query, Joshua
Rung, Rosemarie
Sofikitis, Catherine
Smith, Timothy
Vann, Ivy

Balch, Chris
Bordy, William
Chretien, Jacqueline
Danielson, David
Espitia, Manny
Graham, John
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Piedra, Israel
Newman, Ray
Newman, Sue
St. John, Michelle
Telerski, Laura
Thomas, Wendy

MERRIMACK

Bartlett, Christy
Fox, Samantha
MacKay, James
Richards, Beth
Schamberg, Thomas
Turcotte, Alan
Wells, Kenneth

Buchanan, Ryan
Karrick, David
McWilliams, Rebecca
Rodd, Beth
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

Carson, Clyde
Lane, Connie
Myler, Mel
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth

Ebel, Karen
Luneau, David
Pimentel, Roderick
Saunderson, George
Soucy, Timothy
Wazir, Safiya

ROCKINGHAM

Abramson, Max
Bushway, Patricia
Cushing, Robert Renny
Gay, Betty
Hoelzel, Kathleen
Lovejoy, Patricia
McConnell, Liz
Ward, Gerald

Altschiller, Debra
Cahill, Michael
DeClercq, Edward
Gilman, Julie
Murray, Kate
Maggiore, Jim
McKinney, Betsy
Warner, Anne

Berrien, Skip
Cali-Pitts, Jacqueline
DiLorenzo, Charlotte
Grossman, Gaby
Le, Tamara
Malloy, Dennis
Meuse, David

Bunker, Lisa
Coursin, David
Eisner, Mary
Grote, Jaci
Loughman, Tom
McBeath, Rebecca
Vallone, Mark

STRAFFORD

Bixby, Peter
Ellis, Donna
Grassie, Chuck
Horrigan, Timothy
Smith, Marjorie
Rooney, Abigail
Towne, Matthew

Cannon, Gerri
Fargo, Kristina
Harrington, Michael
Keans, Sandra
Opderbecke, Linn
Salloway, Jeffrey
Treleaven, Susan

Chase, Wendy
Fontneau, Timothy
Hayward, Peter
Kenney, Cam
Schmidt, Peter
Sandler, Catt
Vincent, Kenneth

Conley, Casey
Gourgue, Amanda
Higgins, Peg
Levesque, Cassandra
Rich, Cecilia
Southworth, Thomas
Wall, Janet

SULLIVANCloutier, John
Sullivan, BrianMerchant, Gary
Tanner, Linda

Oxenham, Lee

Smith, Steven

NAYS - 123**BELKNAP**Aldrich, Glen
Fields, Dennis
Spanos, PeterBean, Harry
Howard, Raymond
Sylvia, MichaelComtois, Barbara
Jurius, Deanna
Viens, HarryFeeney, George
Mackie, Jonathan**CARROLL**Avellani, Lino
Nelson, Bill

Cordelli, Glenn

MacDonald, John

Marsh, William

CHESHIRE

O'Day, John

COOS

Craig, Kevin

Furbush, Michael

Merner, Troy

GRAFTON

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGHLekas, Alicia
Camarota, Linda
Gould, Linda
Hopper, Gary
Marzullo, JP
Proulx, Mark
Rice, Kimberly
Whittemore, JamesAlexander, Joe
Erf, Keith
Greene, Bob
L'Heureux, Robert
McLean, Mark
Prout, Andrew
Lekas, TonyBoehm, Ralph
Flanagan, Jack
Gunski, Michael
Ober, Lynne
Notter, Jeanine
Ober, Russell
Ulery, JordanBurt, John
Gagne, Larry
Hinch, Richard
Lascelles, Richard
Nunez, Hershel
Renzullo, Andrew
Warden, Mark**MERRIMACK**Allard, James
Kotowski, Frank
Testerman, DaveHill, Gregory
Marple, Richard
Walsh, ThomasHorn, Werner
McGuire, Carol
Yakubovich, MichaelKlose, John
Pearl, Howard**ROCKINGHAM**Abbas, Daryl
Bershtein, Alan
Thomas, Douglas
Doucette, Fred
Harb, Robert
Janvrin, Jason
Love, David
Melvin, Charles
Piemonte, Tony
Roy, Terry
Torosian, Peter
Webb, JamesAbrami, Patrick
Chirichiello, Brian
Desilets, Joel
Edwards, Jess
Hobson, Deborah
Katsakiores, Phyllis
Griffin, Mary
Milz, David
Potucek, John
Pearson, Stephen
True, Chris
Welch, DavidActon, Dennis
Costable, Michael
DeSimone, Debra
Green, Dennis
Osborne, Jason
Khan, Aboul
Pearson, Mark
O'Connor, John
Pratt, Kevin
Spillane, James
Verville, Kevin
Weyler, KennethBaldasaro, Al
Davis, Dan
Dolan, Tom
Guthrie, Joseph
Janigian, John
Kolodziej, Walter
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Wallace, Scott
Yokela, Josh**STRAFFORD**Horgan, James
Pitre, JosephKittredge, Mac
Beaudoin, StevenMcNally, Jody
Wuelper, Kurt

Perreault, Mona

SULLIVANAron, Judy
Rollins, SkipCallum, John
Stapleton, Walter

Laware, Thomas

Lucas, Gates

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

REGULAR CALENDAR CONT'D**HB 159**, relative to condominium association unit owner payments in arrears. **INEXPEDIENT TO LEGISLATE.**

Rep. Rebecca McBeath for Commerce and Consumer Affairs. This bill allows for a condominium unit owners association board to establish a special account in the budget to recover the cost of arrearages. The majority of the committee believes that this bill is unnecessary because condo associations have the ability now, through traditional accounting methods, such as a capital reserve account, to collect arrearage from delinquent members. Vote 18-0.

Rep. Webb spoke against.

Rep. Williams spoke in favor.

Rep. Webb requested a roll call; sufficiently seconded.

YEAS 288 - NAYS 49

YEAS - 288

BELKNAP

Bean, Harry
Huot, David
St. Clair, Charlie

Comtois, Barbara
Jurius, Deanna
Sylvia, Michael

Feeney, George
Lang, Timothy
Viens, Harry

Fields, Dennis
Mackie, Jonathan

CARROLL

Buco, Thomas
Knirk, Jerry
Woodcock, Stephen

Burroughs, Anita
MacDonald, John

Butler, Edward
Marsh, William

DesMarais, Edith
Ticehurst, Susan

CHESHIRE

Abbott, Michael
Eaton, Daniel
Mann, John
Schapiro, Joe

Ames, Richard
Faulkner, Barry
Meader, David
Swinburne, Sandy

Berch, Paul
Gomarlo, Jennie
O'Day, John
Pearson, William

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

COOS

Craig, Kevin
Laflamme, Larry
Tucker, Edith

Fothergill, John
Merner, Troy

Furbush, Michael
Moynihan, Wayne

Hatch, William
Noel, Henry

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

Alexander, Joe
Balch, Chris
Bergeron, Paul
Burns, Charles
Cleaver, Skip
DiSilvestro, Linda
Freitas, Mary
Graham, John
Hall, Brett
Herbert, Christopher
Jack, Martin
Lascelles, Richard
Martin, Joelle
Mombourquette, Donna
Nutting-Wong, Allison
Piedra, Israel
Prout, Andrew
Rice, Kimberly
Shaw, Barbara
Stack, Kathryn
Telerski, Laura
Thomas, Wendy

Bouldin, Amanda
Baroody, Benjamin
Bordy, William
Burt, John
Cohen, Bruce
Dutzy, Sherry
Gagne, Larry
Greene, Bob
Hamer, Heidi
Hinch, Richard
Judy, Jean
Leishman, Peter
Marzullo, JP
Mullen, Sue
O'Brien, Michael
Plett, Fred
Query, Joshua
Riel, Cole
Snow, Kendall
Stevens, Deb
Ulery, Jordan
Warden, Mark

