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HOUSE RECORD

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Concord, N.H.

Tuesday, March 19, 2019

No. 10

HOUSE JOURNAL NO. 9 (Cont'd)

Thursday, March 14, 2019

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

HOUSE JOURNAL NO. 10

Tuesday, March 19, 2019

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

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of the victims of the shooting in New Zealand.

Prayer was offered by the member from Salem, Representative Robert Elliott.

Almighty God, from whom we all come and to whom we shall all return, we thank Thee for granting us another 24-hours of this precious gift we call human life and we thank Thee for keeping Your promise to "give us this day our daily bread." As we begin a long and busy day, we thank Thee for calling us to be Representatives of Thy people, knowing full well that we are not responsible for being here. It was the people who made that possible and it is them, and to Thee, that we are all accountable. We realize now that we are a chosen body, a chosen few, a precious few, as Shakespeare would say, and that when we write laws that affect over a million people, man, woman and child in our state, we feel a heavy, heavy sense of responsibility and it is then that we become fully aware that we are not just political parties. We are really only public servants. So, we ask Thee now to bless us and to guide us and to help us in our deliberations. Keep us from losing our tempers when we grow weary and keep us from forgetting and always remind us that each one of us in an Honorable State Representative, always in need of respect from one another. And at the end of this very long day, and this very, very long week, when we leave these hallowed halls, when all is said and done, may each and every one of us be allowed to hear in our hearts and minds. Thy voice saying to us, "Well done, good and faithful servant." Amen.

Representative Raymond Howard, member from Alton, led the Pledge of Allegiance.

The National Anthem was performed by the member from Alton, Representative George Feeney.

LEAVES OF ABSENCE

Reps. Gordon, Keans, Kittredge, L'Heureux, Nelson, Jason Osborne, Pantelakos, Perreault, Sanborn, Timothy Smith and Webb, the day, illness.

Reps. Bernet, Buchanan, Eaton, Fargo, Gourgue, Guthrie, Harrington, Kanzler, Klose, Kotowski, Lucas, McBride, McLean, Merlino, Migliore, Morrison, O'Connor, Owens, Piedra, Plumer, Richards, St. Clair, Varney and Warner, the day, important business.

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

INTRODUCTION OF GUESTS

Robert DeFelice, student at Merrimack High School, Page for the day.

Lois, Jennifer, James and Jessica Wood, guests of Rep. Horn. Diane, Bayne, and Sarah Myler, and Bryan Car, wife, children and nephew of Rep. Myler. The Honorable Tammy Simmons, former member from Manchester, guest of Rep. Warden. Andrew Burns, son of Rep. Burns.

CONSENT CALENDAR

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

HB 536-FN, adding biometric information to the consumer protection act, removed by Rep. Warden.

HB 430, requiring school boards to establish conflict of interest policies, removed by Rep. Torosian.

HB 409, relative to the maximum optional fee for transportation improvements charged by municipalities when collecting motor vehicle registration fees, removed by Rep. Sylvia.

HB 139, prohibiting smoking in state parks, removed by Rep. Edwards.

HB 192-FN-L, abolishing fluoridation in water, removed by Rep. Grassie.

HB 512, relative to dogs on hiking trails in state parks and state forests, removed by Rep. Harrington.

Consent Calendar adopted.

HB 263, relative to department of health and human services family reunification practices involving convicted sex offenders. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sean Morrison for Children and Family Law. This bill is necessary to ensure the safety of children in state care. As amended the bill prohibits children under state care from placement with a sex offender that has been convicted of a sex crime against a child. The committee believes this bill is consistent with the best interest of the child. Vote 19-0.

Amendment (1029h)

Amend the bill by replacing section 1 with the following:

1 Child Protection Act; Reunification Prohibited. Amend RSA 169-C:23 to read as follows:

169-C:23 Standard for Return of Child in Placement.

I. In the absence of a guardianship of the person of the minor, governed by the terms of RSA 463, before a child in out-of-home placement is returned to the custody of his or her ~~[parents, the parent or parents]~~ **parent, the parent** shall demonstrate to the court that:

~~[I. They are]~~ **(a) He or she is** in compliance with the outstanding dispositional court order;

~~[H.]~~ **(b)** The child will not be endangered in the manner adjudicated on the initial petition, if returned home;

~~[H.]~~ **(c)** Return of custody is in the best interests of the child. Upon showing the ability to provide proper parental care, it shall be presumed that a return of custody is in the child's best interests.

II. In no case shall the court order family reunification or placement with a parent or guardian who is a tier III offender, convicted of a sexual offense against a child as defined in RSA 651-B:1. Nor shall the permanency plan for a child in placement involve family reunification or placement with a parent or guardian who is a tier III offender, convicted of a sexual offense against a child as defined in RSA 651-B:1. Nothing in this paragraph shall be construed as conferring any rights on a parent or guardian who is a tier I or tier II offender, convicted of a sexual offense against a child as defined in RSA 651-B:1.

AMENDED ANALYSIS

This bill prohibits the court in an abuse and neglect proceeding from ordering family reunification or placement with a parent or guardian who is a tier III sex offender, convicted of a sexual offense against a child.

HB 330, relative to child day care monitoring visits by the department of health and human services. **IN-EXPEDIENT TO LEGISLATE.**

Rep. David Coursin for Children and Family Law. This bill would reduce the effectiveness of visits performed by the Department of Health and Human Services when monitoring childcare centers licensed by the department. It would eliminate unannounced monitoring visits and require that a childcare center be notified five days prior to any monitoring visit. The opportunity to monitor a childcare center unannounced is the most effective way to determine how the childcare center actually performs on a daily basis. Providing advance notice removes this opportunity and produces inadequate monitoring. The committee heard testimony confirming the value of the unannounced visit. Proponents of the bill argued that it would prevent situations in which a childcare owner would have to attend to the monitoring visit rather than continue providing direct care. This could theoretically reduce available staff to a level below the minimum required to pass the evaluation. The committee heard testimony that this does not occur because the agency understands the inherent unfairness of that situation. Vote 18-1.

HB 386, relative to the parenting schedule for weekends and holidays. **INEXPEDIENT TO LEGISLATE.**

Rep. Elaine French for Children and Family Law. This legislation addressed inappropriate care responsibilities put on one parent. The committee felt this bill was too prescriptive. Both parties signed off on the final decree. That would have been the time to challenge its provisions. Vote 17-0.

HB 393, establishing a committee to study child care in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary Jane Mulligan for Children and Family Law. This bill will create a study committee to study child care costs, affordability and accessibility issues in New Hampshire. Childcare is too expensive for many families. For those who can afford it, there are issues finding some place convenient. Many child care centers are struggling to stay open and the workers do not earn a living wage with benefits. The committee will be working with parents, childcare provider and the state to improve each of these points with legislation. Vote 18-1.

Amendment (1023h)

Amend the bill by replacing section 5 with the following:

5 Report. The committee shall submit an interim report of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2019. The committee shall submit its final report on or before November 1, 2020.

HB 427, relative to the procedure for filing a protective order on behalf of a minor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Francesca Diggs for Children and Family Law. This bill permits a parent or guardian to file a petition for a protective order on behalf of a minor. The protective order does not allow one parent to petition against the minor's other parent. The minor may file a petition for protective order on behalf of his or her ward, alleging abuse by a member of his or her family or household. Vote 19-0.

Amendment (1038h)

Amend the bill by replacing section 2 with the following:

2 New Section; Child Protection Act; Petition for Protective Order Filed on Behalf of Minor. Amend RSA 169-C by inserting after section 7 the following new section:

169-C:7-a Petition for Protective Order Filed on Behalf of Minor.

I.(a) A parent or guardian may file a petition for a protective order on behalf of a minor, alleging abuse of the minor by a member of the minor's family or household. The court shall not accept a petition under this section that is filed by a child's parent against the other parent. Any order issued under this chapter may be in addition to an order issued under RSA 173-B and any proceeding initiated under this chapter may be consolidated with a proceeding under RSA 173-B.

(b) Any minor plaintiff who seeks a protective order under this chapter need not be accompanied by a parent or guardian to receive relief or services under this chapter.

II. A guardian may file a petition for a protective order on behalf of his or her ward, alleging abuse of the ward by a member of the ward's family or household.

III. Any acts of abuse or neglect alleged in a petition shall be referred to the department pursuant to this chapter.

HB 437, establishing a commission to study parental alienation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kimberly Rice for Children and Family Law. This bill was filed at the recommendation of a study committee on parental alienation. The study committee, and our committee, felt this subject needed further study with more stake holders at the table. Vote 19-0.

Amendment (1019h)

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

1 New Section; Commission to Study Parental Alienation. Amend RSA 461-A by inserting after section 24 the following new section:

461-A:25 Commission to Study Parental Alienation Established. There is established a commission to study parental alienation.

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

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

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

(c) One representative of the judicial branch family division, appointed by the administrative judge of the circuit court.

(d) One representative of the office of the governor, appointed by the governor.

(e) One guardian ad litem, appointed by the guardian ad litem board.

(f) One psychiatrist or psychologist, with experience in family law matters, appointed by the speaker of the house of representatives.

(g) One elementary school counselor, appointed by the president of the senate.

(h) One representative of the New Hampshire Coalition Against Domestic and Sexual Violence, appointed by the coalition.

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

III. The commission shall:

- (a) Define the term parental alienation.
- (b) Study the relationship between parental alienation and child abuse and neglect, domestic abuse, violent crime, substance abuse, and mental illness.
- (c) Examine causes, costs, and effects of parental alienation in New Hampshire.
- (d) Identify preventative measures that may be used to prevent or minimize the effects of parental alienation.
- (e) Solicit testimony from any organization or individual with information the commission deems relevant to its study.

IV. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Six members of the commission shall constitute a quorum.

V. The commission shall submit an interim report of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2019. The commission shall submit a final report on or before November 1, 2020.

2 Repeal. RSA 461-A:25, relative to the commission to study parental alienation, is repealed.

HB 574-FN, relative to the emancipation of minors. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kimberly Rice for Children and Family Law. The committee unanimously agreed that it is essential to allow limited emancipation. The bill provides strict guidelines and requirements to ensure it is in the best interest of the youth. Vote 19-0.

Amendment (1032h)

Amend RSA 461-B:8, I(e) as inserted by section 1 of the bill by replacing it with the following:

(e) The minor has graduated or will continue to diligently pursue graduation from high school or a high school equivalency certificate; and

Amend RSA 461-B:8, III as inserted by section 1 of the bill by deleting subparagraph (g) and renumbering the original subparagraph (h) to read as subparagraph (g).

HB 583, relative to the procedures governing guardians ad litem and relative to parental rights and responsibilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Francesca Diggs for Children and Family Law. This bill makes changes to RSA 461-A, relative to parental rights and responsibilities and the role of a guardian ad litem. This would include changing the legal standard from the best interest of the child, and more narrowly define the role of guardians ad litem. Vote 19-0.

HB 309, relative to procedures for foreclosure of a mortgage. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill, with the amendment, changes the notice requirements when a mortgagee exercises its power of foreclosure under the mortgage contract. The notice must be served by the sheriff in the county where the property sits, rather than by mail. It also modifies the currently-existing process by which a mortgagor can stop a foreclosure process, allowing them to file a complaint, rather than a petition, with the court. Vote 20-0.

Amendment (0735h)

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

1 Sale Under the Power; Notice. Amend RSA 479:25, II(a) to read as follows:

II.(a) A copy of said notice shall be served upon the mortgagor [or] **by the sheriff either by hand or by leaving a copy at the mortgaged premises. A copy shall be** sent by registered or certified mail to his or her last known address or to such person as may be agreed upon in the mortgage. **Such copy shall be mailed and service shall be made by the sheriff** at least 25 days before the sale, or in the case of a residential mortgage, at least 45 days before the sale. The term "mortgagor" shall include the mortgagor and any grantee, assignee, devisee or heir of the mortgagor holding a recorded interest in the mortgaged premises subordinate to the lien of the mortgage, provided that such interest is recorded at least 30 days, or in the case of a residential mortgage, at least 50 days, before the date of the sale, in the registry of deeds for the county in which the mortgaged premises are situated. In this paragraph, the term "residential mortgage" means a mortgage on a dwelling, as defined in RSA 397-A:1, VI-c. Like notice shall be sent to any person having a lien of record on the mortgaged premises not less than 21 days before the sale, provided that the lien is recorded at least 30 days, or in the case of a residential mortgage, at least 50 days, before the date of the sale in the registry of deeds. Such notice of sale shall be sufficient if it fully sets forth the date, time, and place of sale; the town, county, street or highway and street number, if any, of the mortgaged premises; the date of the mortgage; the volume and page of the recording of the mortgage; and the terms of the sale. Any mortgagor

or record lienholder who refuses to accept or claim mailed or served notice or who frustrates attempts by the mortgagee to give notice of the sale by failing to give or leave a forwarding address or by other act or omission shall be deemed to be notified of the sale, provided that such mortgagee shall have made a good faith effort to provide such notice.

2 Sale Under the Power; Notice. Amend RSA 479:25, II(c) to read as follows:

(c) Notice of the sale as served on or mailed to the mortgagor shall also in all cases include the following language:

“You are hereby notified that you have a right to [petition] **file a complaint in** the superior court for the county in which the mortgaged premises are situated, with service upon the mortgagee[~~and upon such bond as the court may require, to enjoin the scheduled foreclosure sale~~]. **The filing of a complaint against the mortgagee, followed by notice to the mortgagee, or his or her agent, will operate as an immediate injunction to stop the nonjudicial foreclosure if it is filed at least 10 days before the date of the sale. This injunction will continue until it is lifted by order of the superior court. If the complaint is filed less than 10 days before the date of the sale, an injunction may be ordered at the discretion of the court.**” Failure to [institute such petition] **file such a complaint** and complete service upon the foreclosing party, or his or her agent, conducting the sale prior to sale shall thereafter bar any action **against any third party buyer of the foreclosed property** or right of action of the mortgagor based on the validity of the foreclosure.

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

HB 323, relative to signage advertising liquor or beverages. **INEXPEDIENT TO LEGISLATE.**

Rep. Rebecca McBeath for Commerce and Consumer Affairs. While the majority of the committee is supportive of the promotion and sales of New Hampshire produced liquor and alcoholic beverages, this initiative would replace the current statutory framework regulating roadway advertising for liquor licensees and instead delegate this authority to local sign ordinances. The majority agreed with the testimony of the NH Liquor Commission and the NH Department of Transportation (DOT) that the repeal of state laws regarding alcohol licensees placement of signs on roadways, as well as the regulation of internally lit signs and prohibition of neon signs, would create a confusing patchwork of advertising standards across the state. In addition, concerns were raised that the adoption of this bill may create conflicts with the Federal Highway Beautification Act of 1965. The NHDOT pointed out that under existing law, businesses and specialty beverage stores are eligible to apply for an official tourist oriented directional sign, also known as “blue signs” under Tra 602.09 (e). Vote 20-0.

HB 348, relative to procedures for condominiums with 25 or fewer residential units. **OUGHT TO PASS.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill reduces the meeting requirements for smaller condominium associations. These associations, some as small as two units, generally operate less formally than large associations, and requiring them to operate like a big development with hundreds of units and paid staff imposes an undue burden. Nothing in the bill prohibits an association from having stricter meeting requirements in its operating documents. The bill also requires associations to have a master insurance policy to cover common areas and spells out who is responsible if damage occurs and no insurance is in place. Vote 20-0.

HB 389-FN, requiring the department of business and economic affairs to prepare materials for businesses relative to service dogs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Constance Van Houten for Commerce and Consumer Affairs. As amended, this bill provides for the Secretary of State, in coordination with the Governor’s Commission on Disability, to develop, prepare and make available to businesses, upon request, materials relative to service dogs. Materials include a decal for posting in the front window or on the door stating that service animals are welcome, as well as a list of permissible questions that a business owner may use in determining if an animal is a service animal and information and guidelines for compliance with the Americans with Disabilities Act. Vote 20-0.

Amendment (0902h)

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

AN ACT requiring the secretary of state to prepare materials for businesses relative to service dogs.

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

1 New Section; Secretary of State; Materials for Businesses Relative to Service Dogs. Amend RSA 5 by inserting after section 15-a the following new section:

5:15-b Materials for Businesses Relative to Service Animals. The secretary of state shall coordinate with the governor’s commission on disability to develop, prepare, and make available to businesses upon request:

I. A decal suitable for posting in a front window or door stating that service animals are welcome and that misrepresentation of an animal as a service animal is a violation of RSA 167-D:8.

II. Materials including permissible questions a business owner may ask in order to determine whether an animal is a service animal, guidelines for compliance with the Americans with Disabilities Act for the

business owner, and information on the Americans with Disabilities Act. Such materials shall also contain language stating that persons who have non-apparent disabilities such as asthma or allergies to animals may also be protected by the Americans with Disabilities Act. Such materials shall also contain information about the penalties for misrepresentation of a dog as a service dog under RSA 167-D.

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

AMENDED ANALYSIS

This bill requires the secretary of state to prepare materials for businesses relative to service dogs.

HB 450, relative to examinations conducted by the banking department. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Greg Indruk for Commerce and Consumer Affairs. This bill was filed at the request of the Banking Department. The bill clarifies language related to examinations by the Bank Commissioner of certain regulated entities, including where such exams will be noticed and how the department is reimbursed for costs incurred by conducting such exams. The amendment adjusts language related to exams conducted outside New Hampshire and clarifies the commissioner's discretion with regard to intervals between exams for certain entities. Vote 20-0.

Amendment (0681h)

Amend the bill by replacing sections 2-4 with the following:

2 Banks and Banking; Bank Commissioner; Duties. Amend RSA 383:9, V to read as follows:

V. The commissioner may conduct an examination or investigation during business hours, ***at the commissioner's office by consent or by subpoena, or*** at any location of the entity's operations, including any place where assets are located or where records are made, posted, or kept. The commissioner shall have the power to conduct [such] an examination or investigation outside the state of New Hampshire and outside the United States and its territories. ***Notice of any examination may be provided to the entity's main or principal office or, for a trust company or family trust company, to any executive officer of the trust company or family trust company.***

3 Banks and Banking; Bank Commissioner; Examination of Banks, Credit Unions, Trust Companies, and Family Trust Companies. Amend RSA 383:9-d, IV to read as follows:

IV. The commissioner shall examine the condition and management of all consumer credit licensees as required by law, every [18] **24** months, or more often when necessary in his or her judgment. In lieu of his or her own report, the commissioner may accept a report of a federal or state regulator or group of regulators with authority to conduct a similar type of examination of the entity.

4 Banks and Banking; Bank Commissioner; Examination of Banks, Credit Unions, Trust Companies, and Family Trust Companies. Amend RSA 383:9-d, VI to read as follows:

VI. In no event shall a licensee be examined less than every [36] **48** months.

Amend the bill by replacing section 10 with the following:

10 Banks and Banking; Bank and Credit Union Regulation and Enforcement; Annual Audits; Reports. Amend RSA 383-A:5-509(c) to read as follows:

(c) Each state bank or credit union shall direct its auditor to provide, and the auditor shall provide, the commissioner with a copy of its audit report, within 60 days after each is made available to the state bank or credit union. All reports, memoranda, and correspondence ~~[remain the property of the individual state bank or credit union]~~ ***shall be confidential in accordance with RSA 383:10-b.***

Amend the bill by replacing section 12 with the following:

12 Banks and Banking; Trust Company Act; Offices; Examination of Out-of-State Offices. Amend RSA 383-C:7-704 to read as follows:

383-C:7-704 Examination of Out-of-State Trust Offices. The commissioner may enter into agreements with any regulatory authority having jurisdiction to examine out-of-state trust offices of trust companies. For those examinations, ~~[a trust company shall pay (i) an examination fee calculated in accordance with RSA 383:11, I, and (ii) the actual cost of travel, lodging, meals, and other expenses of examination personnel employed in making examinations under this section]~~ ***the cost shall be the same as that provided in RSA 383:11.***

Amend RSA 383-C:14-1401, I as inserted by section 13 of the bill by replacing it with the following:

I. Subject to RSA 383-C:14-1402, the commissioner shall examine the condition and management of a trust company every 18 months, ***or more often when necessary in his or her judgment.***

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

20 Examination of Banks, Credit Unions, Trust Companies, and Family Trust Companies. Amend RSA 383:9-d, V(a) to read as follows:

(a) The licensee has consistently had examinations with few or no cited violations of law ***or has not conducted significant business in the state during the exam period;***

21 Effective Date.

I. Sections 1, 7, 11, 12, 15, 16, 18, and 19 of this act shall take effect 60 days after its passage.

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

HB 460-FN, relative to responsibility of the consumer protection and antitrust bureau over condominium disputes. **INEXPEDIENT TO LEGISLATE.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill would require the Attorney General's Consumer Protection and Antitrust Bureau to resolve complaints from condominium unit owners through arbitration, investigation, cease-and-desist orders, or other means. While the committee recognizes that there are a significant number of complaints lodged each year, the Consumer Protection Bureau has a small staff and a large set of responsibilities and would be overwhelmed by the volume and complexity of this task. The committee believes that other avenues to solve these problems should be sought. Vote 20-0.

HB 474, relative to principal offices of trust companies and banking and trusts insurance. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Greg Indruk for Commerce and Consumer Affairs. This bill was filed at the request of the Banking Department. It provides updates to the definitions of fidelity bonds and errors and omissions insurance for depository banks and credit unions. The bill also includes language related to the principal offices of trust companies. The amendment provides technical corrections and, for trust companies, replaces "principal office" language with provisions identifying and providing notice to executive officers directly. Vote 20-0.

Amendment (0360h)

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

1 Bank and Credit Union Regulation and Enforcement; Definitions. Amend RSA 383-A:2-201(b) to read as follows:

(b) Whenever a federal law or rule is referenced by incorporation in the Bank and Credit Union [~~Regulatory Enforcement~~] Act, the Depository Bank Act, the Trust Company Act, the Family Trust Company Act, or the Credit Union Act, the reference is to the law or rule as may be amended from time to time.

2 Bank and Credit Union Regulation and Enforcement; Organization of State Banks; Application. Amend RSA 383-A:3-305(a) to read as follows:

(a) The organizer of a state bank shall apply for a charter by filing an application under RSA 383-A:6-602. The commissioner shall prescribe the form of the application. The form shall specify information required to process the application for the type of state bank to be organized. The information shall include: the name of the state bank; the address of [the state] **a depository** bank's principal office; the state bank's registered agent and registered office; the name and address of each organizer; the name, address, background, and experience of the proposed directors and the executive officers; **for trust companies and family trust companies, the proposed work location for each executive officer where the executive officer will conduct trust business**; the name, address, and equity interest of each person holding 10 percent or more of the state bank's voting interests or other beneficial interests; the proposed organizational documents, including the organizational instrument executed by the organizer; a capital plan for the first 5 years of operations, including a statement as to the amount of the proposed initial capital, an explanation as to why that amount of capital is adequate for its business operations, and the sources and uses of capital; a business plan describing the business of the state bank, the customers or markets that it intends to serve, and its business strategy for the first 5 years of operation; pro forma financial statements for the first 5 years of operations; and any other facts or circumstances deemed relevant to the application by the commissioner.

3 Bank and Credit Union Regulation and Enforcement; Investigative Powers. Amend RSA 383-A:3-306 to read as follows:

383-A:3-306 Investigative Powers. For the purpose of any investigation under RSA 383-A, RSA 383-B, RSA 383-C, **and** RSA 383-D, [~~and RSA 383-E,~~] the commissioner shall have the power to subpoena witnesses and administer oaths in any adjudicative proceedings and the power to compel, by subpoena duces tecum, the production of all books, records, files, and other documents and materials relevant to his or her investigation.

4 Bank and Credit Unions; Organization of State Banks; Material Change in Operating Conditions. Amend RSA 383-A:3-318 to read as follows:

383-A:3-318 Material Change in Operating Conditions. If a board of directors of a [state] **depository** bank proposes to make a material change in the business plan, capital plan, or other factors considered by the commissioner in granting a charter to the [state] **depository** bank within 5 years of its receipt of a certificate to engage in business under RSA 383-A:3-315, then the board of directors may not make the change unless it submits an application seeking approval of the change to the commissioner as provided in RSA 383-A:6-602 and it is permitted to do so by the commissioner.

5 Banks and Banking; Capital, Fidelity Bond, and Errors and Omissions Insurance; Fidelity Bond and Errors and Omissions Liability Insurance. Amend RSA 383-A:4-405 and 4-406 to read as follows:

383-A:4-405 Fidelity Bond.

(a) A state bank or credit union shall maintain a fidelity bond that provides protection against losses from (i) any dishonest or criminal act of any person, including any of its directors, officers, employees, and agents, and (ii) any act such as robbery, burglary, or forgery by a person not associated with the bank **or credit union**.

(b) Except as provided in (c), the fidelity bond shall be issued by:

(1) An insurer licensed under the laws of the state; or

(2) A foreign surplus lines insurer authorized to sell insurance in this state and licensed by any state, district or territory of the United States.

(c) The issuer of a fidelity bond may be a person other than as described in (b)(1) and (2) if, under the terms of the policy, the issuer unconditionally consents to:

(1) The resolution of any claim or dispute involving the policy by a court located in this state; and

(2) The personal jurisdiction of the courts located in this state in connection with any matter involving the policy.

(d) The board of directors shall review the fidelity bond annually, or more often as circumstances require, to evaluate the adequacy of the amount of coverage.

(e) A **state** bank or credit union shall give notice to the commissioner **in accordance with RSA 383-A:6-602** if the coverage **under the fidelity bond** is decreased by 25 percent or more ~~under RSA 383-A:6-602~~ **in any 12-month period.**

~~[(b)]~~ *(f)* From time to time, the commissioner may reduce or increase the amount of the fidelity bond that a state bank or credit union is required to maintain. At no time shall the amount fall below the minimum required by the commissioner.

~~[(c)]~~ *(g)* The policy shall require that the fidelity ~~[insurer notify the commissioner within 10 days after the cancellation or nonrenewal of the fidelity bond]~~ **bond insurer provide 10 days' notice to the commissioner before cancellation or nonrenewal of the fidelity bond shall take effect.**

383-A:4-406 Errors and Omissions Liability Insurance.

(a) A state bank or credit union shall maintain a liability policy that insures against losses that any of its customers incurs by reason of the errors and omissions of the state bank or credit union or any of its directors, officers, employees, and agents.

(b) Except as provided in subsection (c), the errors and omissions liability policy shall be issued by:

(1) An insurer licensed under the laws of this state; or

(2) A foreign surplus lines insurer authorized to sell insurance in this state and licensed by any state, district or territory of the United States.

(c) The issuer of the errors and omissions liability policy may be a person other than as described in (b) if, under the terms of the policy, the issuer unconditionally consents to:

(1) The resolution of any claim or dispute involving the policy by a court located in this state; and

(2) The personal jurisdiction of the courts located in this state in connection with any matter involving the policy.

(d) The board of directors shall review the **errors and omissions** liability policy annually, or as circumstances require, to evaluate the adequacy of **the amount of** coverage.

(e) A **state** bank or credit union shall give notice to the commissioner **in accordance with RSA 383-A:6-602** if coverage **under the errors and omissions liability policy** is decreased by 25 percent or more ~~under RSA 383-A:6-602~~ **in any 12-month period.**

~~[(b)]~~ *(f)* From time to time, the commissioner may reduce or increase the amount of **errors and omissions liability** insurance coverage that a state bank or credit union is required to maintain. At no time shall the amount of insurance fall below the minimum required by the commissioner.

~~[(c)]~~ *(g)* The policy shall require that the errors and omissions **liability** insurer ~~[notify the commissioner within 10 days after the notice of cancellation or nonrenewal of the insurance policy]~~ **provide 10 days' notice to the commissioner before cancellation or nonrenewal of the errors and omissions liability shall take effect.**

6 Banks and Banking; Management and Operations; Reports of Condition. Amend RSA 383-A:5-510 to read as follows:

383-A:5-510 Reports of Condition.

(a) Each **calendar year, each** state bank or credit union shall balance its books at the close of business on the last business day in December ~~[in each year]~~ and, within 30 calendar days thereafter, shall ~~[make reports to the commissioner, upon forms furnished by the commissioner, showing the true conditions of the state bank or credit union at that time. The commissioner shall prescribe what information the reports shall contain including those forms required by federal regulating agencies and shall seasonably furnish forms upon which they shall be made.]~~ **file with the commissioner an annual report. The annual report shall be signed by an authorized officer of the state bank or credit union, attesting that the information provided is accurate to the best of his or her knowledge, and shall contain the following information:**

(1) The name and contact information for the institution and each branch, principal office, trust office, and main office, including information concerning any branch, principal office, trust office, or main office which opened, closed, or relocated during the year.

(2) The name of each person who is a director or trustee.

(3) The name of each person who is an executive officer.

(4) The name of each subsidiary of the institution.

(5) The name and contact information for each service entity.

(6) The name and contact information for any affiliated holding company.

(7) With respect to any fidelity bond or errors and omissions liability policy maintained to satisfy requirements in banking acts, the legal name and contact information for the insurance company that issued the coverage, the amount of coverage, and the amount of the deductible.

(8) With respect to any liquidation pledge the trust company maintains, the name and contact information for the person holding the liquidation pledge and the fair market value of the liquidation pledge as of the last business day of the year.

(9) With respect to any surety bond that a trust company maintains for the benefit of the commissioner, the name and contact information for the person issuing the surety bond, and the amount of the surety.

(10) With respect to any other funds that a trust company maintains for the benefit of the commissioner, the name and contact information for the person holding the funds, and the fair market value of the funds as of the last business day of the year.

(b) Quarterly, each state bank or credit union shall balance its books at the close of business on the last business day in March, June, [and] September, and December, [each year] and, within 30 calendar days after the end of each of those calendar quarters, shall [make reports to the commissioner, upon forms furnished by the commissioner, showing the true conditions of the state bank or credit union at that time. The commissioner shall prescribe what information the reports shall contain including those forms required by federal regulating agencies and shall seasonably furnish forms upon which they shall be made.] file with the commissioner a quarterly report, as follows:

(1) In the case of a depository bank, the quarterly report form shall be submitted using the applicable "Consolidated Reports of Condition and Income" developed by the Federal Financial Institutions Examination Council.

(2) In the case of a credit union, the quarterly report form shall be submitted using the "Call Report Form 5300" developed by the National Credit Union Administration.

(3) In the case of a trust company or family trust company, the quarterly report form shall be submitted using the following sections of the "Consolidated Reports of Condition and Income" developed by the Federal Financial Institutions Examination Council:

a. Signature page with attestation;

b. Contact Information for the Reports of Condition and Income;

c. USA PATRIOT Act Section 314(a) Anti-Money Laundering Contact Information;

d. Schedule RI-Income Statement;

e. Schedule RI-A—Changes in Bank Equity Capital;

f. Schedule RI-E—Explanations;

g. Schedule RC—Balance Sheet;

h. Schedule RC-B—Securities;

i. Schedule RC-F—Other Assets;

j. Schedule RC-G—Other Liabilities; and

k. Schedule RC-T—Fiduciary and Related Services.

(c) The commissioner shall have the power to adopt rules relating to reporting under this article, including any additional reporting requirements, and may by rule waive reporting requirements when the commissioner determines such information is not relevant to the determination of the true conditions of the state bank or credit union.

7 Banks and Credit Union Regulation and Enforcement; Order to Show Cause; Cease and Desist Order. Amend RSA 383-A:9-903(c) to read as follows:

(c) Valid delivery of any order under this article shall be by hand or certified mail to the person at the last known principal office or main office address if a depository bank or credit union, [or] by hand or certified mail to the legal representative of the person, or for a trust company or family trust company to an executive officer.

8 Banks and Banking; Depository Bank Act; General Provisions; Commissioner. Amend RSA 383-B:1-104 to read as follows:

383-B:1-104 Commissioner. The commissioner shall have the powers necessary or incidental to performing all of the commissioner's duties under this chapter, including the power to adopt rules as provided in

this chapter in accordance with RSA 541-A. All rules previously adopted by the commissioner relating to the subject matter of this chapter shall be subject to RSA 541-A:17[~~except for rules adopted under RSA 394-A:7 which shall continue in full force and effect until amended or repealed~~].

9 Depository Bank Act; Mutual Banks and Mutual Holding Companies; Reorganization of a Mutual Bank as a Mutual Holding Company. Amend the introductory paragraph of RSA 383-B:6-609 to read as follows:

A mutual bank may reorganize as a mutual holding company owning a subsidiary bank ***under a plan of reorganization***, by taking or causing to be taken the following actions:

10 Depository Bank Act; Mutual Banks and Mutual Holding Companies; Continuation of Operations and Depositor Interest. Amend RSA 383-B:6-615 to read as follows:

383-B:6-615 Continuation of ***Operations and*** Depositor Interest.

(a) ***The commissioner may permit any newly created, wholly-owned subsidiary bank of a mutual holding company under RSA 383-B:6-609 to represent that it is a continuation of the operations of the mutual bank which was its organizer, provided such representation does not violate RSA 383-A:7-701 and is consistent with the operations of the new subsidiary bank under the plan of reorganization.***

(b) The depositors of the mutual bank immediately prior to the reorganization shall be entitled to deposits in the subsidiary bank of the mutual holding company of like amounts, interest rates, and other terms, without interruption of interest, and the deposits shall continue to be insured by the Federal Deposit Insurance Corporation up to the maximum amount provided by law. The depositors of the mutual bank immediately before the reorganization, shall, by virtue of the reorganization, have proprietary interests in the net worth of the mutual holding company of the same nature, rights, and proportions as the proprietary interests which they had in the mutual bank, in lieu of the former interests.

11 Trust Company Act; Definitions. Amend RSA 383-C:2-201(b)(7) to read as follows:

(7) "Trust office" means a place of business of a trust company[~~other than its principal office~~], at which trust business is conducted, but shall not include an office that provides only administrative services or support for its trust business. The commissioner may define by rule which administrative services or support for a trust business would qualify for exemption from this definition and the procedure for requesting such exemption.

12 Trust Company Act; Required Capital, Fidelity Bond, Liability Insurance Generally. Amend RSA 383-C:5-501 to read as follows:

383-C:5-501 Required Capital, Fidelity Bond, Liability Insurance Generally. A trust company shall maintain the level of capital required under RSA 383-C:5-502, a fidelity bond under RSA 383-A:4-405, an errors and omissions liability insurance policy under RSA 383-A:4-406, and a liquidation pledge under RSA 383-C:5-503. The commissioner shall consider a trust company's safety and soundness and the protection of the trust company's clients in determining the appropriate amounts of required capital, fidelity bond coverage, ***errors and omissions*** liability insurance coverage, and liquidation pledge for the trust company. ***In addition to the requirements in RSA 383-A:4-405 and RSA 383-A:4-406, any insurance deductible shall be reasonable and shall not jeopardize the safe and sound operation of the trust company.***

13 Trust Company Act; Dissolution; Application for Dissolution. Amend RSA 383-C:10-1004(a) to read as follows:

(a) Before a trust company may dissolve its charter under RSA [383-A:10-1002] ***383-C:10-1002*** or RSA [383-A:10-1003] ***383-C:10-1003***, the trust company shall file with the commissioner an application for dissolution.

14 Trust Company Act; Reports and Other Filings. Amend RSA 383-C:13-1301 to read as follows:

383-C:13-1301 Reports and Other Filings.

(a) A trust company shall file with the commissioner reports of condition as required under RSA 383-A:5-510 and copies of other documents as required under RSA 383-A:5-511.

(b) ***A trust company shall, at the same time it files the annual report of condition pursuant to RSA 383-A:5-510, report to the commissioner the work address and other contact information where each executive officer of the trust company conducts trust business and the residential address of all directors, which information shall be kept confidential by the commissioner pursuant to RSA 383:10-b.***

(c) ***A trust company shall have a continuing obligation to update the information reported pursuant to subsection (b) within 30 days of any change.***

(d) ***A trust company failing to report the information required pursuant to subsections (b) and (c) within the prescribed time period shall pay to the commissioner a penalty of \$50 for each day such a report is overdue.***

15 Family Trust Company Act; Capital and Insurance; General. Amend RSA 383-D:6-601 to read as follows:

383-D:6-601 General. A family trust company shall maintain the required capital under RSA 383-D:6-602, ***a fidelity bond under RSA 383-A:4-405***, and an errors and omissions liability insurance policy under RSA 383-A:4-406. For purposes of determining the appropriate amounts of required capital, ***fidelity bond cover-***

age, and **errors and omissions** liability insurance **coverage**, the commissioner shall consider the family trust company's safety and soundness and shall give primary consideration to the liability insurance **coverage**, which [provide] **provides** the primary protections for a family trust company's family clients. **In addition to the requirements in RSA 383-A:4-405 and RSA 383-A:4-406, any insurance deductible shall be reasonable and shall not jeopardize the safe and sound operation of the family trust company.** RSA 383-C:5-501 shall not apply to family trust companies.

16 New Subparagraphs; Family Trust Company Act; Reports and Certification. Amend RSA 383-D:10-1001 by inserting after subparagraph (d) the following new subparagraphs:

(e) A family trust company shall, at the same time it files the annual report of condition pursuant to RSA 383-A:5-510, report to the commissioner the work address and other contact information where each executive officer of the family trust company conducts trust business and the residential address of all directors, which information shall be kept confidential by commissioner pursuant to RSA 383:10-b.

(f) A family trust company shall have a continuing obligation to update the information reported pursuant to subsection (e) within 30 days of any change.

(g) A family trust company failing to report the information required pursuant to subsections (e) and (f) within the prescribed time period shall pay to the commissioner a penalty of \$50 for each day such a report is overdue.

17 Family Trust Company Act; Judicial Dissolution. Amend RSA 383-D:12-1203(d) to read as follows:

(d) Venue for a judicial proceeding under this section is in the county of this state in which the family trust company's [principal] **trust** office is located or, if it does not have a [principal] **trust** office in this state, its registered office.

18 Credit Union Act; Definitions. Amend RSA 383-E:2-201(b)(1) to read as follows:

(1) "Branch office" means a place or location, other than its [principal] **main** office, at which a credit union receives the money of its members on deposit and in payment of shares or makes loans or receives payments on loans, but shall not include an office that provides only administrative services or support for its activities. The commissioner may define by rule which administrative services or support for a credit union's activities would qualify for exemption from this definition and the procedure for requesting such exemption.

19 Effective Date.

I. Sections 1, 3, 4, 6-10, 13, and 18 of this act shall take effect upon its passage.

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

HB 585, relative to the procedure for mortgage foreclosure. **INEXPEDIENT TO LEGISLATE.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill would automatically void foreclosure sales under certain circumstances, which would typically involve fraud. The committee felt that any foreclosure action where fraud was a concern should be handled by a court so due consideration would be given to the issues and the rights of each party. Vote 20-0.

HB 598, establishing a commission to study beer and wine agritourism. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kermit Williams for Commerce and Consumer Affairs. The bill creates a commission made up of stakeholders from the NH alcohol manufacturing industry and state departments to develop a plan to promote the growing interest, from both in-state and out-of-state tourists, in the New Hampshire small businesses that produce beer, wine, and spirits, and offer tours and tastings at their facilities. The commission will study ways to help tourists find these businesses, including through highway signage, maps, and advertising plans. The amendment adds two members and a requirement for the commission to develop a mechanism to allow farm-to-table dinners held at a location without an alcohol license to offer local alcohol products as part of the event. Vote 20-0.

Amendment (0881h)

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

AN ACT establishing a commission to study beer, wine, and liquor tourism.

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

1 New Section; Commission on New Hampshire Beer, Wine, and Liquor Tourism. Amend RSA 425 by inserting after section 2-a the following new section:

425:2-b Commission on New Hampshire Beer, Wine, and Liquor Tourism.

I. There is established a commission to study beer, wine, and liquor tourism in New Hampshire. The members of the commission shall be as follows:

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

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

(c) The commissioner of the department of agriculture, markets, and foods, or designee.

(d) The chairperson of the New Hampshire state liquor commission, or designee.

(e) The commissioner of the department of transportation, or designee.

(f) The department of business and economic affairs, director of the division of travel and tourism development, or designee.

(g) One representative from the New Hampshire Winery Association, appointed by the association.

(h) One representative from the New Hampshire Brewers' Association, appointed by the association.

(i) Two members of the general public, appointed by the governor.

(j) The director of the division of public health services, department of health and human services, or designee.

(k) One member representing New Hampshire liquor manufacturers, appointed by the governor.

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

III. The commission shall develop a plan for New Hampshire beer, wine, and liquor tourism, including beer, wine, and liquor trails with signage along New Hampshire highways, changes to liquor commission laws and rules that would enhance tourist experiences at New Hampshire wineries, breweries, and liquor manufacturers and coordination of beer and wine tourism marketing efforts among the department of agriculture, markets, and food, the division of travel and tourism development of the department of business and economic affairs, the department of transportation, and wine and beer producer associations. The commission shall also consider mechanisms to allow the operator of a "farm to table" dinner featuring New Hampshire produced food items to offer locally produced alcoholic beverages with meals. The commission may also study any other subject related to its purpose.

IV. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 30 days of the effective date of this section. Seven members of the commission shall constitute a quorum. The commission shall hold public meetings at least once per month and shall solicit and consider from interested parties testimony, documents, and other information pertaining to the commission's work.

V. The commission shall submit an interim report on November 1, 2019, and a final report including its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2020.

2 Repeal. RSA 425:2-b, relative to the commission to study beer, wine, and liquor tourism in New Hampshire, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2020.

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

AMENDED ANALYSIS

This bill establishes a commission to study beer, wine, and liquor tourism in New Hampshire.

HB 602, relative to rescission of a mortgage-related transaction. **INEXPEDIENT TO LEGISLATE.**

Rep. John Plumer for Commerce and Consumer Affairs. This bill provides that if a mortgage-related transaction has been validly rescinded, any foreclosure based on the transaction shall be void and unenforceable. This bill was determined to be inadequate to address outstanding issues relevant to mortgage foreclosure and therefore the prime sponsor supported the recommendation of Inexpedient to Legislate. Vote 20-0.

HB 619, relative to transactions exempt from consumer protection regulations. **INEXPEDIENT TO LEGISLATE.**

Rep. John Hunt for Commerce and Consumer Affairs. The exemptions under RSA 358-A, the Consumer Protection Act, have been well vetted over the years. The law exempts only 4 industry types because they are regulated by 4 state agencies that have the same power of restitution to the harmed consumer provided for the unfair trade practices of other businesses under RSA 358-A. To reverse some exemptions, as proposed in this bill, is unnecessary. Vote 20-0.

HB 648-FN, defining and regulating service entities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Greg Indruk for Commerce and Consumer Affairs. This bill was filed at the request of the Banking Department. The bill creates new provisions for oversight of third party "service entities" providing services or activities related to the routine operations of depository banks and credit unions. The amendment makes technical corrections and adjustments to reflect federal regulations. Vote 19-1.

Amendment (0669h)

Amend RSA 383-A:5-512(b) as inserted by section 3 of the bill by replacing it with the following:

(b) Subject to any limitations set forth in the Depository Bank Act (RSA 383-B) and the Credit Union Act (RSA 383-E), a depository bank or credit union may engage with a service entity to the same extent it is permissible for a federal credit union, national bank, or federal savings bank or its subsidiaries to do so under federal law.

Amend RSA 383-A:5-512(e) as inserted by section 3 of the bill by replacing it with the following:

(e) If any proposed engagement with a service entity is not expressly enumerated as a permissible engagement under federal law, but falls within the intent of federal law, the commissioner may authorize the proposed engagement by rule or order, provided such engagement is consistent with the purpose of this section, supports the general business needs of the depository bank or credit union, promotes the interests of its customers, and will not jeopardize the safe and sound operation of the depository bank or credit union.

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

4 Bank Commissioner; Duties. Amend RSA 383:9, I to read as follows:

I. The commissioner shall have general supervision of and shall conduct examinations of all state banks, trust companies, family trust companies, credit unions, and other entities licensed by the department as may be designated by law from time to time. ~~[He or she may inspect the books of those entities and their papers, notes, bonds, and other evidences of debt.]~~ ***The commissioner may also examine a service entity that engages with a state chartered institution or that otherwise operates in this state, and such examination may be conducted in conjunction with or independently of any examination of a depository bank or credit union. The commissioner may also enter into agreements with federal and state regulatory authorities to examine or participate in the examination of a service entity and to share and protect the confidentiality of any examination report, work papers, or other examination information of the other state or federal regulatory authority. The commissioner may inspect the books of any entity under examination, and their papers, notes, bonds, and other evidences of debt.*** By that examination, the commissioner shall determine the true financial condition of the entities, their ability to perform their engagements, and whether they have violated any provision of law.

5 Credit Unions; Powers of Credit Unions; Limitations. Amend RSA 383-E:4-403(e) through (g) to read as follows:

(e) ***A credit union may, in total, invest or lend up to 20 percent of its net worth in or to any single service entity, provided all of the following conditions are met:***

(1) ***The service entity is structured to limit the credit union's exposure to loss;***

(2) ***The service entity primarily serves credit unions and the membership of affiliated credit unions; and***

(3) ***A credit union's aggregate investment in or loans to all service entities do not exceed 50 percent of its net worth.***

(f) ***For the purposes of paragraph (e), "net worth" means the net worth as reported on the National Credit Union Administration Call Report Form 5300.***

(g) ***The commissioner may grant a waiver of the 20 percent maximum investing or lending threshold in paragraph (e) if the credit union's aggregate investment in or loans to all service entities do not exceed 50 percent of its net worth and if the credit union can demonstrate that:***

(1) ***The credit union exceeds the 20 percent limitation in paragraph (e) due to investments or loans to a service entity that engages solely in originating or servicing residential mortgage loans or both, where all such residential mortgages meet the definition of a qualified mortgage as that term is defined in 15 United States Code, Section 1639c(b)(2)(A).***

(2) ***The lending activities of the service entity are to and for the benefit of the membership of the credit union.***

(3) ***The loan to or investment in the service entity does not present an unacceptable exposure to loss that adversely impacts the safety and soundness of the credit union.***

(h) Whenever in the opinion of the commissioner the condition of any credit union is such that the commissioner deems it unwise for the credit union to invest in any preferred or common stocks, including shares of investment trusts, he or she may by written order forbid such credit union to make such investment, and said credit union shall not thereafter make such investment until such order shall be revoked in writing.

~~[(f)]~~ (i) No investment shall be made which, when added to investments of the same category then held, shall cause the investments in that category to exceed the percentages permitted for such category.

~~[(g)]~~ (j) In determining whether an investment complies with the limitations imposed by this section, the applicable limitation shall be applied to the condition of the credit union at the time of making such investment.

6 Effective Date.

I. Section 5 of this act shall take effect January 1, 2020.

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

HB 657, relative to the lowest cost option in the formulary under the managed care law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Garrett Muscatel for Commerce and Consumer Affairs. As amended, this bill provides an exception process for an individual who is on a low-cost drug to continue to take that drug if it is taken off their insurance carrier's formulary. The committee heard that a fellow representative testified about an inability to stay on a low-cost drug after it was taken off their formulary. This bill addresses that concern by clarifying and expand-

ing an existing exception process. This process will be beneficial to consumers because using lower cost drugs will help to bring down premiums. This exception process was agreed to as beneficial by the various industry groups involved. The committee believes that this bill fixes a loophole in the low-cost drug approval process and allows individuals to continue to use their drugs in the event they are taken off their formulary. Vote 20-0.

Amendment (0906h)

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

AN ACT relative to prescription drugs under the managed care law.

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

1 Managed Care Law; Prescription Drugs. Amend RSA 420-J:7-b, II through III to read as follows:

II. Every health benefit plan that provides prescription drug benefits shall maintain an expeditious exception process, not to exceed 48 hours, by which covered persons may obtain coverage for a medically necessary nonformulary prescription drug **or for a nonformulary prescription drug that was available during the previous 12 months**. The exception process shall begin when the prescribing provider has submitted a request with a clinical rationale for the exception to the health benefit plan. **The exception process shall also begin when a covered person has submitted a non-clinical request for access to a drug approved by the federal Food and Drug Administration for treating a specific condition when such drug was available on the formulary during the previous 12 months.** A prescription that requires an exception for coverage shall be considered approved if the exception process exceeds 48 hours.

II-a. No health benefit plan that provides prescription drug benefits and establishes the specific sequence in which prescription drugs for a medical condition are to be prescribed shall require failure on the same medication on more than one occasion for patients continuously enrolled in the plan. Nothing in this section shall be construed to prevent a health care provider from prescribing a medication to the same patient on more than one occasion, when he or she determines it is medically appropriate.

III. Every health plan that provides prescription drug benefits shall ~~notify~~ **provide written notice in a conspicuous font and size to** covered persons affected by deletions to the plan list or plan formulary, provide an explanation of the exception process by which a covered person can access nonformulary medically necessary prescription drugs, and provide a toll-free telephone number through which a covered person can request additional information. For purposes of this paragraph, covered persons affected by deletions to the plan list or plan formulary shall include those covered persons for whom the health plan has provided coverage for the deleted prescription drugs during the 12-month period immediately prior to the deletion. Upon notification to covered persons, the health benefit plan shall allow at least 45 days before implementation of any formulary deletions; provided, however, that advance notice shall not be required if the federal Food and Drug Administration has determined that a prescription drug on the health benefit plan's formulary is unsafe. **For purposes of this section, "conspicuous font and size" shall mean a font that is at least 12 point in size and in an easily legible font. If a covered person avails him or herself of the exception process as outlined in 420-J:7-b, II, the medication shall be covered by the health plan until there is a resolution of the exception process.**

2 Managed Care Law; Prescription Drugs. Amend RSA 420-J:7-b, IX(a) to read as follows:

IX.(a) Every health benefit plan that provides prescription drug benefits shall allow its covered persons to obtain an emergency prescription for up to a 72-hour supply of covered prescription drugs on the covered person's health benefit plan formulary **or a prescription drug that was deleted from the formulary within the last 90 days** in the event a prescription requires prior authorization **or an exception** by an insurance carrier and the prior authorization **or exception** has neither been approved nor denied and a pharmacist has determined the medication is essential as provided in RSA 318:47-i. Such reimbursement shall be according to the payment rates of the provider contract. If authorization **or exception** is subsequently denied, the carrier shall reimburse the pharmacist for the prescription as given based on the pro-rated amount they would have otherwise received under the terms of the provider contract.

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

AMENDED ANALYSIS

This bill clarifies the law regarding prescription drugs under the managed care law.

HB 658-FN, relative to price increases of drugs under the managed care law. **INEXPEDIENT TO LEGISLATE.** Rep. Edward Butler for Commerce and Consumer Affairs. This bill required contracts between health insurance carriers or pharmacy benefit managers and pharmacies to include a provision addressing the maximum allowable cost of drugs. The committee believes that the intent of this bill is already covered in similar legislation this session and therefore is not needed. Vote 20-0.

HB 659, relative to reporting of internal pharmaceutical costs. **INEXPEDIENT TO LEGISLATE.** Rep. Edward Butler for Commerce and Consumer Affairs. The recent Commission to Study Greater Transparency in Pharmaceutical Costs and Drug Rebate Programs heard from the Department of Administrative Services (DAS) about their recent negotiation which ended with a successful contract for pharmaceutical benefits. However, no one

in DAS appeared to know about what the impact on the overall cost was from issues like spread pricing, rebates or administrative or other costs. This bill ultimately became an effort to work with DAS to consider whether those details would be useful in the contracting process, but agreement could not be reached. Vote 20-0.