Bouldin, Andrew
Beaulieu, Jane
Bosman, James
Camarota, Linda
Connors, Erika
Erf, Keith
Goley, Jeffrey
Griffith, Willis
Harriott-Gathright, Linda
Indruk, Greg
Klee, Patricia
Murray, Megan
McGhee, Kat
Murphy, Nancy
Pedersen, Michael
Porter, Marjorie
Newman, Ray
Rung, Rosemarie
Sofikitis, Catherine
Lekas, Tony
Vail, Suzanne
Whitemore, James

Backus, Robert
Belanger, James
Bouchard, Donald
Chretien, Jacqueline
Dargie, Paul
Espitia, Manny
Gould, Linda
Gunski, Michael
Heath, Mary
Schmidt, Janice
Komi, Richard
Mangipudi, Latha
McLean, Mark
Nutter-Upham, Frances
Pickering, Daniel
Proulx, Mark
Radhakrishnan, Julie
Newman, Sue
St. John, Michelle
Smith, Timothy
Vann, Ivy
Williams, Kermit

MERRIMACK

Allard, James
Ebel, Karen
Kotowski, Frank
McGuire, Carol
Pimentel, Roderick
Saunderson, George
Soucy, Timothy
Walsh, Thomas
Woods, Gary

Bartlett, Christy
Fox, Samantha
Luneau, David
McWilliams, Rebecca
Richards, Beth
Schamberg, Thomas
Testerman, Dave
Walz, Mary Beth
Yakubovich, Michael

Buchanan, Ryan
Horn, Werner
MacKay, James
Myler, Mel
Rodd, Beth
Schuett, Dianne
Turcotte, Alan
Wazir, Safiya

Carson, Clyde
Karrick, David
Marple, Richard
Pearl, Howard
Rogers, Katherine
Schultz, Kristina
Wallner, Mary Jane
Wells, Kenneth

ROCKINGHAM

Abbas, Daryl
Berrien, Skip
Cahill, Michael
Cushing, Robert Renny
DiLorenzo, Charlotte
Eisner, Mary
Grote, Jaci
Hoelzel, Kathleen
Kolodziej, Walter
Pearson, Mark
McConnell, Liz
Milz, David
Potucek, John
Torosian, Peter
Ward, Gerald

Abrami, Patrick
Bershtein, Alan
Cali-Pitts, Jacqueline
Thomas, Douglas
Dolan, Tom
Gilman, Julie
Guthrie, Joseph
Osborne, Jason
Le, Tamara
Maggiore, Jim
McMahon, Charles
O'Connor, John
Pratt, Kevin
True, Chris
Warner, Anne

Acton, Dennis
Bunker, Lisa
Costable, Michael
DeClercq, Edward
Doucette, Fred
Green, Dennis
Harb, Robert
Janigian, John
Loughman, Tom
Malloy, Dennis
Melvin, Charles
Packard, Sherman
Roy, Terry
Vallone, Mark
Yokela, Josh

Altschiller, Debra
Bushway, Patricia
Coursin, David
Desilets, Joel
Edwards, Jess
Grossman, Gaby
Hobson, Deborah
Murray, Kate
Lovejoy, Patricia
McBeath, Rebecca
Meuse, David
Piemonte, Tony
Sytek, John
Verville, Kevin

STRAFFORD

Bixby, Peter
Fargo, Kristina
Harrington, Michael
Horrigan, Timothy
Levesque, Cassandra
Perreault, Mona
Salloway, Jeffrey
Vincent, Kenneth

Cannon, Gerri
Fontneau, Timothy
Hayward, Peter
Keans, Sandra
Smith, Marjorie
Pitre, Joseph
Sandler, Catt
Wall, Janet

Chase, Wendy
Gourgue, Amanda
Higgins, Peg
Kenney, Cam
Opderbecke, Linn
Rich, Cecilia
Southworth, Thomas

Ellis, Donna
Grassie, Chuck
Horgan, James
Kittredge, Mac
Schmidt, Peter
Rooney, Abigail
Towne, Matthew

SULLIVAN

Aron, Judy
Merchant, Gary
Tanner, Linda

Callum, John
Rollins, Skip

Cloutier, John
Stapleton, Walter

Lucas, Gates
Sullivan, Brian

NAYS - 49**BELKNAP**

Aldrich, Glen

Howard, Raymond

Spanos, Peter

CARROLL

Avellani, Lino

Cordelli, Glenn

Nelson, Bill

GRAFTON

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
Hopper, Gary
Ober, Lynne
Ober, Russell

Boehm, Ralph
King, Mark
Long, Patrick
Renzullo, Andrew

Danielson, David
Klein-Knight, Nicole
Notter, Jeanine
Toomey, Dan

Flanagan, Jack
L'Heureux, Robert
Nunez, Hershel

MERRIMACK

Hill, Gregory

Klose, John

ROCKINGHAM

Abramson, Max
DeSimone, Debra
Khan, Aboul
Prudhomme-O'Brien, Katherine
Webb, James

Baldasaro, Al
Gay, Betty
Love, David
Pearson, Stephen
Welch, David

Chirichiello, Brian
Janvrin, Jason
Griffin, Mary
Spillane, James
Weyler, Kenneth

Davis, Dan
Katsakiores, Phyllis
McKinney, Betsy
Wallace, Scott

STRAFFORD

McNally, Jody

Beaudoin, Steven

Wuelper, Kurt

SULLIVAN

Laware, Thomas

Oxenham, Lee

Smith, Steven

and the committee report was adopted.

HB 218, relative to the use of deadly force by a law enforcement officer. **INEXPEDIENT TO LEGISLATE.** Rep. David Welch for Criminal Justice and Public Safety. This bill eliminates the option of deadly force by a law enforcement officer while effecting an arrest. In the current climate where officers are more likely to be resisted by offenders using deadly force it makes no sense to restrict our protectors by denying the officer the means to complete the arrest. Vote 18-1.

Rep. Abramson spoke against and yielded to questions.

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

YEAS 277 - NAYS 62

YEAS - 277

BELKNAP

Bean, Harry
Jurius, Deanna
Viens, Harry

Feeney, George
Lang, Timothy

Fields, Dennis
Spanos, Peter

Huot, David
St. Clair, Charlie

CARROLL

Buco, Thomas
DesMarais, Edith
Nelson, Bill

Burroughs, Anita
Knirk, Jerry
Ticehurst, Susan

Butler, Edward
MacDonald, John
Woodcock, Stephen

Cordelli, Glenn
Marsh, William

CHESHIRE

Abbott, Michael
Eaton, Daniel
Ley, Douglas
Schapiro, Joe

Ames, Richard
Faulkner, Barry
Mann, John
Swinburne, Sandy

Berch, Paul
Fenton, Donovan
Meador, David
Pearson, William

Bordenet, John
Gomarlo, Jennie
Parkhurst, Henry
Weber, Lucy

COOS

Fothergill, John
Noel, Henry

Hatch, William
Tucker, Edith

Laflamme, Larry

Moynihan, Wayne

GRAFTON

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

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

HILLSBOROUGH

Alexander, Joe
Balch, Chris
Bergeron, Paul
Bouchard, Donald
Cleaver, Skip
DiSilvestro, Linda
Davis, Fred
Gould, Linda
Hamer, Heidi
Hinch, Richard
Jeudy, Jean
Komi, Richard
Murray, Megan
Mombourquette, Donna
Nutter-Upham, Frances
Pickering, Daniel
Proulx, Mark
Riel, Cole
Snow, Kendall
Stevens, Deb
Ulery, Jordan
Thomas, Wendy

Bouldin, Amanda
Baroody, Benjamin
Boehm, Ralph
Burns, Charles
Cohen, Bruce
Dutzy, Sherry
Freitas, Mary
Greene, Bob
Harriott-Gathright, Linda
Indruk, Greg
King, Mark
Lascelles, Richard
Mangipudi, Latha
Mullen, Sue
Nutting-Wong, Allison
Piedra, Israel
Query, Joshua
Rung, Rosemarie
Sofikitis, Catherine
Smith, Timothy
Vail, Suzanne
Williams, Kermit

Bouldin, Andrew
Beaulieu, Jane
Bordy, William
Camarota, Linda
Connors, Erika
Erf, Keith
Gagne, Larry
Griffith, Willis
Heath, Mary
Schmidt, Janice
Klee, Patricia
Leishman, Peter
Martin, Joelle
Murphy, Nancy
O'Brien, Michael
Plett, Fred
Newman, Ray
Newman, Sue
St. John, Michelle
Telerski, Laura
Van Houten, Constance

Backus, Robert
Belanger, James
Bosman, James
Chretien, Jacqueline
Dargie, Paul
Espitia, Manny
Goley, Jeffrey
Gunski, Michael
Herbert, Christopher
Jack, Martin
Klein-Knight, Nicole
Long, Patrick
McGhee, Kat
Notter, Jeanine
Pedersen, Michael
Porter, Marjorie
Rice, Kimberly
Shaw, Barbara
Stack, Kathryn
Toomey, Dan
Vann, Ivy

MERRIMACK

Allard, James
Fox, Samantha
Kotowski, Frank
Myler, Mel
Rodd, Beth
Schuett, Dianne
Turcotte, Alan
Wazir, Safiya

Bartlett, Christy
Horn, Werner
Luneau, David
Pearl, Howard
Rogers, Katherine
Schultz, Kristina
Wallner, Mary Jane
Wells, Kenneth

Carson, Clyde
Karrick, David
MacKay, James
Pimentel, Roderick
Saunderson, George
Soucy, Timothy
Walsh, Thomas
Woods, Gary

Ebel, Karen
Klose, John
McWilliams, Rebecca
Richards, Beth
Schamberg, Thomas
Testerman, Dave
Walz, Mary Beth

ROCKINGHAM

Abbas, Daryl
Berrien, Skip

Abrami, Patrick
Bunker, Lisa

Altschiller, Debra
Bushway, Patricia

Baldasaro, Al
Cahill, Michael

Cali-Pitts, Jacqueline
Thomas, Douglas
Doucette, Fred
Gilman, Julie
Harb, Robert
Janvrin, Jason
Le, Tamara
Pearson, Mark
McConnell, Liz
Meuse, David
Piemonte, Tony
Sytek, John
Webb, James

Chirichiello, Brian
DeClercq, Edward
Edwards, Jess
Grossman, Gaby
Hobson, Deborah
Murray, Kate
Loughman, Tom
Maggiore, Jim
McKinney, Betsy
Milz, David
Potucek, John
Vallone, Mark
Welch, David

Coursin, David
DiLorenzo, Charlotte
Eisner, Mary
Grote, Jaci
Hoelzel, Kathleen
Katsakiores, Phyllis
Lovejoy, Patricia
Malloy, Dennis
McMahon, Charles
O'Connor, John
Prudhomme-O'Brien, Katherine
Ward, Gerald

Cushing, Robert Renny
Dolan, Tom
Gay, Betty
Guthrie, Joseph
Janigian, John
Khan, Aboul
Griffin, Mary
McBeath, Rebecca
Melvin, Charles
Packard, Sherman
Pearson, Stephen
Warner, Anne

Bixby, Peter
Fargo, Kristina
Higgins, Peg
Levesque, Cassandra
Schmidt, Peter
Rooney, Abigail
Treleaven, Susan

Cannon, Gerri
Fontneau, Timothy
Horrigan, Timothy
Smith, Marjorie
Perreault, Mona
Salloway, Jeffrey
Vincent, Kenneth

Chase, Wendy
Gourgue, Amanda
Kenney, Cam
McNally, Jody
Pitre, Joseph
Southworth, Thomas
Wall, Janet

Ellis, Donna
Grassie, Chuck
Kittredge, Mac
Opderbecke, Linn
Rich, Cecilia
Towne, Matthew

Aron, Judy
Merchant, Gary
Sullivan, Brian

Cloutier, John
Rollins, Skip
Tanner, Linda

Laware, Thomas
Stapleton, Walter

Lucas, Gates
Smith, Steven

STRAFFORD

SULLIVAN

NAYS - 62 BELKNAP

Howard, Raymond

Mackie, Jonathan

CARROLL

CHESHIRE

COOS

Merner, Troy

HILLSBOROUGH

Lakas, Alicia
Hopper, Gary
McLean, Mark
Radhakrishnan, Julie
Whittemore, James

Burt, John
L'Heureux, Robert
Nunez, Hershel
Renzullo, Andrew

Danielson, David
Ober, Lynne
Prout, Andrew
Lakas, Tony

Hall, Brett
Marzullo, JP
Ober, Russell
Warden, Mark

MERRIMACK

Buchanan, Ryan
Yakubovich, Michael

Hill, Gregory

Marple, Richard

McGuire, Carol

ROCKINGHAM

Abramson, Max
Davis, Dan
Osborne, Jason
Roy, Terry
Verville, Kevin

Acton, Dennis
Desilets, Joel
Kolodziej, Walter
Spillane, James
Wallace, Scott

Bershtein, Alan
DeSimone, Debra
Love, David
Torosian, Peter
Weyler, Kenneth

Costable, Michael
Green, Dennis
Pratt, Kevin
True, Chris
Yokela, Josh

STRAFFORD

Conley, Casey
Keans, Sandra

Harrington, Michael
Beaudoin, Steven

Hayward, Peter
Sandler, Catt

Horgan, James
Wuelper, Kurt

SULLIVAN

Callum, John

Oxenham, Lee

and the committee report was adopted.

HB 491, relative to questioning and detaining suspects. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Beth Rodd for the Majority of Criminal Justice and Public Safety. This bill reiterates the constitutional right of a person to “remain silent” when a law enforcement officer stops an individual and asks for personal information (name, address, destination). It clarifies that refusing to answer the inquiry will not be grounds for arrest. Current law, as written, appears to allow law enforcement officers to “demand” this information, non-compliance resulting in arrest. This bill clarifies that law enforcement may “ask” for but not “demand” a response. It respects individuals and their “right to remain silent.” Vote 19-1.

Rep. Dennis Green for the Minority of Criminal Justice and Public Safety. The NH Supreme Court decision in *State v. White*, 119 N.H. 567 (1979) ruled that to the extent that RSA 594:2 permits temporary detention for questioning on grounds less than probable cause to arrest...it is unconstitutional under the NH Constitution Pt. 1, Art. 19. The Supreme Court noted that a person could be detained by the police for the purpose of custodial interrogation if the police had developed probable cause.

Majority Amendment (0295h)

Amend the bill by replacing section 1 with the following:

1 Questioning and Detaining Suspects. Amend RSA 594:2 to read as follows:

594:2 Questioning and Detaining Suspects. A peace officer may stop any person [abroad] whom [he] *the officer* has reason to suspect is committing, has committed, or is about to commit a crime[, and may demand of him his name, address, business abroad and where he is going]. *An officer may request the person's name and address, but the officer shall not arrest the person based solely on the person's refusal to provide such information.*

AMENDED ANALYSIS

This bill provides that refusing to provide a name and address, upon request by a peace officer, shall not, by itself, constitute grounds for arrest.