HB 670-FN, relative to the cost of prescription drugs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Garrett Muscatel for Commerce and Consumer Affairs. This bill requires health carriers to have access to information about prescription drug spending for their covered members. The amendment clarifies that the data need not be kept directly on the insurer's own systems but need only be readily available and accessible. This language has also been agreed to by various industry groups involved. This bill is necessary because the Insurance Department requests this data from insurance companies in order to study changes in prescription drug spending, but the department currently does not always receive this information. By requiring this information to be accessible, the Insurance Department can ensure that it will receive timely information from carriers to better understand health care spending in our state. Vote 20-0.

Amendment (0893h)

Amend RSA 420-J:7-b, XI as inserted by section 1 of the bill by replacing it with the following:

XI. Health carriers shall have access to or maintain within their data systems amounts paid to pharmacies and other health care providers for all prescription drugs on behalf of their covered members. Carriers shall have access to or maintain a record of any amounts due to the pharmacy from the covered member in the form of cost sharing, such as copayments, deductibles, or coinsurance. The health carrier shall be responsible for assuring timely access to this information even when the prescription drug benefit is administered by a pharmacy benefit manager or similar entity.

HB 681, requiring insurance companies writing commercial insurance to report unpaid premiums to a third party. **INEXPEDIENT TO LEGISLATE.**

Rep. Christy Bartlett for Commerce and Consumer Affairs. This bill would have required every insurance company writing commercial policies to report unpaid premiums to another entity set up to store this information. We believe that the intent was to prevent businesses that may have been canceled for non-payment of premium from going to a new company and starting over with a new policy before paying outstanding balances. The committee felt that this new business set up to track these older accounts was unnecessary and the record-keeping needed to stay current would be difficult and could lead to disputes for both the previous insurance carrier and any new insurance carrier. Vote 18-1.

HB 684-FN, relative to mediation of rent increases in manufactured housing parks. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Christopher Herbert for Commerce and Consumer Affairs. Current law requires manufactured housing park owners to disclose in writing all terms and conditions of tenancy including rental, utility and service charges prior to entering into a rental agreement. No increase of these charges can be made without 60 days' written notice. This bill, with the amendment, will permit tenants with the right to challenge a rent increase in mediation, if more than half the park tenants sign a petition and the rent increase exceeds \$15 per month. The park owner is required to pay for mediation. Vote 20-0.

Amendment (0892h)

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

1 Manufactured Housing Parks; Fees, Charges, Assessments; Notice of Private Mediation. Amend RSA 205-A:6, I to read as follows:

I. A manufactured housing park owner or operator shall fully disclose in writing all terms and conditions of the tenancy including rental, utility and service charges, prior to entering into a rental agreement with a prospective tenant. No charges so disclosed may be increased by the park owner or operator without an explanation for the increase and specifying the date of implementation of said increase, which date shall be no less than 60 days after written notice to the tenant, **and providing notice of the opportunity for voluntary private mediation of the increase under the Manufactured Housing Consumer Action Program.** Nothing in this section, however, shall be construed to permit a park owner or operator to vary the terms of a written or oral rental agreement without the express written consent of the tenant.

I-a.(a) Every notice of rent increase issued by a park owner pursuant to paragraph I shall contain the following statement in 10 point bold face print:

IF YOU OBJECT TO THIS RENT INCREASE AS ARBITRARY OR UNREASONABLE YOU MAY BE ABLE TO ENGAGE IN MEDIATION, WITH THE COST OF THE MEDIATOR TO BE FULLY PAID BY THE PARK OWNER, IF: AT LEAST ONE ADULT MEMBER OF NO LESS THAN 51 PERCENT OF THE HOME OWNERS IN THE PARK SIGNS A PETITION REQUESTING MEDIATION, and THE RENT INCREASE EXCEEDS \$15 PER MONTH.

(b) The notice required in this section shall also provide the name, address, and telephone number of the person or entity which shall arrange the mediation.

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

AMENDED ANALYSIS

This bill requires manufactured housing park owners or operators to provide notice of the opportunity for private mediation of an arbitrary or unreasonable rent increase, with the cost of the mediator paid for by the park owner.

HB 695, relative to transparency of nonprofit patient advocacy organizations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joyce Weston for Commerce and Consumer Affairs. This bill requires nonprofit organizations that advocate on behalf of patients to disclose any payments, donations, or subsidies from pharmaceutical manufacturers, insurance carriers, or pharmaceutical benefit managers. This report, which must be posted on the nonprofit's web site, and if they don't maintain one, to the NH Insurance Department's website, will provide transparency about the resources of the nonprofit. If, however, the nonprofit has a paid employee who is registered as a lobbyist in the state of NH, the organization shall be exempt from this section. Vote 18-2.

Amendment (0761h)

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

1 New Section; Transparency of Nonprofit Patient Advocacy Organizations. Amend RSA 400-A by inserting after section 30 the following new section:

400-A:30-a Transparency of Nonprofit Patient Advocacy Organizations.

I. In this section, "patient advocacy organization" means any formally organized nonprofit group that primarily concerns itself with medical conditions or potential medical conditions and has a mission and takes actions that seek to help people affected by those medical conditions or to help their families. "Patient advocacy organization" shall not include a professional organization typically focusing on advancing its profession or serving professional members as a primary goal.

II.(a) On or before January 1 of each year, any patient advocacy organization that has received a payment, donation, subsidy or anything else of value from a pharmaceutical manufacturer, health insurance carrier, or pharmacy benefit manager, or a trade or advocacy group for pharmaceutical manufacturers, health insurance carriers, or pharmacy benefit managers during the immediately preceding calendar year shall compile a report which includes:

(1) For each such contribution, the amount of the contribution and the pharmaceutical manufacturer, affiliated third party, pharmacy benefit manager, or group that provided the payment, donation, subsidy or other contribution; and

(2) The percentage of the total gross income of the organization during the immediately preceding calendar year attributable to payments, donations, subsidies, or other contributions from each pharmaceutical manufacturer, health insurance carrier, pharmacy benefit manager, or group.

(b) Except as otherwise provided in this section, the patient advocacy organization shall post the report on its Internet website which is accessible by the public. If the nonprofit organization does not maintain an Internet website that is accessible to the public, the nonprofit organization shall submit the report compiled pursuant to subparagraph (a) to the insurance department.

III. Any patient advocacy organization that has received a payment, donation, subsidy or anything else of value from a pharmaceutical manufacturer, health insurance carrier, or pharmacy benefit manager, or a trade or advocacy group for pharmaceutical manufacturers, health insurance carriers, or pharmacy benefit managers during the immediately preceding calendar year shall disclose that fact when testifying, lobbying, or otherwise engaging in person with a member of the general court.

IV. Any patient advocacy organization that has a paid employee of the organization who is a registered lobbyist with the state of New Hampshire and is wearing a name tag in compliance with RSA 15:2 or otherwise identifies him or herself as a lobbyist shall be exempt from this section.

V. Any patient advocacy organization found in violation of this section may be fined up to \$1,000 per violation.

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

AMENDED ANALYSIS

This bill requires nonprofit organizations advocating on behalf of patients or that fund medical research to compile a report relative to payments received from certain manufacturers, insurance carriers, or pharmacy benefit managers. The nonprofit organization shall post the report on its Internet website or file it with the insurance commissioner.

HB 740, exempting certain mortgages from the law regarding licensing of nondepository mortgage bankers, brokers, and servicers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward Butler for Commerce and Consumer Affairs. This bill is a product of a language change agreed upon by the Banking Department and the NH Housing Finance Authority. The change will make it possible for the Housing Authority to provide second mortgage support for projects that it cannot currently offer. The amendment puts the new provision in a slightly different location in the statute. Vote 19-0.

Amendment (0449h)

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

1 Licensing of Nondepository Mortgage Bankers, Brokers, and Servicers; Exemptions. Amend the introductory paragraph of RSA 397-A:4, III to read as follows:

III. Federal, state, or local governmental agencies, instrumentalities, and corporations and the employees of such entities who act as loan originators and mortgage servicers pursuant to their official duties as employees of the entities provided that ~~[-limited to]~~ **with regard to those** activities that would otherwise be within the scope of this chapter:

2 New Subparagraph; Licensing of Nondepository Mortgage Bankers, Brokers, and Servicers; Exemptions. Amend RSA 397-A:4, III by inserting after subparagraph (b) the following new subparagraph:

(c) In addition, if a second mortgage loan is offered in conjunction with a first mortgage loan funded by a state entity exempt under this paragraph, but such second mortgage is negotiated, arranged, found, or procured through a licensed loan originator that is not employed by the exempt state entity, such second mortgage shall be exempt if:

(1) The second mortgage is offered consistent with the standards in subparagraph III(a); and

(2) The licensed loan originator is not compensated for the second mortgage in a manner that incentivizes the loan originator to act other than in the best interest of the consumer.

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

HB 375, relative to policies regarding chartered public schools. **INEXPEDIENT TO LEGISLATE.**

Rep. David Doherty for Education. This bill was unanimously voted inexpedient to legislate by the committee as there was no testimony in favor or against the bill, except by the sponsor. There appears to be no public outcry for this bill. It appears to be a solution looking for a problem. Vote 18-0.

HB 380, relative to the duty of school superintendents regarding criminal history records checks. **INEXPEDIENT TO LEGISLATE.**

Rep. Sue Mullen for Education. This bill would permit a designee of the superintendent of schools to perform the duties of the superintendent regarding criminal background checks. While the committee recognizes that receiving, reviewing, and acting upon said background checks may be time consuming, it was felt that assigning a designee to perform those tasks had the potential to violate the applicant's confidentiality. In addition, the committee felt that the decision about whether or not an applicant's final offer of employment is denied should continue to be made by the superintendent. Vote 19-0.

HB 400-L, relative to alternative transportation of students for public school activities. **INEXPEDIENT TO LEGISLATE.**

Rep. Arthur Ellison for Education. This bill would require local school districts to adopt a series of standards for alternative transportation of students for public school activities. The committee believes that local school boards already have adopted standards for alternative transportation of students that meet the needs of each local school district. Therefore, the committee recommends that the bill is Inexpedient to Legislate. Vote 19-0.

HB 411, relative to equalized property valuation used to apportion expenses in cooperative school districts. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark Vallone for Education. Given that there are over 30 cooperative school districts and given the variety of agreements on the apportionment formulas to determine the amount to be paid by each town, it would not be appropriate to interfere with those local agreements. Vote 19-0.

HB 447, relative to school calendar days. **OUGHT TO PASS.**

Rep. Rick Ladd for Education. This bill authorizes local school boards to determine opening and closing school calendar dates. There are more than 170 school districts in New Hampshire and each has its unique community profile and special needs that impact scheduling and the annual school calendar. Local school boards currently have the discretion to set the school calendar in terms of opening and closing dates, setting vacation days, and much more. In developing the annual calendar, school boards gather input from parents, local businesses, teaching staff, and various regional organizations such as career and technical education centers, the community college system and from receiving districts which often include the middle and high school levels. NH's interstate school districts must also coordinate transportation services and annual calendars with districts in neighboring states. This bill supports the development and approval of the annual school calendar; this task is a local control issue. Vote 18-0.

HB 448, making technical corrections in the department of education. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dan Wolf for Education. This bill, as amended, provides technical corrections including authorization of designees for certain members of the Council for Teacher Education and renaming agencies to conform with current practice. Vote 19-0.

Amendment (1033h)

Amend the bill by deleting section 6 and renumbering the original section 7 to read as 6.

HB 449, relative to safe school zones and chartered public schools. **INEXPEDIENT TO LEGISLATE.**

Rep. David Luneau for Education. This bill includes chartered public schools in the definition of “school” for the purposes of safe school zones. However, the statute already references “all public schools” for the purposes of safe school zones. Chartered public schools are public schools, so the committee determined this legislation is unnecessary. Vote 18-0.

HB 489, relative to changing a pupil’s school or assignment because of a manifest educational hardship. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. This bill, as amended, revises current statutory procedures for a change of school or assignment because of a manifest educational hardship. Statutory changes include: 1) a revised section providing the superintendent and parent a well-articulated process to determine an educational placement/assignment in another public school or public academy within the district or another public school or public academy in another district when considering the best interest of the student’s academic, physical, personal, and social needs; and 2) a definition of “manifest educational hardship” that means “a documented physical, mental, or emotional condition brought on by his or her current educational placement and that such condition has a detrimental or negative impact on the student’s academic achievement or growth, physical safety, or social and emotional well-being. Such condition must be severe, pervasive, or persistent so as to interfere with or limit the ability of the student to receive an education.” These changes, as supported by the NH School Boards Association and NH School Administrators Association, both streamline and clarify the process available to a school administrator, school board, and parent when assisting a student having an educational hardship, such as severe bullying, in the current educational assignment. Vote 17-2.

Amendment (0989h)

Amend RSA 193:3, I-III as inserted by section 2 of the bill by replacing them with the following:

I. If the parent or guardian of a student believes it would be in the best interest of the student to change the student’s school or assignment, the parent or guardian may request a meeting with the superintendent of the student’s district of residence for the purpose of changing the student’s school or assignment to another public school or public academy within the district or to a public school or public academy in another district. The superintendent shall meet with the parent or guardian within 10 instructional days of receiving the request. At such meeting, the parent or guardian may present documents, witnesses, or other relevant evidence supporting his or her belief that it is in the best interest of the student to change the student’s school or assignment. The superintendent may present such information as he or she deems appropriate. In determining whether it is in the best interest of the student to change the student’s school or assignment, the superintendent shall consider the student’s academic, physical, personal, and social needs.

(a) The superintendent shall make a determination and notify the parent or guardian on the student’s school assignment request no more than 10 instructional days after the meeting with the parent or guardian.

(b) If the superintendent finds it is in the best interest of the student to change the student’s school or assignment, the superintendent shall either change the assignment within the student’s current school, transfer the student to another public school or public academy within the district of residence, or transfer the student to a public school or public academy in another district. If a student is reassigned to another district under this paragraph, the superintendents of the district of residence and the receiving district shall jointly establish a tuition rate for such student. Some or all of the tuition may be waived by the superintendent of the receiving district for good cause shown or pursuant to the school board policy of the receiving district. The cost of transportation shall be the responsibility of the parent or legal guardian.

(c) If the superintendent finds that it is not in the best interest of the student to change the student’s school or assignment, the parent or guardian may appeal the superintendent’s decision to the school board of residence to determine if student is experiencing a manifest educational hardship, as defined in RSA 193:2-a. The superintendent shall notify the school board that the parent or guardian has requested a manifest educational hardship hearing. The school board shall schedule a hearing to be held no more than 15 days after receiving the request.

II. If a student is assigned to attend school in another district because of manifest educational hardship, the district in which the student resides shall pay tuition to the district in which the child is reassigned, with such tuition being computed under RSA 193:4. The state board of education may permit such child to withdraw from the school the student currently attends for such time as the state board deems necessary. Children with disabilities as defined in RSA 186-C:2 shall be accorded a due process review pursuant to rules adopted under RSA 186-C:16. A student reassigned under this section shall be counted in the average daily membership in residence of the student’s resident school district. The student’s resident district shall forward any tuition payment due to the district to which the student was reassigned. The superintendent of the student’s resident school administrative unit shall notify the department of education within 30 days of any reassignment of students under this section. Nothing in this paragraph shall alter or impair the right of

a child with a disability, as defined in RSA 186-C:2, to be accorded a due process review pursuant to rules adopted under RSA 186-C:16. Changes of school or assignment based upon the best interest of the student or manifest educational hardship shall be subject to the following provisions:

(a) The student's parent or legal guardian petitions the superintendent for a change of school assignment or consents to the superintendent's recommendation for such a change; and

(b) The superintendent determines that such a change would be in the student's best interest; and

(c) The school board of each school district involved in the reassignment of the student votes to approve the reassignment; and

(d) The total reassignments or transfers in any one school year shall not exceed one percent of the average daily membership in residence of a school district, or 5 percent of the average daily membership in residence of any single school, whichever is greater, unless the school board votes to exceed this limit.

III. The state board of education shall adopt rules pursuant to RSA 541-A, relative to manifest educational hardship and related issues which affect a child's attendance at school. Each school district shall establish a policy, consistent with the state board's rules, which shall allow a school board, with the recommendation of the superintendent, to take appropriate action including assignment to another public school or public academy within the district or to a public school or public academy in another district. The school district's manifest education policy may designate an assistant superintendent to act on the superintendent's behalf regarding matters of student change of school or assignment. Students reassigned under this section shall be subject to meeting the admission requirements of the school to which the student is reassigned; and subject to the agreement of the superintendent of the receiving school district.

HB 493, relative to adoption of cooperative school district budget. **INEXPEDIENT TO LEGISLATE.**

Rep. David Luneau for Education. This bill provides a method for a cooperative school district to place an article on the warrant for an elected budget committee. This bill also permits a cooperative school district to adopt a local tax cap and apportionment plan for tax purposes. The committee determined that the provisions in this bill are already enabled by existing statute, including the ability for members of the public to petition for such warrant articles. Vote 19-0.

HB 459-FN, establishing an industrial hemp pilot program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Bixby for Environment and Agriculture. As amended, this bill was the result of a committee to study creating an industrial hemp pilot program in New Hampshire. Under the 2014 federal Farm Bill, state pilot programs were the mechanism for allowing farmers to grow hemp despite its mixed legal status at the federal level. The 2018 Farm Bill replaced the pilot programs with the option of state or federal licensing, making the pilot program in this bill unworkable, but opening up better options for farmers who want to grow hemp. The amendment addresses this in two ways. It makes hemp, defined as cannabis sativa with a THC content of less than 0.3%, completely legal in NH, allowing our farmers to start growing it in the 2020 season under a federally issued license. It also sets up a study committee to evaluate the US Department of Agriculture's draft guidelines for state level licensing due out this summer. The committee will explore whether NH farmers would be served better by licensing through our Department of Agriculture, Markets, and Food than by federal licensing, and whether it would be feasible for the department to set up such a program. Vote 20-0.

Amendment (0790h)

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

AN ACT defining industrial hemp, relative to its growth in New Hampshire, its use in food, and establishing a committee to study the federal guidelines on growing industrial hemp.

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

1 Findings. The general court finds:

I. Hemp has been continuously cultivated for millennia, is accepted and available in the global marketplace, and has numerous beneficial, practical, and economic uses, including: high-strength fiber, textiles, clothing, bio-fuel, paper products, protein-rich food containing essential fatty acids and amino acids, biodegradable plastics, resins, nontoxic medicinal and cosmetic products, construction materials, rope, and value-added crafts.

II. The many agriculturally and environmentally beneficial uses of industrial hemp include: livestock feed and bedding, stream buffering, erosion control, water and soil purification, and weed control.

III. The hemp plant, an annual herbaceous plant with a long slender stem ranging in height from 4 to 15 feet and a stem diameter of $\frac{1}{4}$ to $\frac{3}{4}$ of an inch is morphologically distinctive and readily identifiable as an agricultural crop grown for the cultivation and harvesting of its fiber and seed.

IV. Industrial hemp cultivation will enable the state of New Hampshire to accelerate economic growth and job creation and promote environmental stewardship.

2 New Chapter; Industrial Hemp. Amend RSA by inserting after chapter 439 the following new chapter:

CHAPTER 439-A INDUSTRIAL HEMP

439-A:1 Purpose. The intent of this chapter is to define industrial hemp so that farmers and other businesses in the New Hampshire agricultural industry can take advantage of this market opportunity afforded by the passage of the Agricultural Improvement Act of 2018.

439-A:2 Definitions. In this chapter:

- I. "Cannabidiol" or "CBD" is a phytocannabinoid extracted from industrial hemp plants.
- II. "Commissioner" means the commissioner of the department of agriculture, markets, and food.
- III. "Department" means the department of agriculture, markets, and food.
- IV. "Hemp products" means all products made from industrial hemp, including cloth, cordage, fiber, food, fuel, paint, paper, construction materials, plastics, seed, seed meal, seed oil, and certified seed for cultivation.
- V. "Industrial hemp" means the plant *Cannabis sativa* L. and any part of the plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration (THC) of not more than 0.3 percent on a dry weight basis.

439-A:3 Industrial Hemp Permitted. Industrial hemp is an agricultural product which may be grown as a crop, processed, possessed, and commercially traded in New Hampshire. Any grower, processor, or commercial trader of industrial hemp shall be licensed by the United States Department of Agriculture.

439-A:4 Industrial Hemp; Use in Food. In order for food to contain industrial hemp, the manufacturer of the food shall demonstrate the following to the commissioner:

- I. All parts of the hemp plant utilized in food shall come from a state that has an established and approved industrial hemp program or a country that inspects or regulates hemp under a food safety program or equivalent criteria to ensure safety for human consumption.
- II. The industrial hemp producer shall be in good standing and compliance with the governing laws within the state or country of the industrial hemp's origin.
- III. The industrial hemp shall conform to the standard of identity established above no more than .3 percent THC.
- IV. The use of other parts of the industrial hemp plant other than seed and its derivatives: seed meal, flour, and oil, shall have lab test results indicating the levels of THC within the derivatives are not above the allowable limit of .3 percent THC.

V. The product shall be labeled in conformity with state and federal labeling laws, including:

- (a) Clearly identify industrial hemp as an ingredient.
- (b) Clearly identify CBD and the amount of CBD if added as an isolate.
- (c) Include the statement "THE FDA HAS NOT EVALUATED THIS PRODUCT FOR SAFETY OR EFFICACY."
- (d) Shall not contain any health or benefit claims.

VI. The producer shall document that the finished product does not contain more than .3 THC.

3 Controlled Drug Act; Marijuana; Industrial Hemp Exception. Amend RSA 318-B:2-c, I(a) to read as follows:

(a) "Marijuana" includes the leaves, stems, flowers, and seeds of all species of the plant genus *cannabis*, but shall not include the resin extracted from any part of such plant and every compound, manufacture, salt, derivative, mixture, or preparation from such resin including hashish, and further, shall not include the mature stalks of such plant, fiber ~~produced~~ **processed** from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination. ***Marijuana shall not include industrial hemp grown, processed, marketed, or sold under RSA 439-A.***

4 Therapeutic Cannabis; Industrial Hemp Excepted. Amend 126-X:1, III to read as follows:

III. "Cannabis" means all parts of any plant of the *Cannabis* genus of plants, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, salt, derivative, mixture, or preparation of such plant, its seeds, or resin. Such term shall not include the mature stalks of such plants, fiber produced from such stalks, oil, or cake made from the seeds of such plants, any other compound, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seeds of such plants which are incapable of germination. ***In this chapter, cannabis shall not include industrial hemp grown, processed, marketed, or sold under RSA 439-A.***

5 Committee Established. There is established a committee to study the administrative mechanisms for permitting growing hemp in New Hampshire consistent with the federal Agricultural Improvement Act of 2018 and determining labeling requirements for hemp products sold in New Hampshire.

6 Membership and Compensation.

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

- (a) Three members of the house of representatives, appointed by the speaker of the house of representatives.
- (b) One member of the senate, appointed by the president of the senate.

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

7 Duties. The committee shall:

I. Review the statutes relating to hemp in the Agricultural Improvement Act of 2018 and the United States Department of Agriculture rules and guidelines for states choosing to license the growing, processing, marketing, and sale of hemp and hemp products.

II. Determine whether it is preferable for the state of New Hampshire to establish a state level oversight program for hemp within the department of agriculture, markets, and food or to request the federal government to oversee hemp production in New Hampshire.

III. Determine labeling requirements for hemp products in New Hampshire, and in particular, those products that may be intended for human consumption or for application to human skin and further, determine what department would be charged with oversight of labeling, and determine enforcement policies.

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

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

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

AMENDED ANALYSIS

This bill:

I. Defines “industrial hemp.”

II. Allows for the growth of industrial hemp in New Hampshire.

III. Allows for the use of industrial hemp products in food.

IV. Establishes a study committee to study the federal guidelines on growing industrial hemp.

HB 523, relative to integrated pest management for school grounds. **INEXPEDIENT TO LEGISLATE.**

Rep. Howard Pearl for Environment and Agriculture. This bill was well intended but the committee found it was not necessary as many schools are already implementing Integrated Pest Management programs without mandate. Vote 19-0.

HB 663, relative to the definition of agriculture and existing agricultural uses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Howard Pearl for Environment and Agriculture. This bill, as amended, clarifies language pertaining to agricultural uses and related definitions that pertain to state statutes as a whole and those specific to local planning and zoning. Many municipalities have applications filed with their land use boards related to agricultural operations, and this clarification of language will clearly convey the legislature’s position, especially as it pertains to agritourism. Vote 20-0.

Amendment (0751h)

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

1 Definition of Agriculture. Amend RSA 21:34-a, I to read as follows:

I. The word “farm” means any land, buildings, or structures on or in which agriculture and farming **operations or** activities are carried out or conducted and shall include the residence or residences of owners, occupants, or employees located on such land. Structures shall include all farm outbuildings used in the care of livestock[, and]; in the production and storage of fruit, vegetables, or nursery stock; in the production of maple syrup; greenhouses for the production of annual or perennial plants; and any other structures used in **the operations or activities** named in paragraph [H] **II(a) or (b)** of this section **or any combination of such individual operators or activities**.

2 Definition of Agriculture. Amend RSA 21:34-a, II to read as follows:

II. The words “agriculture” and “farming” mean all operations **or activities** of a farm, including:

(a)(1) The cultivation, conservation, [and] **or** tillage of the soil.

(2) The storage, use of, [and] **or** spreading of commercial fertilizer, lime, wood ash, sawdust, compost, animal manure, septage, and, where permitted by municipal and state rules and regulations, other lawful soil amendments.

(3) The use of [and] **or** application of agricultural chemicals.

(4) The [raising] **husbandry** [and sale] of livestock which shall include but not be limited to all beef [and] **or** dairy cattle, steer, oxen, goats, sheep, swine, horses, mules or other equidae, as well as domesticated strains of buffalo, bison, llamas, alpacas, emus, ostriches, poultry, rabbits, yaks, elk (*Cervus canadensis*), fallow deer (*Dama dama*), red deer (*Cervus elephus*), [and] **or** reindeer (*Rangifer tarandus*).

(5) The [breeding] **husbandry**, boarding, raising, training, riding instruction, and selling of equines.

(6) The [commercial raising,] **husbandry and** harvesting[, and sale of fresh water fish or other] aquaculture products **including fresh or salt water finfish, shellfish, or other aquatic organisms grown for consumption or processing**.

(7) The ~~[raising, breeding, or sale]~~ **husbandry** of poultry or game birds.

(8) The ~~[raising]~~ **husbandry** of bees **or honey**.

(9) The ~~[raising, breeding, or sale]~~ **husbandry** of domesticated strains of fur-bearing animals.

(10) The production of greenhouse crops.

(11) The production, cultivation, growing, **or** harvesting~~[, and sale]~~ of any agricultural, floricultural, viticultural, forestry, or horticultural crops including, but not limited to, berries, herbs, honey, maple syrup, fruit, vegetables, tree fruit, grapes, flowers, seeds, grasses, nursery stock, sod, trees ~~[and]~~ **or** tree products, Christmas trees grown as part of a commercial Christmas tree operation, trees grown for short rotation tree fiber, compost, or any ~~[other]~~ plant that can be legally grown ~~[and]~~ **or** harvested extensively for profit or subsistence.

(b) Any practice **or activity** on the farm incident to, **ancillary to**, or in conjunction with such farming operations, including, but not necessarily restricted to:

(1) Preparation for market, delivery to storage or to market, or to carriers for transportation to market of any products or materials from the farm.

(2) The transportation to the farm of supplies and materials.

(3) The transportation of farm workers.

(4) Forestry or lumbering operations.

(5) ~~[The]~~ Marketing or selling at wholesale, ~~[or]~~ retail, **on-site or off-site, regardless of the manner or form of the transaction** ~~[of]~~ any **livestock or products derived principally** from the **production of the farm, including, but not limited to items listed in subparagraph (a), whether** on-site ~~[and]~~ **or** off-site, **provided that marketing such products is** ~~[where]~~ not **specifically** prohibited by local regulations. ~~[Marketing includes]~~ **For the purposes of this section marketing shall include** agritourism, which means attracting visitors to a farm to attend events ~~[and]~~ **or** activities that are accessory uses to the primary farm operation, including, but not limited to, ~~[eating]~~ **being provided** a meal, making overnight stays, enjoyment of the farm environment, education, **which may include instruction or learning** about ~~[farm]~~ **the farm's** operations, or active involvement in the ~~[activity]~~ **activities** of the farm.

(6) Irrigation of growing crops from private water supplies or public water supplies where not prohibited by state or local rule or regulation.

(7) The use of dogs for herding, working, or guarding livestock, as defined in RSA 21:34-a, II(a)(4).

(8) The production and storage of compost and the materials necessary to produce compost, whether such materials originate, in whole or in part, from operations of the farm.

3 Definition of Agriculture. Amend RSA 21:34-a, IV to read as follows:

IV. **Management** practices on the farm shall include technologies recommended from time to time by the university of New Hampshire cooperative extension, the New Hampshire department of agriculture, markets, and food, ~~[and]~~ **or** appropriate agencies of the United States Department of Agriculture.

4 Declaration of Purpose. Amend RSA 672:1, III-d to read as follows:

III-d. For purposes of paragraphs III-a, III-b, III-c, and III-e, "unreasonable interpretation" includes the failure of local land use authorities to recognize that agriculture and agritourism **operations or activities** as defined in RSA 21:34-a, forestry, renewable energy systems, and commercial and recreational fisheries, when practiced in accordance with applicable laws and regulations, are traditional, fundamental and accessory uses of land throughout New Hampshire, and that a prohibition upon these uses cannot necessarily be inferred from the failure of an ordinance or regulation to address them;

5 Agricultural Uses of Land. Amend RSA 674:32-a to read as follows:

674:32-a Presumption. In accordance with RSA 672:1, III-d, whenever agricultural **operations or activities as defined in RSA 21:34-a** are not explicitly addressed with respect to any zoning district or location, **such operations or activities** ~~[they]~~ shall be deemed to be permitted there, as either a primary or accessory use, so long as conducted in accordance with best management practices adopted by the commissioner of **the department of** agriculture, markets, and food and with **applicable** federal and state laws, regulations, and rules.

6 Existing Agricultural Uses and Activities; Significant Expansion Defined. Amend RSA 674:32-b to read as follows:

674:32-b Existing Agricultural Uses **and Activities**. Any agricultural use **or activity** which exists pursuant to RSA 674:32-a may without restriction be expanded, altered to meet changing technology or markets, or changed to another agricultural use **or activity**, as set forth in RSA 21:34-a, so long as any such expansion, alteration, or change complies with all federal and state laws, regulations, and rules, including **agricultural** best management ~~[practices]~~ **practice guidelines** adopted by the commissioner of **the department of** agriculture, markets, and food; subject, however, to the following limitations:

I. Any new establishment, re-establishment after abandonment, or significant expansion of an operation involving the keeping of livestock, poultry, or other animals may be made subject to special exception, building permit, **site plan review**, or other local land use board approval **in accordance with the provisions of RSA 674:32-c, II and III.**

II. Any new establishment, re-establishment after abandonment, or significant expansion of a farm stand, retail operation, or other use **or activity** involving on-site transactions with the public, including agritourism as defined in RSA 21:34-a, may be made subject to applicable special exception, building permit, **site plan review**, or other local land use board approval **in accordance with the provisions of RSA 674:32-c, II and III**, and may be regulated to prevent traffic and parking from adversely impacting adjacent property, streets and sidewalks, or public safety. No municipality shall adopt an ordinance, bylaw, definition, or policy regarding agritourism activities that conflicts with the definition of agritourism in RSA 21:34-a.

7 Agricultural Uses of Land. Amend RSA 674:32-c, II to read as follows:

II. Nothing in this subdivision, **or in RSA 674:32-b**, shall exempt new, re-established, or expanded agricultural operations **or activities** from generally applicable building and site requirements such as dimensional standards, setbacks, driveway and traffic regulations, parking requirements, noise, odor, or vibration restrictions or sign regulations; provided, however, that in circumstances where their literal application would effectively prohibit an agricultural use **or activity** allowed by this subdivision, or would otherwise be unreasonable in the context of an agricultural use **or activity**, **in accordance with the provisions of RSA 672:1, III-b**, the **zoning** board of adjustment, building code board of appeals, or other applicable local board, after due notice and hearing, shall grant a waiver from such requirement to the extent necessary to reasonably permit the agricultural use **or activity**, unless such waiver would have a demonstrated adverse effect on public health or safety, or **on** the value of adjacent property. Such waiver shall continue only as long as utilized for the permitted agricultural use **or activity**.

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

HB 229, relative to rulemaking requirements of the department of corrections. **INEXPEDIENT TO LEGISLATE.** Rep. Peter Schmidt for Executive Departments and Administration. This bill removes the rulemaking exemptions for the Department of Corrections and requires various policies and procedures of the agency to be adopted by rules under RSA 541-A. Legislation similar to this bill has been before the committee for the last two terms. In each case, the bill was retained because the committee recognized that, although there were legitimate concerns about excessive exemptions, as well as a very unsatisfactory rulemaking process in the Department of Corrections, the bills were both too far-reaching in their requirements and unlikely to achieve them. We determined that a collaborative oversight process, involving the ED&A Committee as a whole, to monitor and inform the Department of Corrections process would be more appropriate and productive. That is what has been underway for the last four years, and it has resulted in a significant improvement in the rulemaking process and product. The department has demonstrated a genuine commitment to remedying the above referenced deficiencies and has created a prioritized methodology to accomplish this. Accordingly, the committee believes this bill is no longer needed and will continue to monitor progress and results at the department. Vote 19-0.

HB 271, relative to requirements for use of a licensed land surveyor. **OUGHT TO PASS WITH AMENDMENT.** Rep. Carol McGuire for Executive Departments and Administration. This bill, as introduced, was intended by the sponsor to solve a trespassing problem during the survey for a potential gas pipeline. The committee did not believe the bill would accomplish the sponsor's intent, and also that it could lead to many unacceptable and unintended consequences. The committee amendment, which completely replaces the bill, clarifies two separate sections of law, as requested by the Joint Legislative Committee on Administrative Rules (JLCAR) after reviewing rules submitted by the Electricians' Board. The first part specifies that a first-year journeyman electrician may supervise one apprentice. The second part authorizes the board to certify two levels of third-party inspectors, one limited to residential installations and the other qualified for all electrical inspections. The legislation last year that ordered this certification did not consider how many electricians and inspectors were limited to residential installations. Specific legislation authorization is required before an additional tier of certification is allowed. Vote 18-0.

Amendment (0644h)

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

AN ACT relative to apprentice electricians and third party electrical inspections.

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

1 Supervision of Apprentice Electricians. Amend RSA 319-C:2-a, I to read as follows:

I. **A journeyman electrician shall directly supervise no more than one apprentice in the first year following his or her initial date of licensure.** A journeyman electrician may have 2 apprentice electricians under his or her direct supervision beginning on the first anniversary of the journeyman electrician's initial date of licensure.

2 Third Party Electrical Inspections. Amend RSA 319-C:5-a to read as follows:

319-C:5-a Third Party Electrical Inspections. The board shall adopt rules under RSA 319-C:6-a requiring any entity engaging a person to conduct **level 1 or level 2** third-party electrical inspections of electrical installations in this state to have the person conducting the inspection be approved by the board. **The board shall**

determine the qualifications necessary for approval as a level 1 or level 2 electrical inspector. The board shall maintain and make available a list of such persons approved for **level 1 or level 2** third-party electrical inspections. The approval of a person to conduct **either level of** third-party electrical inspections shall not prohibit a city or town that has established inspections under RSA 47:22 or RSA 674:51 from contracting with any person of its choice to perform third-party electrical inspections.

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

AMENDED ANALYSIS

This bill establishes a limit for supervision of apprentices by a journeyman electrician in the first year of licensure. The bill also provides for level 1 and level 2 third party electrical inspections in rules adopted by the electricians' board.

HB 468-FN-L, relative to the inclusion of attendance stipends as earnable compensation in the retirement system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeffrey Goley for Executive Departments and Administration. This bill as amended clarifies the definition of earnable compensation for the NH Retirement System to include annual cash payments in the form of an attendance stipend or bonus paid pursuant to a collective bargaining agreement, personnel policy, or other agreement applicable to substantially all employees, the amount of which is determined by reference to the amount of sick days an employee used in the calendar or fiscal year. The reason for clarification is that after the changes to the definition of earnable compensation in 2011, there were municipalities that believed attendance stipends should be included and, because of their interpretation, both employer and employee were paying for the benefit to the retirement system. After conducting an audit, the NH Retirement System notified the municipalities that their interpretation of the law was that annual cash payments such as attendance stipends should not be included as earnable compensation. The committee believes that this change was unintended in the 2011 revisions to RSA 100-A and this bill, with the amendment, restores these attendance stipends as earnable compensation. Vote 19-0.

Amendment (0888h)

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

1 Intent. The general court intends that this act revise the definition of earnable compensation for the New Hampshire retirement system to include annual cash payments in the form of an attendance stipend or bonus paid pursuant to a collective bargaining agreement, personnel policy, or other agreement applicable to substantially all employees, the amount of which is determined by reference to the amount of sick days an employee used in the calendar or fiscal year.

2 Retirement System; Earnable Compensation; Annual Attendance Stipend or Bonus. Amend RSA 100-A:1, XVII(a) and (b)(1) to read as follows:

(a) For members who have attained vested status prior to January 1, 2012 the full base rate of compensation paid, as determined by the employer, plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, **annual attendance stipend or bonus**, additional pay for extracurricular and instructional activities for full-time teachers and full-time employees who are employed in paraprofessional or support position, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except cash incentives paid by an employer to encourage members to retire, supplemental pay paid by the employer while the member is receiving workers' compensation, and teacher development pay that is not part of the contracted annual salary. Compensation for extra and special duty, as reported by the employer, shall be included but limited during the highest 3 years of creditable service as provided in paragraph XVIII. However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position, with the limited exceptions of disability related severance pay paid to a member or retiree no later than 120 days after a decision by the board of trustees granting the member or retiree disability retirement benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be paid within 120 days after termination but which, without the consent of the member and not through any fault of the member, was paid more than 120 days after the member's termination. The member

shall have the burden of proving to the board of trustees that any severance payment paid later than 120 days after the member's termination of employment is earnable compensation and meets the requirements of an asserted exception to the 120-day post-termination payment requirement.

(b)(1) For members who have not attained vested status prior to January 1, 2012, the full base rate of compensation paid, as determined by the employer, plus compensation over base pay. Compensation over base pay shall include as applicable, subject to subparagraphs (2), (3), and (4), any overtime pay, cost of living bonus, **annual attendance stipend or bonus**, annual longevity pay, additional pay for extracurricular and instructional activities for full-time teachers and full-time employees who are employed in paraprofessional or support position, compensation for extra and special duty, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except supplemental pay paid by the employer while the member is receiving workers' compensation and teacher development pay that is not part of the contracted annual salary.

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

AMENDED ANALYSIS

This bill includes attendance stipends or bonuses paid as earnable compensation in the New Hampshire retirement system.

HB 710-FN, relative to adoption of state building code and fire code amendments. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Executive Departments and Administration. This bill is based on the recommendations of a study committee on building code adoption. It updates the process by requiring a code to be published two years before adoption and having the Building Code Review Board (BCRB) recommend adoption by legislation that includes a summary of all significant changes, cost estimates of these changes, and documentation of the need for the change. Amendments adopted by the BCRB will need legislative approval before they are effective, as contrasted with the current process where they are effective immediately but expire if not approved in two years. This bill also requires the BCRB to maintain and publish a list of current building codes and amendments to them, including local amendments. The committee amendment deletes some provisions from the bill as introduced. It removes an erroneous reference to approving local code amendments, and only requires them to be published by the BCRB and deletes changes to the fire code process. It also clarifies the process of appealing a building code enforcement decision. Vote 19-0.

Amendment (1024h)

Amend RSA 155-A:10, IV as inserted by section 2 of the bill by replacing it with the following:

IV. The board shall meet to review and assess the application of the state building code and shall recommend legislation, as the board deems necessary, to amend the requirements of the state building code in order to provide consistency with the application of other laws, rules, or regulations, to avoid undue economic impacts on the public by considering the cost of such amendments, and to promote public safety and best practices.

(a) The board may recommend adoption of a newer version of a code that has been published for at least 2 years, and shall provide a summary of all significant changes, cost estimates of these changes, and documentation of the need for the change in the recommended legislation.

(b) Amendments to the codes shall be reviewed and approved by the board, then submitted annually to the legislature for ratification by the adoption of appropriate legislation before they become effective.

(c) The board may hear appeals of final decisions of any local building code board of appeals established under RSA 674, provided that the appeal shall be based on a claim that the intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the code do not fully apply, or there is an alternative construction. The board shall not have authority to waive or grant variances to requirements of the code.

(d) Amendments adopted by municipalities shall be published by the board.

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

3 Applicability. Any code amendment in effect on the effective date of this act shall expire 18 months from the effective date of this act unless prior to such date, the amendment is approved by the board of fire control or building code review board and ratified by the adoption of appropriate legislation.

4 New Section; Appeal of Decisions of Local Building Code Board of Appeals. Amend RSA 155-A by inserting after section 11-a the following new section:

155-A:11-b Appeal of Decisions of Local Building Code Board of Appeals.

I. The board shall hear appeals of final decisions of any local building code board of appeals established under RSA 674.

II. An application for appeal shall be based on a claim that the intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the code do not fully apply, or an alternative construction is proposed. The board shall not have authority to waive or grant variances to requirements of the code.

III. The board shall hold a hearing within 40 days of the receipt of an appeal, unless an extension of time has been granted by the board at the written request of one of the parties, and shall render a decision within 30 days of the conclusion of the hearing.

5 Effective Date. This act shall take effect 30 days after its passage.

AMENDED ANALYSIS

This bill:

I. Provides for the appointment of alternative members of the state building code review board.

II. Revises the procedure for amendment to the state building code.

III. Requires the state building code review board to maintain a publicly accessible list of applicable building codes and amendments.

IV. Provides for an appeal to the state building code review board from decisions of a local building code board of appeals.

HB 224-FN, making emergency medical technicians and rescue squad members eligible for a death benefit if killed in the line of duty. **OUGHT TO PASS.**

Rep. William Hatch for Finance. This legislation expands the eligibility of a \$100,000 line-of-duty death benefit, currently for police officers and fire fighters, to emergency medical technicians or rescue squad members if killed in the line of duty. This will include any emergency medical responder whether auxiliary, intermittent, special, part-time, volunteer, call or reserve who is employed by a city, town, village district or precinct within the state of New Hampshire or any emergency medical technician who is a volunteer for, or employed by, a nonprofit corporation in New Hampshire or any New Hampshire licensed private ambulance service while in the performance of emergency care. Vote 21-0.

HB 225, relative to the National Guard Scholarship Fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William Hatch for Finance. This bill changes and clarifies the National Guard Scholarship Fund. Original law stated all rental for National Guard Armories from non-governmental organizations would be credited to the New Hampshire National Guard Scholarship. Federal law does not permit this practice thus the bill changes this law to state there may be an annual appropriation as determined by the General Court. Vote 21-0.

Amendment (0084h)

Amend RSA 110-B:61 as inserted by section 1 of the bill by replacing it with the following:

110-B:61 Revenue for Scholarship Fund. ~~[All revenue received from sources other than governmental agencies during any fiscal year from the rental of all national guard armories in this state shall be credited by the state treasurer to the New Hampshire national guard scholarship fund as established in RSA 110-B:60. Revenues for]~~ The national guard scholarship fund ~~[shall include an]~~ **may consist of an** annual appropriation, as determined by the general court, to be awarded by the scholarship committee under this subdivision.

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

Rep. Werner Horn for Finance. Under this legislation the Public School Infrastructure Fund will be extended and designated non-lapsing. Testimony from the NHDOE revealed that there are school districts applying to the fund that require additional time. The amendment extends the date to June 30, 2021. Vote 21-0.

Amendment (0820h)

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

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

II. There is hereby established in the office of the state treasurer the public school infrastructure fund which shall be kept distinct and separate from all other funds and which shall be administered by the department of education. After transferring sufficient funds to the revenue stabilization reserve account to bring the balance of that account to \$100,000,000, the state treasurer shall transfer the remainder of the general fund surplus for fiscal year 2017, as determined by the official audit performed pursuant to RSA 21-I:8, II(a), to the fund. Any earnings on fund moneys shall be added to the fund. All moneys in the fund shall be **nonlapsing and** continually appropriated ~~[for the biennium ending June 30, 2019 and]~~. Any unexpended or unencumbered balance as of June 30, ~~[2019]~~ **2021** shall be transferred to the general fund.

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

IV. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. The commission shall meet at least monthly. The commission shall provide a report on or before ~~[November 1, 2018]~~ **June 30, 2021** to

the general court with information on fund expenditures for the year, projects begun or completed during the previous year, the balance in the public school infrastructure fund, and any other information the commission deems appropriate.

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

VII. Section 72 of this act shall take effect July 1, [2019] **2021**.

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

HB 730-FN-A, relative to funding for the CART program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary Heath for Finance. This bill reestablishes the CART (Computer Aided, Realtime Translation of spoken English) provider and sign language interpreter net tuition repayment fund (CART Fund). This bill restores the line in HB 1 state revenue to the extent the CART Fund receives grants, gifts, donations, or other funding, in FY 2020 and beyond. The bill as passed provides no funding for this program. The amendment is a technical correction relative to current usage. Vote 20-1.

Amendment (0620h)

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

1 New Section; CART Provider and Sign Language Interpreter Net Tuition Repayment Program; Fund Reestablished. Amend RSA 200-M by inserting after section 4 the following new section:

200-M:4-a CART Provider and Sign Language Interpreter Net Tuition Repayment Fund. There is hereby established a fund to be known as the CART provider and sign language interpreter net tuition repayment fund. The fund shall include any sums appropriated for such purpose. In addition, the department of education, division of workforce innovation may accept public sector and private sector grants, gifts, or donations of any kind for the purpose of funding the provisions of this chapter. The moneys in this fund shall be non-lapsing and shall be continually appropriated to the department of education. The fund may be expended by the department of education to accomplish the purposes of this chapter.

2 CART Provider and Sign Language Interpreter Net Tuition Repayment Program; Definition of Net Tuition. Amend RSA 200-M:1, II to read as follows:

II. "Net tuition" means tuition costs for postsecondary school education that was directed toward the completion of a degree or certificate in judicial reporting, broadcast captioning, real time transcription, or sign language interpretation, or any other degree or certificate that the department of education, division of ~~[educator support and higher education]~~ **workforce innovation** deems acceptable for purposes of CART provider and sign language interpreter net tuition repayment.

3 CART Provider and Sign Language Interpreter Net Tuition Repayment Program; Reference Change to Division of Workforce Innovation. Amend RSA 200-M:2 and 200-M:3 to read as follows:

200-M:2 CART Provider and Sign Language Interpreter Net Tuition Repayment Program Established. The department of education, division of ~~[educator support and higher education]~~ **workforce innovation** shall administer a program for the promotion, acquisition, and retention of CART providers and sign language interpreters in the state.

200-M:3 Application; Repayment. An individual who has completed eligible CART or sign language interpreter training in accordance with rules adopted pursuant to RSA 200-M:5, including internships and residencies, and agrees to work as a CART provider or a sign language interpreter in this state, may apply to the department of education, division of ~~[educator support and higher education]~~ **workforce innovation** for repayment under the CART provider and sign language interpreter net tuition repayment program and become eligible to be reimbursed up to 100 percent of his or her qualifying tuition not to exceed the cost of 4 years of in-state tuition at the university of New Hampshire, during a 5-year period of working as a CART provider or sign language interpreter. A 10 percent net tuition repayment shall be made upon completion of the first year of employment in this state, with an additional 10 percent made after the second year of work, an additional 20 percent after the third year of work, an additional 30 percent after the fourth year of work, and an additional 30 percent after the fifth year of work.

4 Administration; Rulemaking. Amend RSA 200-M:5 to read as follows:

200-M:5 Administration; Rulemaking. The department of education, division of ~~[higher education]~~ **workforce innovation** shall adopt rules, pursuant to RSA 541-A, relative to procedures, eligibility, and qualifications for applicants, qualifying educational costs, criteria for terms of service by a CART provider and/or sign language interpreter, procedures for repayment of net tuition costs, and the administration of the program by the department of education, division of ~~[educator support and higher education]~~ **workforce innovation**. The commissioner of the department of education shall annually report to the general court on the effectiveness of this program.

5 New Subparagraph; Application of Receipts; Fund Added. Amend RSA 6:12, I(b) by inserting after subparagraph (343) the following new subparagraph:

(344) Moneys deposited in the CART provider and sign language interpreter net tuition repayment fund under RSA 200-M:4-a.

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

AMENDED ANALYSIS

This bill reestablishes the CART provider and sign language interpreter net tuition repayment fund, and provides that the department of education, division of workforce innovation shall be responsible for administering the program.

HB 734-FN-L, relative to the annual percentage reduction in stabilization grants to school districts. **INEXPEDIENT TO LEGISLATE.**

Rep. Werner Horn for Finance. Stabilization cuts have affected communities across New Hampshire resulting in diminished resources, eliminated positions, and curtailed curriculum. There are promising legislative options that include addressing the cuts to stabilization. The intent of this legislation will be addressed elsewhere. Vote 21-0.

SB 16, relative to certain information provided by the commissioner of the department of employment security to the United States Department of Labor. **OUGHT TO PASS.**

Rep. Harrison Kanzler for Labor, Industrial and Rehabilitative Services. This bill will update RSA 282-A:118 to be in compliance with the U.S. Department of Labor's Performance Accountability and Customer Information Agency data collection for the 2014 Workforce Innovation and Opportunity Act. Vote 19-0.

CACR 4, relating to right to govern. Providing that the people of the state may enact local laws that protect health, safety, and welfare. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Josephson for Municipal and County Government. The sponsor of this resolution had asked the committee to recommend Inexpedient to Legislate due to duplication with CACR 8. The committee respects the wishes of the sponsor and recommends it be found Inexpedient to Legislate. Vote 17-0.

HB 434, relative to removal of a town clerk. **INEXPEDIENT TO LEGISLATE.**

Rep. Bruce Tatro for Municipal and County Government. The intent of this bill is to allow an elected town clerk to be terminated, for violating municipal employee rules, by the board of selectmen. So, if a town clerk is ordered to violate state or federal laws by the governing board the board could find the clerk insubordinate and terminate them. Clerks are governed by state laws and can only be removed for violating the state laws. Vote 19-0.

HB 499, relative to revenue surpluses in unincorporated towns and unorganized places. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Josephson for Municipal and County Government. The author of this bill found that its enactment would cause unintended consequences and asked that we find this bill Inexpedient to Legislate. Therefore, we recommend the bill be Inexpedient to Legislate. Vote 19-0.

HB 539-FN, relating to the provision of technical assistance for municipal implementation of the One4all ballot. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Julie Gilman for Municipal and County Government. This bill as amended establishes a committee to study how to support voters with disabilities as they exercise their right to vote, by secret ballot, without assistance from another voter. Currently, the state uses a program called One4All that is required for federal elections. This is a committee to answer questions regarding implementation and prepare application procedures. Vote 18-0.

Amendment (0302h)

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

AN ACT establishing a committee to study the implementation of the One4All ballot in municipal elections.