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

HB 609-FN, relative to penalties for possession or distribution of child erotica. **INEXPEDIENT TO LEGISLATE.**

Rep. John Bordenet for Criminal Justice and Public Safety. This bill is an act relative to penalties for possession or distribution of child erotica. The committee decided the bill as written would be unconstitutional. The bill does not define “erotica” and could be interpreted as criminalizing a perpetrator’s inner thoughts. Vote 17-3.

Committee report adopted.

HB 101, relative to regulating possession of firearms in a school district. **INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Cordelli for Education. The majority believes that this bill will have unintended consequences. It establishes the ability for any school district to establish a policy on possession or transportation of a firearm or knife. It would potentially establish a patchwork of regulation on law abiding citizens. Vote 14-5.

MOTION TO LAY ON THE TABLE

Rep. Cali-Pitts moved that **HB 101**, relative to regulating possession of firearms in a school district, be laid on the table.

Rep. Burt requested a roll call; sufficiently seconded.

YEAS 232 - NAYS 109

YEAS - 232

BELKNAP

Fields, Dennis

Huot, David

Jurius, Deanna

St. Clair, Charlie

CARROLL

Buco, Thomas
Ticehurst, Susan

Burroughs, Anita
Woodcock, Stephen

DesMarais, Edith

Knirk, Jerry

CHESHIRE

Abbott, Michael
Eaton, Daniel
Ley, Douglas
Swinburne, Sandy

Ames, Richard
Faulkner, Barry
Mann, John
Thompson, Craig

Berch, Paul
Fenton, Donovan
Meader, David
Pearson, William

Bordenet, John
Gomarlo, Jennie
Schapiro, Joe
Weber, Lucy

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry

Moynihan, Wayne

Noel, Henry

GRAFTON

Adjutant, Joshua
Fellows, Sallie

Almy, Susan
Ford, Susan

Campion, Polly
French, Elaine

Dontonville, Roger
Gordon, Edward

Josephson, Timothy
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

Maes, Kevin
Nordgren, Sharon
Stringham, Jerry

Massimilla, Linda
Osborne, Richard
Smith, Suzanne

Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

HILLSBOROUGH

Bouldin, Amanda
Baroody, Benjamin
Bordy, William
Cohen, Bruce
Dutzy, Sherry
Freitas, Mary
Greene, Bob
Harriott-Gathright, Linda
Schmidt, Janice
Komi, Richard
Murray, Megan
Mombourquette, Donna
Nutting-Wong, Allison
Piedra, Israel
Radhakrishnan, Julie
Snow, Kendall
Smith, Timothy
Van Houten, Constance

Bouldin, Andrew
Beaulieu, Jane
Bosman, James
Connors, Erika
Erf, Keith
Gagne, Larry
Griffith, Willis
Heath, Mary
Jack, Martin
Lascelles, Richard
Mangipudi, Latha
Mullen, Sue
O'Brien, Michael
Porter, Marjorie
Rice, Kimberly
St. John, Michelle
Telerski, Laura
Vann, Ivy

Backus, Robert
Belanger, James
Burns, Charles
Dargie, Paul
Espitia, Manny
Goley, Jeffrey
Hall, Brett
Herbert, Christopher
Jeudy, Jean
Leishman, Peter
Martin, Joelle
Murphy, Nancy
Pedersen, Michael
Query, Joshua
Rung, Rosemarie
Stack, Kathryn
Toomey, Dan
Thomas, Wendy

Balch, Chris
Bergeron, Paul
Chretien, Jacqueline
DiSilvestro, Linda
Davis, Fred
Graham, John
Hamer, Heidi
Indruk, Greg
Klee, Patricia
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Pickering, Daniel
Newman, Ray
Newman, Sue
Stevens, Deb
Vail, Suzanne
Williams, Kermit

MERRIMACK

Bartlett, Christy
Hill, Gregory
Marple, Richard
Pimentel, Roderick
Saunderson, George
Soucy, Timothy
Walz, Mary Beth

Carson, Clyde
Karrick, David
McGuire, Carol
Richards, Beth
Schamberg, Thomas
Turcotte, Alan
Wazir, Safiya

Ebel, Karen
Luneau, David
McWilliams, Rebecca
Rodd, Beth
Schuett, Dianne
Wallner, Mary Jane
Wells, Kenneth

Fox, Samantha
MacKay, James
Myler, Mel
Rogers, Katherine
Schultz, Kristina
Walsh, Thomas
Woods, Gary

ROCKINGHAM

Abramson, Max
Bushway, Patricia
Cushing, Robert Renny
DeSimone, Debra
Eisner, Mary
Grossman, Gaby
Murray, Kate
Lovejoy, Patricia
McBeath, Rebecca
Melvin, Charles
Pearson, Stephen
Wallace, Scott

Altschiller, Debra
Cahill, Michael
Davis, Dan
DiLorenzo, Charlotte
Gay, Betty
Grote, Jaci
Khan, Aboul
Pearson, Mark
McConnell, Liz
Meuse, David
Spillane, James
Ward, Gerald

Berrien, Skip
Cali-Pitts, Jacqueline
DeClercq, Edward
Dolan, Tom
Gilman, Julie
Hobson, Deborah
Le, Tamara
Maggiore, Jim
McKinney, Betsy
Milz, David
Sytek, John
Warner, Anne

Bunker, Lisa
Coursin, David
Desilets, Joel
Edwards, Jess
Green, Dennis
Janvrin, Jason
Loughman, Tom
Malloy, Dennis
McMahon, Charles
O'Connor, John
Vallone, Mark

STRAFFORD

Bixby, Peter
Ellis, Donna
Grassie, Chuck
Horrigan, Timothy
Levesque, Cassandra
Salloway, Jeffrey
Treleaven, Susan

Cannon, Gerri
Fargo, Kristina
Hayward, Peter
Keans, Sandra
Smith, Marjorie
Sandler, Catt
Vincent, Kenneth

Chase, Wendy
Fontneau, Timothy
Higgins, Peg
Kenney, Cam
Opderbecke, Linn
Southworth, Thomas
Wall, Janet

Conley, Casey
Gourgue, Amanda
Horgan, James
Kittredge, Mac
Schmidt, Peter
Towne, Matthew
Wuelper, Kurt

SULLIVAN

Cloutier, John
Tanner, Linda

Merchant, Gary

Oxenham, Lee

Sullivan, Brian

NAYS - 109

BELKNAP

Aldrich, Glen
Howard, Raymond
Sylvia, Michael

Bean, Harry
Lang, Timothy
Viens, Harry

Comtois, Barbara
Mackie, Jonathan

Feeney, George
Spanos, Peter

CARROLL

Avellani, Lino
Marsh, William

Butler, Edward
Nelson, Bill

Cordelli, Glenn

MacDonald, John

CHESHIRE

O'Day, John Parkhurst, Henry

COOS

Craig, Kevin Fothergill, John Furbush, Michael Merner, Troy

GRAFTON

Abel, Richard Ladd, Rick Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia	Alexander, Joe	Boehm, Ralph	Bouchard, Donald
Burt, John	Camarota, Linda	Cleaver, Skip	Danielson, David
Gould, Linda	Gunski, Michael	Hinch, Richard	Hopper, Gary
King, Mark	Klein-Knight, Nicole	L'Heureux, Robert	Ober, Lynne
Marzullo, JP	McLean, Mark	Notter, Jeanine	Nunez, Hershel
Plett, Fred	Proulx, Mark	Prout, Andrew	Ober, Russell
Renzullo, Andrew	Riel, Cole	Shaw, Barbara	Lekas, Tony
Ulery, Jordan	Warden, Mark	Whittemore, James	

MERRIMACK

Allard, James	Buchanan, Ryan	Horn, Werner	Klose, John
Kotowski, Frank	Pearl, Howard	Testerman, Dave	Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl	Abrami, Patrick	Acton, Dennis	Baldasaro, Al
Bershtein, Alan	Chirichiello, Brian	Costable, Michael	Thomas, Douglas
Doucette, Fred	Guthrie, Joseph	Harb, Robert	Hoelzel, Kathleen
Osborne, Jason	Janigian, John	Katsakiores, Phyllis	Kolodziej, Walter
Love, David	Griffin, Mary	Packard, Sherman	Piemonte, Tony
Potucek, John	Pratt, Kevin	Prudhomme-O'Brien, Katherine	Roy, Terry
Torosian, Peter	True, Chris	Verville, Kevin	Webb, James
Welch, David	Weyler, Kenneth	Yokela, Josh	

STRAFFORD

Harrington, Michael	McNally, Jody	Perreault, Mona	Pitre, Joseph
Rich, Cecilia	Rooney, Abigail	Beaudoin, Steven	

SULLIVAN

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

and the motion was adopted.

REGULAR CALENDAR CONT'D**HB 123**, relative to emergency response plans in schools. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. This bill, as amended, requires each school's emergency response plan to include at least one school drill to test emergency response to an armed assailant. The armed assailant drill may be completed in collaboration with local safety, emergency management, or public health officials. The school may include students in all-hazard response drills or activities as deemed appropriate. The bill as written does not expand the total of 10 required emergency drills during the course of the year. Lastly, this legislation is a recommendation from the Governor's School Safety Preparedness Task Force with membership composed of 16 members who represented stakeholders at the state and local level: police, fire and first responders, mental health professionals, safety and security professionals, school administrators, staff, students, and parents. Vote 17-0.

Amendment (0114h)

Amend RSA 189:61, I as inserted by section 1 of the bill by replacing it with the following:

I. Every public, *chartered public*, and nonpublic school shall develop a site-specific school emergency response plan which is based on and conforms to the Incident Command System and the National Incident Management System and submit such plan to the department of education by September 1 of each year. Upon receiving a school's emergency management plan, the department shall provide a copy of such plan to the director of homeland security and emergency management, department of safety. The plan should be documented at the time of school approval review. The plan shall provide that at least [2] **4** of the currently required number of fire evacuation drills shall be emergency, *all-hazard* response drills *of which at least one shall test emergency response to an armed assailant. The armed assailant drill may be discussion based. The types of all-hazard drills and exercises and the manner and time in which these activities take place shall be determined by the school in collaboration with local public safety, emergency management, and public health officials. The school may include students and first responders in all-hazard re-*

sponse drills or activities, as appropriate. The plan shall address hazards including but not limited to acts of violence, threats, earthquakes, floods, tornadoes, structural fire, wildfire, internal and external hazardous materials releases, medical emergencies, and any other hazard deemed necessary by school officials and local emergency authorities. The first emergency response drill shall be conducted within one year of the completion of the plan. If the school has a building schematic floor plan diagram, the school may, with the approval of the local school board, submit the diagram to the division of homeland security and emergency management, department of safety, in a commonly used digital format. Submission of the diagram will enable the state to better prepare, respond, and mitigate potentially dangerous conditions should the need arise.

Rep. Myler spoke against.

Committee amendment failed.

Rep. Myler offered floor amendment (0494h).

Floor Amendment (0494h)

Amend RSA 189:64, I as inserted by section 1 of the bill by replacing it with the following:

I. Every public, **chartered public**, and nonpublic school shall develop a site-specific school emergency response plan which is based on and conforms to the Incident Command System and the National Incident Management System and submit such plan to the department of education by September 1 of each year. Upon receiving a school's emergency management plan, the department shall provide a copy of such plan to the director of homeland security and emergency management, department of safety. The plan should be documented at the time of school approval review. The plan shall provide that at least [2] **4** of the currently required number of fire evacuation drills shall be emergency, **all-hazard** response drills **of which at least one shall test emergency response to an armed assailant. The armed assailant drill may be discussion based. The types of all-hazard drills and exercises and the manner and time in which these activities take place shall be determined by the school in collaboration with local public safety, emergency management, and public health officials. The school may include students and first responders in all-hazard response drills or activities, as appropriate.** The plan shall address hazards including but not limited to acts of violence, threats, earthquakes, floods, tornadoes, structural fire, wildfire, internal and external hazardous materials releases, medical emergencies, and any other hazard deemed necessary by school officials and local emergency authorities. The first emergency response drill shall be conducted within one year of the completion of the plan. If the school has a building schematic floor plan diagram, the school may, with the approval of the local school board, submit the diagram to the division of homeland security and emergency management, department of safety, in a commonly used digital format. Submission of the diagram will enable the state to better prepare, respond, and mitigate potentially dangerous conditions should the need arise.

Rep. Myler spoke in favor.

Floor amendment (0494h) adopted.

Committee report adopted and ordered to third reading.

HB 258, establishing a committee to study teacher preparation and education programs. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mark Vallone for the Majority of Education. This bill establishes a committee to study teacher preparation and education programs. This short-term committee will conduct a needed review of teacher preparation programs in light of recent research by the National Council for State Legislators. Vote 12-6.

Rep. Glenn Cordelli for the Minority of Education. The minority believes that this committee is not needed. There is already a NH Council for Teacher Education as well as other groups, including regional groups, looking at teacher preparation with NH teachers coming from out-of-state colleges. This committee would only be able to study NH colleges. The required date for the committee report is November 1st of this year and any thorough study cannot be completed by then.

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

Rep. Cordelli spoke against.

Rep. Heath spoke in favor.

On a division vote, with 194 members having voted in the affirmative, and 145 in the negative, the majority committee report was adopted and ordered to third reading.

HB 226, relative to the renomination of teachers. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David Doherty for the Majority of Education. The majority of the committee supports the change in the probationary period of certified teachers from five years to three years. For a long time, three years was the standard, but was changed to five years in 2011. Many school administrators and teacher advocate groups support returning to the three-year period. The fact that a five-year period is unique to New Hampshire may affect the ability of the state to attract teacher candidates. Massachusetts, Vermont, and Maine all have three-year periods. Also, it is felt that administrators can make decisions on continuing contracts within the three-year period. Vote 14-6.

Rep. Rick Ladd for the Minority of Education. Currently, requirements for the time frame for a teacher to earn non-probationary status in New Hampshire is five consecutive years in any district in the state and three consecutive years in the current district. During the public hearing, the committee heard testimony stating that the five-year probationary period gives more time for teacher development in which an administrator can work with the teacher who is demonstrating improvement and potential. The additional two years, from three to five, supports educational goals knowing that upon finishing the probationary period, teachers will possess the skills, subject content, and instructional techniques to be highly effective staff members.

Majority Amendment (0247h)

Amend the bill by replacing section 3 with the following:

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

Majority committee amendment adopted.

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

Rep. Boehm spoke against.

Rep. Myler spoke in favor.

On a division vote, with 200 members having voted in the affirmative, and 128 in the negative, the majority committee report was adopted and ordered to third reading.

HB 289, relative to the recitation of the Lord's prayer in public elementary schools. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David Luneau for the Majority of Education. This bill would repeal a section of the law that allows school districts to authorize public elementary school teachers to lead a class in the recitation of the Lord's Prayer. Proponents of the bill made a case that this law on the books is unconstitutional and should be repealed. While there was no evidence that any public school is engaged in this practice, the committee learned that other statutes address and affirm a student's constitutional right to practice religion during the school day. The majority felt this bill would not add clarity to any student's constitutional rights and therefore feel it is inexpedient to legislate. Vote 15-5.

Rep. Cole Riel for the Minority of Education. According to the NH Supreme Court, RSA 194:15-a is unconstitutional. The minority has concluded that the only way to remove unconstitutional law is for this body to repeal it. This would have no effect on the right of students to pray in school. The minority supports passing this bill in order to repeal the unconstitutional law.