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

1 Committee Established. There is established a committee to study the feasibility of the use of existing technology to implement the One4All ballot in New Hampshire municipal elections.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall:

I. Study the potential use of the One4All ballot technology by the electorate, the availability of and access to appropriate hardware and software, municipal administration of the technology, municipal interest in using the technology, legal conflicts to the use of this technology, and other appropriate issues relating to the use of the One4All ballot in New Hampshire municipal elections.

II. Prepare generic implementation and application procedures for municipalities to follow if the committee determines that the technology can be efficiently and effectively used by municipalities.

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

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

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

AMENDED ANALYSIS

This bill establishes a committee to study the implementation of the One4all ballot in municipal elections.

HB 279, naming a bridge in the town of Bristol in honor of Mathew Seaver. **INEXPEDIENT TO LEGISLATE.** Rep. Matthew Towne for Public Works and Highways. This bridge naming bill was rejected after it was learned that the recipient to be honored by the naming actually opposes such naming, and thus the bill. Vote 18-0.

HB 137, establishing a commission to examine the effects of wake boats in the state of New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bruce Cohen for Resources, Recreation and Development. During the public hearing the committee heard from several residents and lake associations that there needs to be a balance between recreational use of wake boats and the effect on lakes and other recreational activity on or near lakes. This bill, as amended, establishes a commission to study the effects of wake boats. The commission will gather information on uses of wake boats regarding the spread of aquatic invasive species, the relationship to shoreline erosion, the impacts to private property, and the safety of swimmers and other boaters. The amendment adds members from industry and user groups to give a broader perspective to the commission. Vote 20-0.

Amendment (0931h)

Amend RSA 270:133, I as inserted by section 1 of the bill by replacing it with the following:

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

- (a) Two members of the house of representatives, appointed by the speaker of the house of representatives.
- (b) One member of the senate, appointed by the president of the senate.
- (c) The commissioner of the department of environmental services, or designee.
- (d) The captain of the marine patrol division, department of safety, or designee.
- (e) A representative of the New Hampshire Marine Trades Association, appointed by that association.
- (f) A shorefront property owner from a lake smaller than 1,000 acres, appointed by the speaker of the house of representatives.
- (g) A shorefront property owner from a lake 1,000 acres or larger, appointed by the speaker of the house of representatives.
- (h) A representative from NH LAKES, appointed by that organization.
- (i) A representative from a local lake association, appointed by the governor.
- (j) A member of the USA Water Ski and Wake Sports New Hampshire club who is also a resident of New Hampshire, appointed by that club.
- (k) A representative of the Water Sports Industry Association, appointed by that association.
- (l) A representative of the New Hampshire Campground Owners Association, appointed by that association.
- (m) Two representatives of the wake boat recreational community, appointed by the president of the senate.

Amend RSA 270:133, III(b)-(c) as inserted by section 1 of the bill by replacing them with the following:

- (b) The relationship to shoreline erosion and impacts to private property.
- (c) The economic impact of recreational boating and the popularity of water sports among families in New Hampshire.

Amend RSA 270:133, V as inserted by section 1 of the bill by replacing it with the following:

V. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Eight members of the commission shall constitute a quorum.

HB 199-FN, relative to exemptions from the groundwater permit application fee. **INEXPEDIENT TO LEGISLATE.**

Rep. Rosemarie Rung for Resources, Recreation and Development. The Department of Environmental Services (DES) operates primarily on a fee for service model. The fees charged for a groundwater management permit are \$2,000. The committee heard testimony from DES that actual costs may exceed the amount of

the fee depending on the extent of groundwater contamination. The committee believes that allowing exemptions from this fee for nonprofits, of which there are over 5,000 in the state, would place an undue financial burden on DES. Vote 19-0.

HB 244, repealing the moorings appeals board. **OUGHT TO PASS.**

Rep. Rosemarie Rung for Resources, Recreation and Development. The Moorings Appeals Board exists to adjudicate disputes relating to moorings. Only one appeal has been requested in the last 12 years. All three of the appointed board members are deceased and have not been replaced. This bill will repeal the Moorings Appeal Board and transfer the responsibility for hearings to the Commissioner of the Department of Safety who presently has an established and on-going appeals hearing process. The commissioner can more efficiently and economically absorb any moorings appeals that arise in the future. Vote 17-0.

HB 261, requiring the commissioner of the department of environmental services to revise rules relative to arsenic contamination in drinking water. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Chuck Grassie for Resources, Recreation and Development. The proposed amendment establishes the process for the Department of Environmental Services to adopt a standard of 5 parts per billion for arsenic in drinking water through their rulemaking process. The committee agrees that the current level of arsenic in drinking water causes an unacceptable level of cancer cases in children and the general population. The lower level has been shown to be affordable, achievable, and effective. Vote 17-1.

Amendment (0028h)

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

1 Ambient Groundwater Quality Standards; Contaminants in Drinking Water.

I. The commissioner shall initiate rulemaking pursuant to RSA 485-C:4, III within 120 days of the effective date of this paragraph to revise the ambient groundwater quality standard for arsenic to a value not to exceed 5 micrograms per liter.

II. The commissioner shall initiate rulemaking pursuant to RSA 485:3, I within 120 days of the effective date of this paragraph to adopt a maximum contaminant limit for arsenic to a value not to exceed 5 micrograms per liter for public water systems regulated by RSA 485-C.

2 Ambient Groundwater Quality Standards. Amend 2018, 190:1 to read as follows:

190:1 Department of Environmental Services; Ambient Groundwater Quality Standards. By January 1, 2019, the commissioner of the department of environmental services shall review the ambient groundwater standard for arsenic to determine whether it should be lowered, taking into consideration the extent to which the contaminant is found in New Hampshire, the ability to detect the contaminant in public water systems, the ability to remove the contaminant from drinking water, the impact on public health, and the costs and benefits to affected entities that will result from establishing the standard. ~~[Any proposed change to the ambient groundwater standard for arsenic shall require the approval of the general court.]~~ On or before January 1, 2019, the commissioner shall submit a report of the findings to the chairpersons of the house and senate committees with jurisdiction over natural resources.

3 Effective Date. This act shall take effect 90 days after its passage.

HB 296-FN, relative to animal waste cleanup in state forests and state parks. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert Harb for Resources, Recreation and Development. This bill would require that any person who brings an animal into any parking, picnic, or camping area, or onto any road, walkway, or trail in a state park or state forest shall remove from such areas, roads, and trails all solid animal waste produced by such animal. Numerous opponents of the bill testified, and the committee believes that for equestrians it is both unsafe and unreasonable to require riders to dismount and remove manure from trails. Both the Director of Parks and Recreation and the Director of Forests and Lands oppose this bill as they believe it is adequately covered in the Department of Cultural and Natural Resource's administrative rules for state reservations. Vote 18-0.

HB 298, relative to penalties for misrepresentation or falsification of documents by mooring field operators. **INEXPEDIENT TO LEGISLATE.**

Rep. Rosemarie Rung for Resources, Recreation and Development. Congregate moorings fields consist of four or more moorings permitted by the Marine Patrol Unit of the Division of State Police. The field operator, such as a condominium association, assigns the individual moorings within the field to its members using its own application procedure. This bill seeks to apply penalties to mooring field operators who may pass along to Marine Patrol falsified or misrepresented information they receive from applicants, regardless of the operator's awareness that the information was not accurate. The committee believes that the individual mooring assignment and its application process should continue to be the purview of the mooring field operator and not the state. Vote 17-0.

HB 299, relative to the sharing of moorings in a congregate mooring field. **INEXPEDIENT TO LEGISLATE.**

Rep. Wendy Thomas for Resources, Recreation and Development. This bill states that any sharing of a mooring by the permit holder within a congregate mooring field be considered a transfer subject to RSA 270:67, un-

less the operator had filed bylaws or usage regulations with the Division of State Police providing otherwise. Marine Patrol testified that congregate moorings are mooring permits issued to homogenous user groups and are not under the purview of the state. The committee believes that this issue would be better addressed by the association which operates the congregate mooring field. Vote 17-0.

HB 300, relative to the assignment of moorings in congregate mooring fields. **INEXPEDIENT TO LEGISLATE.** Rep. Deborah Hobson for Resources, Recreation and Development. This bill states that any mooring field operator that uses a lottery to assign any of its moorings shall restrict entries in such lottery to one lottery entry per vessel. The committee felt that this was a civil matter and not something that should be covered under legislation. Marine Patrol testified that congregate moorings are mooring permits issued to homogenous user groups and are not under the purview of the state. The committee believes that this issue would be better addressed by the association which operates the congregate mooring field. Vote 17-0.

HB 324, relative to operation of ski craft around the marsh lands or flats in the Hampton/Seabrook estuary. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia Bushway for Resources, Recreation and Development. The bill as submitted allowed for the operation of ski craft at headway speed or below within 300 feet of any marsh or flat in the Hampton/Seabrook Estuary. The amendment prohibits the operation of personal water craft within 300 feet of any marsh or flat in the estuary without regard to tide height. The amendment also defines personal water craft for the purpose of this bill as a motor boat of 16 feet or less in length that is propelled by a jet pump, and upon which operators and riders stand, kneel, straddle, or sit. The committee believes that the amendment adequately protects salt marshes contiguous to the estuary as well as the rights of personal water craft enthusiasts. Vote 18-0.

Amendment (0454h)

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

AN ACT relative to operation of personal water craft around the marsh lands or flats in the Hampton/Seabrook estuary.

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

1 New Section; Personal Water Craft. Amend RSA 270 by inserting after section 74-b the following new section: 270:74-c Personal Water Craft.

I. In this section, "personal water craft" means a motor boat 16 feet or less in length that is propelled by jet pump, not propellers, where the operator and riders stand, kneel, straddle, or sit on, rather than inside, the craft.

II. No person shall operate a personal water craft within 300 feet of any marsh land or flat in the Hampton/Seabrook estuary without regard to tide height.

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

AMENDED ANALYSIS

This bill prohibits the operation of personal water craft within 300 feet of any marsh land or flat in the Hampton/Seabrook estuary.

HB 495, establishing a commission on drinking water. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia Bushway for Resources, Recreation and Development. The bill establishes a commission to plan for long-term goals and requirements for drinking water on the seacoast. It continues the work initiated by the Seacoast Commission on Long-term Goals and Requirements For Drinking Water, repealed on November 1, 2018, which considered issues such as, but not limited to, water quality and safety, and water availability. The amendment clarifies that the Executive Directors of the Rockingham and Strafford County planning commissions or their designees will be members of the commission. The committee agrees that the work of the previous commission should be continued. Vote 18-0.

Amendment (0697h)

Amend RSA 485-F:6, II(j) and (k) as inserted by section 1 of the bill by replacing it with the following:

(j) The executive director of the Rockingham regional planning commission, or designee.

(k) The executive director of the Strafford regional planning commission, or designee.

HB 591, amending the laws governing OHRVs and snowmobiles. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judith Spang for Resources, Recreation and Development. This bill, put forward by the Fish and Game Department, provides for new regulation and detailed safety requirements for off highway road vehicles (OHRVs). The amendment was taken from another bill which is being retained by the committee. It addresses a pressing current problem of landowners who are being adversely affected by the opening of abutting roads to scores of OHRVs. Based on current land use statutes provided by the NH Municipal Association, it makes sure affected landowners are notified when their road is being considered for opening and defines a mechanism for their voices to be heard. The committee was surprised that the impact on landowners' enjoyment of their property has been so severe. This amendment provides some relief pending a much larger study through the retained bill, HB 683. Vote 20-0.

Amendment (0975h)

Amend the bill by inserting after section 21 the following and renumbering the original section 22 to read as 24:
 22 Operation of All OHRVs. Amend RSA 215-A:6, IX to read as follows:

IX. Pursuant to RSA 215-A:15 **and RSA 215-A:15-a**, city or town councils and boards of selectmen may authorize the use of sidewalks and class IV, class V or class VI highways and bridges, or portions thereof, for use by OHRVs. The operation of OHRVs may also be allowed on sidewalks adjacent to class I, II, III, or III-a highways pursuant to RSA 236:56, II(e). Operators of OHRVs using said roads, or portions thereof, shall keep to the extreme right and shall yield to all conventional motor vehicle traffic. The bureau, or its designee, shall so post such highways where authorized. ~~[Following a duly noticed public hearing, except in the case of an emergency closure, such city or town authorities may change the allowable usage of a class IV, class V, or class VI highway by OHRVs by giving notification to the supervisor of the bureau and removing any signs that no longer apply.]~~

23 New Section; Off Highway Recreational Vehicles; Adopting por Rescinding Regulations. Amend RSA 215-A by inserting after section 15 the following new section:

215-A:15-a Manner of Adopting or Rescinding Ordinances. An ordinance allowing the operation of OHRVs on any sidewalks or class IV, V, or VI highways or bridges shall be adopted or rescinded in the manner provided in this section.

I. The governing body may, in its discretion, consider an ordinance authorizing the use of OHRVs on its own initiative or upon written request from one or more persons.

II. If the governing body chooses to consider such an ordinance, it shall hold a public hearing, notice of which shall be sent by verified mail, as defined in RSA 451-C:1, VII, at least 30 days before the hearing to every abutter of any sidewalk and any class IV, V, or VI highway or bridge affected by the proposed ordinance. Public notice shall also be published in a newspaper of general circulation in the area at least 30 days before the hearing. For purposes of this paragraph, "abutter" means any person whose property adjoins the public way under consideration. In the case of an abutting property under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins the public way under consideration.

III. If consideration of the ordinance was requested by anyone other than the governing body, all costs of notice shall be paid in advance by the person making the request. Failure to pay the costs shall result in termination of the governing body's consideration of the request.

IV. After the public hearing, the governing body shall vote to approve or reject the ordinance. A vote to reject the ordinance shall constitute a final determination.

V. In a city, or in a town with a town council, a vote of the council to approve an ordinance shall be the final determination. In a town without a town council, the governing body's vote to approve an ordinance shall constitute a recommendation to the legislative body, and the proposed ordinance shall be placed on the warrant for the next annual town meeting or a special town meeting called under RSA 39:1 or RSA 39:3.

VI. When a proposed ordinance to allow the use of OHRVs is submitted to a vote at a town meeting under paragraph V, a 2/3 vote of the legislative body present and voting shall be required to approve the ordinance if there has been a protest against the ordinance signed by the owners of 20 percent of the area within 100 feet immediately adjacent to the public way affected by the ordinance or signed by 20 percent of the owners of land within 100 feet immediately adjacent to the public way affected by the ordinance. For any protest petition to be considered:

(a) The owners signing the petition shall identify themselves on the petition by name and address, and by address of the property involved, or by lot and map number, or by whatever other means is used within the town to identify the land in question, so that the selectmen may identify the owners as interested and affected parties; and

(b) The signed protest petition shall be submitted to the selectmen at least 7 days before the town meeting. A notice of receipt of the protest petition shall be posted at the location of the meeting, and the moderator shall announce at the opening of the meeting that a protest petition has been received. In the absence of a properly submitted protest petition, a simple majority of those present and voting shall be required to approve the ordinance.

VII. Subject to paragraph VIII, any proposal to rescind an ordinance allowing the operation of OHRVs on public ways, or to amend such an ordinance to limit the authority previously granted, shall follow the same procedure as a proposal to adopt such an ordinance, except that:

(a) In addition to the notice required under paragraph II, notice of the public hearing shall also sent by verified mail, as defined in RSA 451-C:1, VII, to the chief of the bureau of trails, who shall notify any OHRV club that he or she believes may have an interest in the matter.

(b) A vote by the governing body to rescind the ordinance, or to amend the ordinance to limit the authority previously granted, shall constitute a final determination. If the governing body does not vote to rescind or amend the ordinance, the question may be, but is not required to be, submitted to the legislative body for consideration at the next annual town meeting or a special town meeting as provided

in paragraph V. A vote by the town meeting to rescind or amend the ordinance shall be the final determination. Paragraph VI shall not apply when a question is submitted to the town meeting under this subparagraph.

VIII. The question of rescinding an ordinance allowing the operation of OHRVs may also be placed on the warrant for an annual or special town meeting, either by the governing body or by petition under RSA 39:3, without following the process in this section for hearing and determination by the governing body.

AMENDED ANALYSIS

This bill amends the laws governing operation, registration, and required equipment for an OHRV or a snowmobile. The bill also amends the procedure for a city or town to adopt or rescind ordinances regulating OHRV use on certain public ways.

This bill is a request of the fish and game department.

HB 645-FN, establishing a dock registration procedure. OUGHT TO PASS WITH AMENDMENT.

Rep. Andrew Renzullo for Resources, Recreation and Development. This bill establishes a procedure for voluntarily registering docks with the Department of Environmental Services. This is valuable to the registrants in that it protects them by establishing their dock rights, especially during disputes. This registry will provide a service for docks similar to the service provided by the registry of deeds for real estate documents. Registration also allows the repair or replacement of existing legal docks from permitting requirements. The cost of registration is set at \$200. The bill was amended to provide corrective language to a section of the original bill. Vote 20-0.

Amendment (0933h)

Amend RSA 482-A:3, IV-a as inserted by section 2 of the bill by replacing it with the following:

IV-a.(a) ~~[Temporary]~~ Seasonal docks ~~[installed on any lake or pond]~~ shall be exempt from the permitting requirements of this section, provided that a notification is sent to the department by the owner of property that includes the name and address of the property owner, ***a copy of the deed for the property on which the dock is to be installed***, the municipality, the waterbody, ~~[and]~~ tax map and lot number on which the proposed dock will be located, ***and plans of the waterfront and structure to be installed showing that the requirements of this paragraph will be met.*** To qualify for an exemption under this paragraph, a ~~[temporary]~~ seasonal dock shall be:

- ~~[(a)]~~ (1) The only docking structure on the frontage;
- ~~[(b)]~~ (2) Constructed to be removed during the non-boating season;
- ~~[(c)]~~ (3) Removed from the lake bed for a minimum of 5 months of each year;
- ~~[(d)]~~ (4) Configured to be narrow, rectangular, and erected perpendicular to the shoreline ***of a lake or pond or parallel to the bank of a river;***
- ~~[(e)]~~ (5) No more than 6 feet wide and no more than 40 feet long if the water body is 1,000 acres or larger, or no more than 30 feet long if the water body is ***a river or*** less than 1,000 acres ***in size;***
- ~~[(f)]~~ (6) Located on a parcel of land that has 75 feet or more of shoreline frontage;
- ~~[(g)]~~ (7) Located at least 20 feet from an abutting property line or the imaginary extension of the property line over the water;
- ~~[(h)]~~ (8) Installed in a manner which requires no modification, regrading, or recontouring of the shoreline, such as installation of a concrete pad for construction of a hinged dock;
- ~~[(i)]~~ (9) Installed in a manner which complies with RSA 483-B; and
- ~~[(j)]~~ (10) Installed in a location that is not in, or adjacent to, an area that has been designated as a prime wetland in accordance with RSA 482-A:15.

(b) The repair or replacement of legally existing docking facilities in non-tidal waters shall be exempt from the permitting requirements for this section, provided that the structure has a valid registration filed with the department by the owner of the property, in accordance with RSA 482-A:11, XI, that includes the name and address of the property owner, the municipality, the waterbody, tax map and lot number on which the proposed dock will be located, photographs of all existing structures constructed or installed in the waterbody, and plans of the waterfront and structures to be repaired showing that the requirements of this paragraph will be met. To qualify for an exemption under this paragraph, the owner of the docking facilities shall provide evidence that the docking structures to be repaired:

- (1) Have been constructed and maintained in compliance with a permit issued under RSA 482-A or its preceding statutes;***
- (2) Have been maintained in their current size, location, and configuration since January 1, 2000;***
- (3) Were not constructed to make land in public waters;***
- (4) Are not subject to RSA 482-A:26; and***
- (5) Are not the subject of a department administrative order, consent decree, or court order that limits any aspect of the construction or use of the docking structures.***

(c) Registrations for the repair or replacement of legally existing docking structures shall be effective on the date issued and shall be valid for 2 years or until ownership of the property changes, whichever occurs first.

(d) Within 10 business days of receipt of a registration filing, the department shall issue a written notice to the property owner stating that the registration has either been accepted and issued a registration number, or rejected. If the department does not respond within the 10-day period, the property owner or agent may submit to the department a written request for a response. If the department fails to respond to the written request within an additional 5 days the property owner or agent shall be deemed to have submitted a complete and qualifying registration and may proceed with the repair or replacement of the legally existing docking structures as presented in the registration filing. The authorization provided by this subparagraph shall not relieve the applicant of complying with all requirements applicable to the project, including but not limited to requirements established in or under this chapter and RSA 485-A relative to water quality.

(e) Docking structures registered and maintained in accordance with section shall be considered to be in compliance with the permitting requirements of this chapter.

HB 660-FN, relative to studying the economic and other impacts of OHRV use in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne Smith for Resources, Recreation and Development. Since 2003 when the Department of Resources and Economic Development (now the Department of Natural and Cultural Resources) issued a study titled "A Plan for Developing New Hampshire's Statewide Trail System for ATVs and Trail Bikes 2003-2008," the use of off highway road vehicles (OHRVs) has grown exponentially. The committee heard testimony that "Ride the Wilds," a trail system which includes Jericho Mountain State Park, off-road trails, and use of town and state roads has been an economic boon to the North Country. The committee also heard from property owners who are frustrated and upset because quiet country roads are now "highways" for OHRV riders. This bill, as introduced, would require the department to study the effects of OHRV activity upon the state's economy using the best available science and conducted by independent researchers. This study, and a second one which would study effects of OHRV operations on trails and public ways already designated, would be funded by OHRV registration fees. Currently, these registration fees are used for trail maintenance and trail building. The amendment directs the department to update the 2003 study. As the study progresses, updates shall be posted on the department's internet site, and the department shall solicit and accept public comment on the plan. In addition to studying the effect of OHRV activity on the state's economy, the amendment also charges the department with preparing a master plan for an integrated network of OHRV trails in Coos County. The plan shall address locations of the trail network, costs of construction and maintenance, interest of sanctioned ATV clubs, interests and rights of private property owners. The amendment eliminates from the bill the use of any OHRV registration fees but does direct the department to solicit and allows it to accept and expend gifts, grants or donations from any source to fund this work and to expend any available appropriations to complete the studies. Vote 20-0.

Amendment (0953h)

Amend the bill by replacing section 1 with the following:

1 Department of Natural and Cultural Resources; Study of the Economic and Other Effects of OHRV Operation in New Hampshire.

I. To the extent of the department's available appropriations, the commissioner of the department of natural and cultural resources, with advice from the public, shall prepare a master plan for an integrated network of OHRV trails in Coos county, the goal of which is to locate all OHRV trails off state and municipal highways to the extent practicable with regard to trail connectivity, and with the understanding that a municipality shall retain the right to decide whether or not to grant OHRV access to public ways. The plan shall address the actual and potential locations of the trail network, the costs of construction and maintenance of the trail network, the interests of sanctioned ATV clubs, the interests and rights of private property owners, aesthetics, historic sites, air and water quality, the natural environment, and public health and safety. The commissioner shall solicit and may accept gifts, grants, or donations from any source and may expend such moneys to fund the master plan required in this paragraph. The master plan shall be completed by November 1, 2021.

II. To the extent of the department's available appropriations, the commissioner of the department of cultural and natural resources shall prepare an update of the department's 2003 study titled "A Plan for Developing New Hampshire's Statewide Trail System for ATV's and Trail Bikes 2003-2008" and shall report the findings of such study, including any recommendations for legislation, no later than January 1, 2021. The commissioner shall post on the department's public Internet site information about the update to the study and shall solicit and accept public comment concerning the update to the study for a period of not less than 30 days. The commissioner shall solicit and may accept gifts, grants, or donations from any source and may expend such moneys to fund the study required in this paragraph.

III. To the extent of the department's available appropriations, the commissioner of the department of natural and cultural resources shall study the effects of OHRV activity upon the state's economy using the best available science and conducted by independent researchers who shall be selected by the commissioner. The economic impact study shall be completed and a report issued, including recommendations for legislation, no later than January 1, 2021, to the speaker of the house of representatives, senate president, governor, and state library. The commissioner shall solicit and may accept gifts, grants, or donations from any source and may expend such moneys to fund the study required in this paragraph.

HB 668, relative to heating, agitating or other devices in public waters. **OUGHT TO PASS.**

Rep. Wendy Thomas for Resources, Recreation and Development. This bill addresses water agitators which are devices used near docks that agitate the water during the winter months in order to prevent freezing around the structures. The problem is that some of these devices extend the unfrozen area of the water into adjoining properties limiting access to the frozen water and in some cases creating thin ice hazards. The bill would make sure that owners use agitators that only cover their property. This bill would force owners to post thin ice warning signs where agitators are being used. The committee agreed that both of these requirements are sound actions when using water agitators. Vote 18-0.

HB 707, relative to settlement money from actions pertaining to the contamination of groundwater or drinking water. **OUGHT TO PASS.**

Rep. Deborah Hobson for Resources, Recreation and Development. This bill requires that Drinking Water and Groundwater Trust Fund expenditures that are recovered from parties liable for hazardous waste contamination be deposited to the Trust Fund and that the damages awarded for drinking water or groundwater pollution be deposited to the Trust Fund. Vote 20-0.

HB 737, establishing a commission to investigate and analyze the environmental and public health impacts relating to releases of perfluorinated chemicals in the air, soil, and groundwater in Merrimack, Bedford and Litchfield. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne Smith for Resources, Recreation and Development. It was discovered in 2016 that wells of the Merrimack public water supply were contaminated due to the industrial air discharge of perfluorinated chemicals and subsequent soil disposition and leaching into groundwater. Private wells in neighboring communities of Bedford and Litchfield were also affected by this contamination, which is now the largest groundwater contamination in the state. Testing showed that levels of perfluorooctanoic acid exceeded the health advisory of the US EPA. The committee believes that establishment of this commission will gather necessary information about environmental and health impacts to these communities and will contribute to the overall understanding of perfluorinated chemical exposure occurring in other parts of the state. Vote 20-0.

Amendment (0991h)

Amend RSA 126-A:78, II(a) as inserted by section 1 of the bill by deleting RSA 126-A:78, II(a)(7) and renumbering the original RSA 126-A:78, II(a)(8)-(12) to read as RSA 126-A:78, II(a)(7)-(11), respectively.

Amend RSA 126-A:78, III(b) as inserted by section 1 of the bill by replacing it with the following:

(b) The commission shall solicit information from any person or entity the commission deems relevant to its study. State agency participation, if existing resources are shown to be insufficient, may be based upon additional appropriations recommended by the commission and approved by the general court.

HB 205, relative to the definition of "multiple line telephone system." **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Vincent for Science, Technology and Energy. After listening to the testimony, the committee unanimously decided not to pass this bill. This decision was based on the following. First, there is uncertainty on who will pay for the unknown costs of the 911 system changes this bill would require of businesses and municipalities. Second, not all parts of the state could be covered, since much of the North Country still does not have cellular service. During the subcommittee work sessions on the bill, the sponsor indicated that the bill was not ready for passage. Vote 20-0.

HB 413, relative to membership of the energy efficiency and sustainable energy board. **OUGHT TO PASS.**

Rep. John Mann for Science, Technology and Energy. This bill makes a number of changes to the membership and duties of the Energy Efficiency and Sustainable Energy Board. The new members added will be from the public, the banking industry, and not-for-profit organizations focusing on matters dealt with by the board. These members will help ensure that the board is meeting the needs and concerns of the most important stakeholders, the public. Vote 19-1.

HB 454, relative to site evaluation committee criteria for energy facility siting. **INEXPEDIENT TO LEGISLATE.**

Rep. Howard Moffett for Science, Technology and Energy. The Site Evaluation Committee statute has always put the burden of proof on an applicant to show that its proposed energy facility meets each of the criteria for a certificate set out in RSA 162-H:16, IV. This bill would switch the burden of proof to individual property

owners to show that the project would have an unreasonable negative effect on the value of their property (e.g. by spoiling their view), thus requiring them to pay for costly “before and after” real estate appraisals. A large bipartisan majority of the committee did not think this was a good idea. Vote 17-2.

HJR 2, recommending and requesting the president of the United States and the United States Congress to exclude the state of New Hampshire from offshore oil and gas drilling and exploration activities. **OUGHT TO PASS.** Rep. Linda Massimilla for State-Federal Relations and Veterans Affairs. With only 17 miles of coastline, NH’s tourism, fishing industry, jobs, economy and environment are dependent on clean, oil-free water and beaches. The Exxon Valdez oil spill had long term consequences that were felt for decades. The request for an exclusion for NH from offshore oil and gas drilling and exploration activities is appropriate. Once a lease is given, its duration is forever. Vote 18-0.

HB 368-FN, defining the list of medically recognized disorders identified on drivers’ licenses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laura Telerski for Transportation. The committee heard testimony regarding the unique challenges faced by drivers who fall on the autism spectrum. Their disability may contribute to communication problems and physical behaviors that may be deemed suspicious by law enforcement. This bill as amended allows a driver the option to identify their disability on their license, so law enforcement can be made aware of potential issues and handle the stop appropriately. Vote 17-0.

Amendment (0731h)

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

AN ACT relative to medically recognized disorders identified on drivers’ licenses.

Amend the bill by replacing section 1 with the following:

1 Drivers’ Licenses; Form of License; Medically Recognized Disorder Indication. Amend RSA 263:41-b, III to read as follows:

III. For the purpose of this section, [~~the director shall adopt rules under RSA 541-A defining medically recognized disorder and listing the disorders and their representations that may be shown on driver’s licenses or nondriver’s picture identification cards~~] *autism spectrum disorder (ASD) or its abbreviation is authorized to be printed on the driver’s license or nondriver’s picture identification card.*

IV. If the name of medically recognized disorder exceeds 25 characters in length, only its abbreviation shall be printed on the driver’s license or nondriver’s picture identification card.

V. The director shall adopt rules pursuant to RSA 541-A relative to the administration of this section.

AMENDED ANALYSIS

This bill authorizes autism spectrum disorder to be indicated as a medically recognized disorder on drivers’ licenses and nondrivers’ identification cards and modifies the rulemaking authority relative to printing medically recognized disorders on drivers’ licenses and nondrivers’ identification cards.

HB 548, relative to certain organizations that are authorized to issue decals. **OUGHT TO PASS.**

Rep. Steven Smith for Transportation. This bill adds 501(c)(8) non-profits to the list of eligible non-profit organizations who may participate in the multi-use decal program. The existing statute provides protections against political, religious, and advocacy groups participating. Each organization must still submit a bill to authorize their participation in the program. Vote 20-0.

HB 571, relative to confidentiality for reporting possibly medically unfit drivers. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura Telerski for Transportation. This bill provides confidentiality to a person who reports a driver suspected of being medically unfit. The committee heard testimony from the Division of Motor Vehicles (DMV) that a policy already exists for a medical practitioner or law enforcement to be contacted by a family member to initiate a report if they choose to remain anonymous. This bill would leave the determination of “malicious intent” to the DMV which the committee feels is an unfair burden. The committee believes the concern of the sponsor can be addressed within the existing statutes. Vote 20-0.

MOTION TO SPECIAL ORDER

Rep. Bixby moved that **HB 280**, designating the red-tailed hawk as the state raptor, be made a Special Order for tomorrow, March 20, 2019, as the first order of business.

Motion adopted.

REGULAR CALENDAR

CACR 12, relating to taxes. Providing that an income tax on personal income shall be prohibited. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Richard Ames for the Majority of Ways and Means. This constitutional amendment concurrent resolution would amend the NH constitution by inserting in Part II a new Article 6-c prohibiting the General Court from

“adopting a tax on earned personal income.” This categorical prohibition on one ill-defined form of taxation – does “earned personal income” include, for example, the earned income of a sole proprietor that is currently taxed under our business profits tax? – would forever bind future legislatures and governors regardless of fiscal and socio-economic circumstances that cannot now be foreseen. Current constitutional limits on taxation are appropriately expressed as general standards setting limits on all forms of NH taxation. There are three provisions of the New Hampshire Constitution that are intended to work in combination to ensure fairness in taxation. First, Part I, Article 12 establishes that “[e]very member of the community has a right to be protected by it, in the enjoyment of his life, liberty, and property; he is therefore bound to contribute his share in the expense of such protection . . .” Article 12 requires that a given class of property be taxed at a “uniform rate” and that “taxes must be not merely proportional, but in due proportion, so that each individual’s just share, and no more, shall fall on him.” Second, Part II, Article 5 grants the legislature authority “to impose and levy proportional and reasonable assessments, rates and taxes, upon all the inhabitants of, and residents within” the state. Our NH Supreme Court has affirmed that together Part I, Article 12 and Part II, Article 5 “establish equality and justice as the basis of all constitutional taxation.” [See *Smith v. N.H. Dep’t of Rev.Admin.*, 141 N.H. 681, 686 (1997)]. And third, Part II, Article 6 authorizes the legislature to “classify” property for purposes of taxation, a provision that conveys to the legislature “broad power to declare property to be taxable or non-taxable based upon a classification of the property’s kind or use, but not based upon a classification of the property’s owner.” *N. Country Envtl. Servs. V. State*, 157 N.H. 15, 19 (2008). The categorical prohibition proposed by CACR 12 does not belong in our constitution and should be rejected. Vote 12-8.

Rep. Patrick Abrami for the Minority of Ways and Means. The minority strongly opposes the Inexpedient to Legislate motion on this bill. The minority believes that the question of whether the New Hampshire Constitution should be amended to say that a personal income tax is not an appropriate form of taxation should be placed on the ballot for the citizens of NH to decide. Since our union was formed and NH became a state, we have resisted a personal income tax (not to mention a sales tax). Our ability as a state to resist the temptation of unbounded taxation and spending from such broad-based taxes has served us well for 231 years. This approach leaves it up to the taxpayer how to spend their money, resulting in an ethos that rewards hard work, self-reliance, personal responsibility, and a spirit of freedom long lost in so many near bankrupt high-income tax states where there never seems to be enough revenue. Our approach has led to efficient government with minimal wasteful spending and certainly no corruption not to mention minimal fraud and abuse. Our approach has forced the legislature to make wise budget decisions every two years. Yes, they are tough decisions, but states with large progressive income taxes also always seem to have to make these same tough decisions as well. The big difference is that we rank very high on every metric of success, while these other states do not. The minority feels that the voters of NH understand this and never want to see a personal income tax. A similar CACR was approved by this legislature in 2012 resulting in a ballot question, which resulted in a 57.09% vote of the people in support of placing in our constitution that personal income taxes are not an appropriate form of taxation in our state. Although the vote fell short of the two thirds required, it certainly was a strong barometer of the sentiments of the voters that a personal income tax is not a form of taxation our citizens want. The minority says let the people speak on this once again.

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

Rep. Abrami spoke against.

Rep. Ames spoke in favor.

Rep. Notter requested a roll call; sufficiently seconded.

YEAS 206 - NAYS 143

YEAS - 206 BELKNAP

Huot, David

Buco, Thomas
Knirk, Jerry

Burroughs, Anita
Ticehurst, Susan

CARROLL

Butler, Edward
Woodcock, Stephen

DesMarais, Edith

CHESHIRE

Abbott, Michael
Faulkner, Barry
Ley, Douglas
Schapiro, Joe
Von Plinsky, Sparky

Ames, Richard
Fenton, Donovan
Mann, John
Swinburne, Sandy
Pearson, William

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

Bordenet, John
Harvey, Cathryn
Morrill, David
Thompson, Craig

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Diggs, Francesca
Ford, Susan
Massimilla, Linda
Osborne, Richard
Smith, Suzanne

Adjutant, Joshua
Dontonville, Roger
French, Elaine
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

Almy, Susan
Egan, Timothy
Josephson, Timothy
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

Campion, Polly
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Stringham, Jerry

HILLSBOROUGH

Bouldin, Amanda
Beaulieu, Jane
Bouchard, Donald
Connors, Erika
Desjardin, Kathy
Davis, Fred
Hall, Brett
Herbert, Christopher
Jeudy, Jean
Langley, Diane
Martin, Joelle
Murphy, Nancy
Pickering, Daniel
Radhakrishnan, Julie
Sofikitis, Catherine
Telerski, Laura
Thomas, Wendy

Bouldin, Andrew
Bergeron, Paul
Chretien, Jacqueline
Cornell, Patricia
DiSilvestro, Linda
Freitas, Mary
Hamer, Heidi
Indruk, Greg
King, Mark
Long, Patrick
McGhee, Kat
Nutting-Wong, Allison
Porter, Marjorie
Riel, Cole
St. John, Michelle
Toomey, Dan
Wilhelm, Matthew

Backus, Robert
Bordy, William
Cleaver, Skip
Cote, David
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Murray, Megan
Mombourquette, Donna
Pedersen, Michael
Query, Joshua
Rung, Rosemarie
Stack, Kathryn
Vail, Suzanne
Williams, Kermit

Balch, Chris
Bosman, James
Cohen, Bruce
Dargie, Paul
Espitia, Manny
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Mangipudi, Latha
Mullen, Sue
Petrigno, Peter
Newman, Ray
Newman, Sue
Stevens, Deb
Van Houten, Constance
Woodbury, David

MERRIMACK

Bartlett, Christy
Ellison, Arthur
Luneau, David
Myler, Mel
Saunderson, George
Soucy, Timothy
Wazir, Safiya

Carson, Clyde
Fox, Samantha
MacKay, James
Pimentel, Roderick
Schamberg, Thomas
Turcotte, Alan
Wells, Kenneth

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

Ebel, Karen
Lane, Connie
Moffett, Howard
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
Edgar, Michael
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Vallone, Mark

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

Bunker, Lisa
Cushing, Robert Renny
Gilman, Julie
Le, Tamara
Malloy, Dennis
Read, Ellen

Bushway, Patricia
DiLorenzo, Charlotte
Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Somssich, Peter

STRAFFORD

Bixby, Peter
Ellis, Donna
Higgins, Peg
Smith, Marjorie
Salloway, Jeffrey
Towne, Matthew

Cannon, Gerri
Fontneau, Timothy
Horriggan, Timothy
Opderbecke, Linn
Sandler, Catt
Vincent, Kenneth

Chase, Wendy
Frost, Sherry
Kenney, Cam
Schmidt, Peter
Southworth, Thomas
Wall, Janet

Conley, Casey
Grassie, Chuck
Levesque, Cassandra
Rich, Cecilia
Spang, Judith

SULLIVAN

Cloutier, John
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

NAYS - 143**BELKNAP**

Aldrich, Glen
Fields, Dennis
Mackie, Jonathan
Viens, Harry

Bean, Harry
Howard, Raymond
Spanos, Peter

Comtois, Barbara
Jurius, Deanna
Sylvia, Michael

Feeney, George
Lang, Timothy
Tilton, Franklin

CARROLL

Avellani, Lino
MacDonald, John

Comeau, Ed
Marsh, William

Cordelli, Glenn

Crawford, Karel

CHESHIRE

Hunt, John

O'Day, John

Parkhurst, Henry

COOS

Craig, Kevin

Fothergill, John

Furbush, Michael

Merner, Troy

GRAFTON

Hennessey, Erin

Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
 Belanger, James
 Camarota, Linda
 Flanagan, Jack
 Greene, Bob
 Ober, Lynne
 Nunez, Hershel
 Prout, Andrew
 Somero, Paul
 Warden, Mark

Alexander, Joe
 Boehm, Ralph
 Danielson, David
 Gagne, Larry
 Gunski, Michael
 Lascelles, Richard
 Panasiti, Reed
 Ober, Russell
 Lekas, Tony
 Whittemore, James

Griffin, Barbara
 Burns, Charles
 Erf, Keith
 Gould, Linda
 Hinch, Richard
 Marzullo, JP
 Plett, Fred
 Renzullo, Andrew
 Trento, Michael

Barry, Richard
 Burt, John
 Fedolfi, Jim
 Graham, John
 Hopper, Gary
 Notter, Jeanine
 Proulx, Mark
 Rice, Kimberly
 Ulery, Jordan

MERRIMACK

Allard, James
 Marple, Richard
 Testerman, Dave

Forsythe, Robert
 McGuire, Carol
 Walsh, Thomas

Hill, Gregory
 Pearl, Howard
 Wolf, Dan

Horn, Werner
 Seaworth, Brian
 Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
 Baldasaro, Al
 Costable, Michael
 Desilets, Joel
 Edwards, Jess
 Green, Dennis
 Janigian, John
 Kolodziej, Walter
 Pearson, Mark
 Melvin, Charles
 Potucek, John
 Pearson, Stephen
 Wallace, Scott

Abrami, Patrick
 Barnes, Arthur
 Davis, Dan
 DeSimone, Debra
 Elliott, Robert
 Harb, Robert
 Janvrin, Jason
 Love, David
 Major, Norman
 Milz, David
 Pratt, Kevin
 Sytek, John
 Welch, David

Abramson, Max
 Bershtein, Alan
 Thomas, Douglas
 Dolan, Tom
 Fowler, William
 Hobson, Deborah
 Katsakiores, Phyllis
 Lundgren, David
 McKinney, Betsy
 Packard, Sherman
 Prudhomme-O'Brien, Katherine
 Torosian, Peter
 Weyler, Kenneth

Acton, Dennis
 Chirichiello, Brian
 DeClercq, Edward
 Doucette, Fred
 Gay, Betty
 Hoelzel, Kathleen
 Khan, Aboul
 Griffin, Mary
 McMahon, Charles
 Piemonte, Tony
 Roy, Terry
 True, Chris
 Yokela, Josh

STRAFFORD

Hayward, Peter
 Rooney, Abigail

Horgan, James
 Beaudoin, Steven

McNally, Jody
 Wuelper, Kurt

Pitre, Joseph

SULLIVAN

Aron, Judy
 Stapleton, Walter

Callum, John
 Smith, Steven

Laware, Thomas

Rollins, Skip

and the majority committee report was adopted.

HB 458-FN, repealing certain inactive dedicated funds. OUGHT TO PASS WITH AMENDMENT.

Rep. Lisa Bunker for Ways and Means. This bill repeals various dedicated funds with no activity in the financial system for at least the most recent fiscal year and makes related statutory changes. It is the result of careful work by a bipartisan committee, as well as painstaking tweaks and double checks by a subcommittee, and involving significant input from affected agencies to make sure that the language is exactly right. It's a good solid housekeeping bill that passed unanimously in the full committee. Vote 17-0.

Amendment (0425h)

Amend the bill by replacing RSA 110-B:60 and 110-B:61 as inserted by section 5 by replacing them with the following:

110-B:60 National Guard Scholarship ~~[Fund]~~ Established. For the purposes of encouraging enlistment and retention in the national guard and to provide for education benefits for members of the national guard in the state, there is hereby established ~~[in the state treasury a separate fund to be known as the]~~ **a** New Hampshire national guard scholarship. ~~[fund from which the state treasurer shall make payments as may be authorized by the scholarship committee. The fund shall be a non-lapsing fund.]~~

110-B:61 Revenue for Scholarship Fund. ~~[All revenue received from sources other than governmental agencies during any fiscal year from the rental of all national guard armories in this state shall be credited by the state treasurer to the New Hampshire national guard scholarship fund as established in RSA 110-B:60. Revenues for]~~ The national guard scholarship fund shall ~~[include]~~ **consist of** an annual appropriation, as determined by the general court, to be awarded by the scholarship committee under this subdivision.

Amend the bill by replacing section 17 with the following:

17 Repeal; Municipal Maintenance and Repair Special Account. Amend RSA 228:49, II to read as follows:

II. The commissioner is authorized to purchase the necessary materials and supplies required for the performance of such work including the rental of equipment. The state treasurer upon presentation by the commissioner of manifests covering said materials, supplies and rentals is authorized to pay the same from any money in the highway fund not otherwise appropriated. ~~[The commissioner shall establish a special account within the highway fund to which shall be charged the cost of performing such work and to which shall be credited]~~ Payments made by cities, towns, state departments and institutions hereunder ~~[Insofar as such payments]~~ shall include charges for labor performed by personnel of the department of transportation and interest charges on delinquent accounts~~[;]~~. These payments shall be credited to the highway fund.

Amend the bill by replacing section 18 with the following:

18 Turnpike Renewal and Replacement Account Established. Amend RSA 237:49-a to read as follows:

237:49-a Turnpike Renewal and Replacement Account Established. There is established the turnpike renewal and replacement account within the department of transportation. At the close of each fiscal year, all surplus renewal and replacement funds shall be ~~[transferred to]~~ **carried forward within** the turnpike renewal and replacement ~~[fund]~~ **account**.

Amend the bill by replacing all after section 20 with the following:

21 New Paragraph; Insurance Department; Continuing Education Course Submission Fee. Amend RSA 400-A:29 by inserting after paragraph XXII the following new paragraph:

XXIII. Continuing education course submission fee

- | | |
|-------------|------|
| (a) Initial | \$25 |
| (b) Renewal | \$25 |

22 Continuing Education Advisory Council Reimbursement Fund. Amend RSA 400-A:29-a to read as follows: 400-A:29-a Fees for Continuing Education Course Submissions; Special Fund Established.

I. The commissioner may impose and collect reasonable application fees ~~[in amounts to be determined by the commissioner]~~ **as provided in RSA 400-A:29, XIII(a) and (b)** from sponsoring organizations for submissions of continuing education courses to meet educational requirements established by rule for producers, consultants, and adjusters.

II. The fees collected by the commissioner under paragraph I shall be ~~[forwarded to the state treasurer for deposit in the continuing education advisory council reimbursement fund. Moneys in this fund shall lapse to the general fund at the close of each fiscal year. Moneys from this fund shall be used by the commissioner to pay the expenses of compensating the continuing education advisory councils, within the limits of appropriations made in the operating budget for this purpose]~~ **deposited in the general fund**.

III. Members of the respective continuing education advisory councils shall be reimbursed for all actual travel. **The commissioner shall pay the expenses of compensating the continuing education advisory council within the limits of appropriations made in the operating budget for this purpose.**

23 Operation of Aircraft. Amend RSA 422:6 to read as follows:

422:6 Operation of Aircraft. The commissioner, after consultation with the director of aeronautics, rail, and transit, is hereby authorized to lease, purchase, or own and to maintain and operate such aircraft as may be approved by the governor and council, and to provide for the use of such aircraft by other departments and agencies of the state. All fees collected from state departments and agencies under this section shall be ~~[credited to a special fund to be]~~ used to pay costs of maintenance and operation of said aircraft. ~~[Moneys in the special fund]~~ **Such fees** shall not lapse but may be used ~~[as a revolving fund]~~ for the purposes of this section.

24 New Sections; Standards for Farm Products; Regulatory Services Promotional Products Fund and Organic Processors-Handlers Certification Funds Established. Amend RSA 426 by inserting after section 6-b the following new sections:

426:6-c Regulatory Services Promotional Products Fund. There is established a separate, nonlapsing fund to be known as the regulatory services promotional products fund. The fund shall be continually appropriated to the commissioner of the department of agriculture, markets and food for the purpose of administering specialty agricultural programs and providing promotional products to program participants.

426:6-d Organic Processors-Handlers Certification Fund. There is established a separate, nonlapsing fund to be known as the organic processors-handlers certification fund. The fund shall be continually appropriated to the commissioner of the department of agriculture, markets and food for the purpose of administering the certification program for organic processors and handlers. Certification and inspection fees paid under RSA 426:8-a shall be deposited in the fund.

25 Organic Processors and Handlers; Fees. Amend RSA 426:8-a, III to read as follows:

III. Such fees shall be credited to the ~~[general fund of the state]~~ **organic processors-handlers certification fund established in RSA 426:6-d**.

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

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 480-FN, relative to sports betting. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Richard Ames for the Majority of Ways and Means. This bill, as amended, authorizes the Lottery Commission to operate a new system of sports betting in New Hampshire. The committee amendment builds on and strengthens the sports betting system proposed by the Governor in HB 2. Betting on sports events is currently illegal in the state, but we all know that many people in New Hampshire, and throughout the country, are engaging in sports betting notwithstanding its illegality. This bill will bring much of this activity to the surface where it will be legal and regulated. Lottery Commission agents responsible for conducting sports gaming activities will be selected on the basis of factors specified in the bill, including financial stability, commitment to maximize the revenue share to be delivered to the state consistent with all other requirements of the law, and commitment to integrity in gaming. Local approval is required for the physical placement and operation of retail sports gaming operations, no more than ten of which may be in operation at any one time. Limited forms of sports wagers, not involving in-play sports or outcomes of single sports events, are also authorized within the traditional lottery system. Betting on high school sports or on most sports events involving New Hampshire collegiate teams is prohibited. All internet-based wagers must be initiated and received within the state in compliance with the federal Wire Act. A new, independent Council for Responsible Gambling, with authority to promote and fund education, prevention and treatment of problem gambling, is established and funded. The Governor's budget, HB 1 and 2, anticipates \$10 million in net new revenue in FY 2021 from the sports betting system that would be enabled by this bill. Vote 17-2.

Rep. Jess Edwards for the Minority of Ways and Means. A key concern of the minority is that it continues, and significantly expands, the status quo of state reliance on potentially problematic sources of revenue (sin taxes) instead of taking on the more difficult task of redesigning the state tax structure to meet a differing set of social characteristics. The downside of gambling addiction is accepted as a cost of doing business and has birthed a new "Council for Responsible Gambling" which will compete for the already tight mental health employment sector. The other large concern is that this bill dramatically increases the level of legal state gambling from approximately \$360m to \$560m with mature sports betting in place. To support a significant increase in legal gambling, the size of the state government will grow through the creation of a five-person commission and initially hiring nine state employees projected to cost approximately \$750,000. Some businesses will be encouraged to participate in a public RFP process with a set of selection criteria that is silent on factor weighting and which may have overlooked other key selection criteria. If all goes well, the state is aiming for a \$10m per year net increase in new revenues. A member requested but did not receive; a sunset provision of 10 to 12 years in case we get this wrong and find ourselves with a well-financed thorn in the side of NH society.

Majority Amendment (0974h)

Amend RSA 287-I:1, XI as inserted by section 1 of the bill by replacing it with the following:

XI. "Prohibited sports event" means:

- (a) A collegiate sports event in which one of the participants is a collegiate team of a college institution that is primarily located in New Hampshire;
- (b) A collegiate sports event that takes place in New Hampshire;
- (c) Any high school sports event in any location;
- (d) Any amateur sports event where the participants are primarily under the age of 18; provided that "prohibited sports event" does not include the games of a collegiate sports tournament in which a New Hampshire college team participates, nor does it include any games of a collegiate sports tournament that occurs outside New Hampshire even though some of the individual games or events are held in New Hampshire; and provided further that sports wagers are permitted on collegiate sports tournament games in which a New Hampshire college team participates only if the outcome of the wager is based on the outcome of all games within the tournament.

Amend RSA 287-I:3-7 as inserted by section 1 of the bill by replacing them with the following:

287-I:3 Commission Agents. The commission shall conduct a sports book for sports wagering through agents selected through a competitive bid process and approved by the governor and executive council. Any such contract shall be based on the state receiving a percentage of revenue from sports wagering activities within the state. The commission shall ensure that an agent demonstrates financial stability, responsibility, good character, honesty, and integrity. In selecting an agent, the commission shall consider, at a minimum, the experience and background of the agent, the agent's ability to serve proposed locations for sports book retail operations, the agent's mobile and Internet capabilities, the agent's contribution to economic development within the state, the agent's commitment to prevention of problem gambling, to responsible gaming, and to integrity in betting. The commission shall select a group of bidders who best meet the criteria set forth in this paragraph and select from that group the agent or agents whose bid provides the state with the highest percentage of revenue from the sports wagering activities covered by the bid, provided that the commission determines that the bidder's commitment to return said revenue percentage to the state is consistent with the

bidder's commitment to meet all other criteria specified in the bid request and in applicable law. All agents shall be subject to criminal and financial background checks as prescribed by the commission. The commission may retain vendors to support the commission in operating a sports book.

287-I:4 Commission Directed Sports Wagering. The commission is further authorized to directly offer lottery games to authorized bettors within the state in the form of tier III sports wagers through the commission's lottery retailers subject to the provisions of this chapter.

287-I:5 Sports Book Retail Operations. The commission and its agents are further authorized to operate physical sports book retail locations within the state for the purposes of accepting tier I and tier III sports wagers from authorized bettors and paying prizes relating to those wagers. The sports book retail locations may be co-located with other commercial businesses or general commercial retail locations. No more than 10 sports book retail locations may be in operation at any given time.

287-I:6 Local Option for Operation of Sports Book Retail Locations.

I. Any town or city may allow the operation of a sports book retail location according to the provisions of this subdivision, in the following manner, excepting that nothing in this section shall be construed to prohibit Internet or mobile wagering or lottery games involving tier III sports wagers in the jurisdiction, if so authorized by the passage of this statute.

(a) In a town, the question shall be placed on the warrant of an annual town meeting under the procedures set out in RSA 39:3, and shall be voted on a ballot. In a city, the legislative body may vote to place the question on the official ballot for any regular municipal election, or, in the alternative, shall place the question on the official ballot for any regular municipal election upon submission to the legislative body of a petition signed by 25 of the registered voters.

(b) The selectmen, aldermen, or city council shall hold a public hearing on the question at least 15 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall be posted in at least 2 public places in the municipality and published in a newspaper of general circulation at least 7 days before the hearing.

(c) The wording of the question shall be substantially as follows: "Shall we allow the operation of sports book retail locations within the town or city?"

II. If a majority of those voting on the question vote "Yes", sports book retail locations may be operated within the town or city.

III. If the question is not approved, the question may later be voted upon according to the provisions of paragraph I at the next annual town meeting or regular municipal election.

IV. A municipality that has voted to allow the operation of sports book retail locations may consider rescinding its action in the manner described in paragraph I of this section.

V. An unincorporated place may allow the operation of a physical sports book retail location by majority vote of the county delegation, after a public hearing is held.

VI. The commission shall maintain a list of municipalities where sports book retail locations may be placed into operation.

287-I:7 Mobile Sports Wagering Authorized. The commission and its agent are authorized to operate a sports book through a mobile sports wagering platform by mobile devices or over the Internet. With respect to mobile sports wagering, the commission, either independently, or through its agent, shall provide:

I. Age verification measures to be undertaken to block access to and prevent sports wagers by persons under the age of 18 years.

II. Identity verification through secure online databases or by examination of photo identification.

III. That electronic data related to sports wagers must be initiated and received within the geographic borders of the state of New Hampshire and may not be intentionally routed outside of the state. The incidental intermediate routing of electronic data shall not determine the location or locations in which a bet or wager is initiated, received, or otherwise made.

IV. Wager limits for daily, weekly, and monthly amounts for each player and account consistent with the best practices in addressing problem gambling.

V. A voluntary self-exclusion program for players to self-exclude themselves from wagering for set periods of time.

VI. Security mechanisms to ensure the confidentiality of wagering and personal and financial information except as otherwise authorized by this chapter.

Amend RSA 287-I:8 as inserted by section 1 of the bill by inserting after paragraph IX the following new paragraph:

X. Any agent or contractor who sends or receives electronic data related to sports wagers is responsible to ensure that any transfer of that data is initiated and completed within the state of New Hampshire and that only incidental intermediate routing of the electronic data occurs outside of the state. The agent and contractor shall be responsible for periodically reviewing their information technology systems and networks to ensure compliance with this section.

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6: 5 New Chapter; Council for Responsible Gambling. Amend RSA by inserting after chapter 338-A the following new chapter:

**CHAPTER 338-B
COUNCIL FOR RESPONSIBLE GAMBLING**

338-B:1 Definitions. In this chapter, "council" means the council for responsible gambling.

338-B:2 Statement of Purpose. Education, prevention, and treatment relating to gambling disorders are an integral part of a responsible gaming environment within the state.

338-B:3 Establishment. There is established the council for responsible gambling which shall promote education, prevention, and treatment of problem gambling within the state.

338-B:4 Membership.

I. The council shall consist of 5 members appointed by the governor and executive council and shall be qualified in the field of addiction or mental health services with a focus on problem gambling and shall be residents of the state. A member may be removed by the governor and executive council only for cause shown in accordance with RSA 4:1. The members shall elect one of their number as chairperson. Three members of the council shall constitute a quorum.

II. Members shall serve 3 year terms and until their successors are appointed; provided that for the initial appointments only, one member shall be appointed to a term of one year, 2 members shall be appointed to a term of 2 years and 2 members shall be appointed to a term of 3 years. Any vacancy shall be filled for the unexpired terms.

III. Members of the council shall receive mileage at the rate of state employees when attending meetings of the council or performing duties on behalf of the council.

338-B:5 Powers and Duties. The council shall have the authority to enter into grants and contracts for the purposes of furthering education, prevention, and treatment of problem gambling within the state.

338-B:6 Report of the Council. The council shall submit a biennial report to the governor and executive council on or before October 1 of each even-numbered year. The report shall include a description of the council's activities including a financial report for the relevant time period.

338-B:7 Administrative Attachment. The council shall be administratively attached to the lottery commission in accordance with RSA 21-G:10. In addition to the support provided to an administratively attached agency, the lottery commission shall also provide the following to the council:

I. Funding in an amount not to exceed \$250,000 per fiscal year to conduct the activities prescribed by this chapter. In accordance with the purpose of this chapter, these payments shall be considered administrative expenses of the lottery commission as set forth in RSA 284:21-j.

II. Meeting and office space as reasonably required by the council to conduct the activities prescribed by this chapter.

III. Personnel as reasonably required by the council to conduct activities prescribed by this chapter, except that the lottery commission may charge the council for use of such personnel pursuant to an agreement between the lottery commission and the council.

Majority committee amendment adopted.

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

Rep. Ames spoke in favor.

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

YEAS 269 - NAYS 82

YEAS - 269

BELKNAP

Aldrich, Glen
Lang, Timothy

Bean, Harry
Spanos, Peter

Fields, Dennis
Viens, Harry

Huot, David

CARROLL

Buco, Thomas
DesMarais, Edith

Burroughs, Anita
MacDonald, John

Butler, Edward
Woodcock, Stephen

Crawford, Karel

CHESHIRE

Abbott, Michael
Faulkner, Barry
Hunt, John
Swinburne, Sandy

Ames, Richard
Fenton, Donovan
Ley, Douglas
Thompson, Craig

Berch, Paul
Gomarlo, Jennie
Mann, John
Pearson, William

Bordenet, John
Harvey, Cathryn
Meader, David
Weber, Lucy

COOS

Hatch, William
Noel, Henry

Laflamme, Larry
Tucker, Edith

Merner, Troy
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

Abel, Richard
Diggs, Francesca
Ford, Susan
Maes, Kevin
Osborne, Richard
Smith, Suzanne

Adjutant, Joshua
Dontonville, Roger
French, Elaine
Massimilla, Linda
Ruprecht, Dennis
Sykes, George

Almy, Susan
Egan, Timothy
Hennessey, Erin
Mulligan, Mary Jane
Stavis, Laurel
Weston, Joyce

Campion, Polly
Fellows, Sallie
Ladd, Rick
Muscatel, Garrett
Stringham, Jerry

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Beaulieu, Jane
Bosman, James
Cohen, Bruce
Danielson, David
Dutzy, Sherry
Flanagan, Jack
Graham, John
Heath, Mary
Schmidt, Janice
Klee, Patricia
Leishman, Peter
Martin, Joelle
Murphy, Nancy
Petrigno, Peter
Proulx, Mark
Renzullo, Andrew
Newman, Sue
St. John, Michelle
Toomey, Dan
Wilhelm, Matthew

Alexander, Joe
Backus, Robert
Belanger, James
Bouchard, Donald
Connors, Erika
Dargie, Paul
Erf, Keith
Freitas, Mary
Griffith, Willis
Herbert, Christopher
Jack, Martin
Klein-Knight, Nicole
Long, Patrick
McGhee, Kat
Nutting-Wong, Allison
Pickering, Daniel
Query, Joshua
Rice, Kimberly
Shaw, Barbara
Stack, Kathryn
Ulery, Jordan
Williams, Kermit

Bouldin, Amanda
Balch, Chris
Boehm, Ralph
Burns, Charles
Cornell, Patricia
Desjardin, Kathy
Espitia, Manny
Goley, Jeffrey
Hamer, Heidi
Hinch, Richard
Judy, Jean
Ober, Lynne
Murray, Megan
Mombourquette, Donna
Panasiti, Reed
Plett, Fred
Newman, Ray
Riel, Cole
Snow, Kendall
Stevens, Deb
Van Houten, Constance
Woodbury, David

Bouldin, Andrew
Barry, Richard
Bordy, William
Cleaver, Skip
Cote, David
DiSilvestro, Linda
Davis, Fred
Gould, Linda
Harriott-Gathright, Linda
Indruk, Greg
King, Mark
Langley, Diane
Mangipudi, Latha
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Ober, Russell
Rung, Rosemarie
Sofikitis, Catherine
Lekas, Tony
Thomas, Wendy

MERRIMACK

Bartlett, Christy
Forsythe, Robert
Lane, Connie
Moffett, Howard
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth

Doherty, David
Fox, Samantha
Luneau, David
Myler, Mel
Saunderson, George
Soucy, Timothy
Wazir, Safiya

Ebel, Karen
Horn, Werner
MacKay, James
Pearl, Howard
Schamberg, Thomas
Turcotte, Alan
Wells, Kenneth

Ellison, Arthur
Karrick, David
McWilliams, Rebecca
Pimentel, Roderick
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Bushway, Patricia
Thomas, Douglas
DiLorenzo, Charlotte
Eisner, Mary
Gilman, Julie
Hobson, Deborah
Murray, Kate
Loughman, Tom
Major, Norman
McKinney, Betsy
Packard, Sherman
Pearson, Stephen
Welch, David

Abrami, Patrick
Barnes, Arthur
Cali-Pitts, Jacqueline
DeClercq, Edward
Dolan, Tom
Elliott, Robert
Grossman, Gaby
Hoelzel, Kathleen
Katsakiores, Phyllis
Lundgren, David
Malloy, Dennis
McMahon, Charles
Potucek, John
Sytek, John
Weyler, Kenneth

Abramson, Max
Berrien, Skip
Chirichiello, Brian
Desilets, Joel
Doucette, Fred
Fowler, William
Grote, Jaci
Janigian, John
Khan, Aboul
Griffin, Mary
McBeath, Rebecca
Melvin, Charles
Pratt, Kevin
Vallone, Mark
Yokela, Josh

Acton, Dennis
Bershtein, Alan
Cushing, Robert Renny
DeSimone, Debra
Edgar, Michael
Gay, Betty
Harb, Robert
Janvrin, Jason
Le, Tamara
Maggiore, Jim
McConnell, Liz
Milz, David
Read, Ellen
Wallace, Scott

STRAFFORD

Bixby, Peter
Ellis, Donna
Higgins, Peg
Levesque, Cassandra
Beaudoin, Steven
Spang, Judith
Wall, Janet

Cannon, Gerri
Fontneau, Timothy
Horgan, James
Schmidt, Peter
Salloway, Jeffrey
Towne, Matthew

Chase, Wendy
Frost, Sherry
Horrigan, Timothy
Pitre, Joseph
Sandler, Catt
Treleven, Susan

Conley, Casey
Hayward, Peter
Kenney, Cam
Rich, Cecilia
Southworth, Thomas
Vincent, Kenneth

SULLIVAN

Aron, Judy
Oxenham, Lee
Sullivan, Brian

Cloutier, John
Rollins, Skip
Tanner, Linda

Merchant, Gary
Stapleton, Walter

O'Hearne, Andrew
Smith, Steven

NAYS - 82**BELKNAP**

Comtois, Barbara
Mackie, Jonathan

Feeney, George
Sylvia, Michael

Howard, Raymond
Tilton, Franklin

Jurius, Deanna

CARROLL

Avellani, Lino
Marsh, William

Comeau, Ed
Ticehurst, Susan

Cordelli, Glenn

Knirk, Jerry

CHESHIRE

Morrill, David
Tatro, Bruce

O'Day, John
Von Plinsky, Sparky

Parkhurst, Henry

Schapiro, Joe

COOS

Craig, Kevin

Fothergill, John

Furbush, Michael

GRAFTON

Josephson, Timothy

HILLSBOROUGH

Bergeron, Paul
Fedolff, Jim
Hall, Brett
Notter, Jeanine
Telerski, Laura
Whittemore, James

Burt, John
Gagne, Larry
Hopper, Gary
Nunez, Hershel
Trento, Michael

Camarota, Linda
Greene, Bob
Lascelles, Richard
Prout, Andrew
Vail, Suzanne

Chretien, Jacqueline
Gunski, Michael
Marzullo, JP
Somero, Paul
Warden, Mark

MERRIMACK

Allard, James
McGuire, Carol
Walsh, Thomas

Carson, Clyde
Rodd, Beth
Wolf, Dan

Hill, Gregory
Seaworth, Brian
Yakubovich, Michael

Marple, Richard
Testerman, Dave

ROCKINGHAM

Altschiller, Debra
Davis, Dan
Love, David
Piemonte, Tony
Torosian, Peter

Bunker, Lisa
Edwards, Jess
Lovejoy, Patricia
Prudhomme-O'Brien, Katherine
True, Chris

Cahill, Michael
Green, Dennis
Pearson, Mark
Roy, Terry
Ward, Gerald

Costable, Michael
Kolodziej, Walter
Meuse, David
Somssich, Peter

STRAFFORD

Grassie, Chuck
Rooney, Abigail

Smith, Marjorie
Wuelper, Kurt

McNally, Jody

Opderbecke, Linn

SULLIVAN

Callum, John

Laware, Thomas

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

HB 600-FN, adding an exception to the real estate transfer tax for certain transfers by an investment trust. OUGHT TO PASS WITH AMENDMENT.

Rep. Susan Almy for Ways and Means. The original bill provides an exemption from payment of the real estate transfer tax for a type of financing used in recent decades by housing trusts under a Housing and Urban Development grant program for low-income housing. It adds to RSA 78-B:2, whose section XV long ago provided the same for a now-defunct financing method. The committee felt that subsidized housing in general in our state is falling into disrepair due to a decade of reduced federal funding for maintenance. Some housing trusts used a different federal financing mechanism during the great recession, and municipal housing authorities have used a range of federal and state mechanisms. The bill was amended to cover all such methods but constrained to require long-term affordability covenants in all cases. The fiscal impact is estimated at about \$120,000 a year, to maintain and increase the housing stock for our low-income workers and retirees. Vote 19-0.

Amendment (0887h)

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

AN ACT adding an exception to the real estate transfer tax for transfers of interest in certain low-income housing.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Real Estate Transfer Tax; Exception Added; Federally Rent Restricted Properties. Amend RSA 78-B:2 by inserting after paragraph XXII the following new paragraphs:

XXIII.(a) To a direct or indirect transfer of an interest in real property, provided that the real estate transfer tax was paid by the buyer or seller, or an affiliate of either, when the real property title was acquired, unless otherwise exempt pursuant to this section, and the transfer is made in connection with the commencement, syndication, development, re-syndication, or conclusion of investment financing related to any of the following:

(1)(A)(i) A federal low-income housing tax credit project, as defined in Section 42 of the Internal Revenue Code of 1986, as amended; or

(ii) A project funded with federal grants made to states for low-income housing projects in lieu of low-income housing tax credits under Section 1602 of the American Recovery and Reinvestment Act of 2009;

(B) Provided that the project under subparagraph (A)(i) or (A)(ii) remains subject to an extended low-income housing commitment in accordance with the provisions of Section 42(h)(6) of the Internal Revenue Code of 1986, as amended.

(2) A Rental Assistance Demonstration (RAD) public housing conversion under the federal Consolidated and Further Continuing Appropriations Act of 2012, as amended.

(3) Such other federal, state, or local financing program requiring that the real estate remains subject to land use restriction and rental housing affordability covenants which limit allowable rents charged to individuals or families, consistent with (i) RSA 674:58, IV, pertaining to workforce housing; or (ii) as otherwise required under the applicable federal, state, or local program.

(b) For purposes of this paragraph, "affiliate" means any entity which controls or is controlled by, or is under common control with, another entity. For purposes of this definition, an entity controls another entity when the first entity possesses or exercises directly, or indirectly through one or more other affiliates or related entities, the power to direct the management and policies of the other entity, whether through the ownership of voting rights, membership, or the power to appoint members, trustees, or directors, by contract or otherwise.

AMENDED ANALYSIS

This bill excepts from the real estate transfer tax certain transfers of interest in low-income housing subject to federal restrictions or other requirements where the property remains subject to land use restriction and affordability covenants.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 632-FN, relative to the education tax credit. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Thomas Southworth for the Majority of Ways and Means. The majority of the committee believes that the Education Tax Credit (ETC) scholarship program is not an appropriate use of public funds. In the original program, businesses could get a credit of 85% of the amount contributed to ETC deducted from their state taxes. The donations would then be used by the parents of disadvantaged students for tuition primarily to non-public schools. ETC was later expanded to allow individuals to get a credit against their Interest and Dividend taxes. It should be noted that donations to ETC can also be claimed on the federal tax form. From the beginning, there were concerns about state funds going to religious schools as part of ETC. The Strafford Superior Court ruled that the practice was unconstitutional while the Supreme Court vacated the case on procedural grounds. There are currently two organizations that distribute scholarships to qualifying families. One of them sends 100% of the scholarship money to religious schools with one school receiving approximately \$150,000 in state funds. Department of Revenue Administration (DRA) records show that more than 80% of the ETC scholarships in 2017 went to religious schools. There is no curricular accountability for this program with both the Department of Education and DRA having minimal oversight. The state has much more involvement in the other tax credit programs such as Research and Development Tax Credit, the Economic Revitalization Zone Tax Credit, and the Coos County Job Creation Tax Credit. Finally, some of these schools deny admission to LGBT students or students with disabilities. A student who identifies as LGBT can be expelled immediately. Although the majority of the committee supports the idea of scholarships for disadvantaged students, we have many concerns about the ETC program. Vote 10-9.

Rep. Jess Edwards for the Minority of Ways and Means. The bill kills the NH Educational Tax Credit as of July 1, 2020. The minority believes that allowing businesses and individuals to donate money before filing their taxes keeps those funds from ever becoming "state money." This understanding is essential to understanding why the tax credit is unaffected by NH Constitution Article 83 which concerns itself with that "money raised by taxation." There is a moot Superior Court decision stating otherwise; but, the NH Supreme Court vacated it without giving the law's proponents a chance to be given direct appeal. US Supreme Court decisions have supported the concept that tax credits are not "money raised by taxation." The tax credit is a pittance at \$1.2 million a year which saves state and local governments over \$5 million conservatively by having over 410 students currently opting for alternative education outside government expense. Even if the

\$1.2 million hit the treasury, it is miniscule at less than \$3,000 per student. Parents choose and oversee the schools they select for their children and deserve the support, tolerance, and respect of the NH legislature. The schools work with the neighborhood public school to coordinate the fulfillment of IEPs in settings that make the greatest academic and economic sense. Some students testified to having fled religious and ethnic discrimination. The minority was bipartisan nature with 9 of the 19 votes being cast against killing this important educational safety valve.

MOTION TO LAY ON THE TABLE

Rep. Ley moved that **HB 632-FN**, relative to the education tax credit, be laid on the table.

Rep. McGuire requested a roll call; sufficiently seconded.

YEAS 332 - NAYS 19

YEAS - 332

BELKNAP

Aldrich, Glen
Fields, Dennis
Lang, Timothy
Viens, Harry

Bean, Harry
Howard, Raymond
Mackie, Jonathan

Comtois, Barbara
Huot, David
Spanos, Peter

Feeney, George
Jurius, Deanna
Tilton, Franklin

CARROLL

Avellani, Lino
Comeau, Ed
Knirk, Jerry

Buco, Thomas
Cordelli, Glenn
MacDonald, John

Burroughs, Anita
Crawford, Karel
Marsh, William

Butler, Edward
DesMarais, Edith

CHESHIRE

Abbott, Michael
Faulkner, Barry
Hunt, John
Morrill, David
Tatro, Bruce
Weber, Lucy

Ames, Richard
Fenton, Donovan
Ley, Douglas
O'Day, John
Thompson, Craig

Berch, Paul
Gomarlo, Jennie
Mann, John
Parkhurst, Henry
Von Plinsky, Sparky

Bordenet, John
Harvey, Cathryn
Meador, David
Swinburne, Sandy
Pearson, William

COOS

Craig, Kevin
Laflamme, Larry
Tucker, Edith

Fothergill, John
Merner, Troy
Thomas, Yvonne

Furbush, Michael
Moynihan, Wayne

Hatch, William
Noel, Henry

GRAFTON

Abel, Richard
Egan, Timothy
Hennessey, Erin
Massimilla, Linda
Stavis, Laurel
Weston, Joyce

Almy, Susan
Fellows, Sallie
Josephson, Timothy
Mulligan, Mary Jane
Stringham, Jerry

Campion, Polly
Ford, Susan
Ladd, Rick
Osborne, Richard
Smith, Suzanne

Dontonville, Roger
French, Elaine
Maes, Kevin
Ruprecht, Dennis
Sykes, George

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Beaulieu, Jane
Bordy, William
Burt, John
Cohen, Bruce
Danielson, David
Dutzy, Sherry
Fedolfi, Jim
Goley, Jeffrey
Griffith, Willis
Heath, Mary
Indruk, Greg
King, Mark
Lascelles, Richard
Mangipudi, Latha
Mombourquette, Donna
Nutting-Wong, Allison
Pickering, Daniel
Prout, Andrew
Radhakrishnan, Julie
Rung, Rosemarie

Alexander, Joe
Backus, Robert
Belanger, James
Bosman, James
Camarota, Linda
Connors, Erika
Dargie, Paul
Erf, Keith
Flanagan, Jack
Gould, Linda
Gunski, Michael
Herbert, Christopher
Schmidt, Janice
Klee, Patricia
Leishman, Peter
Martin, Joelle
Murphy, Nancy
Panasiti, Reed
Plett, Fred
Query, Joshua
Renzullo, Andrew
Newman, Sue

Bouldin, Amanda
Balch, Chris
Bergeron, Paul
Bouchard, Donald
Chretien, Jacqueline
Cornell, Patricia
Desjardin, Kathy
Espitia, Manny
Freitas, Mary
Graham, John
Hamer, Heidi
Hinch, Richard
Jack, Martin
Ober, Lynne
Long, Patrick
Marzullo, JP
Notter, Jeanine
Pedersen, Michael
Porter, Marjorie
Newman, Ray
Rice, Kimberly
Shaw, Barbara

Bouldin, Andrew
Barry, Richard
Boehm, Ralph
Burns, Charles
Cleaver, Skip
Cote, David
DiSilvestro, Linda
Davis, Fred
Gagne, Larry
Greene, Bob
Harriott-Gathright, Linda
Hopper, Gary
Jeudy, Jean
Langley, Diane
Murray, Megan
McGhee, Kat
Nunez, Hershel
Petrigno, Peter
Proulx, Mark
Ober, Russell
Riel, Cole
Snow, Kendall

Sofikitis, Catherine
Stevens, Deb
Trento, Michael
Thomas, Wendy
Williams, Kermit

Somero, Paul
Lekas, Tony
Ulery, Jordan
Warden, Mark
Woodbury, David

St. John, Michelle
Telerski, Laura
Vail, Suzanne
Whitemore, James

Stack, Kathryn
Toomey, Dan
Van Houten, Constance
Wilhelm, Matthew

MERRIMACK

Allard, James
Ebel, Karen
Hill, Gregory
Luneau, David
McWilliams, Rebecca
Pimentel, Roderick
Schamberg, Thomas
Soucy, Timothy
Walsh, Thomas
Wolf, Dan

Bartlett, Christy
Ellison, Arthur
Horn, Werner
MacKay, James
Moffett, Howard
Rodd, Beth
Schuett, Dianne
Testerman, Dave
Walz, Mary Beth
Woods, Gary

Carson, Clyde
Forsythe, Robert
Karrick, David
Marple, Richard
Myler, Mel
Rogers, Katherine
Schultz, Kristina
Turcotte, Alan
Wazir, Safiya
Yakubovich, Michael

Doherty, David
Fox, Samantha
Lane, Connie
McGuire, Carol
Pearl, Howard
Saunderson, George
Seaworth, Brian
Wallner, Mary Jane
Wells, Kenneth

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Bunker, Lisa
Chirichiello, Brian
Thomas, Douglas
DiLorenzo, Charlotte
Edwards, Jess
Gay, Betty
Harb, Robert
Katsakiores, Phyllis
Loughman, Tom
Pearson, Mark
McConnell, Liz
Meuse, David
Potucek, John
Roy, Terry
Torosian, Peter
Ward, Gerald

Abrami, Patrick
Barnes, Arthur
Bushway, Patricia
Costable, Michael
DeClercq, Edward
Dolan, Tom
Eisner, Mary
Gilman, Julie
Hobson, Deborah
Khan, Aboul
Love, David
Major, Norman
McKinney, Betsy
Milz, David
Pratt, Kevin
Pearson, Stephen
True, Chris
Welch, David

Abramson, Max
Berrien, Skip
Cahill, Michael
Cushing, Robert Renny
Desilets, Joel
Doucette, Fred
Elliott, Robert
Green, Dennis
Hoelzel, Kathleen
Kolodziej, Walter
Lundgren, David
Malloy, Dennis
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Somssich, Peter
Vallone, Mark
Weyler, Kenneth

Acton, Dennis
Bershtein, Alan
Cali-Pitts, Jacqueline
Davis, Dan
DeSimone, Debra
Edgar, Michael
Fowler, William
Grote, Jaci
Murray, Kate
Le, Tamara
Griffin, Mary
McBeath, Rebecca
Melvin, Charles
Piemonte, Tony
Read, Ellen
Sytek, John
Wallace, Scott
Yokela, Josh

STRAFFORD

Bixby, Peter
Fontneau, Timothy
Horrigan, Timothy
McNally, Jody
Rich, Cecilia
Sandler, Catt
Treleaven, Susan

Cannon, Gerri
Frost, Sherry
Kenney, Cam
Opderbecke, Linn
Rooney, Abigail
Southworth, Thomas
Vincent, Kenneth

Chase, Wendy
Higgins, Peg
Levesque, Cassandra
Schmidt, Peter
Beaudoin, Steven
Spang, Judith
Wall, Janet

Ellis, Donna
Horgan, James
Smith, Marjorie
Pitre, Joseph
Salloway, Jeffrey
Towne, Matthew
Wuelper, Kurt

SULLIVAN

Aron, Judy
O'Hearne, Andrew
Smith, Steven

Callum, John
Oxenham, Lee
Sullivan, Brian

Cloutier, John
Rollins, Skip
Tanner, Linda

Laware, Thomas
Stapleton, Walter

NAYS - 19 BELKNAP

Sylvia, Michael

CARROLL

Ticehurst, Susan

Woodcock, Stephen

CHESHIRE

Schapiro, Joe

GRAFTON

Adjutant, Joshua

Diggs, Francesca

Muscatel, Garrett

HILLSBOROUGH

Hall, Brett

Klein-Knight, Nicole

Mullen, Sue

ROCKINGHAM

Altschiller, Debra
Maggiore, Jim

Grossman, Gaby

Janigian, John

Lovejoy, Patricia

STRAFFORD

Conley, Casey

Grassie, Chuck

Hayward, Peter

SULLIVAN

Merchant, Gary

and the motion was adopted.

REGULAR CALENDAR CONT'D**HB 676-FN-A-L**, repealing the collection of the state education property tax. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jerry Stringham for the Majority of Ways and Means. This bill repeals the Statewide Education Property Tax (SWEPT) in its entirety. The majority concluded that the bill provides no offsetting statewide revenue source to fund education with the elimination of the SWEPT tax, a major source of education funding. The total financial impact is substantial with no contingencies. \$363 million would have to be cut out of the budget or somehow that amount of new revenues found if this bill were to pass. Vote 16-1.

Rep. Thomas Schamberg for the Minority of Ways and Means. This bill would reduce homeowners' and business owners' local tax rate by an average of \$2.31 per \$1,000 of assessed value on real property. This bill repeals the current statewide education property tax (SWEPT) and would require the present state education tax to be replaced by other state revenue sources. The minority believes that supporting this bill would reduce the unsustainable tax rates that many homeowners presently face beginning July 1, 2019.

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

Rep. Stringham spoke in favor.

Rep. Schamberg spoke against and requested a roll call; not sufficiently seconded.

On a division vote, with 321 members having voted in the affirmative, and 32 in the negative, the majority committee report was adopted.

HB 700, relative to valuation of utility company assets for local property taxation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick Abrami for Ways and Means. This bill provides municipalities a standardized methodology for the assessment of utility properties utilized in the distribution of electricity, gas, and water. The methodology does not address Federal Energy Regulatory Commission (FERC) regulated transmission properties or generation. This bill will resolve a 40-year problem which has led to a significant number of lawsuits between the utilities and the municipalities each year. The reality is that property taxpayers as well as utility rate-payers are paying for these disputes to be resolved. The NH court system has been asking for years that the legislature fix this problem. The legislature began addressing this several years ago and brought this issue to the Assessing Standards Board (ASB). The legislature voted last term to form a commission to come up with a solution to this problem using the ASB recommendations as a starting point. The commission had members from the assessor profession, municipalities, the utilities, the judiciary, as well as members of the House and Senate who worked out a compromise that everyone could live with. This commission worked for four months, submitting a report on November 1, 2018. This report was the basis for this bill. The methodology for electric and gas utilities calls for the value of assets to be 70% based upon original cost and 30% on net book value, and the methodology for water utilities calls for the value of assets to be 25% based upon original cost and 75% on net book value. As for public rights of way and private distribution easements, the selectmen or assessors shall add 3 percent of the valuation to the value of the other assets. A municipalities approach to assessing a utility company's fee-owned land, office buildings, garages, and warehouses remains the same as current practice. A provision was added for water company land parcels owned in fee for sanitary radii, retention dams, and/or water retention protection purposes, which is subject to regulation by the Department of Environmental Services to protect water quality, shall be entitled to be assessed under RSA 79-C at the value such land would have been assigned under the current use values even though the parcel is less than 10 acres. The new methodology will be phased in over a five-year period and establishes a baseline assessed value of April 1, 2018. The first year will see 20% of the assessed value based upon the new methodology and 80% based on the baseline April 1, 2018 value adjusted for new assets being added and assets being retired. These percentages change in 20% increments until year five, and going forward, in which the assessed value will be based 100% on the new methodology. The amendment to this bill was worked out in subcommittee with all stakeholders involved and agreeing to language changes. The Ways and Means Committee members overwhelmingly supported and applauded the compromise that has been reached by all parties. Vote 19-0.

Amendment (0960h)

Amend the bill by replacing section 2 with the following:

2 New Sections; Valuation of Electric, Gas, and Water Utility Company Distribution Assets. Amend RSA 72 by inserting after section 8-c the following new sections:

72:8-d Valuation of Electric, Gas, and Water Utility Company Distribution Assets.

I. In this section:

(a) "FERC" means the Federal Energy Regulatory Commission.

(b) "Utility company assets" means the following property not exempt under RSA 72:23:

(1) For an electric company providing electricity service to retail customers: the distribution poles, wires, conductors, attachments, meters, transformers, and substations accounted for by the utility in accordance with FERC Form 1, buildings, contributions in aid of construction (CIAC), construction works in progress (CWIP), and land rights, including use of the public rights of way, easements on private land owned by third parties, and land owned in fee by the electric company, so long as such easements and fee land are associated solely with distribution power lines classified as distribution according to FERC standards.

(2) For a gas company providing gas service to retail customers: distribution pipes, fittings, meters, pressure reducing stations, buildings, contributions in aid of construction (CIAC), construction works in progress (CWIP), and land rights including use of the public rights of way, easements on private land owned by third parties, and land owned in fee by the gas company.

(3) For a water company providing water service to retail customers: pipes, fittings, meters, wells, pressure/pump stations, buildings, contributions in aid of construction (CIAC), construction works in progress (CWIP), and land rights including use of the public rights of way, easements on private land owned by third parties, and land owned in fee by the water company. No electric power fixtures employed solely as an emergency source of electric power in a public water distribution system shall be taxable.

(c) "Utility company assets" shall not include:

(1) Electric company transmission poles, wires, conductors, attachments, meters, transformers, and substations, classified as transmission according to FERC standards, buildings associated with transmission, and land rights, including easements on private land owned by third parties, and land owned in fee by the electric company, so long as such easements and fee land are associated with transmission power lines classified as transmission according to FERC standards.

(2) Electric generation facilities and associated land rights, whether in fee or by easement.

(3) Gas transmission pipeline facilities regulated by FERC and associated land rights, whether in fee or easement.

(4) Wholly owned telephone, cable, or Internet service providers, and large scale natural gas and propane gas liquid storage and processing facility assets.

(5) Fee-owned land, office buildings, garages, and warehouses.

(d) "Retention dam" means a dam constructed for the purpose of impounding drinking water supply.

II.(a) The selectmen or assessors shall appraise utility company assets lying within the limits of the town or city using a unified method of valuing the utility company assets, excluding land rights, according to the following formula:

(1) For electric and gas utility company assets: a weighted average of 70 percent of each asset's original cost and 30 percent of each asset's net book cost as reported in compliance with paragraphs IV and V.

(2) For water utility company assets: a weighted average of 25 percent of each asset's original cost and 75 percent of each asset's net book cost as reported in compliance with paragraphs IV and V.

(b) To the appraisal under subparagraph (a), for the use of public rights of way and private distribution system easements, the selectmen or assessors shall add 3 percent of the valuation determined under subparagraph (a).

(c) The total of subparagraphs (a) and (b), as implemented under paragraph VI, shall be the valuation of the utility company's assets for purposes of local property taxation, and added to the municipality's assessed value of the utility company's fee-owned land, office buildings, garages, and warehouses.

III. Any water utility company land parcel owned in fee for sanitary radii, retention dams, and/or watershed protection purposes which is subject to regulation by the department of environmental services to protect water quality shall be entitled to be assessed under RSA 79-C at the value such land would have been assigned under the current use values established pursuant to RSA 79-A if the land had met the criteria for open space land under that chapter, even if said parcel is less than 10 acres in size and/or has a well structure and related piping on the parcel.

IV. Each utility company shall report by May 1 of each year to the selectmen or assessors of each town or city in which its utility company assets are located and to the department of revenue administration, the original cost and net book value as of December 31 of the preceding year of each account code category of distribution, transmission, and generation assets, if any, located within such town or city in accordance with FERC Form 1 and/or Form 2 Federal Account Code items.

V. The commissioner of the department of revenue administration shall adopt rules under RSA 541-A for the forms and requirements for the reporting under paragraph IV. Such reporting requirements shall also include an obligation on the utility company with utility company assets to utilize an accounting system to report and track with the best information available, in an efficient, equitable and transparent manner us-

ing the best information then available from the utility company's accounting records, contributions in aid of construction (CIAC), construction works in progress (CWIP), and undistributed plant assets in each town or city and the original cost of each such asset as reported by the contributing entity.

VI.(a) The assessed value of all utility company assets existing and assessed as of April 1, 2018 determined in subparagraph II(c) shall be implemented over a 5-year period as follows:

(1) The value for assessment of property taxes for the tax year effective April 1, 2020 shall be a weighted average of 80 percent of the final locally assessed value effective April 1, 2018 and 20 percent of the apportioned value determined under subparagraph II(c) effective April 1, 2020.

(2) The value for assessment of property taxes for the tax year effective April 1, 2021 shall be a weighted average of 60 percent of the final locally assessed value effective April 1, 2018 and 40 percent of the apportioned value determined under subparagraph II(c) effective April 1, 2021.

(3) The value for assessment of property taxes for the tax year effective April 1, 2022 shall be a weighted average of 40 percent of the final locally assessed value effective April 1, 2018 and 60 percent of the apportioned value determined under subparagraph II(c) effective April 1, 2022.

(4) The value for assessment of property taxes for the tax year effective April 1, 2023 shall be a weighted average of 20 percent of the final locally assessed value effective April 1, 2018 and 80 percent of the apportioned value determined under subparagraph II(c) effective April 1, 2023.

(5) For each of the years in subparagraphs (a) through (d), all utility company assets installed after April 1, 2018, and not included in assessment as of April 1, 2018, shall be assessed at the apportioned value determined under subparagraph II(c) effective as of April 1 of the property tax year. For each of the years in subparagraphs (a) through (d), all utility company assets retired after April 1, 2018, and included in assessment as of April 1, 2018, shall not be assessed.

(6) Beginning with the tax year effective April 1, 2024 and every tax year thereafter the locally assessed value shall be the apportioned value determined under subparagraph II(c) effective as of April 1 of the property tax year.

(b) For purposes of subparagraph (a), "final locally assessed value effective April 1, 2018" means the municipality's value of the utility company's assets as taken from the department of revenue administration's form MS-1 for 2018.

VII. All determinations or decisions under this section shall be appealable by the electric, gas, or water utility company or the town or city by petition to the board of tax and land appeals under RSA 71-B.

72:8-e Recovery of Taxes by Electric, Gas and Water Utility Companies. For the implementation period of the valuation of utility company assets under RSA 72:8-d, VI and terminating with the property tax year effective April 1, 2024, the public utility commission shall by order establish a rate recovery mechanism for any public utility owning property that meets the definition of utility company assets under RSA 72:8-d, I. Such rate recovery mechanism shall either:

I. Adjust annually to recover all property taxes paid by each such utility on such utility company assets based upon the methodology set forth in of RSA 72:8-d; or

II. Be established in an alternative manner acceptable to both the utility and the public utility commission. Amend the bill by inserting after section 3 the following and renumbering the original sections 4 and 5 to read as 5 and 6, respectively:

4 New Subparagraph; Discretionary Easements; Qualifying Land; Public Benefit. Amend RSA 79-C:3, II by inserting after subparagraph (f) the following new subparagraph:

(g) The preservation of potable water where:

(1) The land is owned in fee by a water utility company; and

(2) The land is used for sanitary radii, retention dam sites and/or watershed protection purposes which is subject to regulation by the department of environmental services to protect water quality, which land may have a well, booster station/pump house, or retention dam structure and/or related piping.

Committee amendment adopted.

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

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

Committee report adopted and ordered to third reading.

HB 118, requiring a child's primary health care provider to be notified of a report of suspected abuse or neglect and relative to access to the department of health and human services case record. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David Coursin for the Majority of Children and Family Law. An integrated, multidisciplinary treatment plan is essential to coordinate healthcare for children who have suffered abuse or neglect. A child's primary care provider is a critical contributor to that plan, but there is no statutory requirement that the provider be notified of an abuse or neglect investigation involving the child. This bill resolves that deficit by requiring that the Division of Children, Youth and Families develop a process for insuring that the child's primary care provider, when identified, be notified regarding the nature of the investigation. The majority of the committee agreed that this bill was necessary to ensure that the child receive the most informed health care. Vote 15-2.

Rep. Linda Camarota for the Minority of Children and Family Law. The original bill was to direct the Department of Health and Human Services (DHHS) to develop a methodology for notifying a child's primary care provider (PCP) of a suspected report of abuse or neglect. There was to be access of DHHS case records to the PCP. There was no directing that the PCP would furnish medical records, protected by the federal HIPAA law, to the DHHS. Public testimony was heard on 2/12/19. DHHS and several PCP groups testified, among others. There was testimony that the bill did not go far enough to allow PCPs to share medical records with the government agency, DHHS. On 2/19/19, a written amendment was provided to the committee and the committee voted, the same day, 17 to 2 in favor of Ought to Pass as Amended. Careful analysis by the minority of the amended language results in believing that giving immunity from liability to "anyone participating in good faith in the making of a report pursuant to this chapter or who provides information or assistance, including medical evaluations or consultations, in connection with a report, investigation, or legal intervention," may have adverse effects on such things as attorney/client privilege and may violate the federal HIPAA law protecting one's privacy rights relating to access to medical records. The NH Board of Medicine may also have concerns regarding sharing medical records, without written permission, to a government agency. Lastly, the amended bill analysis section does not address the access to medical records that the amendment appears to permit; it only notes the access to DHHS's case records by the PCP. This bill should come out of the House with an Inexpedient to Legislate determination.

Majority Amendment (0556h)

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

AN ACT relative to notifying a child's primary health care provider of a report of abuse or neglect.

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

1 Child Protection Act; Reporting Law; Immunity From Liability. Amend RSA 169-C:31 to read as follows:
 169-C:31 Immunity From Liability. Anyone participating in good faith in the making of a report pursuant to this chapter *or who provides information or assistance, including medical evaluations or consultations, in connection with a report, investigation, or legal intervention pursuant to a good faith report of child abuse or neglect*, is immune from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant has the same immunity with respect to participation in any investigation by the department or judicial proceeding resulting from such report.

2 New Paragraph; Child Protection Act; Reporting Law; Duties of the Department; Notice to Child's Primary Health Care Provider. Amend RSA 169-C:34 by inserting after paragraph VII the following new paragraph:

VIII. The department shall develop a methodology to notify the child's primary health care provider regarding the nature of the investigation in those cases in which the investigation has identified the primary health care provider.

3 New Subparagraph; Case Record Confidentiality; Primary Health Care Provider Access. Amend RSA 170-G:8-a, II(b) by inserting after subparagraph (4) the following new subparagraph:

(5) The child's primary health care provider.

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

AMENDED ANALYSIS

This bill directs the department of health and human services to develop a methodology for notifying the child's primary health care provider of a report of abuse and neglect, and clarifies immunity and confidentiality requirements in such cases.

MOTION TO LAY ON THE TABLE

Rep. Camarota moved that **HB 118**, relative to notifying a child's primary health care provider of a report of abuse or neglect, be laid on the table.

On a division vote, with 127 members having voted in the affirmative, and 222 in the negative, the motion failed.

The question now being adoption of majority committee amendment (0556h).

Majority committee amendment adopted.

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

Rep. Camarota spoke against.

Rep. Berrien spoke in favor.

Majority committee report adopted and ordered to third reading.

HB 314, relative to the submission of evidence prior to hearings in divorce cases. **INEXPEDIENT TO LEGISLATE.**

Rep. David Coursin for Children and Family Law. This bill's intent was to prevent evidence being put forward at the last minute in divorce proceedings, making it difficult to prepare a response. It proposed that new evidence could not be admitted within five days prior to the court hearing. A continuance could be requested

if evidence were submitted during that five-day period. This could delay the presentation of new evidence of abuse, for example, for five days. Testimony was presented that any abuse would be obviously visible to the court, but this is not accurate. Many forms of abuse are not obviously visible, particularly in an open, public setting. Testimony was presented that a continuance could be readily rescheduled, however, the Judicial Branch representative countered this with a report that 2/3 of courts are not able to reschedule a hearing even within ninety days. Testimony was also presented describing circumstances in which a party could use the timing of the submission of evidence to delay the proceedings and control them in a destructive fashion. It was evident that this can happen under the present circumstances or by misusing the proposed time period. Proceedings are best managed on a case-by-case basis, arguing further against the proposed time period that would apply to all cases. Vote 18-0.

MOTION TO LAY ON THE TABLE

Rep. Long moved that **HB 314**, relative to the submission of evidence prior to hearings in divorce cases, be laid on the table.

Motion adopted.

REGULAR CALENDAR CONT'D

HB 378, raising the minimum age for marriage. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Cassandra Levesque for the Majority of Children and Family Law. As amended, this bill will allow children to wait until they are of legal age to sign a contract. Marriage is a legal contract according to New Hampshire statute. Children lack the legal capacity and cannot give informed consent to enter into the contract of marriage. This bill as amended will allow children to wait until they are of age to sign a contract, will protect children from human trafficking, and will allow children to be children. Married minors are 50% are more likely to drop out of high school than their unmarried counterparts. They are often unable to access an education and work opportunities, and 17-year-olds especially are more susceptible to abuse. Those who marry before the age of 18 have a 70-80% chance of getting divorced. Divorce can be difficult for an adult, and even more so for a child. This is why the majority of the committee recommends Ought to Pass as Amended. Vote 12-7.

Rep. Kimberly Rice for the Minority of Children and Family Law. The minority believes current law on the minimum age of marriage was just put into effect in January. When that law was passed there were several safeguards put into place, including adding judicial permission for individuals aged 16 and older to marry. We also have several concerns regarding a pregnant 17-year old being able to marry a military father. We would prefer to wait, before raising the age to 18.

Majority Amendment (0957h)

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

1 Marriage; Age. Amend RSA 457:4 to read as follows:

457:4 Marriageable. No person below the age of ~~[16]~~ **18** years shall ~~[be capable of contracting]~~ **contract** a valid marriage, and all marriages contracted by such persons shall be null and void.

2 Prohibitions. Amend RSA 457:8 to read as follows:

457:8 Prohibitions. No town clerk shall issue any certificate for the marriage of any person below the age of ~~[consent]~~ **18**, and no magistrate or minister of religion shall solemnize the marriage of any such person, if such clerk, magistrate or minister knows or has reasonable cause to believe that such person is below such age~~[-, unless permission for such marriage has been given under this subdivision]~~. No magistrate or minister of religion shall solemnize any marriage by proxy.

MOTION TO LAY ON THE TABLE

Rep. Porter moved that **HB 378**, raising the minimum age for marriage, be laid on the table.

Rep. Conley requested a roll call; sufficiently seconded.

YEAS 251 - NAYS 99

YEAS - 251

BELKNAP

Aldrich, Glen
Fields, Dennis
Lang, Timothy
Tilton, Franklin

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

Comtois, Barbara
Huot, David
Spanos, Peter

Feeney, George
Jurius, Deanna
Sylvia, Michael

CARROLL

Avellani, Lino
Cordelli, Glenn
MacDonald, John

Buco, Thomas
Crawford, Karel
Marsh, William

Butler, Edward
DesMarais, Edith
Ticehurst, Susan

Comeau, Ed
Knirk, Jerry

CHESHIRE

Abbott, Michael
Faulkner, Barry
Ley, Douglas
Parkhurst, Henry
Weber, Lucy

Ames, Richard
Gomarlo, Jennie
Mann, John
Tatro, Bruce

Berch, Paul
Harvey, Cathryn
Meader, David
Thompson, Craig

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

COOS

Craig, Kevin
Merner, Troy

Fothergill, John
Moynihan, Wayne

Furbush, Michael
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

GRAFTON

Abel, Richard
Hennessey, Erin
Osborne, Richard
Sykes, George

Almy, Susan
Ladd, Rick
Stavis, Laurel
Weston, Joyce

Fellows, Sallie
Maes, Kevin
Stringham, Jerry

Ford, Susan
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Belanger, James
Bouchard, Donald
Cohen, Bruce
Desjardin, Kathy
Fedolfi, Jim
Gould, Linda
Heath, Mary
Jack, Martin
Marzullo, JP
Nunez, Hershel
Porter, Marjorie
Ober, Russell
Shaw, Barbara
Toomey, Dan
Warden, Mark

Alexander, Joe
Backus, Robert
Bergeron, Paul
Burns, Charles
Cornell, Patricia
DiSilvestro, Linda
Flanagan, Jack
Graham, John
Herbert, Christopher
Ober, Lynne
Mombourquette, Donna
Panasiti, Reed
Proulx, Mark
Renzullo, Andrew
Snow, Kendall
Trento, Michael
Whittemore, James

Bouldin, Amanda
Barry, Richard
Boehm, Ralph
Burt, John
Cote, David
Dutzy, Sherry
Gagne, Larry
Greene, Bob
Hinch, Richard
Lascelles, Richard
Mullen, Sue
Pedersen, Michael
Prout, Andrew
Rice, Kimberly
Somero, Paul
Ulery, Jordan
Woodbury, David

Bouldin, Andrew
Beaulieu, Jane
Bordy, William
Camarota, Linda
Danielson, David
Erf, Keith
Goley, Jeffrey
Gunski, Michael
Hopper, Gary
Leishman, Peter
Notter, Jeanine
Plett, Fred
Newman, Ray
Newman, Sue
Lekas, Tony
Van Houten, Constance

MERRIMACK

Allard, James
Ellison, Arthur
Karrick, David
Marple, Richard
Pearl, Howard
Schuett, Dianne
Turcotte, Alan
Wolf, Dan

Bartlett, Christy
Forsythe, Robert
Lane, Connie
McGuire, Carol
Rodd, Beth
Seaworth, Brian
Wallner, Mary Jane
Woods, Gary

Doherty, David
Hill, Gregory
Luneau, David
Moffett, Howard
Rogers, Katherine
Soucy, Timothy
Walsh, Thomas
Yakubovich, Michael

Ebel, Karen
Horn, Werner
MacKay, James
Mylar, Mel
Saunderson, George
Testerman, Dave
Walz, Mary Beth

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Bushway, Patricia
Costable, Michael
DeSimone, Debra
Eisner, Mary
Green, Dennis
Janigian, John
Khan, Aboul
Lovejoy, Patricia
Major, Norman
McMahon, Charles
Piemonte, Tony
Roy, Terry
Torosian, Peter
Ward, Gerald

Abrami, Patrick
Barnes, Arthur
Cahill, Michael
Davis, Dan
Doucette, Fred
Elliott, Robert
Harb, Robert
Janvrin, Jason
Kolodziej, Walter
Lundgren, David
Malloy, Dennis
Melvin, Charles
Potucek, John
Pearson, Stephen
True, Chris
Welch, David

Abramson, Max
Bershtein, Alan
Cali-Pitts, Jacqueline
Thomas, Douglas
Edgar, Michael
Fowler, William
Hobson, Deborah
Murray, Kate
Le, Tamara
Griffin, Mary
McBeath, Rebecca
Meuse, David
Pratt, Kevin
Somssich, Peter
Vallone, Mark
Weyler, Kenneth

Acton, Dennis
Bunker, Lisa
Chirichiello, Brian
DeClercq, Edward
Edwards, Jess
Gay, Betty
Hoelzel, Kathleen
Katsakiores, Phyllis
Love, David
Pearson, Mark
McKinney, Betsy
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Wallace, Scott
Yokela, Josh

STRAFFORD

Cannon, Gerri
Hayward, Peter
Opderbecke, Linn
Sandler, Catt

Chase, Wendy
Horgan, James
Pitre, Joseph
Vincent, Kenneth

Ellis, Donna
Smith, Marjorie
Rooney, Abigail
Wall, Janet

Fontneau, Timothy
McNally, Jody
Salloway, Jeffrey
Wuelper, Kurt

SULLIVAN

Aron, Judy
Oxenham, Lee
Sullivan, Brian

Callum, John
Rollins, Skip

Cloutier, John
Stapleton, Walter

Laware, Thomas
Smith, Steven

NAYS - 99
CARROLL

Burroughs, Anita

Woodcock, Stephen

CHESHIRE

Fenton, Donovan
Von Plinsky, Sparky

Morrill, David

Schapiro, Joe

Swinburne, Sandy

COOS

Hatch, William

Noel, Henry

GRAFTON

Adjutant, Joshua
Egan, Timothy
Mulligan, Mary Jane

Campion, Polly
French, Elaine
Muscatel, Garrett

Diggs, Francesca
Josephson, Timothy
Ruprecht, Dennis

Dontonville, Roger
Massimilla, Linda

HILLSBOROUGH

Balch, Chris
Connors, Erika
Griffith, Willis
Indruk, Greg
Klee, Patricia
Murray, Megan
Murphy, Nancy
Query, Joshua
Sofikitis, Catherine
Telerski, Laura
Williams, Kermit

Bosman, James
Dargie, Paul
Hall, Brett
Schmidt, Janice
Klein-Knight, Nicole
Mangipudi, Latha
Nutting-Wong, Allison
Radhakrishnan, Julie
St. John, Michelle
Vail, Suzanne

Chretien, Jacqueline
Espitia, Manny
Hamer, Heidi
Judy, Jean
Langley, Diane
Martin, Joelle
Petrigno, Peter
Riel, Cole
Stack, Kathryn
Thomas, Wendy

Cleaver, Skip
Davis, Fred
Harriott-Gathright, Linda
King, Mark
Long, Patrick
McGhee, Kat
Pickering, Daniel
Rung, Rosemarie
Stevens, Deb
Wilhelm, Matthew

MERRIMACK

Carson, Clyde
Schamberg, Thomas

Fox, Samantha
Schultz, Kristina

McWilliams, Rebecca
Wazir, Safiya

Pimentel, Roderick
Wells, Kenneth

ROCKINGHAM

Altschiller, Debra
DiLorenzo, Charlotte
Grote, Jaci
Read, Ellen

Berrien, Skip
Dolan, Tom
Loughman, Tom

Cushing, Robert Renny
Gilman, Julie
Maggiore, Jim

Desilets, Joel
Grossman, Gaby
McConnell, Liz

STRAFFORD

Bixby, Peter
Higgins, Peg
Schmidt, Peter
Towne, Matthew

Conley, Casey
Horrigan, Timothy
Rich, Cecilia
Treleaven, Susan

Frost, Sherry
Kenney, Cam
Beaudoin, Steven

Grassie, Chuck
Levesque, Cassandra
Southworth, Thomas

SULLIVAN

Merchant, Gary

O'Hearne, Andrew

Tanner, Linda

and the motion was adopted.