MOTION TO LAY ON THE TABLE

Rep. Ley moved that **HB 289**, relative to the recitation of the Lord's prayer in public elementary schools, be laid on the table.

Motion adopted.

REGULAR CALENDAR CONT'D

HB 569-FN-L, relative to innovation schools. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David Doherty for the Majority of Education. The majority of the committee felt that this bill is not necessary in New Hampshire. There are numerous reasons why. Currently, public schools can, and do, innovate on their own. Also, there seems to be limited public input on a school, or a group of schools, becoming an innovative school or forming an "innovative school zone." There does not seem to be an overwhelming need expressed in the state for this to happen. The bill provides no time or funding for schools or districts to go in this direction. Finally, such things as waivers of rules or changing the requirement for certified teachers raises serious questions on the quality of education. Vote 11-8.

Rep. Glenn Cordelli for the Minority of Education. We often refer to charter schools as laboratories for innovation. One reason is that charter schools are not bound by State Board of Education (SBE) administrative rules. This bill will enable local boards to develop innovative plans and request waivers of specific administrative rules to accomplish their goals. The district plans would require SBE approval and monitoring. The goal is to provide flexibility to districts to benefit student learning. The majority vote is a vote for the status quo.

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

Rep. Shaw spoke against.

Rep. Tanner spoke in favor.

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

YEAS 200 - NAYS 131

**YEAS - 200
BELKNAP**

CARROLL

Buco, Thomas
Knirk, Jerry

Burroughs, Anita
Ticehurst, Susan

Butler, Edward
Woodcock, Stephen

DesMarais, Edith

CHESHIRE

Abbott, Michael
Eaton, Daniel
Ley, Douglas
Schapiro, Joe
Pearson, William

Ames, Richard
Faulkner, Barry
Mann, John
Swinburne, Sandy
Weber, Lucy

Berch, Paul
Fenton, Donovan
Meader, David
Thompson, Craig

Bordenet, John
Gomarlo, Jennie
Parkhurst, Henry
Von Plinsky, Sparky

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Dontonville, Roger
Josephson, Timothy
Muscatel, Garrett
Stavis, Laurel

Adjutant, Joshua
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
Ruprecht, Dennis
Weston, Joyce

HILLSBOROUGH

Bouldin, Amanda
Baroody, Benjamin
Bosman, James
Cohen, Bruce
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Pickering, Daniel
Newman, Ray
Snow, Kendall
Stevens, Deb
Van Houten, Constance

Bouldin, Andrew
Beaulieu, Jane
Bouchard, Donald
Connors, Erika
Espitia, Manny
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Murray, Megan
Mombourquette, Donna
Nutting-Wong, Allison
Piedra, Israel
Radhakrishnan, Julie
Sofikitis, Catherine
Smith, Timothy
Vann, Ivy

Backus, Robert
Bergeron, Paul
Chretien, Jacqueline
Dargie, Paul
Davis, Fred
Hall, Brett
Herbert, Christopher
Jeudy, Jean
Komi, Richard
Mangipudi, Latha
Mullen, Sue
O'Brien, Michael
Porter, Marjorie
Riel, Cole
St. John, Michelle
Telerski, Laura
Thomas, Wendy

Balch, Chris
Bordy, William
Cleaver, Skip
DiSilvestro, Linda
Freitas, Mary
Hamer, Heidi
Indruk, Greg
King, Mark
Leishman, Peter
Martin, Joelle
Murphy, Nancy
Pedersen, Michael
Query, Joshua
Newman, Sue
Stack, Kathryn
Vail, Suzanne
Williams, Kermit

MERRIMACK

Bartlett, Christy
Fox, Samantha
MacKay, James
Richards, Beth
Schamberg, Thomas
Turcotte, Alan
Wells, Kenneth

Buchanan, Ryan
Karrick, David
McWilliams, Rebecca
Rodd, Beth
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

Carson, Clyde
Lane, Connie
Myler, Mel
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth

Ebel, Karen
Luneau, David
Pimentel, Roderick
Saunderson, George
Soucy, Timothy
Wazir, Safiya

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
DiLorenzo, Charlotte
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Warner, Anne

Berrien, Skip
Cali-Pitts, Jacqueline
Eisner, Mary
Murray, Kate
Maggiore, Jim
Meuse, David

Bunker, Lisa
Coursin, David
Gilman, Julie
Le, Tamara
Malloy, Dennis
Vallone, Mark

Bushway, Patricia
Cushing, Robert Renny
Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Ward, Gerald

STRAFFORD

Bixby, Peter
Fargo, Kristina
Higgins, Peg
Levesque, Cassandra
Rich, Cecilia
Towne, Matthew

Cannon, Gerri
Fontneau, Timothy
Horriggan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Treleaven, Susan

Chase, Wendy
Gourgue, Amanda
Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Vincent, Kenneth

Conley, Casey
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Southworth, Thomas
Wall, Janet

SULLIVAN

Cloutier, John
Tanner, Linda

Merchant, Gary

Oxenham, Lee

Sullivan, Brian

NAYS - 131**BELKNAP**

Aldrich, Glen
Fields, Dennis
Mackie, Jonathan

Bean, Harry
Howard, Raymond
Spanos, Peter

Comtois, Barbara
Jurius, Deanna
Sylvia, Michael

Feeney, George
Lang, Timothy
Viens, Harry

CARROLL

Avellani, Lino
Nelson, Bill

Cordelli, Glenn

MacDonald, John

Marsh, William

CHESHIRE

O'Day, John

COOS

Fothergill, John

Furbush, Michael

Merner, Troy

GRAFTON

Gordon, Edward

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
Burns, Charles
Erf, Keith
Greene, Bob
Lascelles, Richard
Nunez, Hershel
Renzullo, Andrew
Ulery, Jordan

Alexander, Joe
Burt, John
Gagne, Larry
Gunski, Michael
Marzullo, JP
Plett, Fred
Rung, Rosemarie
Warden, Mark

Belanger, James
Camarota, Linda
Gould, Linda
Hinch, Richard
McLean, Mark
Proulx, Mark
Shaw, Barbara
Whittemore, James

Boehm, Ralph
Danielson, David
Graham, John
L'Heureux, Robert
Notter, Jeanine
Prout, Andrew
Lekas, Tony

MERRIMACK

Allard, James
Kotowski, Frank
Testerman, Dave

Hill, Gregory
Marple, Richard
Walsh, Thomas

Horn, Werner
McGuire, Carol
Yakubovich, Michael

Klose, John
Pearl, Howard

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Thomas, Douglas
Doucette, Fred
Harb, Robert
Janigian, John
Kolodziej, Walter
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Wallace, Scott

Abrami, Patrick
Bershtein, Alan
DeClercq, Edward
Edwards, Jess
Hobson, Deborah
Janvrin, Jason
Love, David
Melvin, Charles
Piemonte, Tony
Roy, Terry
Torosian, Peter
Welch, David

Abramson, Max
Costable, Michael
Desilets, Joel
Gay, Betty
Hoelzel, Kathleen
Katsakiores, Phyllis
Griffin, Mary
Milz, David
Potucek, John
Pearson, Stephen
True, Chris
Weyler, Kenneth

Acton, Dennis
Davis, Dan
DeSimone, Debra
Green, Dennis
Osborne, Jason
Khan, Aboul
Pearson, Mark
O'Connor, John
Pratt, Kevin
Spillane, James
Verville, Kevin
Yokela, Josh

STRAFFORD

Harrington, Michael
McNally, Jody
Beaudoin, Steven

Hayward, Peter
Perreault, Mona
Wuelper, Kurt

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.