REGULAR CALENDAR CONT'D

HB 451, relative to term and reimbursement alimony. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Erika Connors for the Majority of Children and Family Law. This bill would remove a judge's ability to use a different beginning date in measuring the length of marriage for purposes of determining alimony. The majority is concerned that this bill would unfairly penalize same-sex couples, who were unable to legally marry prior to 2010, as well as parties who delayed official marriage for reasons of schooling or health related issues. Vote 11-7.

Rep. Debra DeSimone for the Minority of Children and Family Law. SB 71, which passed and took effect on January 1, 2019, allows the court to change the beginning or end date of a marriage without certain or specific criteria. This bill removes the ability to change these dates. The majority stated, "let's wait and see what happens." The minority disagreed, realizing the potential for serious problems.

MOTION TO LAY ON THE TABLE

Rep. Long moved that **HB 451**, relative to term and reimbursement alimony, be laid on the table.
Motion adopted.

REGULAR CALENDAR CONT'D

HB 233, relative to the group and individual health insurance market. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Edward Butler for the Majority of Commerce and Consumer Affairs. Support among Americans has steadily grown since the enactment of the Affordable Care Act (ACA) and yet there have been many attempts to repeal or undo it in its entirety or in a piecemeal manner. Indeed, changes have been instituted over the past few years even without Congress adopting statutory changes. This bill will reinforce the following provisions of the ACA in state law: essential health benefits; guaranteed issue and coverage no matter the pre-existing condition; geographic rating protections; premium differential protections for age and no lifetime caps among the other parameters of the Act. The ACA has extended coverage to thousands of our citizens and has been a positive step towards providing access to basic healthcare for many. Though the provisions of the ACA are still in place in the U.S., this bill will provide a 'backstop' and security of the tenets of the ACA for the citizens of NH, as the difficult and volatile issue of healthcare insurance roils through the federal political landscape. This also will provide a stable environment for our insurers, to know what they can expect and how to price their plans, even if pieces of the ACA fall away. As amended, the bill also protects access to pediatric dental care. Vote 12-8.

Rep. John Hunt for the Minority of Commerce and Consumer Affairs. At this time this legislation is unnecessary and actually harmful to the individual (non-group) health insurance market. If for some obscure reason the federal law was overturned or repealed, then NH would absolutely have to revisit this statute anyway and, even worse for the individual market, we would have to reenact what this bill repeals just to ensure that we would have some insurance companies willing to cover individuals.

Majority Amendment (0490h)

Amend the bill by replacing section 4 with the following:

4 New Sections; Essential Health Benefits. Amend RSA 420-G by inserting after section 4-c the following new sections:

420-G:4-d Essential Health Benefits.

I. All health coverage offered by health carriers to individuals or small employers shall include coverage for essential health benefits.

II. If the federal government ceases to define essential health benefits, the commissioner shall define essential health benefits for New Hampshire by rulemaking pursuant to RSA 541-A. Essential health benefits shall include at least the following general categories and the items and services covered within the categories:

- (a) Ambulatory patient services.
- (b) Emergency services.
- (c) Hospitalization.
- (d) Maternity and newborn care.
- (e) Mental health and substance use disorder services, including behavioral health treatment.
- (f) Prescription drugs.
- (g) Rehabilitative and habilitative services and devices.
- (h) Laboratory services.
- (i) Preventive and wellness services and chronic disease management.

(j) Pediatric services, including oral and vision care; provided, that health coverage that does not specifically include such pediatric services shall be deemed to have offered the essential health benefit under this subparagraph if the health carrier has obtained reasonable assurance that such pediatric services are provided to the purchaser of the health coverage.

III. In defining essential health benefits under paragraph II, the commissioner shall:

(a) Ensure that essential health benefits reflects an appropriate balance among the categories described in such subparagraph, so that benefits are not unduly weighted toward any category;

(b) Not define essential health benefits in a manner which would allow carriers to make coverage decisions, determine reimbursement rates, establish incentive programs, or design benefits in ways that discriminate against individuals because of their age, disability, or expected length of life;

(c) Consider the health care needs of diverse segments of the population, including women, children, persons with disabilities, and other groups;

(d) Ensure that essential health benefits are not subject to denial to individuals against their wishes on the basis of the individuals' age or expected length of life or of the individuals' present or predicted disability, degree of medical dependency, or quality of life;

(e) Ensure that a health plan shall not be treated as providing coverage for essential health benefits unless the plan provides that:

(1) Coverage for emergency department services shall be provided without imposing any requirement under the plan for prior authorization of services or any limitation on coverage where the provider of services does not have a contractual relationship with the plan for the provision of services which is more restrictive than the requirements or limitations that apply to emergency department services received from providers who do have such a contractual relationship with the plan; and

(2) If such services are provided out-of-network, the cost-sharing requirement, such as a copayment amount or coinsurance rate is the same requirement which would apply if such services were provided in-network; and

(f) Ensure that essential health benefits are at least actuarially equivalent to the essential health benefits previously established by the federal government.

420-G:4-e Lifetime or Annual Limits Prohibited.

I. A health carrier offering individual or group health coverage under this chapter shall not establish lifetime or annual limits on the dollar value of essential health benefits for any covered person.

II. This section shall not be construed to prevent a health carrier from placing annual or lifetime per beneficiary limits on specific covered benefits that are not essential health benefits, to the extent that such limits are otherwise permitted under federal or state law.

Majority committee amendment adopted.

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

YEAS 207 - NAYS 140

YEAS - 207

CARROLL

Buco, Thomas
Knirk, Jerry

Burroughs, Anita
Ticehurst, Susan

Butler, Edward
Woodcock, Stephen

DesMarais, Edith

CHESHIRE

Abbott, Michael
Faulkner, Barry
Ley, Douglas
Parkhurst, Henry
Thompson, Craig

Ames, Richard
Fenton, Donovan
Mann, John
Schapiro, Joe
Von Plinsky, Sparky

Berch, Paul
Gomarlo, Jennie
Meador, David
Swinburne, Sandy
Pearson, William

Bordenet, John
Harvey, Cathryn
Morrill, David
Tatro, Bruce
Weber, Lucy

COOS

Hatch, William
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

Tucker, Edith

GRAFTON

Abel, Richard
Diggs, Francesca
Ford, Susan
Massimilla, Linda
Osborne, Richard
Smith, Suzanne

Adjutant, Joshua
Dontonville, Roger
French, Elaine
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

Almy, Susan
Egan, Timothy
Josephson, Timothy
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

Campion, Polly
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Stringham, Jerry

HILLSBOROUGH

Bouldin, Amanda
Beaulieu, Jane
Bouchard, Donald
Connors, Erika
Desjardin, Kathy
Davis, Fred
Hamer, Heidi
Indruk, Greg
King, Mark
Leishman, Peter
Martin, Joelle
Murphy, Nancy
Pickering, Daniel
Radhakrishnan, Julie
Shaw, Barbara
Stack, Kathryn
Vail, Suzanne
Williams, Kermit

Bouldin, Andrew
Bergeron, Paul
Chretien, Jacqueline
Cornell, Patricia
DiSilvestro, Linda
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Long, Patrick
McGhee, Kat
Nutting-Wong, Allison
Porter, Marjorie
Riel, Cole
Snow, Kendall
Stevens, Deb
Van Houten, Constance
Woodbury, David

Backus, Robert
Bordy, William
Cleaver, Skip
Cote, David
Dutzy, Sherry
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Murray, Megan
Mombourquette, Donna
Pedersen, Michael
Query, Joshua
Rung, Rosemarie
Sofikitis, Catherine
Telerski, Laura
Thomas, Wendy

Balch, Chris
Bosman, James
Cohen, Bruce
Dargie, Paul
Espitia, Manny
Hall, Brett
Herbert, Christopher
Jeudy, Jean
Langley, Diane
Mangipudi, Latha
Mullen, Sue
Petrigno, Peter
Newman, Ray
Newman, Sue
St. John, Michelle
Toomey, Dan
Wilhelm, Matthew

MERRIMACK

Bartlett, Christy
 Ellison, Arthur
 Luneau, David
 Myler, Mel
 Sauderson, George
 Soucy, Timothy
 Wazir, Safiya

Carson, Clyde
 Fox, Samantha
 MacKay, James
 Pimentel, Roderick
 Schamberg, Thomas
 Turcotte, Alan
 Wells, Kenneth

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

Ebel, Karen
 Lane, Connie
 Moffett, Howard
 Rogers, Katherine
 Schultz, Kristina
 Walz, Mary Beth

ROCKINGHAM

Altschiller, Debra
 Cahill, Michael
 Edgar, Michael
 Grote, Jaci
 Lovejoy, Patricia
 McConnell, Liz
 Vallone, Mark

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

Bunker, Lisa
 Cushing, Robert Renny
 Gilman, Julie
 Le, Tamara
 Malloy, Dennis
 Read, Ellen

Bushway, Patricia
 DiLorenzo, Charlotte
 Grossman, Gaby
 Loughman, Tom
 McBeath, Rebecca
 Somssich, Peter

STRAFFORD

Bixby, Peter
 Ellis, Donna
 Higgins, Peg
 Smith, Marjorie
 Salloway, Jeffrey
 Treleaven, Susan

Cannon, Gerri
 Fontneau, Timothy
 Horrigan, Timothy
 Opderbecke, Linn
 Sandler, Catt
 Vincent, Kenneth

Chase, Wendy
 Frost, Sherry
 Kenney, Cam
 Schmidt, Peter
 Southworth, Thomas
 Wall, Janet

Conley, Casey
 Grassie, Chuck
 Levesque, Cassandra
 Rich, Cecilia
 Towne, Matthew

SULLIVAN

Cloutier, John
 Sullivan, Brian

Merchant, Gary
 Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

NAYS - 140**BELKNAP**

Aldrich, Glen
 Fields, Dennis
 Mackie, Jonathan
 Viens, Harry

Bean, Harry
 Howard, Raymond
 Spanos, Peter

Comtois, Barbara
 Jurius, Deanna
 Sylvia, Michael

Feeney, George
 Lang, Timothy
 Tilton, Franklin

CARROLL

Avellani, Lino
 MacDonald, John

Comeau, Ed
 Marsh, William

Cordelli, Glenn

Crawford, Karel

CHESHIRE

Hunt, John

O'Day, John

COOS

Craig, Kevin

Fothergill, John

Furbush, Michael

Merner, Troy

GRAFTON

Hennessey, Erin

Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
 Belanger, James
 Camarota, Linda
 Gagne, Larry
 Gunski, Michael
 Lascelles, Richard
 Panasiti, Reed
 Ober, Russell
 Lekas, Tony
 Whittemore, James

Alexander, Joe
 Boehm, Ralph
 Danielson, David
 Gould, Linda
 Hinch, Richard
 Marzullo, JP
 Plett, Fred
 Renzullo, Andrew
 Trento, Michael

Griffin, Barbara
 Burns, Charles
 Erf, Keith
 Graham, John
 Hopper, Gary
 Notter, Jeanine
 Proulx, Mark
 Rice, Kimberly
 Ulery, Jordan

Barry, Richard
 Burt, John
 Fedolfi, Jim
 Greene, Bob
 Ober, Lynne
 Nunez, Hershel
 Prout, Andrew
 Somero, Paul
 Warden, Mark

MERRIMACK

Allard, James
 Marple, Richard
 Testerman, Dave

Forsythe, Robert
 McGuire, Carol
 Walsh, Thomas

Hill, Gregory
 Pearl, Howard
 Wolf, Dan

Horn, Werner
 Seaworth, Brian
 Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
 Baldasaro, Al

Abrami, Patrick
 Barnes, Arthur

Abramson, Max
 Bershtein, Alan

Acton, Dennis
 Chirichiello, Brian

Costable, Michael
Desilets, Joel
Edwards, Jess
Green, Dennis
Janigian, John
Kolodziej, Walter
Pearson, Mark
Melvin, Charles
Pratt, Kevin
Sytek, John
Welch, David

Davis, Dan
DeSimone, Debra
Elliott, Robert
Harb, Robert
Janvrin, Jason
Love, David
Major, Norman
Packard, Sherman
Prudhomme-O'Brien, Katherine
Torosian, Peter
Weyler, Kenneth

Thomas, Douglas
Dolan, Tom
Fowler, William
Hobson, Deborah
Katsakiores, Phyllis
Lundgren, David
McKinney, Betsy
Piemonte, Tony
Roy, Terry
True, Chris
Yokela, Josh

DeClercq, Edward
Doucette, Fred
Gay, Betty
Hoelzel, Kathleen
Khan, Aboul
Griffin, Mary
McMahon, Charles
Potucek, John
Pearson, Stephen
Wallace, Scott

STRAFFORD

Hayward, Peter
Rooney, Abigail

Horgan, James
Beaudoin, Steven

McNally, Jody
Wuelper, Kurt

Pitre, Joseph

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Laware, Thomas

Rollins, Skip

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

HB 277, establishing a commission to study a public option for health insurance. **OUGHT TO PASS.**

Rep. Edward Butler for Commerce and Consumer Affairs. This bill will establish a commission to study a public option for health insurance. This study was not rolled into another that has a broader universe of healthcare coverage options to consider because it is a type of coverage that could fit into our current insurance system but would be established and managed by state government. The simple questions are, "Could a publicly managed insurance product provide increased competition in the marketplace and help to maintain, or even lower, healthcare costs? And how would it be created?" The majority of the committee believes this is a worthy inquiry. Vote 11-7.

Rep. Sylvia requested a roll call; sufficiently seconded.

YEAS 211 - NAYS 141

YEAS - 211

CARROLL

Buco, Thomas
Knirk, Jerry

Burroughs, Anita
Ticehurst, Susan

Butler, Edward
Woodcock, Stephen

DesMarais, Edith

CHESHIRE

Abbott, Michael
Faulkner, Barry
Ley, Douglas
Schapiro, Joe
Von Plinsky, Sparky

Ames, Richard
Fenton, Donovan
Mann, John
Swinburne, Sandy
Pearson, William

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

Bordenet, John
Harvey, Cathryn
Morrill, David
Thompson, Craig

COOS

Fothergill, John
Noel, Henry

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

Abel, Richard
Diggs, Francesca
Ford, Susan
Massimilla, Linda
Osborne, Richard
Smith, Suzanne

Adjutant, Joshua
Dontonville, Roger
French, Elaine
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

Almy, Susan
Egan, Timothy
Josephson, Timothy
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

Campion, Polly
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Stringham, Jerry

HILLSBOROUGH

Bouldin, Amanda
Baroody, Benjamin
Bosman, James
Cohen, Bruce
Dargie, Paul
Espitia, Manny
Hall, Brett
Herbert, Christopher
Jeudy, Jean

Bouldin, Andrew
Beaulieu, Jane
Bouchard, Donald
Connors, Erika
Desjardin, Kathy
Davis, Fred
Hamer, Heidi
Indruk, Greg
King, Mark

Backus, Robert
Bergeron, Paul
Chretien, Jacqueline
Cornell, Patricia
DiSilvestro, Linda
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia

Balch, Chris
Bordy, William
Cleaver, Skip
Cote, David
Dutzy, Sherry
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole

Langley, Diane
Mangipudi, Latha
Mullen, Sue
Petrigno, Peter
Newman, Ray
Newman, Sue
St. John, Michelle
Toomey, Dan
Wilhelm, Matthew

Leishman, Peter
Martin, Joelle
Murphy, Nancy
Pickering, Daniel
Radhakrishnan, Julie
Shaw, Barbara
Stack, Kathryn
Vail, Suzanne
Williams, Kermit

Long, Patrick
McGhee, Kat
Nutting-Wong, Allison
Porter, Marjorie
Riel, Cole
Snow, Kendall
Stevens, Deb
Van Houten, Constance
Woodbury, David

Murray, Megan
Mombourquette, Donna
Pedersen, Michael
Query, Joshua
Rung, Rosemarie
Sofikitis, Catherine
Telerski, Laura
Thomas, Wendy

MERRIMACK

Bartlett, Christy
Ellison, Arthur
Luneau, David
Myler, Mel
Saunderson, George
Soucy, Timothy
Wazir, Safiya

Carson, Clyde
Fox, Samantha
MacKay, James
Pimentel, Roderick
Schamberg, Thomas
Turcotte, Alan
Wells, Kenneth

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

Ebel, Karen
Lane, Connie
Moffett, Howard
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth

ROCKINGHAM

Abramson, Max
Bushway, Patricia
DiLorenzo, Charlotte
Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Somssich, Peter

Altschiller, Debra
Cahill, Michael
Edgar, Michael
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Vallone, Mark

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

Bunker, Lisa
Cushing, Robert Renny
Gilman, Julie
Le, Tamara
Malloy, Dennis
Read, Ellen

STRAFFORD

Bixby, Peter
Ellis, Donna
Higgins, Peg
Smith, Marjorie
Salloway, Jeffrey
Towne, Matthew

Cannon, Gerri
Fontneau, Timothy
Horrigan, Timothy
Opderbecke, Linn
Sandler, Catt
Treleaven, Susan

Chase, Wendy
Frost, Sherry
Kenney, Cam
Schmidt, Peter
Southworth, Thomas
Vincent, Kenneth

Conley, Casey
Grassie, Chuck
Levesque, Cassandra
Rich, Cecilia
Spang, Judith
Wall, Janet

SULLIVAN

Cloutier, John
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

NAYS - 141

BELKNAP

Aldrich, Glen
Fields, Dennis
Mackie, Jonathan
Viens, Harry

Bean, Harry
Howard, Raymond
Spanos, Peter

Comtois, Barbara
Jurius, Deanna
Sylvia, Michael

Feeney, George
Lang, Timothy
Tilton, Franklin

CARROLL

Avellani, Lino
MacDonald, John

Comeau, Ed
Marsh, William

Cordelli, Glenn

Crawford, Karel

CHESHIRE

Hunt, John

O'Day, John

Parkhurst, Henry

COOS

Craig, Kevin

Furbush, Michael

Merner, Troy

GRAFTON

Hennessey, Erin

Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
Belanger, James
Camarota, Linda
Flanagan, Jack
Greene, Bob
Ober, Lynne
Nunez, Hershel
Prout, Andrew
Somero, Paul
Warden, Mark

Alexander, Joe
Boehm, Ralph
Danielson, David
Gagne, Larry
Gunski, Michael
Lascelles, Richard
Panasiti, Reed
Ober, Russell
Lekas, Tony
Whittemore, James

Griffin, Barbara
Burns, Charles
Erf, Keith
Gould, Linda
Hinch, Richard
Marzullo, JP
Plett, Fred
Renzullo, Andrew
Trento, Michael

Barry, Richard
Burt, John
Fedolfi, Jim
Graham, John
Hopper, Gary
Notter, Jeanine
Proulx, Mark
Rice, Kimberly
Ulery, Jordan

MERRIMACK

Allard, James
Marple, Richard
Testerman, Dave

Forsythe, Robert
McGuire, Carol
Walsh, Thomas

Hill, Gregory
Pearl, Howard
Wolf, Dan

Horn, Werner
Seaworth, Brian
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Barnes, Arthur
Davis, Dan
DeSimone, Debra
Elliott, Robert
Harb, Robert
Janvrin, Jason
Love, David
Major, Norman
Milz, David
Pratt, Kevin
Sytek, John
Welch, David

Abrami, Patrick
Bershtein, Alan
Thomas, Douglas
Dolan, Tom
Fowler, William
Hobson, Deborah
Katsakiores, Phyllis
Lundgren, David
McKinney, Betsy
Packard, Sherman
Prudhomme-O'Brien, Katherine
Torosian, Peter
Weyler, Kenneth

Acton, Dennis
Chirichiello, Brian
DeClercq, Edward
Doucette, Fred
Gay, Betty
Hoelzel, Kathleen
Khan, Aboul
Griffin, Mary
McMahon, Charles
Piemonte, Tony
Roy, Terry
True, Chris
Yokela, Josh

Baldasaro, Al
Costable, Michael
Desilets, Joel
Edwards, Jess
Green, Dennis
Janigian, John
Kolodziej, Walter
Pearson, Mark
Melvin, Charles
Potucek, John
Pearson, Stephen
Wallace, Scott

STRAFFORD

Hayward, Peter
Rooney, Abigail

Horgan, James
Beaudoin, Steven

McNally, Jody
Wuelper, Kurt

Pitre, Joseph

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Laware, Thomas

Rollins, Skip

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

HB 520, relative to availability of diaper changing stations in public restrooms. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Edward Butler for the Majority of Commerce and Consumer Affairs. This bill requires public accommodations built after January 1, 2021 to install and maintain at least one diaper changing station that is accessible to all genders. It also requires a similar installation for public buildings renovated at a cost exceeding \$50,000 after January 1, 2025 (amended from \$30,000). The committee heard testimony from new and young fathers who believe that this accommodation is long overdue. The amendment also repeals the provision requiring diaper changing stations if and when the Building Code Review Board adopts, and the legislature ratifies, this provision as part of the state building code. Vote 12-8.

Rep. John Hunt for the Minority of Commerce and Consumer Affairs. The minority believes this bill is unnecessary since most businesses engaged in remodeling or new construction are already adding diaper changing stations. Testimony in committee was that the Building Code Review Board (BCRB) would be the more appropriate body to address this issue since there are other factors involved, such as insuring there is proper egress. The dollar amount is also inappropriate, because numbers can be fudged. The more appropriate threshold would be renovations involving 50% of the square footage of the building or if the bathrooms are specifically being redone. The minority would have preferred to retain this bill to see what transpired with the BCRB process.

Majority Amendment (0952h)

Amend RSA 155:39-e, I as inserted by section 1 of the bill by replacing it with the following:

I. This section applies to any new building or facility proposed to be constructed specifically as a place of public accommodation on or after January 1, 2021. This section also applies to any single renovation of an existing building or facility which is proposed to be constructed on or after January 1, 2021, if the cost of such renovation exceeds \$50,000.

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

2 Repeal. RSA 155:39-e, relative to diaper changing stations in places of public accommodation, is repealed.

3 Contingency. Section 2 of this act shall take effect on the date that the chairperson of the building code review board certifies to the director of the office of legislative services that, pursuant to RSA 155-A:10, V, the state building code review board has adopted, and the legislature has ratified, a rule to amend the state building code that incorporates the requirements of RSA 155:39-e. If the board does not adopt such a rule, or such a rule is not ratified by the legislature, section 2 of this act shall not take effect.

4 Effective Date.

I. Section 2 of this act shall take effect as provided in section 3 of this act.

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

AMENDED ANALYSIS

This bill requires certain places of public accommodation to install and maintain at least one diaper changing station that is accessible to all genders when the facility is open to the public. The bill includes a contingent repeal of the statutory requirement if the building code review board includes the requirement in the state building code.

On a division vote, with 196 members having voted in the affirmative, and 139 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. Notter spoke against.

Rep. Fenton spoke in favor.

Rep. Rung requested a roll call; sufficiently seconded.

YEAS 206 - NAYS 142

YEAS - 206

BELKNAP

Huot, David

CARROLL

Buco, Thomas
Knirk, Jerry

Burroughs, Anita
Woodcock, Stephen

Butler, Edward

DesMarais, Edith

CHESHIRE

Abbott, Michael
Faulkner, Barry
Ley, Douglas
Schapiro, Joe
Von Plinsky, Sparky

Ames, Richard
Fenton, Donovan
Mann, John
Swinburne, Sandy
Pearson, William

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

Bordenet, John
Harvey, Cathryn
Morrill, David
Thompson, Craig

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Dontonville, Roger
French, Elaine
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

Adjutant, Joshua
Egan, Timothy
Josephson, Timothy
Muscatel, Garrett
Stavis, Laurel

Campion, Polly
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Stringham, Jerry

Diggs, Francesca
Ford, Susan
Massimilla, Linda
Osborne, Richard
Smith, Suzanne

HILLSBOROUGH

Bouldin, Amanda
Baroody, Benjamin
Bosman, James
Cohen, Bruce
Dargie, Paul
Espitia, Manny
Hall, Brett
Herbert, Christopher
Jeudy, Jean
Langley, Diane
Martin, Joelle
Murphy, Nancy
Pickering, Daniel
Radhakrishnan, Julie
Snow, Kendall
Stevens, Deb
Van Houten, Constance
Woodbury, David

Bouldin, Andrew
Beaulieu, Jane
Bouchard, Donald
Connors, Erika
Desjardin, Kathy
Davis, Fred
Hamer, Heidi
Indruk, Greg
King, Mark
Leishman, Peter
McGhee, Kat
Nutting-Wong, Allison
Porter, Marjorie
Riel, Cole
Sofikitis, Catherine
Telerski, Laura
Thomas, Wendy

Backus, Robert
Bergeron, Paul
Chretien, Jacqueline
Cornell, Patricia
DiSilvestro, Linda
Freitas, Mary
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Murray, Megan
Mombourquette, Donna
Pedersen, Michael
Query, Joshua
Rung, Rosemarie
St. John, Michelle
Toomey, Dan
Wilhelm, Matthew

Balch, Chris
Bordy, William
Cleaver, Skip
Cote, David
Dutzy, Sherry
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Mangipudi, Latha
Mullen, Sue
Petrigno, Peter
Newman, Ray
Newman, Sue
Stack, Kathryn
Vail, Suzanne
Williams, Kermit

MERRIMACK

Bartlett, Christy
Ellison, Arthur
Luneau, David
Myler, Mel
Saunderson, George
Soucy, Timothy
Wazir, Safiya

Carson, Clyde
Fox, Samantha
MacKay, James
Pimentel, Roderick
Schamberg, Thomas
Turcotte, Alan
Wells, Kenneth

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

Ebel, Karen
Lane, Connie
Moffett, Howard
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
Dolan, Tom
Gilman, Julie
Le, Tamara
Malloy, Dennis
Read, Ellen

Berrien, Skip
Cali-Pitts, Jacqueline
Edgar, Michael
Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Somssich, Peter

Bunker, Lisa
Cushing, Robert Renny
Eisner, Mary
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Vallone, Mark

Bushway, Patricia
DiLorenzo, Charlotte
Gay, Betty
Murray, Kate
Maggiore, Jim
Meuse, David
Ward, Gerald

STRAFFORD

Bixby, Peter
Ellis, Donna
Higgins, Peg
Smith, Marjorie
Salloway, Jeffrey
Towne, Matthew

Cannon, Gerri
Fontneau, Timothy
Horrigan, Timothy
Opderbecke, Linn
Sandler, Catt
Treleaven, Susan

Chase, Wendy
Frost, Sherry
Kenney, Cam
Schmidt, Peter
Southworth, Thomas
Wall, Janet

Conley, Casey
Grassie, Chuck
Levesque, Cassandra
Rich, Cecilia
Spang, Judith

SULLIVAN

Cloutier, John
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

NAYS - 142**BELKNAP**

Aldrich, Glen
Fields, Dennis
Mackie, Jonathan
Viens, Harry

Bean, Harry
Howard, Raymond
Spanos, Peter

Comtois, Barbara
Jurius, Deanna
Sylvia, Michael

Feeney, George
Lang, Timothy
Tilton, Franklin

CARROLL

Avellani, Lino
MacDonald, John

Comeau, Ed
Marsh, William

Cordelli, Glenn
Ticehurst, Susan

Crawford, Karel

CHESHIRE

Hunt, John

O'Day, John

Parkhurst, Henry

COOS

Craig, Kevin

Furbush, Michael

Merner, Troy

GRAFTON

Hennessey, Erin

Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
Belanger, James
Camarota, Linda
Flanagan, Jack
Gunski, Michael
Lascelles, Richard
Panasiti, Reed
Ober, Russell
Somero, Paul
Warden, Mark

Alexander, Joe
Boehm, Ralph
Danielson, David
Gagne, Larry
Hinch, Richard
Marzullo, JP
Plett, Fred
Renzullo, Andrew
Lekas, Tony
Whittemore, James

Griffin, Barbara
Burns, Charles
Erf, Keith
Gould, Linda
Hopper, Gary
Notter, Jeanine
Proulx, Mark
Rice, Kimberly
Trento, Michael

Barry, Richard
Burt, John
Fedolli, Jim
Greene, Bob
Ober, Lynne
Nunez, Hershel
Prout, Andrew
Shaw, Barbara
Ulery, Jordan

MERRIMACK

Allard, James
Marple, Richard
Testerman, Dave

Forsythe, Robert
McGuire, Carol
Walsh, Thomas

Hill, Gregory
Pearl, Howard
Wolf, Dan

Horn, Werner
Seaworth, Brian
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Costable, Michael
Desilets, Joel
Elliott, Robert
Hobson, Deborah
Katsakiores, Phyllis
Griffin, Mary

Abrami, Patrick
Barnes, Arthur
Davis, Dan
DeSimone, Debra
Fowler, William
Hoelzel, Kathleen
Kolodziej, Walter
Pearson, Mark

Abramson, Max
Bershtein, Alan
Thomas, Douglas
Doucette, Fred
Green, Dennis
Janigian, John
Love, David
Major, Norman

Acton, Dennis
Chirichiello, Brian
DeClercq, Edward
Edwards, Jess
Harb, Robert
Janvrin, Jason
Lundgren, David
McKinney, Betsy

McMahon, Charles
Piemonte, Tony
Roy, Terry
True, Chris
Weyler, Kenneth

Melvin, Charles
Potucek, John
Pearson, Stephen
Verville, Kevin
Yokela, Josh

Milz, David
Pratt, Kevin
Sytek, John
Wallace, Scott

Packard, Sherman
Prudhomme-O'Brien, Katherine
Torosian, Peter
Welch, David

STRAFFORD

Hayward, Peter
Rooney, Abigail

Horgan, James
Beaudoin, Steven

McNally, Jody
Vincent, Kenneth

Pitre, Joseph
Wuelper, Kurt

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Laware, Thomas

Rollins, Skip

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

UNANIMOUS CONSENT

Rep. Schuett requested Unanimous Consent of the House regarding a member's bet on a high school sports championship and addressed the House.

The House recessed at 12:00 p.m.

RECESS

The House reconvened at 1:00 p.m.

(Speaker Shurtleff in the Chair)

REGULAR CALENDAR CONT'D

HB 558-FN, restricting the distribution of plastic straws. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Christy Bartlett for the Majority of Commerce and Consumer Affairs. The committee has heard from dozens of speakers through public testimony, numerous emails from constituents and endorsements by towns and cities throughout the state about the real concerns over the proliferation of plastic straws in our environment. Plastic straws cannot be recycled, are harmful to wildlife and are one of the ubiquitous litter problems in our waterways. It is estimated that the U.S. is using a half billion straws per day! This bill would make a small effort to reduce the distribution of plastic straws, with an exemption for any health care facility. The bill, as amended, would prohibit food service businesses from providing a single-use plastic straw to a customer unless requested. Seacoast Sustainability is an alliance which includes restaurants that voluntarily follow this practice. One restaurant reported purchasing 35,000 plastic straws in 2017 and, after implementing the request policy, they bought only 1,200 plastic straws in 2018. Their customers were surveyed and had an overwhelmingly positive response to this decision. There is no penalty included in this bill, as the sponsors felt that regulation should work lightly. This is an effort to encourage businesses to no longer automatically provide plastic straws in each glass of water, each soft drink or alcoholic drink, though, plastic straws would be available to anyone who requested one. Businesses could offer non-plastic straws such as those made from paper, pasta, sugar cane, wood or bamboo. The majority is hoping that this effort is not a partisan issue, but one that can be embraced by all who care for our environment. Vote 12-8.

Rep. John Hunt for the Minority of Commerce and Consumer Affairs. It's seems ironic that with only 18 miles of ocean frontage, NH should be on the forefront of restricting plastic straws whose greatest impact is on sea turtles. The idea that you can only get a straw if you ask for it, will now replace "Would you like fries with that?" with what every server will now have to ask every restaurant, drive through and Dunkin' customer. Live Free or Die means we are free to say, "No straw, thank you" rather than, "Please give me a straw because I really do not know how to drink that shake without a straw."

Majority Amendment (0941h)

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

1 Purpose; Solid Waste Management Methods. In accordance with RSA 149-M:2 and RSA 149-M:3, which establishes source reduction as the waste management method with the highest priority in the hierarchy of solid waste management methods to be used by the department of environmental services, the distribution of single-use plastic straws in New Hampshire shall be restricted in accordance with this subdivision.

2 New Subdivision; Prohibition of Single-Use Plastic Straws. Amend RSA 149-M by inserting after section 60 the following new subdivision:

Prohibition of Single-Use Plastic Straws

149-M:61 Definitions. In this subdivision:

I. "Single-use plastic straw" means a single-use, disposable tube made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, used to transfer a beverage from a container to the mouth of a person drinking the beverage. "Single-use plastic straw" does

not include a straw made from a non-plastic material, including, but not limited to, paper, pasta, sugar cane, wood, or bamboo.

II. "Food service business" means a business that sells or provides food for consumption on or off the premises, and includes, but is not limited to, any restaurant, cafe, delicatessen, coffee shop, supermarket or grocery store, vending truck or cart, food truck, movie theater, or business or institutional cafeteria, including those operated by or on behalf of the state. ***"Food service business" shall not include any health care facility required to be licensed under RSA 151:2.***

149-M:62 Plastic Straw Restriction. A food service business shall provide a single-use plastic straw to a customer only when explicitly requested by the customer.

3 Effective Date. This act shall take effect one year after its passage.

Majority committee amendment adopted.

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

Rep. Warden spoke against.

Rep. Hunt spoke against and yielded to questions.

Rep. Bartlett spoke in favor.

Rep. Plett requested a roll call; sufficiently seconded.

YEAS 196 - NAYS 146

YEAS - 196 BELKNAP

Huot, David

CARROLL

Buco, Thomas
Knirk, Jerry

Burroughs, Anita
Ticehurst, Susan

Butler, Edward
Woodcock, Stephen

DesMarais, Edith

CHESHIRE

Abbott, Michael
Faulkner, Barry
Ley, Douglas
Parkhurst, Henry
Thompson, Craig

Ames, Richard
Fenton, Donovan
Mann, John
Schapiro, Joe
Von Plinsky, Sparky

Berch, Paul
Gomarlo, Jennie
Meader, David
Swinburne, Sandy
Pearson, William

Bordenet, John
Harvey, Cathryn
Morrill, David
Tatro, Bruce
Weber, Lucy

COOS

Hatch, William
Thomas, Yvonne

Laflamme, Larry

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Diggs, Francesca
French, Elaine
Mulligan, Mary Jane
Stavis, Laurel
Weston, Joyce

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

Almy, Susan
Egan, Timothy
Maes, Kevin
Osborne, Richard
Smith, Suzanne

Campion, Polly
Fellows, Sallie
Massimilla, Linda
Ruprecht, Dennis
Sykes, George

HILLSBOROUGH

Bouldin, Amanda
Beaulieu, Jane
Bouchard, Donald
Connors, Erika
Dargie, Paul
Davis, Fred
Harriott-Gathright, Linda
Schmidt, Janice
Klein-Knight, Nicole
Murray, Megan
Mullen, Sue
Pedersen, Michael
Query, Joshua
Newman, Sue
Stack, Kathryn
Vail, Suzanne
Williams, Kermit

Bouldin, Andrew
Bergeron, Paul
Chretien, Jacqueline
Cornell, Patricia
Desjardin, Kathy
Freitas, Mary
Heath, Mary
Jack, Martin
Langley, Diane
Mangipudi, Latha
Murphy, Nancy
Petrigno, Peter
Newman, Ray
Snow, Kendall
Stevens, Deb
Van Houten, Constance
Woodbury, David

Backus, Robert
Bordy, William
Cleaver, Skip
Cote, David
Dutzy, Sherry
Griffith, Willis
Herbert, Christopher
King, Mark
Leishman, Peter
McGhee, Kat
Nutting-Wong, Allison
Pickering, Daniel
Radhakrishnan, Julie
Sofikitis, Catherine
Telerski, Laura
Thomas, Wendy

Balch, Chris
Bosman, James
Cohen, Bruce
Danielson, David
Espitia, Manny
Hall, Brett
Indruk, Greg
Klee, Patricia
Long, Patrick
Mombourquette, Donna
O'Brien, Michael
Porter, Marjorie
Rung, Rosemarie
St. John, Michelle
Toomey, Dan
Wilhelm, Matthew

MERRIMACK

Bartlett, Christy
Karrick, David

Carson, Clyde
Lane, Connie

Doherty, David
Luneau, David

Ellison, Arthur
MacKay, James

McWilliams, Rebecca
Rodd, Beth
Schuett, Dianne
Wazir, Safiya

Moffett, Howard
Rogers, Katherine
Schultz, Kristina
Wells, Kenneth

Myler, Mel
Saunderson, George
Turcotte, Alan
Woods, Gary

Pimentel, Roderick
Schamberg, Thomas
Walz, Mary Beth

ROCKINGHAM

Altschiller, Debra
Cali-Pitts, Jacqueline
Eisner, Mary
Murray, Kate
Maggiore, Jim
Meuse, David
Ward, Gerald

Bunker, Lisa
Cushing, Robert Renny
Gilman, Julie
Le, Tamara
Malloy, Dennis
Read, Ellen

Bushway, Patricia
DiLorenzo, Charlotte
Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Somssich, Peter

Cahill, Michael
Edgar, Michael
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Vallone, Mark

STRAFFORD

Bixby, Peter
Ellis, Donna
Horrigan, Timothy
Opderbecke, Linn
Sandler, Catt
Treleaven, Susan

Cannon, Gerri
Fontneau, Timothy
Kenney, Cam
Schmidt, Peter
Southworth, Thomas
Vincent, Kenneth

Chase, Wendy
Grassie, Chuck
Levesque, Cassandra
Rich, Cecilia
Spang, Judith
Wall, Janet

Conley, Casey
Higgins, Peg
Smith, Marjorie
Salloway, Jeffrey
Towne, Matthew

SULLIVAN

Cloutier, John
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

Sullivan, Brian

NAYS - 146

BELKNAP

Aldrich, Glen
Fields, Dennis
Mackie, Jonathan
Viens, Harry

Bean, Harry
Howard, Raymond
Spanos, Peter

Comtois, Barbara
Jurius, Deanna
Sylvia, Michael

Feeney, George
Lang, Timothy
Tilton, Franklin

CARROLL

Avellani, Lino
Marsh, William

Comeau, Ed

Cordelli, Glenn

MacDonald, John

CHESHIRE

Hunt, John

O'Day, John

COOS

Craig, Kevin
Tucker, Edith

Fothergill, John

Furbush, Michael

Merner, Troy

GRAFTON

Hennessey, Erin

Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
Barry, Richard
Burt, John
Flanagan, Jack
Greene, Bob
Hopper, Gary
Notter, Jeanine
Proulx, Mark
Rice, Kimberly
Lekas, Tony
Whittemore, James

Alexander, Joe
Belanger, James
Camarota, Linda
Gagne, Larry
Gunski, Michael
Ober, Lynne
Nunez, Hershel
Prout, Andrew
Riel, Cole
Trento, Michael

Griffin, Barbara
Boehm, Ralph
Erf, Keith
Gould, Linda
Hamer, Heidi
Lascelles, Richard
Panasiti, Reed
Ober, Russell
Shaw, Barbara
Ulery, Jordan

Baroody, Benjamin
Burns, Charles
Fedolfi, Jim
Graham, John
Hinch, Richard
Marzullo, JP
Plett, Fred
Renzullo, Andrew
Somero, Paul
Warden, Mark

MERRIMACK

Allard, James
Marple, Richard
Soucy, Timothy
Yakubovich, Michael

Forsythe, Robert
McGuire, Carol
Testerman, Dave

Hill, Gregory
Pearl, Howard
Walsh, Thomas

Horn, Werner
Seaworth, Brian
Wolf, Dan

ROCKINGHAM

Abbas, Daryl
Barnes, Arthur
Davis, Dan
DeSimone, Debra

Abrami, Patrick
Bershtein, Alan
Thomas, Douglas
Dolan, Tom

Abramson, Max
Chirichiello, Brian
DeClercq, Edward
Doucette, Fred

Acton, Dennis
Costable, Michael
Desilets, Joel
Edwards, Jess

Elliott, Robert
Harb, Robert
Janvrin, Jason
Lundgren, David
McKinney, Betsy
O'Connor, John
Pratt, Kevin
Spillane, James
Verville, Kevin

Fowler, William
Hobson, Deborah
Katsakiores, Phyllis
Griffin, Mary
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Welch, David

Gay, Betty
Hoelzel, Kathleen
Kolodziej, Walter
Pearson, Mark
Melvin, Charles
Piemonte, Tony
Roy, Terry
Torosian, Peter
Weyler, Kenneth

Green, Dennis
Janigian, John
Love, David
Major, Norman
Milz, David
Potucek, John
Pearson, Stephen
True, Chris
Yokela, Josh

STRAFFORD

Hayward, Peter
Rooney, Abigail

Horgan, James
Beaudoin, Steven

McNally, Jody
Wuelper, Kurt

Pitre, Joseph

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Laware, Thomas

Rollins, Skip

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

HB 560-FN, relative to single-use carryout bags. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Greg Indruk for the Majority of Commerce and Consumer Affairs. This bill restricts the distribution of single-use plastic bags in certain food service and large retail establishments. The amendment adds exemptions for certain applications and removes a provision that would have allowed municipalities to enact stricter regulations, thus providing a uniform and predictable state-wide standard for businesses and consumers alike. The committee heard hours of compelling testimony in support of this bill, particularly with regard to the effect these ubiquitous plastic bags have on our environment, our health and our municipal infrastructure. We were presented with evidence of polluted fisheries, poisoned game, toxic effects on our food, water, and air, landfills stuffed to the brim, recycling facilities shuttered and municipalities struggling to deal with clogged water infrastructure and interminable waste. Still further, we heard impassioned pleas by young people to turn our attention to our shared future and to consider how unnecessary plastic consumption mistreats and degrades the world we are leaving to our children. At its root, this bill is about taking responsibility for our consumer behaviors and the lasting ill effect these practices have on our resources, our neighbors and the generations that will come after us. Vote 11-9.

Rep. John Hunt for the Minority of Commerce and Consumer Affairs. This bill, as recommended by the majority of the committee, is a fast track attempt to move New Hampshire from having no laws governing the use of plastic bags to adopting far reaching legislation that will touch every resident, tourist, restaurant, grocery store and merchant. The State of New Hampshire may benefit from a study of the experiences in states that have enacted similar legislation. The minority agrees with the majority that something should be done, but we need to proceed cautiously to identify any unintended consequences that may result from this legislation and to develop common sense solutions that are right for our state. The minority amendment establishes a study committee to address these issues.

Majority Amendment (0920h)

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

1 Purpose; Solid Waste Management Methods. In accordance with RSA 149-M:2 and RSA 149-M:3, establishing source reduction as the waste management method with the highest priority in the hierarchy of solid waste management methods to be used by the department of environmental services, the distribution of single-use plastic bags in New Hampshire shall be restricted in accordance with this act.

2 New Subdivision; Restriction on Distribution of Single-Use Carryout Bags. Amend RSA 149-M by inserting after section 60 the following new subdivision:

Restriction on Distribution of Single-Use Carryout Bags

149-M:61 Definitions. In this subdivision:

I. "Food service business" means a business that sells or provides food for consumption on or off the premises, and includes, but is not limited to, any restaurant, cafe, delicatessen, coffee shop, supermarket or grocery store, vending truck or cart, food truck, movie theater, or business or institutional cafeteria, including those operated by or on behalf of the state.

II. "Single-use carryout bag" means a bag made of plastic, paper, or other material that is provided by a store or food service business to a customer at the point of sale for the purpose of one-time use in transporting groceries or retail goods. Single-use carryout bag shall not include reusable bags, recycled paper bags, or paper bags provided by a pharmacy for prescription medications, paper bags for prepared take-out food or other unwrapped food, plastic bags for carrying uncooked meats, poultry, or seafood, or other unwrapped food items such as grains, a bag without a handle used to protect items from damaging or contaminating other purchased items placed in a recycled or reusable bag, or bags to be placed over articles of clothing on a hanger.

III. "Reusable bag" means a bag with handles, that has a minimum thickness of 4.0 mils and is made of woven or non-woven cloth or other machine-washable fabric other than polyethylene or polyvinyl chloride, and is capable of being used 100 times carrying 25 pounds over a distance of 300 feet.

IV. "Recycled paper bag" or "recyclable paper bag" means a bag that:

- (a) Is 100 percent recyclable;
- (b) Contains a minimum of 40 percent post-consumer recycled materials, provided that an 8 pound or smaller recycled paper bag shall contain a minimum of 20 percent post-consumer recycled material; and
- (c) Displays the words "recyclable" and "made from 40 percent post-consumer recycled content" or other applicable amount in a visible manner on the outside of the bag.

V. "Store" means any retail establishment that sells or provides merchandise, goods, or materials directly to a customer, including but not limited to restaurants, grocery stores, supermarkets, convenience stores, liquor stores, pharmacies, drug stores, or other retail establishment that has over 1,000 square feet of retail space and that provides carryout bags to its customers as a result of the sale of a product.

149-M:62 Plastic Bag Restriction.

I. No store or food service business shall provide a single-use plastic carryout bag to a customer at the point of sale, except that for 4 months after the effective date of this subdivision, a store or food service business may provide a single use plastic bag to a customer for no less than 10 cents.

II. A store or food service business shall provide reusable plastic or recycled paper bags to customers for no less than 10 cents, to be retained by the business.

III. The following are exempted from the provisions of this section:

- (a) Paper bags 6 inches across or less, without handles.
- (b) Bags used by a particular store for which there is no reasonable packaging or distribution alternative to single use carry-out bags.

IV. Supplemental Nutritional Assistance Program (SNAP), Electronic Benefit Transfer (EBT), and Women, Infants, and Children program (WIC) users are exempt from the bag fee in paragraph II.

V. All businesses with a brick and mortar location over 10,000 square feet shall provide at least one bin for collecting and recycling all plastic film products not banned under this subdivision.

3 Effective Date. This act shall take effect 6 months after its passage.

Majority committee amendment adopted.

Rep. Hunt offered minority committee amendment (0980h).

Minority Amendment (0980h)

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

AN ACT establishing a committee to study the effects of a statewide ban on single use plastic bags.

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

1 Committee Established. There is established a committee to study the effects of a statewide ban on single use plastic bags.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall study:

I. The effects of banning single use plastic bags on a statewide level.

II. The extent to which single use plastic bags contribute to waste streams.

III. The efficacy of other state's bans on single use plastic bags.

IV. The convenience and costs to residents and businesses of enacting legislation banning single use plastic bags.

V. The impact on the environment from any exemptions from a statewide ban on single use plastic bags.

VI. The constitutionality of certain exemptions from a statewide ban on single use plastic bags.

VII. Such other related issues as the committee deems necessary, including potential legislation.

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

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

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

AMENDED ANALYSIS

This bill establishes a committee to study a statewide ban on single use plastic bags.

Rep. Hunt spoke in favor and yielded to questions.

Rep. Luneau spoke against.

Minority committee amendment failed.

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

Rep. Burt spoke against and yielded to questions.

Rep. Abramson spoke against.

Rep. Spang spoke in favor and yielded to questions.

Rep. Rice requested a roll call; sufficiently seconded.

YEAS 201 - NAYS 145**YEAS - 201
BELKNAP**

Huot, David

CARROLL

Burroughs, Anita
Ticehurst, Susan

Butler, Edward
Woodcock, Stephen

DesMarais, Edith

Knirk, Jerry

CHESHIRE

Abbott, Michael
Faulkner, Barry
Ley, Douglas
Parkhurst, Henry
Thompson, Craig

Ames, Richard
Fenton, Donovan
Mann, John
Schapiro, Joe
Von Plinsky, Sparky

Berch, Paul
Gomarlo, Jennie
Meador, David
Swinburne, Sandy
Pearson, William

Bordenet, John
Harvey, Cathryn
Morrill, David
Tatro, Bruce
Weber, Lucy

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Diggs, Francesca
Ford, Susan
Massimilla, Linda
Osborne, Richard
Smith, Suzanne

Adjutant, Joshua
Dontonville, Roger
French, Elaine
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

Almy, Susan
Egan, Timothy
Josephson, Timothy
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

Campion, Polly
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Stringham, Jerry

HILLSBOROUGH

Bouldin, Amanda
Baroody, Benjamin
Bouchard, Donald
Connors, Erika
Desjardin, Kathy
Freitas, Mary
Heath, Mary
Jack, Martin
Langley, Diane
Mangipudi, Latha
Murphy, Nancy
Petrigno, Peter
Newman, Ray
Sofikitis, Catherine
Telerski, Laura
Vann, Ivy
Woodbury, David

Bouldin, Andrew
Beaulieu, Jane
Chretien, Jacqueline
Cornell, Patricia
Dutzy, Sherry
Griffith, Willis
Herbert, Christopher
King, Mark
Leishman, Peter
McGhee, Kat
Nutting-Wong, Allison
Pickering, Daniel
Radhakrishnan, Julie
St. John, Michelle
Toomey, Dan
Thomas, Wendy

Backus, Robert
Bordy, William
Cleaver, Skip
Cote, David
Espitia, Manny
Hall, Brett
Indruk, Greg
Klee, Patricia
Long, Patrick
Mombourquette, Donna
O'Brien, Michael
Porter, Marjorie
Newman, Sue
Stack, Kathryn
Vail, Suzanne
Wilhelm, Matthew

Balch, Chris
Bosman, James
Cohen, Bruce
Dargie, Paul
Davis, Fred
Harriott-Gathright, Linda
Schmidt, Janice
Klein-Knight, Nicole
Murray, Megan
Mullen, Sue
Pedersen, Michael
Query, Joshua
Snow, Kendall
Stevens, Deb
Van Houten, Constance
Williams, Kermit

MERRIMACK

Bartlett, Christy
Fox, Samantha
MacKay, James
Pimentel, Roderick
Schamberg, Thomas
Turcotte, Alan
Wells, Kenneth

Carson, Clyde
Karrick, David
McWilliams, Rebecca
Rodd, Beth
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

Doherty, David
Lane, Connie
Moffett, Howard
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth

Ellison, Arthur
Luneau, David
Myler, Mel
Saunderson, George
Soucy, Timothy
Wazir, Safiya

ROCKINGHAM

Altschiller, Debra
 Bushway, Patricia
 DiLorenzo, Charlotte
 Grossman, Gaby
 Loughman, Tom
 McBeath, Rebecca
 Somssich, Peter

Barnes, Arthur
 Cahill, Michael
 Edgar, Michael
 Grote, Jaci
 Lovejoy, Patricia
 McConnell, Liz
 Ward, Gerald

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

Bunker, Lisa
 Cushing, Robert Renny
 Gilman, Julie
 Le, Tamara
 Malloy, Dennis
 Read, Ellen

STRAFFORD

Bixby, Peter
 Ellis, Donna
 Horrigan, Timothy
 Opderbecke, Linn
 Sandler, Catt
 Treleaven, Susan

Cannon, Gerri
 Fontneau, Timothy
 Kenney, Cam
 Schmidt, Peter
 Southworth, Thomas
 Vincent, Kenneth

Chase, Wendy
 Grassie, Chuck
 Levesque, Cassandra
 Rich, Cecilia
 Spang, Judith
 Wall, Janet

Conley, Casey
 Higgins, Peg
 Smith, Marjorie
 Salloway, Jeffrey
 Towne, Matthew

SULLIVAN

Cloutier, John
 Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

Sullivan, Brian

**NAYS - 145
BELKNAP**

Aldrich, Glen
 Fields, Dennis
 Mackie, Jonathan
 Viens, Harry

Bean, Harry
 Howard, Raymond
 Spanos, Peter

Comtois, Barbara
 Jurius, Deanna
 Sylvia, Michael

Feeney, George
 Lang, Timothy
 Tilton, Franklin

CARROLL

Avellani, Lino
 MacDonald, John

Buco, Thomas
 Marsh, William

Comeau, Ed

Cordelli, Glenn

CHESHIRE

Hunt, John

O'Day, John

COOS

Craig, Kevin

Fothergill, John

Furbush, Michael

Merner, Troy

GRAFTON

Hennessey, Erin

Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
 Belanger, James
 Burt, John
 Fedolfi, Jim
 Graham, John
 Hinch, Richard
 Marzullo, JP
 Plett, Fred
 Renzullo, Andrew
 Shaw, Barbara
 Ulery, Jordan

Alexander, Joe
 Bergeron, Paul
 Camarota, Linda
 Flanagan, Jack
 Greene, Bob
 Hopper, Gary
 Notter, Jeanine
 Proulx, Mark
 Rice, Kimberly
 Somero, Paul
 Warden, Mark

Griffin, Barbara
 Boehm, Ralph
 Danielson, David
 Gagne, Larry
 Gunski, Michael
 Ober, Lynne
 Nunez, Hershel
 Prout, Andrew
 Riel, Cole
 Lekas, Tony
 Whittemore, James

Barry, Richard
 Burns, Charles
 Erf, Keith
 Gould, Linda
 Hamer, Heidi
 Lascelles, Richard
 Panasiti, Reed
 Ober, Russell
 Rung, Rosemarie
 Trento, Michael

MERRIMACK

Allard, James
 Marple, Richard
 Walsh, Thomas

Forsythe, Robert
 Pearl, Howard
 Wolf, Dan

Hill, Gregory
 Seaworth, Brian
 Yakubovich, Michael

Horn, Werner
 Testerman, Dave

ROCKINGHAM

Abbas, Daryl
 Bershtein, Alan
 Thomas, Douglas
 Dolan, Tom
 Fowler, William
 Hobson, Deborah
 Katsakiores, Phyllis
 Griffin, Mary
 McMahon, Charles
 Packard, Sherman

Abrami, Patrick
 Chirichiello, Brian
 DeClercq, Edward
 Dolan, Tom
 Gay, Betty
 Hoelzel, Kathleen
 Kolodziej, Walter
 Pearson, Mark
 Melvin, Charles
 Piemonte, Tony

Abramson, Max
 Costable, Michael
 Desilets, Joel
 Edwards, Jess
 Green, Dennis
 Janigian, John
 Love, David
 Major, Norman
 Milz, David
 Potucek, John

Acton, Dennis
 Davis, Dan
 DeSimone, Debra
 Elliott, Robert
 Harb, Robert
 Janvrin, Jason
 Lundgren, David
 McKinney, Betsy
 O'Connor, John
 Pratt, Kevin

Prudhomme-O'Brien, Katherine
Sytek, John
Welch, David

Roy, Terry
True, Chris
Weyler, Kenneth

Pearson, Stephen
Vallone, Mark
Yokela, Josh

Spillane, James
Verville, Kevin

STRAFFORD

Hayward, Peter
Rooney, Abigail

Horgan, James
Beaudoin, Steven

McNally, Jody
Wuelper, Kurt

Pitre, Joseph

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Laware, Thomas

Rollins, Skip

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

Rep. McGuire did not vote and notified the Clerk that she wished to be recorded against.

HB 628-FN, relative to universal changing stations in certain places of public accommodation. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Edward Butler for the Majority of Commerce and Consumer Affairs. This bill states that for all new construction of public buildings with foot traffic of more than 1500 people per day or of more than 40,000 square feet, at least one universal changing station will be installed in a family restroom facility for persons of either sex who have a physical disability. These changing stations will make it possible, in a way that simply does not exist currently, for people with disabilities who need assistance with changing clothing, underwear or assistance with soiled diapers or incontinence briefs, to have an accessible, private and sanitary location, with a lift that will make it possible, to tend to needed hygiene. The committee heard that such a facility with this lift will make it possible for disabled persons to get out of their homes and participate in the social life of the community in ways they cannot now do. The amendment repeals the provision requiring universal changing stations if and when the Building Code Review Board adopts, and the legislature ratifies, this provision as part of the state building code. Vote 12-8.

Rep. John Hunt for the Minority of Commerce and Consumer Affairs. The requirement to have this type of changing station is expensive and frankly does not exist anywhere in the state. In addition, there is some question about whether it is appropriate to have these lifts installed without ensuring that there is someone present who knows how to operate them. The 1,500 number, included in the bill as a threshold for the minimum capacity of a facility that must comply with this requirement, is capricious and could be unfair to a small business who can barely afford the other bathroom mandate in HB 520.

Majority Amendment (0929h)

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

2 Repeal. The subdivision heading preceeding RSA 155:79 and RSA 155:79, relative to universal changing stations in certain places of public accommodation, are repealed.

3 Contingency. Section 2 of this act shall take effect on the date that the chairperson of the building code review board certifies to the director of the office of legislative services that, pursuant to RSA 155-A:10, V, the state building code review board has adopted, and the legislature has ratified, a rule to amend the state building code that incorporates the requirements of RSA 155:79. If the board does not adopt such a rule, or such a rule is not ratified by the legislature, section 2 of this act shall not take effect.

4 Effective Date.

I. Section 2 of this act shall take effect as provided in section 3 of this act.

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

AMENDED ANALYSIS

This bill requires universal changing stations for use by persons with physical disabilities to be installed in places with the capacity to serve 1,500 or more persons per day. The bill includes a contingent repeal of the statutory requirement if the building code review board includes the requirement in the state building code.

Majority committee amendment adopted.

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

Rep. Notter spoke against and yielded to questions.

Rep. Le spoke in favor.

Rep. Bartlett requested a roll call; sufficiently seconded.

YEAS 211 - NAYS 133

**YEAS - 211
BELKNAP**

CARROLL

Buco, Thomas
Knirk, Jerry

Burroughs, Anita
Ticehurst, Susan

Butler, Edward
Woodcock, Stephen

DesMarais, Edith

CHESHIRE

Abbott, Michael
Faulkner, Barry
Ley, Douglas
Parkhurst, Henry
Thompson, Craig

Ames, Richard
Fenton, Donovan
Mann, John
Schapiro, Joe
Pearson, William

Berch, Paul
Gomarlo, Jennie
Meador, David
Swinburne, Sandy
Weber, Lucy

Bordenet, John
Harvey, Cathryn
Morrill, David
Tatro, Bruce

COOS

Fothergill, John
Noel, Henry

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

Abel, Richard
Diggs, Francesca
Ford, Susan
Massimilla, Linda
Osborne, Richard
Smith, Suzanne

Adjutant, Joshua
Dontonville, Roger
French, Elaine
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

Almy, Susan
Egan, Timothy
Josephson, Timothy
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

Campion, Polly
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Stringham, Jerry

HILLSBOROUGH

Bouldin, Amanda
Baroody, Benjamin
Bosman, James
Cohen, Bruce
Dargie, Paul
Davis, Fred
Hamer, Heidi
Indruk, Greg
Klee, Patricia
Long, Patrick
McGhee, Kat
Nutting-Wong, Allison
Pickering, Daniel
Radhakrishnan, Julie
Shaw, Barbara
Stack, Kathryn
Vail, Suzanne
Wilhelm, Matthew

Bouldin, Andrew
Beaulieu, Jane
Bouchard, Donald
Connors, Erika
Desjardin, Kathy
Freitas, Mary
Harriott-Gathright, Linda
Schmidt, Janice
Klein-Knight, Nicole
Murray, Megan
Mombourquette, Donna
O'Brien, Michael
Porter, Marjorie
Riel, Cole
Snow, Kendall
Stevens, Deb
Van Houten, Constance
Williams, Kermit

Backus, Robert
Bergeron, Paul
Chretien, Jacqueline
Cornell, Patricia
Dutzy, Sherry
Griffith, Willis
Heath, Mary
Jack, Martin
Langley, Diane
Mangipudi, Latha
Mullen, Sue
Pedersen, Michael
Query, Joshua
Rung, Rosemarie
Sofikitis, Catherine
Telerski, Laura
Vann, Ivy
Woodbury, David

Balch, Chris
Bordy, William
Cleaver, Skip
Cote, David
Espitia, Manny
Hall, Brett
Herbert, Christopher
King, Mark
Leishman, Peter
Martin, Joelle
Murphy, Nancy
Petrigno, Peter
Newman, Ray
Newman, Sue
St. John, Michelle
Toomey, Dan
Thomas, Wendy

MERRIMACK

Bartlett, Christy
Fox, Samantha
MacKay, James
Rodd, Beth
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

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

Doherty, David
Lane, Connie
Myler, Mel
Saunderson, George
Soucy, Timothy
Wazir, Safiya

Ellison, Arthur
Luneau, David
Pimentel, Roderick
Schamberg, Thomas
Turcotte, Alan
Wells, Kenneth

ROCKINGHAM

Altschiller, Debra
Bushway, Patricia
DiLorenzo, Charlotte
Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Read, Ellen

Barnes, Arthur
Cahill, Michael
Edgar, Michael
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Somssich, Peter

Berrien, Skip
Cali-Pitts, Jacqueline
Eisner, Mary
Murray, Kate
Maggiore, Jim
McMahon, Charles
Vallone, Mark

Bunker, Lisa
Cushing, Robert Renny
Gilman, Julie
Le, Tamara
Malloy, Dennis
Meuse, David
Ward, Gerald

STRAFFORD

Bixby, Peter
Ellis, Donna
Higgins, Peg
Smith, Marjorie
Rich, Cecilia
Spang, Judith

Cannon, Gerri
Fontneau, Timothy
Horrigan, Timothy
McNally, Jody
Salloway, Jeffrey
Towne, Matthew

Chase, Wendy
Grassie, Chuck
Kenney, Cam
Opderbecke, Linn
Sandler, Catt
Treleaven, Susan

Conley, Casey
Hayward, Peter
Levesque, Cassandra
Schmidt, Peter
Southworth, Thomas
Wall, Janet

SULLIVAN

Cloutier, John
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

NAYS - 133**BELKNAP**

Aldrich, Glen
Fields, Dennis
Spanos, Peter

Bean, Harry
Howard, Raymond
Sylvia, Michael

Comtois, Barbara
Jurius, Deanna
Tilton, Franklin

Feeney, George
Mackie, Jonathan
Viens, Harry

CARROLL

Avellani, Lino
Marsh, William

Comeau, Ed

Cordelli, Glenn

MacDonald, John

CHESHIRE

Hunt, John

O'Day, John

COOS

Craig, Kevin

Furbush, Michael

Merner, Troy

GRAFTON

Hennessey, Erin

Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
Belanger, James
Camarota, Linda
Gagne, Larry
Gunski, Michael
Lascelles, Richard
Panasiti, Reed
Ober, Russell
Lekas, Tony
Whittemore, James

Alexander, Joe
Boehm, Ralph
Danielson, David
Gould, Linda
Hinch, Richard
Marzullo, JP
Plett, Fred
Renzullo, Andrew
Trento, Michael

Griffin, Barbara
Burns, Charles
Erf, Keith
Graham, John
Hopper, Gary
Notter, Jeanine
Proulx, Mark
Rice, Kimberly
Ulery, Jordan

Barry, Richard
Burt, John
Flanagan, Jack
Greene, Bob
Ober, Lynne
Nunez, Hershel
Prout, Andrew
Somero, Paul
Warden, Mark

MERRIMACK

Allard, James
Marple, Richard
Testerman, Dave

Forsythe, Robert
McGuire, Carol
Walsh, Thomas

Hill, Gregory
Pearl, Howard
Wolf, Dan

Horn, Werner
Seaworth, Brian
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Bershtein, Alan
Thomas, Douglas
Dolan, Tom
Fowler, William
Hoelzel, Kathleen
Kolodziej, Walter
Pearson, Mark
Milz, David
Potucek, John
Pearson, Stephen
Verville, Kevin

Abrami, Patrick
Chirichiello, Brian
DeClercq, Edward
Doucette, Fred
Gay, Betty
Janigian, John
Love, David
Major, Norman
O'Connor, John
Pratt, Kevin
Spillane, James
Welch, David

Abramson, Max
Costable, Michael
Desilets, Joel
Edwards, Jess
Harb, Robert
Janvrin, Jason
Lundgren, David
McKinney, Betsy
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Weyler, Kenneth

Acton, Dennis
Davis, Dan
DeSimone, Debra
Elliott, Robert
Hobson, Deborah
Katsakiores, Phyllis
Griffin, Mary
Melvin, Charles
Piemonte, Tony
Roy, Terry
True, Chris
Yokela, Josh

STRAFFORD

Horgan, James
Vincent, Kenneth

Pitre, Joseph
Wuelper, Kurt

Rooney, Abigail

Beaudoin, Steven

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Laware, Thomas

Rollins, Skip

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

HB 654, relative to surety required on construction loans. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Edward Butler for the Majority of Commerce and Consumer Affairs. This bill is a request of the New Hampshire Housing Finance Authority (NHHFA). As amended, the bill gives NHHFA greater flexibility in working with developers to provide financial guarantees to ensure the completion of affordable rental housing construction projects. The current statute limits the type of financial surety that NHHFA can require, which in turn limits the types and number of developers who can do business with them. The bill also specifies that NHHFA is the only public housing agency in the state that can administer certain statewide contracts with

the US Department of Housing and Urban Development. New Hampshire's local public housing agencies are ineligible apply for these contracts, but public housing agencies from other states could seek to do this work, which would put the administration of over 5,000 low-income rental housing units into the hands of an entity that is not accountable to the legislature. Vote 18-2.

Rep. Rebecca McBeath for the Minority of Commerce and Consumer Affairs. The minority believes that this bill needs work and should be found Inexpedient to Legislate. The minority believes that as is the bill 1) exposes the NH Housing Finance Authority (NHHFA) to unnecessary financial risk by easing the existing requirements, such as bond security from contracting parties in construction projects of 11 housing units or more (a requirement in existence since the creation of the NHHFA in 1981) and 2) it authorizes a statewide monopoly to the NHHFA as the "sole entity authorized in New Hampshire to undertake any statewide contract administration for section 8 project housing assistance issued under the United States Housing Act of 1937."

Majority Amendment (0939h)

Amend the bill by replacing section 1 with the following:

1 Housing Finance Authority; Bonds by Certain Mortgagors. Amend RSA 204-C:10 to read as follows:

204-C:10 Bonds by Certain Mortgagors. On all construction loans for the construction or rehabilitation of 11 or more dwelling units, as defined by the authority pursuant to adopted rules, the authority shall require bonds to be furnished by the mortgagor, [or] an equivalent escrow or letter of credit arrangement supervised by the authority, **or any other surety sufficient**, to assure performance by the contractor party to the contracts awarded to carry on such work, and to assure payment out of the construction loan funds for all labor and materials for which claimants would be able to claim a mechanic's lien pursuant to RSA 447.

AMENDED ANALYSIS

This bill grants discretion to the housing finance authority to require bonds, bond equivalents, or any other surety to assure performance on contracts awarded.

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

HB 656, establishing a commission to study the impact of financial initiatives for commercially insured members by drug manufacturers on prescription drug prices and health insurance premiums. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Garrett Muscatel for the Majority of Commerce and Consumer Affairs. This bill establishes a commission to study financial incentives between insurance companies, pharmacy benefit managers (PBMs), and pharmaceutical manufacturers on drug prices and insurance premiums. The committee heard that there is a stunning lack of transparency in how insured individuals get their prescription drugs, and it came about as a recommendation from last year's commission which studied this industry with a broader lens. With the sky rocketing costs of prescription drugs, removing the veil from this complicated system will allow us to better understand how financial incentives, ranging from rebates to PBMs from manufacturers to copay coupons for consumers at the pharmacy counter, impact these rising costs. With a better understanding of this process, this commission will be able to suggest future legislation to improve the market for prescription drugs in this state. The committee feels that more information will be incredibly valuable for improving our understanding of how financial incentives contribute to the rising cost of drugs. Vote 12-8.

Rep. John Hunt for the Minority of Commerce and Consumer Affairs. Although the previous commission on this subject had no recommendations for legislation for this session, the Commerce Committee had a dozen bills that were identified at the public hearing as stemming from the work of the Commission to Study Greater Transparency in Pharmaceutical Costs and Drug Rebate Programs. These bills left a lot to be desired, and the minority believes that the ones that are passing are lame at best. The minority, who mostly voted to support the original commission last session, feel that nothing will come from continuing a commission that will never be able to do anything about the high cost of pharmaceuticals or determine whether pharmacy benefit managers are really adhering to their responsibility to hold down pharmaceutical costs or if they are actually the problem, which the commission's "responsibilities" assumes.

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

On a division vote, with 205 members having voted in the affirmative, and 131 in the negative, the majority committee report was adopted and ordered to third reading.

HB 664-FN, relative to vehicle repair standards. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kermit Williams for the Majority of Commerce and Consumer Affairs. As amended, this bill requires automobile insurance companies to pay for the cost of accident repairs that follow the manufacturer's recommendations for repair processes. This bill was created after a study committee last year found that there was a serious concern that insurance companies were not always willing to pay for diagnostic scans and other

procedures, which ensure that the embedded electronics and mechanical systems in modern vehicles that provide functions such as driver assistance and increase safe operation are returned to pre-loss functionality after a crash. The committee recognizes that mechanical and electronic components are integrated with sheet metal parts in today's vehicles, and repairers should be compensated for all necessary work to ensure a vehicle's proper and safe operation after an accident. We heard that independent body shops invested thousands of dollars into scanning equipment and training, because they are convinced of the importance of that testing for safety and correct operation. The use of aftermarket or recycled parts was not a subject of the study committee or the original bill. A 2016 law based on the work of a previous study committee instituted a limited requirement for the use of original equipment manufacturer (OEM) parts on new, low mileage vehicles and indicated that like kind and quality parts could be used in other situations. At the request of the parts industry, this bill was amended to confirm that the 2016 law, RSA 407-D:3-a, defined the rules for parts use, regardless of OEM recommendations. The repair or replacement of vehicle glass was also excluded from the requirements of the bill, since replacement of glass from a mobile facility requires a different process than what the manufacturer might use. Vote 16-4.

Rep. Michael Costable for the Minority of Commerce and Consumer Affairs. The minority believes that this bill will unnecessarily increase premiums for automobile insurance by mandating reimbursement from insurance companies for all such recommendations pushed by original equipment manufacturers (OEM) that any repair shop intends to follow. The minority is further opposed to turning recommended scans and calibrations into required procedures. The minority has no issue with shops getting reimbursed for proper repairs as this bill is intended to address, but as written goes well beyond that intent. It is important to understand that there are major differences between OEM "recommendations" versus "requirements." Recommendations are not held to any standard and mostly include general indemnifying language. Required procedures are things that should or must be undertaken to ensure proper safety standards. The latter is already covered in the "pre-loss condition" standard whereby insurance companies must reimburse for all necessary and proper repairs or procedures to bring a vehicle back to its pre-loss condition, including relevant calibrations. This standard is clear and well understood by interested parties. A large concern created by this bill is uncertainty, when OEM directives explicitly say a certain software package or type of calibration equipment must be used to perform proper calibration, coupled with that recommendation now becoming a required procedure. That can be interpreted as a prohibition on third party calibration systems. To date not one OEM recommends a third-party system. We heard concerns from auto recyclers over prohibitions as well. Aftermarket parts are explicitly protected while recycled parts are not. For independent shops to offer calibration services in-house and follow OEM recommendations, they would be required to buy yearly software subscriptions, hardware and tools for each manufacturer. That equates to tens of thousands of dollars per year in software subscriptions alone. This would be too cost prohibitive for most if not all shops and undoubtedly will force a large amount of non-essential calibrations to dealerships which currently already enjoy a near monopoly.

Majority Amendment (0904h)

Amend the bill by replacing section 1 with the following:

1 New Sections; Vehicle Repair Standards. Amend RSA 407-D by inserting after section 3-a the following new sections:

407-D:3-b Vehicle Repair Standards.

I. Insurers shall pay a claim to the claimant or repairer based upon the repairer's utilization of repair procedures or specifications that conform to the original equipment manufacturer's recommended procedures, specifications, or allowable tolerances of such vehicle year, make, model, and trim level. If the repair procedure or specification from an original equipment manufacturer includes a directive to conduct a scan, calibration, or diagnostic test of a vehicle's electronics systems before or after the commencement of repairs, such directive shall be considered as a required part of the repair procedure. The insurer shall reimburse the repairer if the repairer follows the directive. Notwithstanding any statements or recommendations contained in the original equipment manufacturer's repair procedures or specifications relative to the use of original equipment manufacturer parts, governance of the use of after market parts in the course of an insurer-funded repair shall be solely dictated by RSA 407-D:3-a.

II. This section shall not apply to vehicle glass repair and emplacement services including, but not limited to, the calibration of Advanced Driver Assistance System (ADAS), when done by an automobile glass company. The company shall notify their customer after repair whether calibration has been performed.

407-D:3-c Paint and Materials Estimates. When an automobile repairer follows the paint and materials estimate from a paint manufacturer, nationally recognized third party, or some combination thereof, the insurer shall reimburse the repairer invoice based on such estimate or a comparable paint and materials estimate from another paint manufacturer, nationally recognized third party guide, or some combination thereof.

Rep. Nunez requested a roll call; sufficiently seconded.

YEAS 247 - NAYS 101**YEAS - 247
BELKNAP**

Huot, David

Viens, Harry

Buco, Thomas
Knirk, JerryBurroughs, Anita
Marsh, WilliamAbbott, Michael
Faulkner, Barry
Hunt, John
Morrill, David
Tatro, BruceAmes, Richard
Fenton, Donovan
Ley, Douglas
Parkhurst, Henry
Thompson, CraigHatch, William
Tucker, EdithLaflamme, Larry
Thomas, YvonneAbel, Richard
Diggs, Francesca
French, Elaine
Maes, Kevin
Nordgren, Sharon
Stringham, JerryAdjutant, Joshua
Dontonville, Roger
Hennessey, Erin
Massimilla, Linda
Osborne, Richard
Smith, SuzanneBouldin, Amanda
Baroody, Benjamin
Bergeron, Paul
Burns, Charles
Connors, Erika
Desjardin, Kathy
Freitas, Mary
Hall, Brett
Herbert, Christopher
Jack, Martin
Langley, Diane
Martin, Joelle
Murphy, Nancy
Pedersen, Michael
Query, Joshua
Riel, Cole
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Wilhelm, MatthewBouldin, Andrew
Barry, Richard
Bordy, William
Chretien, Jacqueline
Cornell, Patricia
Dutzy, Sherry
Goley, Jeffrey
Hamer, Heidi
Hinch, Richard
King, Mark
Leishman, Peter
McGhee, Kat
Notter, Jeanine
Petrigno, Peter
Newman, Ray
Rung, Rosemarie
Sofikitis, Catherine
Telerski, Laura
Van Houten, Constance
Williams, KermitAllard, James
Ellison, Arthur
Lane, Connie
Moffett, Howard
Rogers, Katherine
Schultz, Kristina
Walsh, Thomas
Wolf, DanBartlett, Christy
Fox, Samantha
Luneau, David
Myler, Mel
Saunderson, George
Soucy, Timothy
Walz, Mary Beth
Woods, GaryAbrami, Patrick
Bunker, Lisa
Chirichiello, Brian
Doucette, Fred
Gilman, Julie
Hobson, Deborah
Le, Tamara
Maggiore, JimAbramson, Max
Bushway, Patricia
Cushing, Robert Renny
Edgar, Michael
Grossman, Gaby
Hoelzel, Kathleen
Loughman, Tom
Major, Norman**CARROLL**Butler, Edward
Ticehurst, SusanDesMarais, Edith
Woodcock, Stephen**CHESHIRE**Berch, Paul
Gomarlo, Jennie
Mann, John
Schapiro, Joe
Von Plinsky, SparkyBordenet, John
Harvey, Cathryn
Meador, David
Swinburne, Sandy
Weber, Lucy**COOS**

Moynihan, Wayne

Noel, Henry

GRAFTONAlmy, Susan
Egan, Timothy
Josephson, Timothy
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, GeorgeCampion, Polly
Fellows, Sallie
Ladd, Rick
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce**HILLSBOROUGH**Backus, Robert
Beaulieu, Jane
Bosman, James
Cleaver, Skip
Cote, David
Espitia, Manny
Graham, John
Harriott-Gathright, Linda
Indruk, Greg
Klee, Patricia
Murray, Megan
Mombourquette, Donna
Nutting-Wong, Allison
Pickering, Daniel
Radhakrishnan, Julie
Newman, Sue
St. John, Michelle
Toomey, Dan
Vann, Ivy
Woodbury, DavidBalch, Chris
Belanger, James
Bouchard, Donald
Cohen, Bruce
Dargie, Paul
Davis, Fred
Griffith, Willis
Heath, Mary
Schmidt, Janice
Klein-Knight, Nicole
Mangipudi, Latha
Mullen, Sue
O'Brien, Michael
Porter, Marjorie
Rice, Kimberly
Shaw, Barbara
Stack, Kathryn
Ulery, Jordan
Thomas, Wendy**MERRIMACK**Carson, Clyde
Fulweiler, Joyce
MacKay, James
Pimentel, Roderick
Schamberg, Thomas
Turcotte, Alan
Wazir, SafiyaEbel, Karen
Karrick, David
McWilliams, Rebecca
Rodd, Beth
Schuett, Dianne
Wallner, Mary Jane
Wells, Kenneth**ROCKINGHAM**Altschiller, Debra
Cahill, Michael
DeSimone, Debra
Eisner, Mary
Grote, Jaci
Janvrin, Jason
Love, David
Malloy, DennisBerrien, Skip
Cali-Pitts, Jacqueline
DiLorenzo, Charlotte
Gay, Betty
Harb, Robert
Murray, Kate
Lovejoy, Patricia
McBeath, Rebecca

McConnell, Liz
Packard, Sherman
Somssich, Peter
Welch, David

Melvin, Charles
Potucek, John
Sytek, John
Weyler, Kenneth

Meuse, David
Read, Ellen
Vallone, Mark

Milz, David
Roy, Terry
Ward, Gerald

STRAFFORD

Bixby, Peter
Ellis, Donna
Horrigan, Timothy
McNally, Jody
Salloway, Jeffrey
Towne, Matthew

Cannon, Gerri
Fontneau, Timothy
Kenney, Cam
Opderbecke, Linn
Sandler, Catt
Treleaven, Susan

Chase, Wendy
Grassie, Chuck
Levesque, Cassandra
Schmidt, Peter
Southworth, Thomas
Vincent, Kenneth

Conley, Casey
Higgins, Peg
Smith, Marjorie
Rich, Cecilia
Spang, Judith
Wall, Janet

SULLIVAN

Cloutier, John
Rollins, Skip

Merchant, Gary
Smith, Steven

O'Hearne, Andrew
Sullivan, Brian

Oxenham, Lee
Tanner, Linda

NAYS - 101

BELKNAP

Aldrich, Glen
Fields, Dennis
Mackie, Jonathan

Bean, Harry
Howard, Raymond
Spanos, Peter

Comtois, Barbara
Jurius, Deanna
Sylvia, Michael

Feeney, George
Lang, Timothy
Tilton, Franklin

CARROLL

Avellani, Lino

Comeau, Ed

Cordelli, Glenn

MacDonald, John

CHESHIRE

O'Day, John

COOS

Craig, Kevin

Fothergill, John

Furbush, Michael

Merner, Troy

HILLSBOROUGH

Lekas, Alicia
Burt, John
Fedolff, Jim
Greene, Bob
Lascelles, Richard
Plett, Fred
Renzullo, Andrew
Warden, Mark

Alexander, Joe
Camarota, Linda
Flanagan, Jack
Gunski, Michael
Marzullo, JP
Proulx, Mark
Somero, Paul
Whittemore, James

Griffin, Barbara
Danielson, David
Gagne, Larry
Hopper, Gary
Nunez, Hershel
Prout, Andrew
Lekas, Tony

Boehm, Ralph
Erf, Keith
Gould, Linda
Ober, Lynne
Panasiti, Reed
Ober, Russell
Trento, Michael

MERRIMACK

Forsythe, Robert
McGuire, Carol
Yakubovich, Michael

Hill, Gregory
Pearl, Howard

Horn, Werner
Seaworth, Brian

Marple, Richard
Testerman, Dave

ROCKINGHAM

Abbas, Daryl
Costable, Michael
Desilets, Joel
Fowler, William
Kolodziej, Walter
McKinney, Betsy
Pratt, Kevin
Torosian, Peter

Acton, Dennis
Davis, Dan
Dolan, Tom
Green, Dennis
Lundgren, David
McMahon, Charles
Prudhomme-O'Brien, Katherine
True, Chris

Barnes, Arthur
Thomas, Douglas
Edwards, Jess
Janigian, John
Griffin, Mary
O'Connor, John
Pearson, Stephen
Yokela, Josh

Bershtein, Alan
DeClercq, Edward
Elliott, Robert
Katsakiores, Phyllis
Pearson, Mark
Piemonte, Tony
Spillane, James

STRAFFORD

Hayward, Peter
Beaudoin, Steven

Horgan, James
Wuelper, Kurt

Pitre, Joseph

Rooney, Abigail

SULLIVAN

Aron, Judy

Callum, John

Laware, Thomas

Stapleton, Walter

and the majority committee amendment was adopted.

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

On a division vote, with 242 members having voted in the affirmative, and 105 in the negative, the majority committee report was adopted and ordered to third reading.

HB 703-FN, relative to providing notice of the introduction of new high-cost prescription drugs. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Garrett Muscatel for the Majority of Commerce and Consumer Affairs. As amended, this bill requires information from pharmaceutical manufacturers relative to the introduction of new, high-cost drugs to the market. The committee heard that other states, including our neighbor Vermont, already request this information and receive it without any problems, and this information will be useful for the state as far as anticipating drug spending and understanding how the introduction of high-cost "specialty" drugs impact our state's insurance market, drug costs, and total prescription drug spending. The majority feels that the pharmaceutical industry is incredibly complex and opaque, and we still know too little about how drug prices are determined. This bill will provide additional information for policy-makers as we consider the rising cost of prescription drugs. Vote 13-7.

Rep. John Hunt for the Minority of Commerce and Consumer Affairs. The minority holds up this legislation as an example of why continuing the commission established under HB 656 is unnecessary and a waste of time. Using the NH Insurance Department website to publish new high cost drugs is an inappropriate use of their resources. California's law is under litigation and this law has already been adopted in Vermont so anyone who actually cared about what new expensive drugs are coming on the market can read up on them on the Vermont web page, or they can just go on-line and read the pharmaceuticals web page.

Majority Amendment (0908h)

Amend RSA 318:67 and RSA 318:68 as inserted by section 1 of the bill by replacing them with the following:
New High-Cost Prescription Drugs

318:67 Definitions. In this subdivision:

I. "Department" means the insurance department.

II. "Manufacturer" means any entity which is engaged in the production, preparation, propagation, compounding, conversion, or processing of prescription drugs, whether directly or indirectly by extraction from substances of natural origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, or any entity engaged in the packaging, repackaging, labeling, relabeling, or distribution of prescription drugs. The term shall not include a wholesale distributor of prescription drugs, a retailer, or a pharmacist licensed under the board.

III. "Prescription drug" means a drug defined in 21 U.S.C. section 321.

318:68 Notice Required.

I. A prescription drug manufacturer shall notify the department in writing if it is introducing a new prescription drug to market at a wholesale acquisition cost that exceeds the threshold set for a specialty drug under the Medicare Part D program. The manufacturer shall provide the written notice within 3 calendar days following the release of the drug in the commercial market. A manufacturer may make the notification pending approval by the United States Food and Drug Administration (FDA) if commercial availability is expected within 3 calendar days following the approval.

II. No later than 30 calendar days following notification required under paragraph I, the manufacturer shall provide the following information to the department in a format that the department prescribes:

(a) A description of the marketing and pricing plans used in the launch of the new drug in the United States and internationally.

(b) The estimated volume of patients who may be prescribed the drug.

(c) Whether the drug was granted breakthrough therapy designation or priority review by the FDA prior to final approval.

(d) The date and price of acquisition if the drug was not developed by the manufacturer.

III. The manufacturer may limit the information required under paragraph II to that which is otherwise in the public domain or publicly available.

IV. The department shall publish on its Internet website, at least quarterly, the information reported to it under this section. The information shall be published in a manner that identifies the information that is disclosed on a per-drug basis and shall not be aggregated in a manner that would not allow identification of the drug.

V. The attorney general may bring a civil action for injunctive relief, costs, and attorney's fees and impose on a manufacturer that fails to provide the information required under paragraph II, a civil penalty of not more than \$1,000 per day for every day after the notification period described in paragraph II that the required information is not reported. In any action brought under this section, the attorney general shall have the same authority to investigate and obtain remedies as if the action were brought under the RSA 358-A.

AMENDED ANALYSIS

This bill requires prescription drug manufacturers to provide certain notice to the insurance department if they are introducing a new prescription drug to market at a wholesale acquisition cost that exceeds the threshold set for a specialty drug under the Medicare Part D program.

Majority committee amendment adopted.

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

YEAS 206 - NAYS 141**YEAS - 206
BELKNAP**

Huot, David

Buco, Thomas
Knirk, JerryAbbott, Michael
Faulkner, Barry
Ley, Douglas
Parkhurst, Henry
Thompson, CraigHatch, William
Thomas, YvonneAbel, Richard
Diggs, Francesca
French, Elaine
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, GeorgeBouldin, Amanda
Baroody, Benjamin
Bosman, James
Cohen, Bruce
Dargie, Paul
Davis, Fred
Hall, Brett
Herbert, Christopher
King, Mark
Leishman, Peter
Martin, Joelle
Murphy, Nancy
Petrigno, Peter
Radhakrishnan, Julie
Shaw, Barbara
Stack, Kathryn
Van Houten, Constance
Williams, KermitBartlett, Christy
Fox, Samantha
Luneau, David
Myler, Mel
Saunderson, George
Soucy, Timothy
Wazir, SafiyaAltschiller, Debra
Cahill, Michael
Edgar, Michael
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Vallone, MarkBixby, Peter
Ellis, DonnaBurroughs, Anita
Marsh, WilliamAmes, Richard
Fenton, Donovan
Mann, John
Schapiro, Joe
Von Plinsky, Sparky

Laflamme, Larry

Adjutant, Joshua
Dontonville, Roger
Josephson, Timothy
Muscatel, Garrett
Stavis, Laurel
Weston, JoyceBouldin, Andrew
Beaulieu, Jane
Bouchard, Donald
Connors, Erika
Desjardin, Kathy
Freitas, Mary
Hamer, Heidi
Indruk, Greg
Klee, Patricia
Long, Patrick
McGhee, Kat
Nutting-Wong, Allison
Pickering, Daniel
Riel, Cole
Snow, Kendall
Stevens, Deb
Vann, Ivy
Woodbury, DavidCarson, Clyde
Fulweiler, Joyce
MacKay, James
Pimentel, Roderick
Schamberg, Thomas
Turcotte, Alan
Wells, KennethBerrien, Skip
Cali-Pitts, Jacqueline
Eisner, Mary
Murray, Kate
Maggiore, Jim
Meuse, David
Ward, GeraldCannon, Gerri
Fontneau, TimothyButler, Edward
Ticehurst, SusanBerch, Paul
Gomarlo, Jennie
Meador, David
Swinburne, Sandy
Weber, Lucy

Moynihan, Wayne

Almy, Susan
Egan, Timothy
Maes, Kevin
Nordgren, Sharon
Stringham, JerryBackus, Robert
Bergeron, Paul
Chretien, Jacqueline
Cornell, Patricia
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klein-Knight, Nicole
Murray, Megan
Mombourquette, Donna
O'Brien, Michael
Query, Joshua
Rung, Rosemarie
Sofikitis, Catherine
Toomey, Dan
Thomas, WendyEbel, Karen
Karrick, David
McWilliams, Rebecca
Rodd, Beth
Schuett, Dianne
Wallner, Mary Jane
Woods, GaryBunker, Lisa
Cushing, Robert Renny
Gilman, Julie
Le, Tamara
Malloy, Dennis
Read, EllenChase, Wendy
Grassie, ChuckDesMarais, Edith
Woodcock, StephenBordenet, John
Harvey, Cathryn
Morrill, David
Tatro, Bruce

Noel, Henry

Campion, Polly
Fellows, Sallie
Massimilla, Linda
Osborne, Richard
Smith, SuzanneBalch, Chris
Bordy, William
Cleaver, Skip
Cote, David
Espitia, Manny
Griffith, Willis
Heath, Mary
Jack, Martin
Langley, Diane
Mangipudi, Latha
Mullen, Sue
Pedersen, Michael
Newman, Ray
Newman, Sue
St. John, Michelle
Vail, Suzanne
Wilhelm, MatthewEllison, Arthur
Lane, Connie
Moffett, Howard
Rogers, Katherine
Schultz, Kristina
Walz, Mary BethBushway, Patricia
DiLorenzo, Charlotte
Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Somssich, PeterConley, Casey
Higgins, Peg**CARROLL****CHESHIRE****COOS****GRAFTON****HILLSBOROUGH****MERRIMACK****ROCKINGHAM****STRAFFORD**

Horrigan, Timothy
Opderbecke, Linn
Sandler, Catt
Treleaven, Susan

Kenney, Cam
Schmidt, Peter
Southworth, Thomas
Vincent, Kenneth

Levesque, Cassandra
Rich, Cecilia
Spang, Judith
Wall, Janet

Smith, Marjorie
Salloway, Jeffrey
Towne, Matthew

SULLIVAN

Cloutier, John
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

Sullivan, Brian

NAYS - 141

BELKNAP

Aldrich, Glen
Fields, Dennis
Spanos, Peter

Bean, Harry
Howard, Raymond
Sylvia, Michael

Comtois, Barbara
Jurius, Deanna
Tilton, Franklin

Feeney, George
Lang, Timothy
Viens, Harry

CARROLL

Avellani, Lino

Comeau, Ed

Cordelli, Glenn

MacDonald, John

CHESHIRE

Hunt, John

O'Day, John

COOS

Craig, Kevin
Tucker, Edith

Fothergill, John

Furbush, Michael

Merner, Troy

GRAFTON

Hennessey, Erin

Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
Belanger, James
Camarota, Linda
Flanagan, Jack
Greene, Bob
Ober, Lynne
Nunez, Hershel
Prout, Andrew
Somero, Paul
Warden, Mark

Alexander, Joe
Boehm, Ralph
Danielson, David
Gagne, Larry
Gunski, Michael
Lascelles, Richard
Panasiti, Reed
Ober, Russell
Lekas, Tony
Whittemore, James

Griffin, Barbara
Burns, Charles
Erf, Keith
Gould, Linda
Hinch, Richard
Marzullo, JP
Plett, Fred
Renzullo, Andrew
Trento, Michael

Barry, Richard
Burt, John
Fedolfi, Jim
Graham, John
Hopper, Gary
Notter, Jeanine
Proulx, Mark
Rice, Kimberly
Ulery, Jordan

MERRIMACK

Allard, James
Marple, Richard
Testerman, Dave

Forsythe, Robert
McGuire, Carol
Walsh, Thomas

Hill, Gregory
Pearl, Howard
Wolf, Dan

Horn, Werner
Seaworth, Brian
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Barnes, Arthur
Davis, Dan
DeSimone, Debra
Elliott, Robert
Harb, Robert
Janvrin, Jason
Lundgren, David
McKinney, Betsy
O'Connor, John
Pratt, Kevin
Spillane, James
Verville, Kevin

Abrami, Patrick
Bershtein, Alan
Thomas, Douglas
Dolan, Tom
Fowler, William
Hobson, Deborah
Katsakiores, Phyllis
Griffin, Mary
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Welch, David

Abramson, Max
Chirichiello, Brian
DeClercq, Edward
Doucette, Fred
Gay, Betty
Hoelzel, Kathleen
Kolodziej, Walter
Pearson, Mark
Melvin, Charles
Piemonte, Tony
Roy, Terry
Torosian, Peter
Weyler, Kenneth

Acton, Dennis
Costable, Michael
Desilets, Joel
Edwards, Jess
Green, Dennis
Janigian, John
Love, David
Major, Norman
Milz, David
Potucek, John
Pearson, Stephen
True, Chris
Yokela, Josh

STRAFFORD

Hayward, Peter
Rooney, Abigail

Horgan, James
Beaudoin, Steven

McNally, Jody
Wuelper, Kurt

Pitre, Joseph

SULLIVAN

Aron, Judy
Rollins, Skip

Callum, John
Stapleton, Walter

Laware, Thomas
Smith, Steven

Merchant, Gary

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

HB 714-FN, relative to New Hampshire products purchased and sold by the liquor commission. **OUGHT TO PASS.**

Rep. Constance Van Houten for Commerce and Consumer Affairs. This bill provides that the Liquor Commission, whenever feasible, shall purchase and list for sale in all state liquor stores, liquor and wines that are grown, made or packaged in New Hampshire. This section applies only to New Hampshire domestic manufacturers selling less than 15,000 9-liter equivalent total cases per year within the state of New Hampshire. "Grown in New Hampshire" means that at least 80 percent of the primary ingredients were grown or produced in New Hampshire and the finished product was manufactured and packaged in New Hampshire. "Made in New Hampshire" means that the finished product was packaged in New Hampshire and was at least 50 percent manufactured in New Hampshire. "Packaged in New Hampshire" means that the finished product was packaged in New Hampshire. Vote 17-3. Committee report adopted and ordered to third reading.

HB 717-FN, prohibiting prescription drug manufacturers from offering coupons or discounts to cover insurance copayments or deductibles. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Garrett Muscatel for the Majority of Commerce and Consumer Affairs. The rising cost of pharmaceutical drugs harms each and every Granite Stater. There are a variety of tactics used by manufacturers to impact the insurance market which often significantly increase the cost of prescription drugs. This bill, with the amendment, prohibits coupons to cover copayments associated with commercial insurance plans when cheaper generics are available. These coupons sound great but end up adding to the overall cost of drugs. While you as the consumer pay less for your drug at the pharmacy, your insurance company picks up the tab for an expensive, unnecessary brand name drug, increasing your, and everyone else's, premiums. That's why these coupons are already considered to be an illegal kickback by the federal government, which means Medicare and Medicaid patients already can't use them. However, these coupons are sometimes beneficial, such as in situations where there is no generic alternative or when an individual has a high deductible or coinsurance plan. That's why this bill exempts those situations from the prohibition. In addition, if a doctor determines that an individual need to take a specific drug, they can still use a coupon for it. This legislation is based on a 2017 study from Harvard, Northwestern, and UCLA which showed that copay coupons increased brand name use by 60% in New Hampshire, relative to Massachusetts, increasing overall drug costs by 4%. A 2018 study from IQVIA, a healthcare analytics firm, showed that copay coupons were used in 15% of brand name transactions when cheaper generics were available, and that overall brand name use has increased 23%. This bill is a very limited prohibition designed to only target copay coupons when they do nothing but increase costs. Vote 12-8.

Rep. John Hunt for the Minority of Commerce and Consumer Affairs. We all want to do something about the high cost of prescription drugs, but the minority believes that this bill will have no impact on drug prices in NH. We learned during the hearing and work sessions that the elimination of drug coupons and discounts will have a devastating impact on many NH residents. But several witnesses opposed this bill because of the harmful impact on our citizens— New Futures, NH Hospital Association, NH Medical Society, Dartmouth Hitchcock and patient groups like the Epilepsy Foundation, Asthma & Allergy Foundation and others all warned us that this bill will actually make many drugs more unaffordable than today. The law in Massachusetts sunsets this year and there is a true review of its impact underway. It's important to note that the Harvard study that was presented to the committee is based on outdated data from 2007-2010 when Massachusetts had a complete ban on coupons, very different from what is being proposed here. More recent data from healthcare analytics company IQVIA shows that while coupons are still used after a generic drug comes to the market, their use is very limited and represents 0.4% of total commercial market volume. The minority believes that, in other words, insurer tools like formularies and prior authorization are working, and the people who use a coupon when there is a generic are the people who really need it, as we heard at the hearing. The majority claims we must do something for escalating drug costs, but only hurting a handful of New Hampshire citizens in their time of need should not be a solution by creating barriers for NH patients who cannot afford any copay without these coupons. The minority believes the harmful consequences of this bill presented by all of the opponents override any hopeful outcome.

Majority Amendment (0932h)

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

1 New Subdivision; Prescription Drug Discount Prohibition. Amend RSA 318 by inserting after section 66 the following new subdivision:

Prescription Drug Discount Prohibition

318:67 Prescription Drug Discount Prohibition; Exceptions.

I.(a) Except as provided in paragraph III, a pharmacy shall not accept as payment from a patient on behalf of a person who manufactures a prescription drug, a discount, repayment, product voucher, or other reduction in an individual's copayment associated with his or her health insurance, health care service plan, or other health coverage, for a prescription drug if a lower cost generic drug is covered under the individual's health insurance, health care service plan, or other health coverage on a lower cost-sharing tier that is designated to be therapeutically equivalent as indicated by the United States Food and Drug Administration's (FDA) "Approved Drug Products with Therapeutic Equivalence Evaluations."

(b) The prohibition in subparagraph (a) shall not apply to a branded prescription drug, until the time that the first drug designated in the FDA's "Approved Drug Products with Therapeutic Equivalence Evaluations" as therapeutically equivalent to that branded prescription drug has been nationally available for 6 calendar months.

II. Except as provided in paragraph IV, a pharmacy shall not accept as payment from a patient on behalf of a person who manufactures a prescription drug, a discount, repayment, product voucher, or other reduction in the individual's copayment associated with his or her health insurance, health care service plan, or other health coverage, for a prescription drug if the active ingredients of the drug are contained in products regulated by the FDA, are available without prescription at a lower cost, and are not otherwise contraindicated for treatment of the condition for which the prescription drug is approved.

III. The prohibitions in paragraphs I and II shall not apply to any of the following:

(a) A discount, repayment, product voucher, or other payment to a patient or another person on the patient's behalf for a prescription drug required under a FDA Risk Evaluation and Mitigation Strategy for the purpose of monitoring or facilitating the use of that prescription drug in a manner consistent with the approved labeling of the prescription drug.

(b) A single-tablet drug regimen for treatment or prevention of human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS) that is as effective as a multitablet regimen, unless, consistent with clinical guidelines and peer-reviewed scientific and medical literature, the multitablet regimen is clinically equally effective or more effective and is more likely to result in adherence to the drug regimen.

(c) The individual patient has completed any applicable step therapy or prior authorization requirements for the branded prescription drug as mandated by the individual's present or past health insurer, health care service plan, or other health coverage.

(d) A discount, repayment, product voucher, or other reduction in an individual patient's out-of-pocket expenses is not associated with his or her health insurance, health care service plan, or other health coverage.

(e) Rebates received by a state agency.

IV.(a) This subdivision shall not prohibit a pharmacy from accepting from a patient on behalf of an entity, including an entity that manufactures prescription drugs or a patient assistance program that is solely funded by one or more manufacturers, a pharmaceutical product free of any cost, if the product is free of cost to both the patient and his or her health insurer, health care service plan, or other health coverage.

(b)(1) This subdivision shall not prohibit or limit assistance to a patient provided by an independent charity patient assistance program.

(2) For purposes of this section, "independent charity patient assistance program" means a program that meets all of the following requirements:

(A) The program does not allow a pharmaceutical manufacturer or an affiliate of the manufacturer, including, but not limited to, an employee, agent, officer, shareholder, contractor, wholesaler, distributor, or pharmacy benefits manager, to exert any direct or indirect influence or control over the charity or subsidy program.

(B) Assistance is awarded in a truly independent manner that severs any link between a pharmaceutical manufacturer's funding and the beneficiary.

(C) Assistance is awarded without regard to the pharmaceutical manufacturer's interest and without regard to the beneficiary's choice of product, provider, practitioner, supplier, health insurance, health care service plan, or other health coverage.

(D) Assistance is awarded based upon a reasonable, verifiable, and uniform measure of financial need that is applied in a consistent manner.

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

XVI.(a) Except as provided in subparagraph (c), no contract between a health carrier and a participating pharmacy shall permit the pharmacy to accept as payment anything from a member on behalf of a person who manufactures a prescription drug, a discount, repayment, product voucher, or other reduction in an individual's copayment associated with his or her health insurance, health care service plan, or other health coverage, for a prescription drug if a lower cost generic drug is covered under the individual's health insurance, health care service plan, or other health coverage on a lower cost-sharing tier that is designated to be therapeutically equivalent as indicated by the United States Food and Drug Administration's (FDA) "Approved Drug Products with Therapeutic Equivalence Evaluations." This prohibition shall not apply to a branded prescription drug, until the time that the first drug designated in the FDA's "Approved Drug Products with Therapeutic Equivalence Evaluations" as therapeutically equivalent to that branded prescription drug has been nationally available for 6 calendar months.