HB 152, increasing the threshold for reporting by political committees. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Paul Bergeron for the Majority of Election Law. This bill would increase the threshold requirement for reporting itemized receipts on political contribution statements from \$25 to \$100. Currently, RSA 664:6 requires that political committee and candidate campaign contribution reports include the full name, postal address, amount of contribution, and date of contribution for donors of more than \$25. Contributions of \$25 or less are aggregated as "unitemized receipts." This bill would permit political committees and candidates to aggregate contributions of \$100 or less as "unitemized receipts." The majority of the committee believes that NH citizens have the right to know who is funding their elections. Full disclosure allows voters to make better-informed choices and strengthen the public's trust in the integrity of our elections. Increasing the amount of contributions that could be "unitemized" would diminish the level of campaign financing transparency that currently exists in state law. Vote 12-7.

Rep. Timothy Lang for the Minority of Election Law. This bill is a modernization bill that would update the required reporting of information about campaign contributors from those who give \$25 to those who give \$100. The last time this portion of the statute was addressed was 35 years ago in 1984, when the \$25 amount was set. The committee agreed that at \$99 no one was buying influence but just participating in the pre-election campaign process. The reason for this bill is the divisive nature of politics at this point in time. Citizens want to participate in our elections, however some fear that being listed on a campaign finance report will create animosity between friends or neighbors, and they are just not willing to be listed, thus silencing those NH citizens' voices. These citizens are not buying influence, but merely trying to support candidates of the same political leanings or a friend or neighbor running for office. The goal of election campaign finance laws is to shine a spotlight on who is paying for a given election race, so the public knows who a candidate may be beholden to based on those donations. This legislation supports the recently passed NH Constitutional amendment where a strong majority of NH citizens voted to formalize the right from undue intrusion into the privacy of our citizens. No one is beholden to anyone for \$99. This is common sense modernization legislation. On a division vote, with 197 members having voted in the affirmative, and 124 in the negative, the majority committee report was adopted.

HB 505, allowing voters to vote for multiple candidates for an office. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul Bergeron for Election Law. This bill would replace New Hampshire's current voting system, which allows voters to select up to the maximum number of voters that may be elected to an office, with an "approval voting" system whereby voters can select any number of candidates that are running for the office regardless of how many may be elected to that office. The bill does not include a method for tallying votes to determine the winner(s) of a race. Some aspects of approval voting date back to the 13th Century, but in 2018, Fargo, North Dakota became the first US jurisdiction to adopt approval voting for local elections. A candidate who is preferred by a majority of voters might not be elected in an approval voting system. Similarly, a minor candidate with minimal support in a plurality election might win an election using approval voting. No state in the US has adopted approval voting for state elections. Vote 19-0.

Rep. Abramson spoke against.

Rep. Bergeron spoke in favor.

On a division vote, with 305 members having voted in the affirmative, and 22 in the negative, the committee report was adopted.

HB 476-FN, replacing the milk producers emergency relief fund with the dairy premium fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John O'Connor for Environment and Agriculture. This nonpartisan bill, which supports the dairy fund program, is a NH solution to aid and sustain our dairy farmers by using a unique marketing approach. Currently, dairy farmers' milk is priced by the federal government as a commodity which does not take into consideration the unique challenges and costs incurred by dairy farmers in the Northeast as opposed to those in other parts of the country such as California. This bill uses no public monies to market the milk that is produced by NH dairy farmers. The initial start-up marketing monies will come from the animal feed registration fees already in existence. After that the dairy farmers will be adding 10 cents per every 100 lbs. produced that will go to our Granite State dairy marketing group. A NH designed milk logo, crafted by a student from Plymouth University, will be affixed to fluid milk containers that have an increase premium that will then go back to the participating dairy farmers. This is the NH way to help sustain our farmers, especially the young families that are 5th and 6th generation, to carry on the tradition of delivering fresh milk to our NH citizens. Vote 20-0.

Amendment (0443h)

Amend RSA 184:106 as inserted by section 1 of the bill by replacing it with the following:

184:106 Definitions. In this subdivision:

- I. "Commissioner" means the commissioner of the department of agriculture, markets, and foods.
- II. "Department" means the department of agriculture, markets, and foods.
- III. "Federal promotion deduction" means the administrative assessment and marketing service deduction assessed in accordance with 7 C.F.R. part 1000, subpart I.
- IV. "Milk producer" means any person who owns or controls one or more hooved mammals, a part or all of the milk or milk products from which are sold, or offered for sale.
- V. "Milk processor" means any person who processes and markets commercially fluid milk products in consumer-type packages in the United States.
- VI. "Private label" means a product that is processed by a contract or third-party processor and sold under a retailer's brand name.
- VII. "Producer baseline production" means the average production of a milk producer over the previous 12 months.
- VIII. "State baseline production" means the total of all producer baseline production.

Amend RSA 184:107, VII-XIII as inserted by section 1 of the bill by replacing them with the following:

VII. Within 30 days of the effective date of this section, all dairy cooperatives and/or bulk haul purchasers of milk in the state shall submit a list of eligible milk producers to the department and the records of their previous 12 months of production. The commissioner, in consultation with the New Hampshire milk products board, shall calculate a producer baseline for each milk producer by calculating the average milk production over the previous 12 months. If a milk producer did not produce milk in all 12 months prior to the effective date of this section, the baseline shall be the average milk production of the number of months the milk producer was in production. A milk producer shall be eligible to receive a dairy premium under paragraph VIII if he or she directs \$0.10 from his or her federal promotion deduction to Granite State Dairy Promotion.

VIII. The commissioner shall calculate the premium to be paid to eligible milk producers. The producers share shall be 86 percent of the dairy premium fund. The department shall use the remainder of the moneys in the dairy premium fund to promote the dairy premium program. The premium rate shall be the producers' share divided by the state baseline production. Each producer shall be paid their producer baseline production multiplied by the premium rate.

IX. The baseline production shall also be adjusted when a milk producer leaves the market or 6 months after a milk producer enters the market, but not more than 2 times in a 12-month period.

X. Any milk processor or private label may participate in the program, as long as it certifies to the commissioner that the fluid milk produced in New Hampshire is segregated at the point of collection and remains segregated for production.

XI. Milk producers in New Hampshire who process milk products on site for direct sales to consumers may participate in the program. However, all milk products produced by such a milk producer shall be sold as dairy premium program milk. A milk producer who is also a milk processor who does not participate in the program shall have his or her base calculated only on the milk shipped through a commercial hauler.

XII. Manufacturers of dairy products other than fluid milk may also use the dairy premium program logo if such manufacturers remit a portion of sales of such products to the dairy premium fund based on a formula agreed to by the commissioner and approved by the dairy premium board and certify to the commissioner that they only use New Hampshire fresh milk.

Amend RSA 184:109 as inserted by section 1 of the bill by replacing it with the following:

184:109 Dairy Premium Fund. There is established a dairy premium fund which shall be administered by the commissioner. The commissioner shall deposit into the fund any appropriations from the program made to the department from the general fund to be used consistent with the definitions and provisions of this subdivision, to distribute a quarterly premium payment to New Hampshire milk producers who ship milk in the state of New Hampshire. The fund shall be nonlapsing and shall be continually appropriated to the department. The commissioner is authorized to accept public sector and private sector grants, gifts, or donations of any kind for the purpose of funding the provisions of this subdivision. The commissioner may employ legal counsel as deemed necessary.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 547-FN, relative to licensure of polysomnographers. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jaci Grote for the Majority of Executive Departments and Administration. This bill would have established a governing board and licenses for polysomnographers. Polysomnographers' scope of practice is currently under the jurisdiction of the Board of Respiratory Care Practitioners and they are supervised by respiratory care therapists. Polysomnographers work in hospitals and sleep clinics; their work is done under physicians' orders and they work with supervision. Because polysomnographers are under the supervision of respiratory care therapists and insurance coverage is available, the majority of the committee did not see a need to license. Vote 11-9.