(b) Except as provided in subparagraph (d), no contract between a health carrier and a participating pharmacy shall permit the pharmacy to accept as payment, anything from a member on behalf of a person who manufactures a prescription drug a discount, repayment, product voucher, or other reduction in the individual's copayment associated with his or her health insurance, health care service plan, or other health

coverage, for a prescription drug if the active ingredients of the drug are contained in products regulated by the FDA, are available without prescription at a lower cost, and are not otherwise contraindicated for treatment of the condition for which the prescription drug is approved.

(c) The prohibitions in subparagraphs (a) and (b) shall not apply to any of the following:

(1) A discount, repayment, product voucher, or other payment to a patient or another person on the patient's behalf for a prescription drug required under a FDA Risk Evaluation and Mitigation Strategy for the purpose of monitoring or facilitating the use of that prescription drug in a manner consistent with the approved labeling of the prescription drug.

(2) A single-tablet drug regimen for treatment or prevention of human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS) that is as effective as a multitablet regimen, unless, consistent with clinical guidelines and peer-reviewed scientific and medical literature, the multitablet regimen is clinically equally effective or more effective and is more likely to result in adherence to the drug regimen.

(3) The individual member has completed any applicable step therapy or prior authorization requirements for the branded prescription drug as mandated by the individual's present or past health insurer, health care service plan, or other health coverage.

(4) A discount, repayment, product voucher, or other reduction in an individual member's out-of-pocket expenses is not associated with his or her health insurance, health care service plan, or other health coverage.

(5) Rebates received by a state agency.

(d)(1) This paragraph shall not prohibit a pharmacy from accepting from a member on behalf of an entity, including an entity that manufactures prescription drugs or a patient assistance program that is solely funded by one or more manufacturers, a pharmaceutical product free of any cost, if the product is free of cost to both the member and his or her health insurer, health care service plan, or other health coverage.

(2)(A) This paragraph shall not prohibit or limit assistance to a member provided by an independent charity patient assistance program.

(B) For purposes of this subparagraph, "independent charity member assistance program" means a program that meets all of the following requirements:

(i) The program does not allow a pharmaceutical manufacturer or an affiliate of the manufacturer, including, but not limited to, an employee, agent, officer, shareholder, contractor, wholesaler, distributor, or pharmacy benefits manager, to exert any direct or indirect influence or control over the charity or subsidy program.

(ii) Assistance is awarded in a truly independent manner that severs any link between a pharmaceutical manufacturer's funding and the beneficiary.

(iii) Assistance is awarded without regard to the pharmaceutical manufacturer's interest and without regard to the beneficiary's choice of product, provider, practitioner, supplier, health insurance, health care service plan, or other health coverage.

(iv) Assistance is awarded based upon a reasonable, verifiable, and uniform measure of financial need that is applied in a consistent manner.

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

Majority committee amendment adopted.

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

Rep. Potucek spoke against.

Rep. Muscatel spoke in favor.

Rep. Ley requested a roll call; sufficiently seconded.

YEAS 198 - NAYS 144

YEAS - 198 BELKNAP

Huot, David

CARROLL

Buco, Thomas
Knirk, Jerry

Burroughs, Anita
Marsh, William

Butler, Edward
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

CHESHIRE

Abbott, Michael
Faulkner, Barry
Ley, Douglas
Schapiro, Joe
Von Plinsky, Sparky

Ames, Richard
Fenton, Donovan
Mann, John
Swinburne, Sandy
Weber, Lucy

Berch, Paul
Gomarlo, Jennie
Meador, David
Tatro, Bruce

Bordenet, John
Harvey, Cathryn
Parkhurst, Henry
Thompson, Craig

COOS

Fothergill, John
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Diggs, Francesca
French, Elaine
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

Adjutant, Joshua
Dontonville, Roger
Maes, Kevin
Nordgren, Sharon
Stringham, Jerry

Almy, Susan
Egan, Timothy
Massimilla, Linda
Osborne, Richard
Smith, Suzanne

Campion, Polly
Fellows, Sallie
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

HILLSBOROUGH

Bouldin, Amanda
Baroody, Benjamin
Bosman, James
Cohen, Bruce
Dargie, Paul
Freitas, Mary
Hamer, Heidi
Indruk, Greg
Klein-Knight, Nicole
Murray, Megan
Mombourquette, Donna
O'Brien, Michael
Query, Joshua
Rung, Rosemarie
St. John, Michelle
Toomey, Dan
Thomas, Wendy

Bouldin, Andrew
Beaulieu, Jane
Bouchard, Donald
Connors, Erika
Desjardin, Kathy
Goley, Jeffrey
Harriott-Gathright, Linda
Jack, Martin
Langley, Diane
Mangipudi, Latha
Mullen, Sue
Pedersen, Michael
Newman, Ray
Newman, Sue
Stack, Kathryn
Vail, Suzanne
Wilhelm, Matthew

Backus, Robert
Bergeron, Paul
Chretien, Jacqueline
Cornell, Patricia
Dutzy, Sherry
Griffith, Willis
Heath, Mary
King, Mark
Leishman, Peter
Martin, Joelle
Murphy, Nancy
Petrigno, Peter
Radhakrishnan, Julie
Snow, Kendall
Stevens, Deb
Van Houten, Constance
Williams, Kermit

Balch, Chris
Bordy, William
Cleaver, Skip
Cote, David
Espitia, Manny
Hall, Brett
Herbert, Christopher
Klee, Patricia
Long, Patrick
McGhee, Kat
Nutting-Wong, Allison
Pickering, Daniel
Riel, Cole
Sofikitis, Catherine
Telerski, Laura
Vann, Ivy
Woodbury, David

MERRIMACK

Bartlett, Christy
Ellison, Arthur
Lane, Connie
Moffett, Howard
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth

Carson, Clyde
Fox, Samantha
Luneau, David
Myler, Mel
Saunderson, George
Soucy, Timothy
Wazir, Safiya

Doherty, David
Fulweiler, Joyce
MacKay, James
Pimentel, Roderick
Schamberg, Thomas
Turcotte, Alan
Wells, Kenneth

Ebel, Karen
Karrick, David
McWilliams, Rebecca
Rodd, Beth
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

ROCKINGHAM

Altschiller, Debra
Cushing, Robert Renny
Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Vallone, Mark

Bunker, Lisa
DiLorenzo, Charlotte
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Ward, Gerald

Bushway, Patricia
Edgar, Michael
Murray, Kate
Maggiore, Jim
Meuse, David

Cahill, Michael
Eisner, Mary
Le, Tamara
Malloy, Dennis
Somssich, Peter

STRAFFORD

Bixby, Peter
Ellis, Donna
Horrigan, Timothy
Opderbecke, Linn
Sandler, Catt
Wall, Janet

Cannon, Gerri
Fontneau, Timothy
Kenney, Cam
Schmidt, Peter
Southworth, Thomas

Chase, Wendy
Grassie, Chuck
Levesque, Cassandra
Rich, Cecilia
Towne, Matthew

Conley, Casey
Higgins, Peg
Smith, Marjorie
Salloway, Jeffrey
Treleaven, Susan

SULLIVAN

Cloutier, John
Tanner, Linda

Merchant, Gary

O'Hearne, Andrew

Oxenham, Lee

NAYS - 144**BELKNAP**

Aldrich, Glen
Fields, Dennis
Mackie, Jonathan
Viens, Harry

Bean, Harry
Howard, Raymond
Spanos, Peter

Comtois, Barbara
Jurius, Deanna
Sylvia, Michael

Feeney, George
Lang, Timothy
Tilton, Franklin

CARROLL

Avellani, Lino

Comeau, Ed

Cordelli, Glenn

MacDonald, John

CHESHIRE

Hunt, John

Morrill, David

O'Day, John

COOS

Craig, Kevin

Furbush, Michael

Merner, Troy

GRAFTON

Hennessey, Erin

Josephson, Timothy

Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
Belanger, James
Camarota, Linda
Flanagan, Jack
Greene, Bob
Ober, Lynne
Nunez, Hershel
Prout, Andrew
Somero, Paul
Warden, Mark

Alexander, Joe
Boehm, Ralph
Danielson, David
Gagne, Larry
Gunski, Michael
Lascelles, Richard
Panasiti, Reed
Ober, Russell
Lekas, Tony
Whittemore, James

Griffin, Barbara
Burns, Charles
Erf, Keith
Gould, Linda
Hinch, Richard
Marzullo, JP
Plett, Fred
Renzullo, Andrew
Trento, Michael

Barry, Richard
Burt, John
Fedolfi, Jim
Graham, John
Schmidt, Janice
Notter, Jeanine
Proulx, Mark
Rice, Kimberly
Ulery, Jordan

MERRIMACK

Allard, James
Marple, Richard
Testerman, Dave

Forsythe, Robert
McGuire, Carol
Walsh, Thomas

Hill, Gregory
Pearl, Howard
Wolf, Dan

Horn, Werner
Seaworth, Brian
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Barnes, Arthur
Costable, Michael
Desilets, Joel
Edwards, Jess
Gilman, Julie
Hoelzel, Kathleen
Kolodziej, Walter
Pearson, Mark
Melvin, Charles
Potucek, John
Pearson, Stephen
True, Chris
Yokela, Josh

Abrami, Patrick
Bershtein, Alan
Davis, Dan
DeSimone, Debra
Elliott, Robert
Green, Dennis
Janigian, John
Love, David
Major, Norman
Milz, David
Pratt, Kevin
Spillane, James
Verville, Kevin

Abramson, Max
Cali-Pitts, Jacqueline
Thomas, Douglas
Dolan, Tom
Fowler, William
Harb, Robert
Janvrin, Jason
Lundgren, David
McKinney, Betsy
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Welch, David

Acton, Dennis
Chirichiello, Brian
DeClercq, Edward
Doucette, Fred
Gay, Betty
Hobson, Deborah
Katsakiores, Phyllis
Griffin, Mary
McMahon, Charles
Piemonte, Tony
Roy, Terry
Torosian, Peter
Weyler, Kenneth

STRAFFORD

Hayward, Peter
Rooney, Abigail

Horgan, James
Beaudoin, Steven

McNally, Jody
Vincent, Kenneth

Pitre, Joseph
Wuelper, Kurt

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Laware, Thomas
Sullivan, Brian

Rollins, Skip

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

HB 109-FN, requiring background checks for commercial firearms sales. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. David Meuse for the Majority of Criminal Justice and Public Safety. Background checks protect public safety by helping to keep firearms out of the hands of felons, domestic abusers, and the dangerously mentally ill. While by themselves universal background checks won't prevent all gun violence, the majority finds that they reduce the risk of gun violence by lowering the chance that a person who should not have access to a firearm can gain access to one. By voting to take this action and requiring all commercial firearms sales to be accompanied by a background check performed through a licensed firearms dealer, the majority feels this legislation prudently protects public safety without jeopardizing the 2nd Amendment rights of our citizens. Vote 10-9.

Rep. John Burt for the Minority of Criminal Justice and Public Safety. The minority believes there is no problem with illegal gun sales, use or possession in New Hampshire, yet this bill will create a ban on simple transfers of firearms between friends, family and neighbors. If enacted into law, this bill will place otherwise law-abiding people at risk of arrest and prosecution. Then there will be a problem. The minority further believes this bill is so narrowly drafted that a literal interpretation of the language would prohibit an instructor from loaning a gun to a student or a friend borrowing another friend's hunting rifle for the weekend. And if these friends or instructors and students are willing to visit a licensed gun dealer to affect the transfer, there is no requirement that gun dealers actually do this work, and if they do there is no limit on the amount they can charge for the service. The process would need to be reversed after the course or hunting trip so that the original owner can resume possession of his firearm.

The question being adoption of the majority committee report of Ought to Pass.
Rep. Barbara Griffin offered floor amendment (1101h).

Floor Amendment (1101h)

Amend RSA 159-E:2, II(b) as inserted by section 2 of the bill by replacing it with the following:

(b)(1) Except as provided in subparagraph (a), the dealer shall comply with all requirements of federal, state, and local law that would apply if the licensed dealer were selling the firearm from his or her inventory to the purchaser, including but not limited to, conducting a background check on the prospective purchaser, which shall include a check of the National Instant Criminal Background Check System (NICS), and compliance with all federal, state, and local recordkeeping requirements.

(2) If, in accordance with the Gun Control Act of 1968, codified at 18 U.S.C. section 922(g)(5), the dealer determines that the applicant or prospective buyer is an illegal alien, the dealer shall immediately notify the Bureau of Alcohol, Tobacco, Firearms and Explosives.

Rep. Cushing spoke against.

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

YEAS 92 - NAYS 237**YEAS - 92****BELKNAP**

Aldrich, Glen
Jurius, Deanna
Tilton, Franklin

Bean, Harry
Lang, Timothy
Viens, Harry

Feeney, George
Mackie, Jonathan

Fields, Dennis
Spanos, Peter

CARROLL

MacDonald, John

Marsh, William

CHESHIRE

O'Day, John

COOS

Fothergill, John

GRAFTON

Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
Belanger, James
Danielson, David
Hinch, Richard
Panasiti, Reed
Renzullo, Andrew
Trento, Michael

Alexander, Joe
Boehm, Ralph
Flanagan, Jack
Ober, Lynne
Plett, Fred
Rice, Kimberly
Ulery, Jordan

Griffin, Barbara
Burns, Charles
Gagne, Larry
Marzullo, JP
Prout, Andrew
Somero, Paul
Whittemore, James

Barry, Richard
Camarota, Linda
Graham, John
Notter, Jeanine
Ober, Russell
Lekas, Tony

MERRIMACK

Allard, James
Seaworth, Brian
Yakubovich, Michael

Forsythe, Robert
Testerman, Dave

Hill, Gregory
Walsh, Thomas

Pearl, Howard
Wolf, Dan

ROCKINGHAM

Abbas, Daryl
Davis, Dan
Gay, Betty
Janigian, John
Griffin, Mary
Packard, Sherman
Roy, Terry
Verville, Kevin

Abrami, Patrick
DeClercq, Edward
Harb, Robert
Katsakiores, Phyllis
Major, Norman
Potucek, John
Sytek, John
Welch, David

Abramson, Max
DeSimone, Debra
Hobson, Deborah
Kolodziej, Walter
Melvin, Charles
Pratt, Kevin
Torosian, Peter
Weyler, Kenneth

Costable, Michael
Doucette, Fred
Hoelzel, Kathleen
Love, David
O'Connor, John
Prudhomme-O'Brien, Katherine
True, Chris
Yokela, Josh

STRAFFORD

Hayward, Peter
Wuelper, Kurt

McNally, Jody

Pitre, Joseph

Rooney, Abigail

SULLIVAN

Aron, Judy

Rollins, Skip

Stapleton, Walter

Smith, Steven

NAYS - 237**BELKNAP**

Howard, Raymond

Huot, David

Sylvia, Michael

CARROLL

Avellani, Lino
Comeau, Ed
Ticehurst, Susan

Buco, Thomas
Cordelli, Glenn
Woodcock, Stephen

Burroughs, Anita
DesMarais, Edith

Butler, Edward
Knirk, Jerry

CHESHIRE

Abbott, Michael
Faulkner, Barry
Hunt, John
Morrill, David
Thompson, Craig

Ames, Richard
Fenton, Donovan
Ley, Douglas
Parkhurst, Henry
Von Plinsky, Sparky

Berch, Paul
Gomarlo, Jennie
Mann, John
Schapiro, Joe
Weber, Lucy

Bordenet, John
Harvey, Cathryn
Meader, David
Swinburne, Sandy

COOS

Craig, Kevin
Moynihan, Wayne

Furbush, Michael
Noel, Henry

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

GRAFTON

Abel, Richard
Diggs, Francesca
French, Elaine
Massimilla, Linda
Osborne, Richard
Sykes, George

Adjutant, Joshua
Dontonville, Roger
Hennessey, Erin
Mulligan, Mary Jane
Stavis, Laurel
Weston, Joyce

Almy, Susan
Egan, Timothy
Josephson, Timothy
Muscatel, Garrett
Stringham, Jerry

Campion, Polly
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Bouldin, Amanda
Beaulieu, Jane
Bouchard, Donald
Cohen, Bruce
Dargie, Paul
Espitia, Manny
Griffith, Willis
Harriott-Gathright, Linda
Indruk, Greg
Klee, Patricia
Long, Patrick
McGhee, Kat
Nunez, Hershel
Pickering, Daniel
Radhakrishnan, Julie
Shaw, Barbara
Stack, Kathryn
Vail, Suzanne
Warden, Mark

Bouldin, Andrew
Bergeron, Paul
Burt, John
Connors, Erika
Desjardin, Kathy
Davis, Fred
Gunski, Michael
Heath, Mary
Schmidt, Janice
Klein-Knight, Nicole
Murray, Megan
Mombourquette, Donna
Nutting-Wong, Allison
Proulx, Mark
Riel, Cole
Snow, Kendall
Stevens, Deb
Van Houten, Constance
Wilhelm, Matthew

Backus, Robert
Bordy, William
Chretien, Jacqueline
Cornell, Patricia
Dutzy, Sherry
Freitas, Mary
Hall, Brett
Herbert, Christopher
Jack, Martin
Langley, Diane
Mangipudi, Latha
Mullen, Sue
Pedersen, Michael
Query, Joshua
Rung, Rosemarie
Sofikitis, Catherine
Telerski, Laura
Vann, Ivy
Williams, Kermit

Balch, Chris
Bosman, James
Cleaver, Skip
Cote, David
Erf, Keith
Greene, Bob
Hamer, Heidi
Hopper, Gary
King, Mark
Lascalles, Richard
Martin, Joelle
Murphy, Nancy
Petrigno, Peter
Newman, Ray
Newman, Sue
St. John, Michelle
Toomey, Dan
Thomas, Wendy
Woodbury, David

MERRIMACK

Bartlett, Christy
Ellison, Arthur
Karrick, David
Marple, Richard
Myler, Mel
Schamberg, Thomas
Turcotte, Alan
Woods, Gary

Carson, Clyde
Fox, Samantha
Lane, Connie
McGuire, Carol
Rodd, Beth
Schuett, Dianne
Wallner, Mary Jane

Doherty, David
Fulweiler, Joyce
Luneau, David
McWilliams, Rebecca
Rogers, Katherine
Schultz, Kristina
Wazir, Safiya

Ebel, Karen
Horn, Werner
MacKay, James
Moffett, Howard
Saunderson, George
Soucy, Timothy
Wells, Kenneth

ROCKINGHAM

Altschiller, Debra
Bushway, Patricia
Thomas, Douglas
Edgar, Michael
Gilman, Julie
Murray, Kate
Pearson, Mark
McConnell, Liz
Piemonte, Tony
Spillane, James

Berrien, Skip
Cahill, Michael
Desilets, Joel
Edwards, Jess
Green, Dennis
Le, Tamara
Maggiore, Jim
McKinney, Betsy
Read, Ellen
Vallone, Mark

Bershtein, Alan
Cali-Pitts, Jacqueline
DiLorenzo, Charlotte
Eisner, Mary
Grossman, Gaby
Lovejoy, Patricia
Malloy, Dennis
McMahon, Charles
Pearson, Stephen
Ward, Gerald

Bunker, Lisa
Cushing, Robert Renny
Dolan, Tom
Elliott, Robert
Grote, Jaci
Lundgren, David
McBeath, Rebecca
Meuse, David
Somssich, Peter

STRAFFORD

Bixby, Peter
Ellis, Donna
Horgan, James

Cannon, Gerri
Fontneau, Timothy
Horrigan, Timothy

Chase, Wendy
Grassie, Chuck
Kenney, Cam

Conley, Casey
Higgins, Peg
Levesque, Cassandra

Smith, Marjorie
Salloway, Jeffrey
Treleven, Susan

Opderbecke, Linn
Sandler, Catt
Vincent, Kenneth

Schmidt, Peter
Spang, Judith
Wall, Janet

Rich, Cecilia
Towne, Matthew

SULLIVAN

Callum, John
O'Hearne, Andrew

Cloutier, John
Oxenham, Lee

Laware, Thomas
Sullivan, Brian

Merchant, Gary
Tanner, Linda

and floor amendment (1101h) failed.

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

Reps. Burt and Roy spoke against and yielded to questions.

Rep. Meuse spoke in favor.

MOTION TO LAY ON THE TABLE

Rep. Welch moved that **HB 109-FN**, requiring background checks for commercial firearms sales, be laid on the table.

Rep. Vail requested a roll call; sufficiently seconded.

YEAS 147 - NAYS 202

YEAS - 147

BELKNAP

Aldrich, Glen
Fields, Dennis
Mackie, Jonathan
Viens, Harry

Bean, Harry
Howard, Raymond
Spanos, Peter

Comtois, Barbara
Jurius, Deanna
Sylvia, Michael

Feeney, George
Lang, Timothy
Tilton, Franklin

CARROLL

Avellani, Lino
Marsh, William

Comeau, Ed

Cordelli, Glenn

MacDonald, John

CHESHIRE

Hunt, John

O'Day, John

COOS

Craig, Kevin

Fothergill, John

Furbush, Michael

Merner, Troy

GRAFTON

Hennessey, Erin

Ladd, Rick

Stringham, Jerry

HILLSBOROUGH

Lekas, Alicia
Belanger, James
Camarota, Linda
Flanagan, Jack
Greene, Bob
King, Mark
Notter, Jeanine
Proulx, Mark
Rice, Kimberly
Lekas, Tony
Whittemore, James

Alexander, Joe
Boehm, Ralph
Danielson, David
Gagne, Larry
Gunski, Michael
Ober, Lynne
Nunez, Hershel
Prout, Andrew
Shaw, Barbara
Trento, Michael

Griffin, Barbara
Burns, Charles
Erf, Keith
Gould, Linda
Hinch, Richard
Lascelles, Richard
Panasiti, Reed
Ober, Russell
Snow, Kendall
Ulery, Jordan

Barry, Richard
Burt, John
Fedolli, Jim
Graham, John
Hopper, Gary
Marzullo, JP
Plett, Fred
Renzullo, Andrew
Somero, Paul
Warden, Mark

MERRIMACK

Allard, James
Marple, Richard
Testerman, Dave
Yakubovich, Michael

Forsythe, Robert
McGuire, Carol
Turcotte, Alan

Hill, Gregory
Pearl, Howard
Walsh, Thomas

Horn, Werner
Seaworth, Brian
Wolf, Dan

ROCKINGHAM

Abbas, Daryl
Barnes, Arthur
Davis, Dan
DeSimone, Debra
Elliott, Robert
Harb, Robert
Janvrin, Jason
Lundgren, David
McKinney, Betsy
O'Connor, John

Abrami, Patrick
Bershtein, Alan
Thomas, Douglas
Dolan, Tom
Fowler, William
Hobson, Deborah
Katsakiores, Phyllis
Griffin, Mary
McMahon, Charles
Packard, Sherman

Abramson, Max
Chirichiello, Brian
DeClercq, Edward
Doucette, Fred
Gay, Betty
Hoelzel, Kathleen
Kolodziej, Walter
Pearson, Mark
Melvin, Charles
Piemonte, Tony

Action, Dennis
Costable, Michael
Desilets, Joel
Edwards, Jess
Green, Dennis
Janigian, John
Love, David
Major, Norman
Milz, David
Potucek, John

Pratt, Kevin
Spillane, James
Vallone, Mark
Yokela, Josh

Prudhomme-O'Brien, Katherine
Sytek, John
Verville, Kevin

Roy, Terry
Torosian, Peter
Welch, David

Pearson, Stephen
True, Chris
Weyler, Kenneth

STRAFFORD

Hayward, Peter
Rooney, Abigail

Horgan, James
Beaudoin, Steven

McNally, Jody
Wuelper, Kurt

Pitre, Joseph

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Laware, Thomas

Rollins, Skip

NAYS - 202 BELKNAP

Huot, David

CARROLL

Buco, Thomas
Knirk, Jerry

Burroughs, Anita
Ticehurst, Susan

Butler, Edward
Woodcock, Stephen

DesMarais, Edith

CHESHIRE

Abbott, Michael
Faulkner, Barry
Ley, Douglas
Parkhurst, Henry
Thompson, Craig

Ames, Richard
Fenton, Donovan
Mann, John
Schapiro, Joe
Von Plinsky, Sparky

Berch, Paul
Gomarlo, Jennie
Meador, David
Swinburne, Sandy
Pearson, William

Bordenet, John
Harvey, Cathryn
Morrill, David
Tatro, Bruce
Weber, Lucy

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Diggs, Francesca
Ford, Susan
Massimilla, Linda
Osborne, Richard
Weston, Joyce

Adjutant, Joshua
Dontonville, Roger
French, Elaine
Mulligan, Mary Jane
Stavis, Laurel

Almy, Susan
Egan, Timothy
Josephson, Timothy
Muscatel, Garrett
Smith, Suzanne

Campion, Polly
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Sykes, George

HILLSBOROUGH

Bouldin, Amanda
Beaulieu, Jane
Bouchard, Donald
Connors, Erika
Desjardin, Kathy
Freitas, Mary
Harriott-Gathright, Linda
Schmidt, Janice
Langley, Diane
Mangipudi, Latha
Mullen, Sue
Petrigno, Peter
Radhakrishnan, Julie
Sofikitis, Catherine
Telerski, Laura
Vann, Ivy
Woodbury, David

Bouldin, Andrew
Bergeron, Paul
Chretien, Jacqueline
Cornell, Patricia
Dutzy, Sherry
Griffith, Willis
Heath, Mary
Jack, Martin
Leishman, Peter
Martin, Joelle
Murphy, Nancy
Pickering, Daniel
Riel, Cole
St. John, Michelle
Toomey, Dan
Thomas, Wendy

Backus, Robert
Bordy, William
Cleaver, Skip
Cote, David
Espitia, Manny
Hall, Brett
Herbert, Christopher
Klee, Patricia
Long, Patrick
McGhee, Kat
Nutting-Wong, Allison
Query, Joshua
Rung, Rosemarie
Stack, Kathryn
Vail, Suzanne
Wilhelm, Matthew

Balch, Chris
Bosman, James
Cohen, Bruce
Dargie, Paul
Davis, Fred
Hamer, Heidi
Indruk, Greg
Klein-Knight, Nicole
Murray, Megan
Mombourquette, Donna
Pedersen, Michael
Newman, Ray
Newman, Sue
Stevens, Deb
Van Houten, Constance
Williams, Kermit

MERRIMACK

Bartlett, Christy
Ellison, Arthur
Lane, Connie
Moffett, Howard
Rodd, Beth
Schuett, Dianne
Walz, Mary Beth

Carson, Clyde
Fox, Samantha
Luneau, David
Myler, Mel
Rogers, Katherine
Schultz, Kristina
Wazir, Safiya

Doherty, David
Fulweiler, Joyce
MacKay, James
Pimentel, Roderick
Saunderson, George
Soucy, Timothy
Wells, Kenneth

Ebel, Karen
Karrick, David
McWilliams, Rebecca
Richards, Beth
Schamberg, Thomas
Wallner, Mary Jane
Woods, Gary

ROCKINGHAM

Altschiller, Debra
Cahill, Michael

Berrien, Skip
Cali-Pitts, Jacqueline

Bunker, Lisa
Cushing, Robert Renny

Bushway, Patricia
DiLorenzo, Charlotte

Edgar, Michael
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Ward, Gerald

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

Gilman, Julie
Le, Tamara
Malloy, Dennis
Read, Ellen

Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Somssich, Peter

STRAFFORD

Bixby, Peter
Ellis, Donna
Horrigan, Timothy
Opderbecke, Linn
Sandler, Catt
Treleven, Susan

Cannon, Gerri
Fontneau, Timothy
Kenney, Cam
Schmidt, Peter
Southworth, Thomas
Vincent, Kenneth

Chase, Wendy
Grassie, Chuck
Levesque, Cassandra
Rich, Cecilia
Spang, Judith
Wall, Janet

Conley, Casey
Higgins, Peg
Smith, Marjorie
Salloway, Jeffrey
Towne, Matthew

SULLIVAN

Cloutier, John
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

and the motion failed.

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

Rep. Rogers spoke in favor.

Rep. Burt requested a roll call; sufficiently seconded.

YEAS 203 - NAYS 148

YEAS - 203

BELKNAP

Huot, David

CARROLL

Buco, Thomas
Knirk, Jerry

Burroughs, Anita
Ticehurst, Susan

Butler, Edward
Woodcock, Stephen

DesMarais, Edith

CHESHIRE

Abbott, Michael
Faulkner, Barry
Ley, Douglas
Parkhurst, Henry
Thompson, Craig

Ames, Richard
Fenton, Donovan
Mann, John
Schapiro, Joe
Von Plinsky, Sparky

Berch, Paul
Gomarlo, Jennie
Meador, David
Swinburne, Sandy
Pearson, William

Bordenet, John
Harvey, Cathryn
Morrill, David
Tatro, Bruce
Weber, Lucy

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Diggs, Francesca
Ford, Susan
Massimilla, Linda
Osborne, Richard
Weston, Joyce

Adjutant, Joshua
Dontonville, Roger
French, Elaine
Mulligan, Mary Jane
Stavis, Laurel

Almy, Susan
Egan, Timothy
Josephson, Timothy
Muscatel, Garrett
Smith, Suzanne

Campion, Polly
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Sykes, George

HILLSBOROUGH

Bouldin, Amanda
Beaulieu, Jane
Bouchard, Donald
Connors, Erika
Desjardin, Kathy
Freitas, Mary
Harriott-Gathright, Linda
Schmidt, Janice
Leishman, Peter
Martin, Joelle
Murphy, Nancy
Petrigno, Peter
Radhakrishnan, Julie
Snow, Kendall
Stevens, Deb
Van Houten, Constance
Williams, Kermit

Bouldin, Andrew
Bergeron, Paul
Chretien, Jacqueline
Cornell, Patricia
Dutzy, Sherry
Griffith, Willis
Heath, Mary
Klee, Patricia
Long, Patrick
McGhee, Kat
Nutting-Wong, Allison
Pickering, Daniel
Riel, Cole
Sofikitis, Catherine
Tellerski, Laura
Vann, Ivy
Woodbury, David

Backus, Robert
Bordy, William
Cleaver, Skip
Cote, David
Espitia, Manny
Hall, Brett
Herbert, Christopher
Klein-Knight, Nicole
Murray, Megan
Mombourquette, Donna
O'Brien, Michael
Query, Joshua
Rung, Rosemarie
St. John, Michelle
Toomey, Dan
Thomas, Wendy

Balch, Chris
Bosman, James
Cohen, Bruce
Dargie, Paul
Davis, Fred
Hamer, Heidi
Indruk, Greg
Langley, Diane
Mangipudi, Latha
Mullen, Sue
Pedersen, Michael
Newman, Ray
Newman, Sue
Stack, Kathryn
Vail, Suzanne
Wilhelm, Matthew

MERRIMACK

Bartlett, Christy
 Ellison, Arthur
 Lane, Connie
 Moffett, Howard
 Rodd, Beth
 Schuett, Dianne
 Walz, Mary Beth

Carson, Clyde
 Fox, Samantha
 Luneau, David
 Myler, Mel
 Rogers, Katherine
 Schultz, Kristina
 Wazir, Safiya

Doherty, David
 Fulweiler, Joyce
 MacKay, James
 Pimentel, Roderick
 Saunderson, George
 Soucy, Timothy
 Wells, Kenneth

Ebel, Karen
 Karrick, David
 McWilliams, Rebecca
 Richards, Beth
 Schamberg, Thomas
 Wallner, Mary Jane
 Woods, Gary

ROCKINGHAM

Altschiller, Debra
 Cahill, Michael
 Edgar, Michael
 Grote, Jaci
 Lovejoy, Patricia
 McConnell, Liz
 Ward, Gerald

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

Bunker, Lisa
 Cushing, Robert Renny
 Gilman, Julie
 Le, Tamara
 Malloy, Dennis
 Read, Ellen

Bushway, Patricia
 DiLorenzo, Charlotte
 Grossman, Gaby
 Loughman, Tom
 McBeath, Rebecca
 Somssich, Peter

STRAFFORD

Bixby, Peter
 Ellis, Donna
 Horrigan, Timothy
 Opderbecke, Linn
 Sandler, Catt
 Treleven, Susan

Cannon, Gerri
 Fontneau, Timothy
 Kenney, Cam
 Schmidt, Peter
 Southworth, Thomas
 Vincent, Kenneth

Chase, Wendy
 Grassie, Chuck
 Levesque, Cassandra
 Rich, Cecilia
 Spang, Judith
 Wall, Janet

Conley, Casey
 Higgins, Peg
 Smith, Marjorie
 Salloway, Jeffrey
 Towne, Matthew

SULLIVAN

Cloutier, John
 Sullivan, Brian

Merchant, Gary
 Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

NAYS - 148**BELKNAP**

Aldrich, Glen
 Fields, Dennis
 Mackie, Jonathan
 Viens, Harry

Bean, Harry
 Howard, Raymond
 Spanos, Peter

Comtois, Barbara
 Jurius, Deanna
 Sylvia, Michael

Feeney, George
 Lang, Timothy
 Tilton, Franklin

CARROLL

Avellani, Lino
 Marsh, William

Comeau, Ed

Cordelli, Glenn

MacDonald, John

CHESHIRE

Hunt, John

O'Day, John

COOS

Craig, Kevin

Fothergill, John

Furbush, Michael

Merner, Troy

GRAFTON

Hennessey, Erin

Ladd, Rick

Stringham, Jerry

HILLSBOROUGH

Lekas, Alicia
 Belanger, James
 Camarota, Linda
 Flanagan, Jack
 Graham, John
 Hopper, Gary
 Lascelles, Richard
 Panasiti, Reed
 Ober, Russell
 Somero, Paul
 Warden, Mark

Alexander, Joe
 Boehm, Ralph
 Danielson, David
 Gagne, Larry
 Greene, Bob
 Jack, Martin
 Marzullo, JP
 Plett, Fred
 Renzullo, Andrew
 Lekas, Tony
 Whittemore, James

Griffin, Barbara
 Burns, Charles
 Erf, Keith
 Goley, Jeffrey
 Gunski, Michael
 King, Mark
 Notter, Jeanine
 Proulx, Mark
 Rice, Kimberly
 Trento, Michael

Barry, Richard
 Burt, John
 Fedolfi, Jim
 Gould, Linda
 Hinch, Richard
 Ober, Lynne
 Nunez, Hershel
 Prout, Andrew
 Shaw, Barbara
 Ulery, Jordan

MERRIMACK

Allard, James
 Marple, Richard
 Testerman, Dave
 Yakubovich, Michael

Forsythe, Robert
 McGuire, Carol
 Turcotte, Alan

Hill, Gregory
 Pearl, Howard
 Walsh, Thomas

Horn, Werner
 Seaworth, Brian
 Wolf, Dan

ROCKINGHAM

Abbas, Daryl
 Barnes, Arthur
 Davis, Dan
 DeSimone, Debra
 Elliott, Robert
 Harb, Robert
 Janvrin, Jason
 Lundgren, David
 McKinney, Betsy
 O'Connor, John
 Pratt, Kevin
 Spillane, James
 Vallone, Mark
 Yokela, Josh

Abrami, Patrick
 Bershtein, Alan
 Thomas, Douglas
 Dolan, Tom
 Fowler, William
 Hobson, Deborah
 Katsakiores, Phyllis
 Griffin, Mary
 McMahon, Charles
 Packard, Sherman
 Prudhomme-O'Brien, Katherine
 Sytek, John
 Verville, Kevin

Abramson, Max
 Chirichiello, Brian
 DeClercq, Edward
 Doucette, Fred
 Gay, Betty
 Hoelzel, Kathleen
 Kolodziej, Walter
 Pearson, Mark
 Melvin, Charles
 Piemonte, Tony
 Roy, Terry
 Torosian, Peter
 Welch, David

Acton, Dennis
 Costable, Michael
 Desilets, Joel
 Edwards, Jess
 Green, Dennis
 Janigian, John
 Love, David
 Major, Norman
 Milz, David
 Potucek, John
 Pearson, Stephen
 True, Chris
 Weyler, Kenneth

STRAFFORD

Hayward, Peter
 Rooney, Abigail

Horgan, James
 Beaudoin, Steven

McNally, Jody
 Wuelper, Kurt

Pitre, Joseph

SULLIVAN

Aron, Judy
 Stapleton, Walter

Callum, John
 Smith, Steven

Laware, Thomas

Rollins, Skip

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

MOTION TO PRINT DEBATE

Rep. Packard moved that the debate on **HB 109-FN**, requiring background checks for commercial firearms sales, be printed in the Permanent Journal.

Motion adopted.

DEBATE ON HB 109-FN

Rep. Barbara Griffin: Thank you, Mister Speaker. I rise in regard to a proposed amendment to HB 109. You will find it in your seat pocket. It is a short amendment. HB 109, which is before us out of committee deals with a background check with a purported purpose of keeping firearm and ammunition transfers safe. The background check is through NICS or the National Instant Criminal Background Check System. Essentially the underlying bill, which you don't have before you, but is about a page or two pages proposes that after going through this system if the sale is not prohibited as a result of the check then the transfer occurs to ensure compliance with all laws. The amendment I propose in your seat pocket adds paragraph 2, which provides that in accordance with the Gun Control Act, if a dealer determines that the applicant or the perspective buyer is an illegal alien, that should be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives. One federal law in existence that's fairly clear is that illegal aliens are not to own firearms or have ammunition. They are prohibited, but the NICS system would not automatically show that to a perspective seller or a dealer because in certain circumstances so long as an appropriate ID is presented and there are circumstances where illegal aliens can get that appropriate ID without disclosing that they are an illegal alien or presenting false documentation, that person can supply the appropriate identification and be able to pass through the system. This paragraph that is being added simply requires that if the status of the buyer is determined to be that of an illegal alien at which point that person is not allowed under federal law to have arms or firearms that your seller or dealer reports it to the agency that's in charge of NICS and obviously didn't have the information to begin with. So, this is not new law. It is closing what it recognized as a loophole in firearms law in regard to the fact that there is a prohibition on illegal aliens having firearms and I simply ask that you pass this amendment to ensure that indeed the purpose of HB 109 is met that all laws are complied with. Thank you and I ask for a roll call vote.

Speaker Shurtleff: The question before the House is on the adoption of amendment (1101h). Representative Griffin has requested a roll call vote. Is that sufficiently seconded? It is sufficiently seconded. This will be a roll call vote. Members will kindly take their seats. The House will be in order. The question before the House is the adoption of amendment (1101h). Rep. Cushing had signed up to speak against the amendment. He will be given that opportunity now. Rep. Cushing.

Rep. Cushing: Thank you, Mister Speaker. Mister Speaker, I rise to speak in opposition to the proposed amendment. This was not a topic that came before the committee during public hearings, but I do recognize the importance to gun violence prevention that when people who are not eligible to purchase a firearm and attempt to do so, that there should be some public response to that. The problem that I have with this amendment is that there are a number of individuals under current law who are not illegible to buy a firearm and they should be included in any legislation that would trigger further investigation. Those people include someone who is under indictment or been convicted in any court of a crime, a fugitive from justice, an unlawful user

or addict of any controlled substance, someone who has been adjudicated as mentally defective, someone who is unlawfully in the United States, which this addresses, someone who has been discharged from the Armed Forces under a dishonorable conditions, someone who has a court order out restraining them from harassing, stalking or threatening an intimate partner and a series of other individuals. I would be willing to work and look forward to working next year, I know the committee will, to have a law that would require that individuals trying to obtain a firearm illegally, that there be a report to local law enforcement so that we can protect the public, but this amendment simply fails to do so. I would urge the body to vote this amendment down and press the red button?

Speaker Shurtleff: The question before the House is the adoption of floor amendment (1101h). Rep. Steven Smith is recognized for a parliamentary inquiry.

Rep. Steven Smith: Thank you, Mister Speaker. If I know that compliance with all laws by all persons is a principle we should all support and that no one should be exempt. If I understand that there is an objection that the amendment does cover something like that, just doesn't go far enough and if I recognize that is no reason to stop it, then would I press the green button to adopt the amendment and make progress?

Speaker Shurtleff: The question before the House is the adoption of floor amendment (1101h). The Chair recognizes Rep. Cushing for a parliamentary inquiry.

Rep. Cushing: Thank you, Mister Speaker. Mister Speaker, if I recognize that there are flaws in the proposed amendment and I want to move forward with legislation that will help protect public safety, would I now vote against the amendment by pressing the red button.

Speaker Shurtleff: This will be a roll call vote. The question before the House is the adoption of amendment (1101h). 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 92 members voting Yea and 237 voting Nay, the amendment fails. The question now before the House is on the recommendation that the bill Ought to Pass. Now I recognize Rep. Burt from Goffstown to speak against the recommendation of Ought to Pass.

Rep. Burt: Thank you, Mister Speaker. Mister Speaker, if you read the beginning of the bill it says requiring background checks for commercial firearm sales, but it's nothing but that. The problem with this bill is that it sets it for anybody that wants to transfer a gun, not just commercial. There is no problem with illegal gun sales or use and possession of illegal guns that I know of that is happening majorly in New Hampshire, yet what this bill will create is simply a transfer between friends and people at ranges and etc. That is where the problem is. The other thing I am concerned about is if an instructor wants to hand their sidearm, their gun, over to the student, a background check would have to be done and then in order to give the gun back to the rightful owner, the instructor, another background check would have to be done. Mister Speaker, in committee, we heard from a doctor. All he talked about was Massachusetts, Lawrence, Mass. That's all we heard about. I don't think we live in Lawrence, Mass. We live in New Hampshire. He just kept talking about problems in Lawrence, Mass and again, Mister Speaker, maybe down there they need this, but New Hampshire does not. And, another thing that was said also in committee, Mister Speaker, that really, it made me sit back and go oh my God, I know exactly what is going on here. A Representative said during I think it was the exec session that we had, that this is one small step forward. That's what he said, and I asked what is one small step forward? So, what I'm going to do Mister Speaker is I'm pressing the red button because I am asking for a roll call please. So, we do not take one small step forward to gun confiscation and that is what this bill is all about. Thank you, Mister Speaker.

Speaker Shurtleff: Will the member yield to a question? Rep. Marsh, you are recognized for a question.

Rep. Marsh: Thank you, Mister Speaker and thank you for yielding to my question. I've enjoyed marching in the Wolfeboro 4th of July parade with my Brown Bess musket for a great many years and the little boys love it when we shoot blanks during the parade. Now, last year I happened to be busy and I lent it to another trusted member of the historical society to do that for me. Would this bill make me a felon if I did this?

Rep. Burt: Yes, it will.

Speaker Shurtleff: The question before the House is the recommendation that the bill Ought to Pass. The Chair recognizes Rep. Meuse, the member from Portsmouth.

Rep. Meuse: Thank you, Mister Speaker. Mister Speaker, members of the House, I rise today in support of HB 109. This legislation would close a gaping loophole in our current system. Today when you buy a firearm from a federally licensed firearm dealer in New Hampshire, federal law requires a background check to be conducted. The goal of the background check is pretty simple. It's to make sure that convicted felons, domestic abuses and other people banned by law from owning firearms can't simply walk into a gun shop, lay down a credit card and walk out with a weapon that makes it easier for them to commit a crime or to murder an innocent person. Background checks reduce the risk that a person who should not have access to a firearm can get access to a firearm. Background checks are also what we mean when we say things like, with rights comes responsibilities. Unfortunately, there is a gap in our current system that you can drive a truck through. It's called the private sale exemption and to date 19 other states have taken responsibility to close that gap.

Under federal law, only licensed firearms dealers making commercial sales are required to conduct background checks prior to the sale of a firearm. Private sales and transfers between private parties are exempt so when an unlicensed private seller decides to sell a firearm and finds a buyer, the sale can often be completed in minutes with no background check required. What this loophole does in a state that doesn't act to close it, is to make it possible for felons, domestic abuses and other prohibited parties to obtain a weapon without going through a background check. All you need is to find a willing seller and no matter what you have done or how many people you have hurt or threatened, you can get a gun even though you would fail a background check if you had to go through a federally licensed firearms dealer by walking into a gun store in New Hampshire. So, here is the thing to keep in mind. This bill is targeted precisely at people whose behavior has disqualified them from purchasing a weapon. It simply requires private sellers to work through a federally licensed firearms dealer to get a background check on a purchaser before the weapon can be exchanged. That's how it works when you purchase a gun at a gun shop now. But, simply reality is that not all firearms sales take place in a gun shop and not every potential customer is a law-abiding citizen. Something else to keep in mind is that this bill only applies to commercial sales. So, what is exactly a commercial sale? It's, "A sale transfer or exchange of a firearm that takes place at a gun show or over the internet as a result of an ad, a posting, a listing or a display." The bottom line is that the seller doesn't advertise the firearm for sale, they won't be subject to the background check before transfer. In fact, HB 109 specifically states, "This chapter shall not apply to a non-commercial private sale transfer or exchange of a firearm between individuals provided neither party to the transaction is a prohibited person." So, contrary to what you might have heard, passing this bill does not mean a father would have to get a background check before giving a firearm to his son. It also doesn't mean that a firearms trainer conducting a class would have to get a background check on a student before lending him or her a firearm. During testimony we heard a lot of concern from gun owners about the inclusion of the word transfers in addition to sales. So, what exactly is a transfer? A commercial transfer happens when a firearm is exchanged or bartered for other goods or services as a result of an ad, a posting, a listing or a display. The inclusion of transfers closes a potential loophole that might make it easy for someone caught selling a commercially advertised firearm without a background check from calling it a transfer instead of a sale or a commercial exchange. According to PolitiFact, 86 to 94% of the people polled nationally support laws like HB 109 that require universal background checks. PolitiFact also says that 70 to 80% of NRA members have indicated their support for legislation like this. In 2016, so did Governor Sununu in a debate prior to his election. So, let's give the Governor the opportunity to reduce the risk of a deadly weapon falling into the wrong hands. When the time comes, please press the green button and show the world that here in New Hampshire, we believe in our rights, but we also believe that with those rights comes the responsibility to protect public safety. Thank you.

Speaker Shurtleff: Will the member yield to a question? The member does not yield. The Chair recognizes. Rep. Flanagan has a question for either the Chair or the Vice Chair of the Criminal Justice Committee. As we have said before, it is of the prerogative of those in leadership if they wish to take the question. The member declines.

Rep. Flanagan: How about anybody on the committee because I believe this Representative made a mistake as it relates to the law, but I need clarification.

Speaker Shurtleff: No. You can ask another member coming up that question. Thank you. The Chair recognizes the member from Deerfield, Rep. Roy, to speak against the recommendation. The House will be in order. You may proceed.

Rep. Roy: Thank you, Mister Speaker. I represent the communities of Candia, Deerfield, Nottingham and Northwood. The citizens in my communities are reasonable people and I'm a reasonable person. This bill is not reasonable. This bill, contrary to what we just heard, does require a background check for a transfer between private people at a gun range, at a store. If you go into a store to look at a gun and you say you would like to see that gun, you can't. You have to have a background check before you can do it. If you take your son to a shooting range and they want to share a gun, you have to get a background check. This is unreasonable. This is not what the people of New Hampshire want. Having to require these background checks, the bill does not require that any federal firearms license actually conduct a background check. So, we can say you have to get a background check, but where are you going to get it done? It doesn't require that they be performed so you actually have to hunt for someone to do it for you. It also doesn't discuss a fee, so I would imagine that they can charge anything they want for this background check. This law is not ready for primetime. The citizens I represent do support background checks and they would like to keep guns out of the hands of people that don't belong having guns, but this doesn't affect them. This just affects law abiding citizens who are trying to transfer a firearm legally be it for training or just to use. If I invite some friends to my house and I ask them if they want to shoot one of my guns, well I can't. I have to find a background check. This law is way too broad and it's not ready for primetime, Mister Speaker. I would ask you to read the actual text of this bill all the way to the bottom and you will see that it is correct that this law mandates background checks for private sales or transfers, not just commercial like the first paragraph said. I would ask you to press the red button and let's think about this before we put another mandate on the New Hampshire citizens. Thank you.

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

Rep. Flanagan: Thank you, Mister Speaker and I thank the Representative for taking my question. During gun debates, I am always hearing different facts and either it's true or it's not true and the previous speaker had said that there were background checks which I understand there are background checks, but he also had mentioned that you can buy a gun from a private party in the State of New Hampshire under no rules or regulations and I thought in the State of New Hampshire that the law reads that you cannot sell a gun in a private sale unless you know the person you are selling it to. Is that true?

Rep. Roy: Yes, that is correct. The current statute prohibits sales of firearms to someone who is not personally known to you.

Speaker Shurtleff: Will the member yield to another question? Rep. Horn, you may inquire.

Rep. Horn: Thank you, Mister Speaker. Thank you to the Representative for taking my question. I'm a little confused because when somebody refers to a loophole in the law, I thought that a loophole was applied to that section of the law. So, a firearm loophole around commercial sales at gun shows would be implying that the commercial dealer could go out into the parking lot and do business without a background check. Am I confused about the loophole?

Rep. Roy: There is no gun show loophole. If you buy a gun at a gun show from a licensed dealer, you will go through a background check there. There is no internet loophole. If you order a gun online and it has to be shipped to a federally licensed dealer in the State of New Hampshire where you have to pick it up and get a background check. So, this thing about a loophole, there really is no loophole. The statute says you can sell a gun privately if you know the person so that's not a loophole. So, there are no loopholes per se.

Speaker Shurtleff: Will the member yield to one more question? Rep. Spillane, you may inquire.

Rep. Spillane: Thank you, Mister Speaker. Thank you to the member for taking my question. Since I also represent Deerfield, Candia and Nottingham and I happen to have a son who has now graduated college who I have enjoyed taking out and teaching to hunt for many years, I have a question for you. When my son turned 18 and he was interested in getting his own hunting rifle instead of borrowing mine, I took him out and I bought him his very first rifle for his birthday, which happened to be identical to the one I used and gave it to him. Under this bill, it would appear to me that my giving the rifle to my son for his birthday would be considered a transfer and I would have to run a background check on my son and I would challenge anyone to know my son better than I know him, so I really don't see the point in a background check.

Speaker Shurtleff: I know we are getting close to a question mark.

Rep. Spillane: Is that the way this law reads that I would need to run a background check on my own son before giving him his first rifle for his birthday which is a tradition in my family because my father gave me my first gun when I was 18 as well?

Rep. Roy: That is unfortunately the case. You would have to run a background check on your son and even more precariously, when my wife and I shoot, and I let her use one of my guns, I have to run a background check on my wife. So, the intent of the law, and I want to give charity to the people who wrote this legislation. We all agree that there should be background checks, but this was written so broadly to encompass so many things that as I said in the beginning it just does not make any sense the way it is written.

Speaker Shurtleff: The question before the House is the recommendation. Would you like to ask a question? State your motion.

Rep. Welch: I would like to table this bill.

Speaker Shurtleff: The motion to table is in order. A division vote has been requested. A roll call has been requested. Is that sufficiently seconded? It is sufficiently seconded. This will be a roll call vote. The question before the House is the motion to table HB 109. The Chair recognizes Rep. Welch for a parliamentary inquiry.

Rep. Welch: Thank you, Mister Speaker. This bill has a lot of problems with it. The Chairman admitted that just a few minutes ago. I think if we table this bill, we will have a chance to look at it again in a calmer atmosphere so please vote green to table.

Speaker Shurtleff: The question before the House is the motion to table HB 109. The Chair recognizes Rep. Ley for a parliamentary inquiry.