Rep. Peter Schmidt for the Minority of Executive Departments and Administration. This bill would, among other things, provide for greater public safety and a more appropriate governance of polysomnography and practitioners thereof. Currently, sleep technologists practice under the oversight of the Board of Respiratory Care Practitioners, and they are not licensed. While this may have been suitable 20 to 30 years ago, when sleep study was developing out of respiratory care and most sleep technicians learned on the job, polysomnography is now well-established, and practitioners are trained independently in regular courses of study. They should be self-governed and licensed. The ED&A Committee unfortunately did not have an adequate opportunity to hear from practitioners; and an Inexpedient to Legislate motion is not in the best interest of the profession, nor of the citizens of New Hampshire. The minority of ED&A firmly believes that further study is not only well justified but most appropriate.

Majority committee report adopted.

HB 567, relative to using the Atlantic Time Zone in New Hampshire. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Carol McGuire for the Majority of Executive Departments and Administration. This bill would switch New Hampshire to the Atlantic Time Zone, or you could consider it “daylight saving all year.” This change eliminates the inconvenient and dangerous clock changes in spring and fall, which have been shown to cause accidents, heart attacks, and many other problems. Yes, it will be darker on winter mornings, but afternoons will be lighter; winter days just aren’t long enough here to have sunlight all the time we’re out and about. Under the bill, this change would be triggered when Maine and Massachusetts also agree to change their time, so that we would remain on the same time as our neighboring states. Vermont may or may not change, but Massachusetts is the major actor in New England, with over 100,000 New Hampshire people commuting there every day. Passing this bill may encourage Massachusetts to adopt this change, to our benefit as well as theirs. Vote 11-7.

Rep. Sallie Fellows for the Minority of Executive Departments and Administration. The primary concern of the minority of the committee is the safety of our school children. If this bill is enacted, in November through February sunrise will occur one hour later than it does now. In December and January, the sun will rise between 8:00 a.m. and 8:15 a.m. Children, especially in rural areas, will be waiting for the bus as early as two hours before sunrise. It will be very dark and very cold. For the 1,200 students in our two NH-VT interstate school districts, students in the same school will be sleeping two different time zones. Half will observe the daylight savings time switch, and half will not. The effect on school children needs to be evaluated before enacting this legislation.

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

Rep. Josephson offered floor amendment (0671h).

Floor Amendment (0671h)

Amend the bill by replacing sections 2-3 with the following:

2 Application to the United States Department of Transportation. Within 180 days of the adoption of similar legislation by the states of Vermont, Maine, and Massachusetts, or on the date specified for similar action by either the state of Vermont, Maine, or Massachusetts, whichever is earlier, the governor shall petition the United States Secretary of Transportation to move the state of New Hampshire to the Atlantic Time Zone.

3 Contingency. Section 1 of this act shall take effect on the first July 1 after section 2 takes effect or the effective date specified by similar action by either the state of Vermont, Maine, or Massachusetts, whichever is earlier. Section 2 of this act shall take effect on the date that the states of Vermont, Massachusetts, and Maine enact similar legislation moving from the Eastern Time Zone to the Atlantic Time Zone. If Vermont, Massachusetts, and Maine do not adopt such legislation, sections 1 and 2 of this act shall not take effect.

AMENDED ANALYSIS

This bill provides that New Hampshire will use Atlantic Standard Time throughout the calendar year if Vermont, Massachusetts, and Maine also move to Atlantic Standard Time.

Rep. Josephson spoke in favor and yielded to questions.

Rep. McGuire spoke against and yielded to questions.

Floor amendment (0671h) failed.

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

Rep. Fellows spoke against and yielded to questions.

Rep. Yokela spoke in favor and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Ley moved that **HB 567**, relative to using the Atlantic Time Zone in New Hampshire, be laid on the table. On a division vote, with 128 members having voted in the affirmative, and 200 in the negative, the motion failed.

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

On a division vote, with 208 members having voted in the affirmative, and 120 in the negative, the majority committee report was adopted and ordered to third reading.

HB 634, establishing a commission to study the licensure of individuals who forage for wild mushrooms for sale to others. **OUGHT TO PASS.**

Rep. Sallie Fellows for Executive Departments and Administration. Farmers’ markets and restaurants are potential local markets for wild mushrooms, but sales are prohibited because NH has no regulations in place to ensure only safe mushrooms are sold. This bill creates a commission to recommend how the licensing of mushroom foragers can be used to protect public health. Other states use a variety of methods to regulate wild mushroom sales. The commission will include representatives from the State Departments of Agriculture, the Department of Health and Human Services, the American Culinary Foundation, a trained mycologist (i.e. mushroom expert) and others. The report is due November 1, 2019. Vote 12-7.

Committee report adopted and ordered to third reading.

HB 720-FN, relative to part time employment of retired community college system faculty. **INEXPEDIENT TO LEGISLATE.**

Rep. Dianne Schuett for Executive Departments and Administration. This bill would have carved out an exception for retired faculty members of the community college system to be able to work more than the allowed 32 hours a week after they retire. The committee noted that the only exceptions currently allowed per RSA 100-A:7-b, are for retired police or firefighters serving during a declared emergency. The committee did not feel that the cases cited during testimony amounted to such emergency situations and the community college system stated that their need for these employees is rare. Therefore, the committee voted to deny the exception. Vote 17-3.

Committee report adopted.

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, March 7, 2019 at 9:00 a.m.

Motion adopted.

LATE SESSION

Third Reading and Final Passage

HB 572, proclaiming the second Saturday in June as Pollyanna of Littleton New Hampshire Recognition Day.

HB 488-FN, requiring interpreters for the deaf and hard of hearing at the state house campus.

HB 706-FN-A, establishing an independent redistricting commission.

HB 491, relative to questioning and detaining suspects.

HB 123, relative to emergency response plans in schools.

HB 258, establishing a committee to study teacher preparation and education programs

HB 226, relative to the renomination of teachers.

HB 476-FN, replacing the milk producers emergency relief fund with the dairy premium fund.

HB 567, relative to using the Atlantic Time Zone in New Hampshire.

HB 634, establishing a commission to study the licensure of individuals who forage for wild mushrooms for sale to others.

SPECIAL ORDERED

Without objection, the Speaker made the remaining bills on today's calendar Special Orders for the Session of March 7, 2019.

UNANIMOUS CONSENT

Rep. Abramson requested Unanimous Consent of the House regarding an apology and addressed the House.

UNANIMOUS CONSENT

Rep. Berch 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 5:45 p.m.

RECESS

(Rep. Martin in the Chair)

RESOLUTION

Rep. Rogers offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 2 shall be by this resolution read a first and second time by the therein listed title, sent for printing and referred to the therein designated committee.

Motion adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 2-FN-A-L, relative to state fees, funds, revenues, and expenditures. (Wallner, Merr. 10; Finance)

RECESS

(Rep. Martin in the Chair)

RESOLUTION

Rep. Rogers offered the following: RESOLVED, that introduction having been approved by the Rules Committee and in accordance with the list in the possession of the Clerk, House Resolution numbered 8 shall be by this resolution read a first and second time by the therein listed title and referred to the therein designated committee.

Motion adopted.

INTRODUCTION OF HOUSE RESOLUTION

First, second reading and referral

HR 8, affirming revenue estimates for fiscal years 2019, 2020, and 2021. (Almy, Graf. 13; Ways and Means)

RECESS

(Rep. Martin in the Chair)

RESOLUTION

Rep. Rogers offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 5 shall be by this resolution read a first and second time by the therein listed title and referred to the therein designated committee.

Motion adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 5-FN-A, making an appropriation to the department of health and human services for Medicaid provider rates for mental health and substance misuse and emergency shelter and stabilization services. (Finance)

RECESS