Rep. Ley: Thank you, Mister Speaker. Mister Speaker, if I know this bill has garnered a great deal of public interest. And, Mister Speaker, if I also know that we are nearly finished with this entire debate on this bill, therefore, we should continue and push on through, would I reject the motion to table by pressing the red button? Thank you.

Speaker Shurtleff: This will be a roll call vote. The question before the House is the motion to table HB 109. 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 147 voting Yea and 202 voting Nay, the motion to table is defeated. The Chair recognizes the last speaker on this bill, the member from Concord, Rep. Rogers.

Rep. Rogers: Thank you, Mister Speaker. I rise today in support of HB 109. To make the best decision possible on an issue that stirs such strong opinions and strong emotions, it's always good to look at the facts. According to national statistics, states that require criminal background checks on all handgun sales report

46% fewer women are fatally shot by their partners, 48% fewer police are killed with handguns and 64% fewer crime guns are trafficked out of the state. It is notable that New Hampshire has the lowest number of gun deaths per capita, however, we also have one of the highest rates of crime gun exports, exporting three times as many guns as we import. The use of firearms is responsible for 48% of the state's domestic violence homicides. The New Hampshire Department of Safety estimates that 33,000 of the estimated 82,500 sales that occur next year will not be required to have a background check. When opponents of the legislation say that there is no problem with illegal gun sales, use or possession in New Hampshire, these statistics and these facts show us the reality. You've also heard this will create a ban on simple transfers of firearms between friends, families and neighbors and you've also heard this will prohibit an instructor from loaning a gun to his student or a friend borrowing another friend's hunting rifle or giving your son a rifle on his birthday. Read the bill. Those claims are false and absurd. We can't resort to fear tactics when deciding issues like this. Read the bill. Mister Speaker, this bill is about commercial sales. It won't affect law abiding gun owners selling and trading guns between friends and families. It makes an exception for private non-commercial sales or transfers between friends and families. We've heard the old fallback, HB 109 will only affect law abiding citizens because criminals of course don't follow the law anyway. By that logic, why are any of us here? Why do we stay here 3 days this week? Every law could be refuted with that same paradox and society would swiftly descend into anarchy. Laws against rape, murder or theft, for example, are rarely followed by rapists, murderers and thieves. By that fact, such people exist in society and that is the only reason the laws exist in the first place. The argument is incoherent and ignores the statistics. The evidence of other states prove that a simple background check bill reduces gun violence. I'm not telling you that HB 109 will prevent every tragedy, but it will make a difference. It will save lives and it will make our communities a safer place to live. It's simple. It's constitutional and it's a regulation that fits with the beliefs of the majority of our population. Please press the gun button for Spring, get one day jump on Spring, and vote for 109 as Ought to Pass. Thank you.

Speaker Shurtleff: Will the member yield to a question? The member will not yield. The question before the House is the recommendation that the bill Ought to Pass. Rep. Burt has requested a roll call. Is that sufficiently seconded? It is sufficiently seconded. This will be a roll call vote. Members will kindly take their seats. This will be a roll call vote. The question before the House is the recommendation that the bill Ought to Pass. The Chair recognizes Rep. Rice for a parliamentary inquiry.

Rep. Rice: Thank you, Mister Speaker. If I know that HB 109 has too many unintended consequences for responsible and law-abiding gun owners, instructors, hunters and others, would I now press the red button, so another motion can be made? Thank you.

Speaker Shurtleff: The question is adoption of the recommendation that this bill Ought to Pass. The Chair recognizes Rep. Wallner for a parliamentary inquiry.

Rep. Wallner: Thank you, Mister Speaker. If I know that states that require criminal background checks on all handgun sales report 46% fewer women are fatally shot by their partners, 48% fewer police are killed with handguns and 65% fewer guns are trafficked out of state. And, if I know that New Hampshire has the 24th highest rate of crime gun exports, exporting 3 times as many crime guns as we import. And, if I know that HB 109 won't affect law abiding New Hampshire gun owners selling and trading guns between friends and families, it makes an exception for private non-commercial sales or transfers between friends and family, would I now vote yes, support the Criminal Justice Committees' recommendation of Ought to Pass and push the green button?

Speaker Shurtleff: This will be a roll call vote. The question before the House is the recommendation that the bill Ought to Pass. 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 203 members voting Yea and 148 voting Nay, the recommendation is adopted.

REGULAR CALENDAR CONT'D

HB 208, relative to the justified use of deadly force upon another person. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John Bordenet for the Majority of Criminal Justice and Public Safety. This bill was an extension of the stand your ground law. However, it would have given permission to use deadly force when witnessing the commission of a felony. Some felonies do not involve violence. The majority felt the bill went too far. Vote 12-8. Rep. John Burt for the Minority of Criminal Justice and Public Safety. Each year, 17,284 Americans are murdered, but there are 1.2 million violent crimes committed against Americans, according to the FBI. While many of these crimes are felony assault or felony sexual assault, most are not viewed by the courts as "deadly force," and you would not be allowed to defend your own family, even in your own home, due to a drafting error when RSA 627:4, II(d) was enacted. "Detached reflection cannot be demanded in the presence of an uplifted knife," Justice Oliver Wendell Holmes wrote in *Brown v. United States* (1921). Can detached reflection be demanded when another is confronted with violence? The minority feels that it is slavish and inhuman to

demand that parents be forced to stand and watch as their own daughter has her face cut up in front of them by criminals with box cutters. At the hearing, opponents of the bill targeted the New Hampshire Constitution itself, which states that, "All persons have the right to keep and bear arms in defense of themselves, their families, their property and the state." The purpose of keeping a gun in the home is not merely for defense of self, but also to defend those within it. The state should never be used by prosecutors as a tool to help violent criminals hurt women and children, yet this is what the criminal code would leave us with if this bill does not pass and we are not able to act in defense of our own families. What message does it send to a mother or father that they are not even allowed to defend their own home and the people in it? That the public must now pay for the maintenance of a state government that merely helps violent criminals hurt innocent people? How is the defense of a child not justifiable in the eyes of the law?

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

Rep. Horn spoke against.

Rep. Abramson spoke against and yielded to questions.

Rep. Bordenet spoke in favor.

Rep. Abramson requested a roll call; sufficiently seconded.

YEAS 200 - NAYS 150

YEAS - 200 BELKNAP

Huot, David

CARROLL

Buco, Thomas
Knirk, Jerry

Burroughs, Anita
MacDonald, John

Butler, Edward
Ticehurst, Susan

DesMarais, Edith

CHESHIRE

Abbott, Michael
Faulkner, Barry
Meador, David
Swinburne, Sandy
Pearson, William

Ames, Richard
Fenton, Donovan
Morrill, David
Tatro, Bruce
Weber, Lucy

Berch, Paul
Gomarlo, Jennie
Parkhurst, Henry
Thompson, Craig

Bordenet, John
Mann, John
Schapiro, Joe
Von Plinsky, Sparky

COOS

Hatch, William
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

Tucker, Edith

GRAFTON

Abel, Richard
Diggs, Francesca
Ford, Susan
Massimilla, Linda
Osborne, Richard
Weston, Joyce

Adjutant, Joshua
Dontonville, Roger
French, Elaine
Mulligan, Mary Jane
Stavis, Laurel

Almy, Susan
Egan, Timothy
Josephson, Timothy
Muscatel, Garrett
Smith, Suzanne

Campion, Polly
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Sykes, George

HILLSBOROUGH

Bouldin, Amanda
Baroody, Benjamin
Bosman, James
Cohen, Bruce
Dargie, Paul
Davis, Fred
Hall, Brett
Herbert, Christopher
Klee, Patricia
Long, Patrick
Mombourquette, Donna
O'Brien, Michael
Query, Joshua
Rung, Rosemarie
St. John, Michelle
Toomey, Dan
Thomas, Wendy

Bouldin, Andrew
Beaulieu, Jane
Bouchard, Donald
Connors, Erika
Desjardin, Kathy
Freitas, Mary
Hamer, Heidi
Indruk, Greg
Klein-Knight, Nicole
Mangipudi, Latha
Mullen, Sue
Pedersen, Michael
Newman, Ray
Newman, Sue
Stack, Kathryn
Vail, Suzanne
Wilhelm, Matthew

Backus, Robert
Bergeron, Paul
Chretien, Jacqueline
Cornell, Patricia
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Langley, Diane
Martin, Joelle
Murphy, Nancy
Petrigno, Peter
Radhakrishnan, Julie
Snow, Kendall
Stevens, Deb
Van Houten, Constance
Williams, Kermit

Balch, Chris
Bordy, William
Cleaver, Skip
Cote, David
Espitia, Manny
Griffith, Willis
Heath, Mary
King, Mark
Leishman, Peter
McGhee, Kat
Nutting-Wong, Allison
Pickering, Daniel
Riel, Cole
Sofikitis, Catherine
Telerski, Laura
Vann, Ivy
Woodbury, David

MERRIMACK

Bartlett, Christy
Ellison, Arthur
Lane, Connie

Carson, Clyde
Fox, Samantha
Luneau, David

Doherty, David
Fulweiler, Joyce
MacKay, James

Ebel, Karen
Karrick, David
McWilliams, Rebecca

Moffett, Howard
Rodd, Beth
Schultz, Kristina
Wazir, Safiya

Myler, Mel
Rogers, Katherine
Soucy, Timothy
Wells, Kenneth

Pimentel, Roderick
Saunderson, George
Wallner, Mary Jane
Woods, Gary

Richards, Beth
Schuett, Dianne
Walz, Mary Beth

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
Edgar, Michael
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Vallone, Mark

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

Bunker, Lisa
Cushing, Robert Renny
Gilman, Julie
Le, Tamara
Malloy, Dennis
Read, Ellen

Bushway, Patricia
DiLorenzo, Charlotte
Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Somssich, Peter

STRAFFORD

Bixby, Peter
Ellis, Donna
Kenney, Cam
Schmidt, Peter
Southworth, Thomas
Wall, Janet

Cannon, Gerri
Grassie, Chuck
Levesque, Cassandra
Rich, Cecilia
Spang, Judith

Chase, Wendy
Higgins, Peg
Smith, Marjorie
Salloway, Jeffrey
Treleven, Susan

Conley, Casey
Horrigan, Timothy
Opderbecke, Linn
Sandler, Catt
Vincent, Kenneth

SULLIVAN

Cloutier, John
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

NAYS - 150

BELKNAP

Aldrich, Glen
Fields, Dennis
Mackie, Jonathan
Viens, Harry

Bean, Harry
Howard, Raymond
Spanos, Peter

Comtois, Barbara
Jurius, Deanna
Sylvia, Michael

Feeney, George
Lang, Timothy
Tilton, Franklin

CARROLL

Avellani, Lino
Woodcock, Stephen

Comeau, Ed

Cordelli, Glenn

Marsh, William

CHESHIRE

Harvey, Cathryn

Hunt, John

O'Day, John

COOS

Craig, Kevin
Merner, Troy

Fothergill, John

Furbush, Michael

Laflamme, Larry

GRAFTON

Hennessey, Erin

Ladd, Rick

Stringham, Jerry

HILLSBOROUGH

Lekas, Alicia
Belanger, James
Camarota, Linda
Flanagan, Jack
Greene, Bob
Jack, Martin
Marzullo, JP
Plett, Fred
Renzullo, Andrew
Lekas, Tony
Whittemore, James

Alexander, Joe
Boehm, Ralph
Danielson, David
Gagne, Larry
Gunski, Michael
Ober, Lynne
Notter, Jeanine
Proulx, Mark
Rice, Kimberly
Trento, Michael

Griffin, Barbara
Burns, Charles
Erf, Keith
Gould, Linda
Hinch, Richard
Lascelles, Richard
Nunez, Hershel
Prout, Andrew
Shaw, Barbara
Ulery, Jordan

Barry, Richard
Burt, John
Fedolfi, Jim
Graham, John
Hopper, Gary
Murray, Megan
Panasiti, Reed
Ober, Russell
Somero, Paul
Warden, Mark

MERRIMACK

Allard, James
Marple, Richard
Seaworth, Brian
Wolf, Dan

Forsythe, Robert
McGuire, Carol
Testerman, Dave
Yakubovich, Michael

Hill, Gregory
Pearl, Howard
Turcotte, Alan

Horn, Werner
Schamberg, Thomas
Walsh, Thomas

ROCKINGHAM

Abbas, Daryl
Barnes, Arthur
Davis, Dan
DeSimone, Debra

Abrami, Patrick
Bershtein, Alan
Thomas, Douglas
Dolan, Tom

Abramson, Max
Chirichiello, Brian
DeClercq, Edward
Doucette, Fred

Acton, Dennis
Costable, Michael
Desilets, Joel
Edwards, Jess

Elliott, Robert
Hobson, Deborah
Katsakiores, Phyllis
Griffin, Mary
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Welch, David

Gay, Betty
Hoelzel, Kathleen
Kolodziej, Walter
Pearson, Mark
Melvin, Charles
Piemonte, Tony
Roy, Terry
Torosian, Peter
Weyler, Kenneth

Green, Dennis
Janigian, John
Love, David
Major, Norman
Milz, David
Potucek, John
Pearson, Stephen
True, Chris
Yokela, Josh

Harb, Robert
Janvrin, Jason
Lundgren, David
McKinney, Betsy
O'Connor, John
Pratt, Kevin
Spillane, James
Verville, Kevin

STRAFFORD

Fontneau, Timothy
Pitre, Joseph
Wuelper, Kurt

Hayward, Peter
Rooney, Abigail

Horgan, James
Beaudoin, Steven

McNally, Jody
Towne, Matthew

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Laware, Thomas

Rollins, Skip

and the majority committee report was adopted.

HB 394-FN, relative to crop theft. OUGHT TO PASS WITH AMENDMENT.

Rep. David Welch for Criminal Justice and Public Safety. This bill amends RSA 539:9 by changing knowingly to recklessly as a mens rea and creating a penalty of a minimum of \$500 or up to 10 times the market value or repair cost whichever amount is higher. The Farm Bureau approves of the change and the farmers were in agreement as well. Vote 18-2.

Amendment (0879h)

Amend RSA 539:9, I as inserted by section 1 of the bill by replacing it with the following:

I. Whoever shall [~~knowingly~~] **recklessly** cut, fell, destroy, injure, damage, cause to be damaged, carry away, **consume**, tamper with, worry, or vandalize any legal crop or legal crop bearing tree or plant, **Christmas tree**, cropland, pasture or pasture land, livestock or other farm raised animals, as defined in RSA 21:34-a, and all farm buildings, enclosures, structures, or equipment used in the care and production of crops, livestock or other farm raised animals, or aid in such action without permission of the owner, shall forfeit to the person injured **a minimum of \$500 or** up to 10 times the market value or repair cost, **whichever amount is higher**.

AMENDED ANALYSIS

This bill:

I. Changes the criminal intent for the crime of crop theft.

II. Expands the definition of crop theft.

III. Raises the compensatory amount that must be paid to the victim.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 514-FN, imposing a waiting period between the purchase and delivery of a firearm. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Ray Newman for the Majority of Criminal Justice and Public Safety. Suicide rates rose 48.3% in the Granite State from 1999-2016. When compared to other means of attempting suicide, guns are uniquely lethal. More than 90% of suicide attempts with a firearm result in death. Suicide attempts by jumping, in comparison, carry a 34% fatality rate, and attempts by drug poisoning only a 2% fatality rate. In other words, a person who attempts suicide by a method other than firearm is more likely to live than a person who uses a gun. This fact is incredibly important because almost all people who survive a suicide attempt go on to live out their lives and do not subsequently die by suicide. Contrary to common belief, the vast majority of suicide survivors recover and do not remain suicidal. A variety of studies confirm that most suicide survivors contemplated their actions for only a brief period of time - often less than 24 hours - before making a suicide attempt. Because of the impulsive nature of suicide, immediate access to firearms is a major mortality risk factor and one that waiting periods can help address. A majority of the committee believes postponing firearm acquisitions until after a visceral state has passed will save lives. Vote 12-8.

Rep. John Burt for the Minority of Criminal Justice and Public Safety. This bill will force individual gun buyers to wait up to eleven days between the purchase and delivery of a firearm after passing an instant background check at the time of purchase. The sponsors have not shown any evidence of criminals obtaining firearms from licensed dealers. However, this bill will burden licensed dealers with additional record keeping requirements that will force them to increase prices making it more expensive for law abiding people to exercise their Second Amendment rights. Furthermore, this bill also allows any law enforcement officer, without a warrant, to inspect dealer records. This deeply violates the Fourth Amendment.

Majority Amendment (0421h)

Amend the bill by replacing section 1 with the following:

1 New Chapter; Purchase and Delivery of a Firearm. Amend RSA by inserting after chapter 159-D the following new chapter:

CHAPTER 159-E**PURCHASE AND DELIVERY OF A FIREARM****159-E:1 Purchase and Delivery of a Firearm.**

I. No licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall transfer, sell, trade, give, transport, or deliver a firearm to any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector until a waiting period of 7 days, excluding weekends and legal holidays, has expired. "Licensed importer," "licensed manufacturer," "licensed dealer," "licensed collector," and "firearm" shall have the same meaning as in 18 U.S.C. section 921.

II. A licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall make available records of firearm sales for inspection by any state, county, or municipal law enforcement agency, during normal business hours.

III. The waiting period shall not apply in the following circumstances:

(a) To the trade-in of a firearm to a licensed importer, licensed manufacturer, licensed dealer, or licensed collector.

(b) To the purchase of a rifle or shotgun, upon a person's successfully completing a minimum of a 16-hour hunter safety course offered by the department of fish and game. A person who is exempt from the hunter safety course offered by the fish and game department and holds a valid New Hampshire hunting license shall be exempt from the waiting period under this section for the purchase of a rifle or shotgun.

(c) When a rifle or shotgun is being purchased by a state, county, or municipal law enforcement officer, state or county correctional officer, or an active duty member of the armed forces as defined in RSA 21:50, III.

159-E:2 Penalty. Any person who violates any provision of this chapter shall be guilty of a class B felony.

AMENDED ANALYSIS

This bill establishes a waiting period for the delivery of a firearm.

Majority committee amendment adopted.

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

Reps. Rooney and Tony Lekas spoke against.

Rep. Burt spoke against and yielded to questions.

Reps. Ray Newman and Rogers spoke in favor.

Rep. Burt requested a roll call; sufficiently seconded.

YEAS 199 - NAYS 147**YEAS - 199****BELKNAP**

Huot, David

CARROLL

Burroughs, Anita
Ticehurst, Susan

Butler, Edward
Woodcock, Stephen

DesMarais, Edith

Knirk, Jerry

CHESHIRE

Abbott, Michael
Faulkner, Barry
Ley, Douglas
Parkhurst, Henry
Thompson, Craig

Ames, Richard
Fenton, Donovan
Mann, John
Schapiro, Joe
Von Plinsky, Sparky

Berch, Paul
Gomarlo, Jennie
Meador, David
Swinburne, Sandy
Pearson, William

Bordenet, John
Harvey, Cathryn
Morrill, David
Tatro, Bruce
Weber, Lucy

COOS

Fothergill, John
Noel, Henry

Hatch, William
Thomas, Yvonne

Laflamme, Larry

Moynihan, Wayne

GRAFTON

Abel, Richard
Diggs, Francesca
Ford, Susan
Massimilla, Linda
Osborne, Richard
Sykes, George

Adjutant, Joshua
Dontonville, Roger
French, Elaine
Mulligan, Mary Jane
Stavis, Laurel
Weston, Joyce

Almy, Susan
Egan, Timothy
Josephson, Timothy
Muscotel, Garrett
Stringham, Jerry

Campion, Polly
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Bouldin, Amanda
 Bergeron, Paul
 Chretien, Jacqueline
 Cornell, Patricia
 Dutzy, Sherry
 Griffith, Willis
 Heath, Mary
 Klee, Patricia
 Long, Patrick
 McGhee, Kat
 Nutting-Wong, Allison
 Pickering, Daniel
 Riel, Cole
 St. John, Michelle
 Vail, Suzanne
 Williams, Kermit

Bouldin, Andrew
 Bordy, William
 Cleaver, Skip
 Cote, David
 Espitia, Manny
 Hall, Brett
 Herbert, Christopher
 Klein-Knight, Nicole
 Murray, Megan
 Mombourquette, Donna
 O'Brien, Michael
 Query, Joshua
 Newman, Sue
 Stack, Kathryn
 Van Houten, Constance
 Woodbury, David

Backus, Robert
 Bosman, James
 Cohen, Bruce
 Dargie, Paul
 Davis, Fred
 Hamer, Heidi
 Indruk, Greg
 Langley, Diane
 Mangipudi, Latha
 Mullen, Sue
 Pedersen, Michael
 Newman, Ray
 Snow, Kendall
 Stevens, Deb
 Vann, Ivy

Beaulieu, Jane
 Bouchard, Donald
 Connors, Erika
 Desjardin, Kathy
 Freitas, Mary
 Harriott-Gathright, Linda
 Schmidt, Janice
 Leishman, Peter
 Martin, Joelle
 Murphy, Nancy
 Petrigno, Peter
 Radhakrishnan, Julie
 Sofikitis, Catherine
 Telerski, Laura
 Thomas, Wendy

MERRIMACK

Bartlett, Christy
 Ellison, Arthur
 Lane, Connie
 Moffett, Howard
 Rodd, Beth
 Schuett, Dianne
 Walz, Mary Beth

Carson, Clyde
 Fox, Samantha
 Luneau, David
 Myler, Mel
 Rogers, Katherine
 Schultz, Kristina
 Wazir, Safiya

Doherty, David
 Fulweiler, Joyce
 MacKay, James
 Pimentel, Roderick
 Saunderson, George
 Soucy, Timothy
 Wells, Kenneth

Ebel, Karen
 Karrick, David
 McWilliams, Rebecca
 Richards, Beth
 Schamberg, Thomas
 Wallner, Mary Jane
 Woods, Gary

ROCKINGHAM

Altschiller, Debra
 Cahill, Michael
 Edgar, Michael
 Grote, Jaci
 Lovejoy, Patricia
 McConnell, Liz
 Ward, Gerald

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

Bunker, Lisa
 Cushing, Robert Renny
 Gilman, Julie
 Le, Tamara
 Malloy, Dennis
 Read, Ellen

Bushway, Patricia
 DiLorenzo, Charlotte
 Grossman, Gaby
 Loughman, Tom
 McBeath, Rebecca
 Somssich, Peter

STRAFFORD

Bixby, Peter
 Ellis, Donna
 Horrigan, Timothy
 Opderbecke, Linn
 Sandler, Catt
 Treleaven, Susan

Cannon, Gerri
 Fontneau, Timothy
 Kenney, Cam
 Schmidt, Peter
 Southworth, Thomas
 Vincent, Kenneth

Chase, Wendy
 Grassie, Chuck
 Levesque, Cassandra
 Rich, Cecilia
 Spang, Judith
 Wall, Janet

Conley, Casey
 Higgins, Peg
 Smith, Marjorie
 Salloway, Jeffrey
 Towne, Matthew

SULLIVAN

Cloutier, John
 Sullivan, Brian

Merchant, Gary
 Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

NAYS - 147**BELKNAP**

Aldrich, Glen
 Fields, Dennis
 Mackie, Jonathan
 Viens, Harry

Bean, Harry
 Howard, Raymond
 Spanos, Peter

Comtois, Barbara
 Jurius, Deanna
 Sylvia, Michael

Feeney, George
 Lang, Timothy
 Tilton, Franklin

CARROLL

Avellani, Lino
 Marsh, William

Buco, Thomas

Cordelli, Glenn

MacDonald, John

CHESHIRE

Hunt, John

O'Day, John

COOS

Craig, Kevin

Furbush, Michael

Merner, Troy

Tucker, Edith

GRAFTON

Hennessey, Erin

Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
 Baroody, Benjamin

Alexander, Joe
 Belanger, James

Griffin, Barbara
 Boehm, Ralph

Balch, Chris
 Burns, Charles

Burt, John
Fedolff, Jim
Gould, Linda
Hinch, Richard
Ober, Lynne
Nunez, Hershel
Prout, Andrew
Rung, Rosemarie
Toomey, Dan
Whittemore, James

Camarota, Linda
Flanagan, Jack
Graham, John
Hopper, Gary
Lascelles, Richard
Panasiti, Reed
Ober, Russell
Shaw, Barbara
Trento, Michael

Danielson, David
Gagne, Larry
Greene, Bob
Jack, Martin
Marzullo, JP
Plett, Fred
Renzullo, Andrew
Somero, Paul
Ulery, Jordan

Erf, Keith
Goley, Jeffrey
Gunski, Michael
King, Mark
Notter, Jeanine
Proulx, Mark
Rice, Kimberly
Lekas, Tony
Warden, Mark

MERRIMACK

Allard, James
Marple, Richard
Testerman, Dave

Forsythe, Robert
McGuire, Carol
Turcotte, Alan

Hill, Gregory
Pearl, Howard
Walsh, Thomas

Horn, Werner
Seaworth, Brian
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Barnes, Arthur
Davis, Dan
DeSimone, Debra
Elliott, Robert
Hobson, Deborah
Katsakiores, Phyllis
Griffin, Mary
Melvin, Charles
Piemonte, Tony
Roy, Terry
Torosian, Peter
Welch, David

Abrami, Patrick
Bershtein, Alan
Thomas, Douglas
Dolan, Tom
Gay, Betty
Hoelzel, Kathleen
Kolodziej, Walter
Pearson, Mark
Milz, David
Potucek, John
Pearson, Stephen
True, Chris
Weyler, Kenneth

Abramson, Max
Chirichiello, Brian
DeClercq, Edward
Doucette, Fred
Green, Dennis
Janigian, John
Love, David
McKinney, Betsy
O'Connor, John
Pratt, Kevin
Spillane, James
Vallone, Mark
Yokela, Josh

Acton, Dennis
Costable, Michael
Desilets, Joel
Edwards, Jess
Harb, Robert
Janvrin, Jason
Lundgren, David
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Verville, Kevin

STRAFFORD

Hayward, Peter
Rooney, Abigail

Horgan, James
Beaudoin, Steven

McNally, Jody
Wuelper, Kurt

Pitre, Joseph

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Laware, Thomas

Rollins, Skip

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

HB 605-FN, relative to criminal penalties for possession, transfer, or manufacture of animal fighting paraphernalia with the intent to be present at, aiding in, or contributing to such fighting. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Nancy Murphy for the Majority of Criminal Justice and Public Safety. Law enforcement must have the ability to prosecute the serious animal cruelty issue of promoting or facilitating animal fighting. Organized animal fighting is difficult to track due to those involved changing locations and the secrecy around this violent enterprise. Law enforcement officials have documented a strong connection between animal fighting, the distribution of illegal drugs, and violence. Prosecution of animal fighting in NH is minimal, due to a lack of enforceable law, not a lack of fighting in the state. This bill would add a tool to those investigating and prosecuting animal fighting and has been endorsed by a number of animal protection agencies, including the Humane Society of the United States. Vote 13-7.

Rep. John Burt for the Minority of Criminal Justice and Public Safety. One of the main issues for the minority of the committee and citizens that testified against this bill was section III (b) "breaking sticks, springpoles, unprescribed veterinary medicine, treatment supplies." Many people use these items and feel the bill does not protect them from a person that does not understand why a good dog owner would have these items and end up calling the police on them. The bill needs a lot of work. The unintended problems will hurt good dog owners. Several dog groups are against this bill for that and many other reasons. The minority also felt the fines and penalty are too high and, again, the bill is well intended but just needs a lot more work.

MOTION TO LAY ON THE TABLE

Rep. Pearl moved that **HB 605-FN**, relative to criminal penalties for possession, transfer, or manufacture of animal fighting paraphernalia with the intent to be present at, aiding in, or contributing to such fighting, be laid on the table.

On a division vote, with 140 members having voted in the affirmative, and 188 in the negative, the motion failed.

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

Rep. Burt spoke against and yielded to questions.

Rep. Murphy spoke in favor.

Rep. Ley requested a roll call; sufficiently seconded.

YEAS 215 - NAYS 124**YEAS - 215
BELKNAP**

Fields, Dennis

Huot, David

Buco, Thomas
Knirk, JerryBurroughs, Anita
Ticehurst, SusanAbbott, Michael
Gomarlo, Jennie
Meador, David
Swinburne, Sandy
Pearson, WilliamAmes, Richard
Harvey, Cathryn
Morrill, David
Tatro, Bruce
Weber, LucyFothergill, John
Noel, HenryHatch, William
Tucker, EdithAbel, Richard
Diggs, Francesca
French, Elaine
Mulligan, Mary Jane
Stavis, Laurel
Weston, JoyceAdjutant, Joshua
Dontonville, Roger
Josephson, Timothy
Muscatel, Garrett
Stringham, JerryAlexander, Joe
Balch, Chris
Belanger, James
Bouchard, Donald
Connors, Erika
Desjardin, Kathy
Freitas, Mary
Hamer, Heidi
Schmidt, Janice
Klein-Knight, Nicole
Murray, Megan
Mullen, Sue
Panasiti, Reed
Query, Joshua
Newman, Sue
Stack, Kathryn
Vail, Suzanne
Williams, KermitBouldin, Amanda
Baroody, Benjamin
Bergeron, Paul
Chretien, Jacqueline
Cornell, Patricia
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Jack, Martin
Langley, Diane
Mangipudi, Latha
Murphy, Nancy
Petrigno, Peter
Newman, Ray
Snow, Kendall
Stevens, Deb
Van Houten, Constance
Woodbury, DavidBartlett, Christy
Ellison, Arthur
Lane, Connie
Moffett, Howard
Rodd, Beth
Schuett, Dianne
Wallner, Mary Jane
Wolf, DanCarson, Clyde
Fox, Samantha
Luneau, David
Myler, Mel
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth
Woods, GaryAbbas, Daryl
Berrien, Skip
Cali-Pitts, Jacqueline
Edgar, Michael
Grote, Jaci
Loughman, Tom
McBeath, Rebecca
Somssich, PeterAbrami, Patrick
Bunker, Lisa
Cushing, Robert Renny
Eisner, Mary
Harb, Robert
Lovejoy, Patricia
McConnell, Liz
Vallone, MarkBixby, Peter
Ellis, DonnaCannon, Gerri
Fontneau, Timothy**CARROLL**Butler, Edward
Woodcock, Stephen

DesMarais, Edith

CHESHIREBerch, Paul
Ley, Douglas
Parkhurst, Henry
Thompson, CraigFaulkner, Barry
Mann, John
Schapiro, Joe
Von Plinsky, Sparky**COOS**Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

GRAFTONAlmy, Susan
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Smith, SuzanneCampion, Polly
Ford, Susan
Massimilla, Linda
Osborne, Richard
Sykes, George**HILLSBOROUGH**Bouldin, Andrew
Barry, Richard
Bordy, William
Cleaver, Skip
Cote, David
Espitia, Manny
Griffith, Willis
Heath, Mary
King, Mark
Leishman, Peter
Martin, Joelle
Nutting-Wong, Allison
Pickering, Daniel
Riel, Cole
Sofikitis, Catherine
Telerski, Laura
Vann, IvyBackus, Robert
Beaulieu, Jane
Bosman, James
Cohen, Bruce
Dargie, Paul
Davis, Fred
Hall, Brett
Indruk, Greg
Klee, Patricia
Long, Patrick
McGhee, Kat
O'Brien, Michael
Proulx, Mark
Rung, Rosemarie
St. John, Michelle
Toomey, Dan
Thomas, Wendy**MERRIMACK**Doherty, David
Fulweiler, Joyce
MacKay, James
Pimentel, Roderick
Saunderson, George
Soucy, Timothy
Wazir, SafiyaEbel, Karen
Karrick, David
McWilliams, Rebecca
Richards, Beth
Schamberg, Thomas
Turcotte, Alan
Wells, Kenneth**ROCKINGHAM**Altschiller, Debra
Bushway, Patricia
Desilets, Joel
Gay, Betty
Murray, Kate
Maggiore, Jim
Meuse, David
Ward, GeraldBaldasaro, Al
Cahill, Michael
DiLorenzo, Charlotte
Grossman, Gaby
Le, Tamara
Malloy, Dennis
Read, Ellen**STRAFFORD**Chase, Wendy
Grassie, ChuckConley, Casey
Higgins, Peg

Horrigan, Timothy
Opderbecke, Linn
Sandler, Catt
Treleaven, Susan

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

Levesque, Cassandra
Rich, Cecilia
Spang, Judith

Smith, Marjorie
Salloway, Jeffrey
Towne, Matthew

SULLIVAN

Cloutier, John
Rollins, Skip

Merchant, Gary
Stapleton, Walter

O'Hearne, Andrew
Tanner, Linda

Oxenham, Lee

NAYS - 124

BELKNAP

Aldrich, Glen
Howard, Raymond
Sylvia, Michael

Bean, Harry
Lang, Timothy
Tilton, Franklin

Comtois, Barbara
Mackie, Jonathan
Viens, Harry

Feeney, George
Spanos, Peter

CARROLL

Avellani, Lino

Cordelli, Glenn

MacDonald, John

Marsh, William

CHESHIRE

Bordenet, John

Hunt, John

O'Day, John

COOS

Craig, Kevin

Furbush, Michael

Merner, Troy

GRAFTON

Hennessey, Erin

Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
Burt, John
Fedolff, Jim
Graham, John
Hopper, Gary
Mombourquette, Donna
Prout, Andrew
Rice, Kimberly
Ulery, Jordan

Griffin, Barbara
Camarota, Linda
Flanagan, Jack
Greene, Bob
Ober, Lynne
Notter, Jeanine
Ober, Russell
Somero, Paul
Warden, Mark

Boehm, Ralph
Danielson, David
Gagne, Larry
Gunski, Michael
Lascelles, Richard
Nunez, Hershel
Radhakrishnan, Julie
Lekas, Tony
Whittemore, James

Burns, Charles
Erf, Keith
Gould, Linda
Hinch, Richard
Marzullo, JP
Plett, Fred
Renzullo, Andrew
Trento, Michael

MERRIMACK

Allard, James
Marple, Richard
Testerman, Dave

Forsythe, Robert
McGuire, Carol
Walsh, Thomas

Hill, Gregory
Pearl, Howard
Yakubovich, Michael

Horn, Werner
Seaworth, Brian

ROCKINGHAM

Abramson, Max
Costable, Michael
DeSimone, Debra
Elliott, Robert
Hoelzel, Kathleen
Love, David
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Welch, David

Acton, Dennis
Davis, Dan
Dolan, Tom
Gilman, Julie
Janigian, John
Lundgren, David
Melvin, Charles
Piemonte, Tony
Roy, Terry
Torosian, Peter
Weyler, Kenneth

Barnes, Arthur
Thomas, Douglas
Doucette, Fred
Green, Dennis
Janvrin, Jason
Griffin, Mary
Milz, David
Potucek, John
Pearson, Stephen
True, Chris
Yokela, Josh

Bershtein, Alan
DeClercq, Edward
Edwards, Jess
Hobson, Deborah
Kolodziej, Walter
Pearson, Mark
O'Connor, John
Pratt, Kevin
Spillane, James
Verville, Kevin

STRAFFORD

Hayward, Peter
Beaudoin, Steven

McNally, Jody
Vincent, Kenneth

Pitre, Joseph
Wuelper, Kurt

Rooney, Abigail

SULLIVAN

Aron, Judy
Sullivan, Brian

Callum, John

Laware, Thomas

Smith, Steven

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

HB 529, prohibiting a school district employee from assisting a person convicted of sexual misconduct with a minor child. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David Luneau for the Majority of Education. This bill prohibits a superintendent and other school district employees from providing certain support to a person convicted of sexual misconduct with a minor child. The committee understands that a school district employee may be asked to provide testimony during a criminal

hearing. And the committee further understands that any action taken by a school district employee while performing their duties as an employee or while representing the school district is subject to the authority of the school board. However, this bill extends beyond an employee's actions while serving in their professional capacity and the committee determined that the state should not infringe upon an employee's right to free speech while acting on their own behalf. Vote 14-5.

Rep. Ralph Boehm for the Minority of Education. The minority agrees with Supreme Court opinions regulating freedom of speech for public employees, stating that freedom of speech is not covered under some circumstances. One instance is disharmony; if an action by a teacher or other employee promotes disharmony among other employees, then dismissal is warranted. When guidance counselors at a school testify on behalf of a person that was convicted of being a pedophile, that would certainly cause disharmony not just with other employees but with the public at large.

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

Rep. Ladd spoke against and yielded to questions.

Rep. Luneau spoke in favor.

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

YEAS 221 - NAYS 107

YEAS - 221 BELKNAP

Fields, Dennis	Huot, David	Spanos, Peter
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CARROLL

Buco, Thomas	Burroughs, Anita	Butler, Edward	DesMarais, Edith
Knirk, Jerry	Marsh, William	Ticehurst, Susan	Woodcock, Stephen

CHESHIRE

Abbott, Michael	Ames, Richard	Berch, Paul	Bordenet, John
Faulkner, Barry	Gomarolo, Jennie	Harvey, Cathryn	Hunt, John
Ley, Douglas	Mann, John	Meader, David	Morrill, David
Parkhurst, Henry	Schapiro, Joe	Swinburne, Sandy	Tatro, Bruce
Thompson, Craig	Von Plinsky, Sparky	Pearson, William	Weber, Lucy

COOS

Craig, Kevin	Hatch, William	Laflamme, Larry	Moynihan, Wayne
Noel, Henry	Tucker, Edith	Thomas, Yvonne	

GRAFTON

Abel, Richard	Almy, Susan	Campion, Polly	Dontonville, Roger
Egan, Timothy	Fellows, Sallie	Ford, Susan	French, Elaine
Josephson, Timothy	Maes, Kevin	Mulligan, Mary Jane	Muscatel, Garrett
Nordgren, Sharon	Osborne, Richard	Stavis, Laurel	Stringham, Jerry
Sykes, George	Weston, Joyce		

HILLSBOROUGH

Lekas, Alicia	Bouldin, Amanda	Bouldin, Andrew	Backus, Robert
Balch, Chris	Baroody, Benjamin	Beaulieu, Jane	Belanger, James
Bergeron, Paul	Bordy, William	Bosman, James	Bouchard, Donald
Chretien, Jacqueline	Cleaver, Skip	Cohen, Bruce	Connors, Erika
Cornell, Patricia	Cote, David	Dargie, Paul	Desjardin, Kathy
Dutzy, Sherry	Espitia, Manny	Davis, Fred	Freitas, Mary
Goley, Jeffrey	Griffith, Willis	Gunski, Michael	Hall, Brett
Hamer, Heidi	Harriott-Gathright, Linda	Heath, Mary	Indruk, Greg
Schmidt, Janice	Jack, Martin	King, Mark	Klein-Knight, Nicole
Langley, Diane	Leishman, Peter	Long, Patrick	Murray, Megan
Mangipudi, Latha	Martin, Joelle	McGhee, Kat	Mombourquette, Donna
Murphy, Nancy	Nunez, Hershel	Nutting-Wong, Allison	O'Brien, Michael
Petrigno, Peter	Pickering, Daniel	Plett, Fred	Query, Joshua
Newman, Ray	Radhakrishnan, Julie	Riel, Cole	Rung, Rosemarie
Newman, Sue	Snow, Kendall	Sofikitis, Catherine	St. John, Michelle
Stack, Kathryn	Stevens, Deb	Lekas, Tony	Telerski, Laura
Vail, Suzanne	Van Houten, Constance	Vann, Ivy	Thomas, Wendy
Warden, Mark	Williams, Kermit	Woodbury, David	

MERRIMACK

Allard, James	Bartlett, Christy	Carson, Clyde	Doherty, David
Ebel, Karen	Ellison, Arthur	Forsythe, Robert	Fox, Samantha
Fulweiler, Joyce	Karrick, David	Lane, Connie	Luneau, David

MacKay, James
Pimentel, Roderick
Schamberg, Thomas
Soucy, Timothy
Wazir, Safiya
Yakubovich, Michael

McWilliams, Rebecca
Rodd, Beth
Schuett, Dianne
Turcotte, Alan
Wells, Kenneth

Moffett, Howard
Rogers, Katherine
Schultz, Kristina
Wallner, Mary Jane
Wolf, Dan

Myler, Mel
Saunderson, George
Seaworth, Brian
Walz, Mary Beth
Woods, Gary

ROCKINGHAM

Abbas, Daryl
Bushway, Patricia
Thomas, Douglas
Eisner, Mary
Grote, Jaci
Loughman, Tom
McBeath, Rebecca
Vallone, Mark

Acton, Dennis
Cahill, Michael
Desilets, Joel
Gay, Betty
Murray, Kate
Lovejoy, Patricia
McConnell, Liz
Ward, Gerald

Berrien, Skip
Cali-Pitts, Jacqueline
DiLorenzo, Charlotte
Gilman, Julie
Kolodziej, Walter
Maggiore, Jim
Meuse, David
Welch, David

Bunker, Lisa
Cushing, Robert Renny
Edgar, Michael
Grossman, Gaby
Le, Tamara
Malloy, Dennis
Somssich, Peter
Yokela, Josh

STRAFFORD

Bixby, Peter
Fontneau, Timothy
Kenney, Cam
Schmidt, Peter
Sandler, Catt
Treleaven, Susan

Cannon, Gerri
Grassie, Chuck
Levesque, Cassandra
Rich, Cecilia
Southworth, Thomas
Vincent, Kenneth

Chase, Wendy
Higgins, Peg
Smith, Marjorie
Rooney, Abigail
Spang, Judith
Wall, Janet

Ellis, Donna
Horrigan, Timothy
Opderbecke, Linn
Salloway, Jeffrey
Towne, Matthew

SULLIVAN

Cloutier, John
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

NAYS - 107

BELKNAP

Aldrich, Glen
Howard, Raymond
Tilton, Franklin

Bean, Harry
Lang, Timothy
Viens, Harry

Comtois, Barbara
Mackie, Jonathan

Feeney, George
Sylvia, Michael

CARROLL

MacDonald, John

CHESHIRE

COOS

Merner, Troy

GRAFTON

Ladd, Rick

Massimilla, Linda

HILLSBOROUGH

Alexander, Joe
Burns, Charles
Erf, Keith
Gould, Linda
Hopper, Gary
Mullen, Sue
Prout, Andrew
Trento, Michael

Griffin, Barbara
Burt, John
Fedolfi, Jim
Graham, John
Klee, Patricia
Notter, Jeanine
Renzullo, Andrew
Ulery, Jordan

Barry, Richard
Camarota, Linda
Flanagan, Jack
Greene, Bob
Lascelles, Richard
Panasiti, Reed
Rice, Kimberly
Whittemore, James

Boehm, Ralph
Danielson, David
Gagne, Larry
Hinch, Richard
Marzullo, JP
Proulx, Mark
Somero, Paul

MERRIMACK

Hill, Gregory
Testerman, Dave

Horn, Werner
Walsh, Thomas

McGuire, Carol

Pearl, Howard

ROCKINGHAM

Abrami, Patrick
Barnes, Arthur
DeSimone, Debra
Green, Dennis
Janigian, John
Pearson, Mark
O'Connor, John
Pratt, Kevin
Sytek, John

Abramson, Max
Bershtein, Alan
Dolan, Tom
Harb, Robert
Janvrin, Jason
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Torosian, Peter

Altschiller, Debra
Costable, Michael
Edwards, Jess
Hobson, Deborah
Love, David
Melvin, Charles
Piemonte, Tony
Roy, Terry
True, Chris

Baldasaro, Al
DeClercq, Edward
Elliott, Robert
Hoelzel, Kathleen
Griffin, Mary
Milz, David
Potucek, John
Pearson, Stephen
Verville, Kevin

STRAFFORD

Conley, Casey
Pitre, Joseph

Hayward, Peter
Beaudoin, Steven

Horgan, James
Wuelper, Kurt

McNally, Jody

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Laware, Thomas

Rollins, Skip

and the majority committee report was adopted.

HB 494, relative to removal or containment of contaminants from the Coakley Landfill. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Peter Bixby for the Majority of Environment and Agriculture. This bill, as amended, addresses a critical environmental public health threat affecting seacoast communities. The committee heard testimony that the Coakley Landfill Group (CLG) has failed to effectively contain pollution at the Coakley Superfund dump site. In addition, new types of contaminants (PFAS, PFOA) have emerged as a threat to surface water, ground water, and drinking water that were not recognized when the Superfund consent decree was signed in the early nineties. While the CLG has provided alternative drinking water sources to abutters on a piecemeal basis when forced to by the Department of Environmental Services (DES), there has been no systematic effort to mitigate the underlying contamination problems. This bill, as amended, directs DES to pursue all remedies available under the consent decree to expedite more effective removal of contaminants entering Berry's Brook from the Coakley Landfill. The amendment removes a section of the bill that directed DES to declare an imminent hazard at the landfill to expedite cleanup of the site. Testimony from DES indicated that this demand might violate the consent decree and make future consent decree negotiations more difficult. Vote 11-9.

Rep. John O'Connor for the Minority of Environment and Agriculture. This bill requires the Department of Environmental Services (DES) to do what is already required by law. DES went to great lengths to explain to the committee the requirements for the Coakley containment site under the signed consent decree between all parties, and for other Superfund sites, in general. In NH there are over 20 sites jointly reviewed by DES, EPA, and others under consent decrees. The bill is a step in the right direction but falls short because it contains many vague statements. For example, there are multiple times in the bill that states "we" are supposed to get reports; however, who "we" are was never clarified to the committee. Under the findings section, there are many references to past correspondence concerning the issue, but the committee had not seen them. This placed committee members in an extremely difficult position to make a decision on whether or not to pass the bill without knowing all the factual information. The minority requested additional documents and those documents were received by email over the weekend just prior to the executive session. When the committee met it was clear that the members had not had enough time to review the documents submitted by DES. Both sides agree that the situation is a serious public concern. DES has documented and has acted on all violations that concern public safety. This bill was put forth prior to DES setting new proposed water quality standards. Currently there are, as we speak, public hearings by DES throughout the state on new standards that would change the requirements of established water quality programs in the state. In addition, the committee heard testimony by EPA stating that the agency announced on February 14 a new Superfund initiative to deal with PFAS, water quality standards, and the establishment of new programs to address contamination throughout the nation. The minority believes that this bill should have been retained in committee to monitor progress on this issue and to use it, if necessary, to take appropriate action next session.

Majority Amendment (0732h)

Amend the bill by deleting section 2 and renumbering the original sections 3-4 to read as 2-3, respectively.

Rep. Andrew Bouldin spoke against.

Rep. Bixby spoke in favor.

On a division vote, with 107 members having voted in the affirmative, and 203 in the negative, the majority committee amendment failed.

The question now being adoption of the motion of Ought to Pass.

Reps. Abramson and Janvrin spoke in favor.

Rep. Cushing spoke in favor and yielded to questions.

Rep. O'Connor spoke against.

MOTION TO LAY ON THE TABLE

Rep. Spang moved that **HB 494**, relative to removal or containment of contaminants from the Coakley Landfill, be laid on the table.

Rep. Cushing requested a roll call; sufficiently seconded.

YEAS 123 - NAYS 206**YEAS - 123****BELKNAP**

Aldrich, Glen
Howard, Raymond
Sylvia, Michael

Bean, Harry
Lang, Timothy
Tilton, Franklin

Comtois, Barbara
Mackie, Jonathan
Viens, Harry

Feeney, George
Spanos, Peter

CARROLL

Avellani, Lino
Ticehurst, Susan

Cordelli, Glenn

MacDonald, John

Marsh, William

CHESHIRE

Hunt, John

O'Day, John

Parkhurst, Henry

COOS

Craig, Kevin

Furbush, Michael

Merner, Troy

GRAFTON

Hennessey, Erin

Smith, Suzanne

HILLSBOROUGH

Lekas, Alicia
Barry, Richard
Burt, John
Fedolfi, Jim
Graham, John
Lascelles, Richard
Panasiti, Reed
Rice, Kimberly
Ulery, Jordan

Alexander, Joe
Belanger, James
Camarota, Linda
Flanagan, Jack
Greene, Bob
Marzullo, JP
Plett, Fred
Somero, Paul
Vann, Ivy

Griffin, Barbara
Boehm, Ralph
Danielson, David
Gagne, Larry
Gunski, Michael
Notter, Jeanine
Proulx, Mark
Lekas, Tony
Whittemore, James

Backus, Robert
Burns, Charles
Erf, Keith
Gould, Linda
Hinch, Richard
Nunez, Hershel
Renzullo, Andrew
Trento, Michael

MERRIMACK

Allard, James
Horn, Werner
Testerman, Dave
Yakubovich, Michael

Bartlett, Christy
McGuire, Carol
Walsh, Thomas

Forsythe, Robert
Pearl, Howard
Wolf, Dan

Hill, Gregory
Seaworth, Brian
Woods, Gary

ROCKINGHAM

Abbas, Daryl
Barnes, Arthur
Thomas, Douglas
Green, Dennis
Kolodziej, Walter
McMahon, Charles
Piemonte, Tony
Roy, Terry
Torosian, Peter
Yokela, Josh

Abrami, Patrick
Bershtein, Alan
Dolan, Tom
Harb, Robert
Love, David
Milz, David
Potucek, John
Pearson, Stephen
True, Chris

Acton, Dennis
Costable, Michael
Doucette, Fred
Hoelzel, Kathleen
Griffin, Mary
O'Connor, John
Pratt, Kevin
Spillane, James
Verville, Kevin

Baldasaro, Al
Davis, Dan
Edwards, Jess
Janigian, John
Pearson, Mark
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Welch, David

STRAFFORD

Hayward, Peter
Rooney, Abigail

Horgan, James
Beaudoin, Steven

McNally, Jody
Spang, Judith

Pitre, Joseph
Wuelper, Kurt

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Laware, Thomas

Rollins, Skip

NAYS - 206**BELKNAP**

Fields, Dennis

Huot, David

CARROLL

Buco, Thomas
Knirk, Jerry

Burroughs, Anita
Woodcock, Stephen

Butler, Edward

DesMarais, Edith

CHESHIRE

Abbott, Michael
Faulkner, Barry

Ames, Richard
Gomarlo, Jennie

Berch, Paul
Harvey, Cathryn

Bordenet, John
Ley, Douglas

Mann, John
Swinburne, Sandy
Pearson, William

Meador, David
Tatro, Bruce
Weber, Lucy

Morrill, David
Thompson, Craig

Schapiro, Joe
Von Plinsky, Sparky

COOS

Fothergill, John
Noel, Henry

Hatch, William
Tucker, Edith

Lafamme, Larry
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

Abel, Richard
Dontonville, Roger
French, Elaine
Massimilla, Linda
Osborne, Richard
Weston, Joyce

Adjutant, Joshua
Egan, Timothy
Josephson, Timothy
Mulligan, Mary Jane
Stavis, Laurel

Almy, Susan
Fellows, Sallie
Ladd, Rick
Muscatel, Garrett
Stringham, Jerry

Campion, Polly
Ford, Susan
Maes, Kevin
Nordgren, Sharon
Sykes, George

HILLSBOROUGH

Bouldin, Amanda
Beaulieu, Jane
Bouchard, Donald
Connors, Erika
Desjardin, Kathy
Freitas, Mary
Hamer, Heidi
Indruk, Greg
Klee, Patricia
Long, Patrick
McGhee, Kat
Nutting-Wong, Allison
Prout, Andrew
Riel, Cole
Sofikitis, Catherine
Vail, Suzanne
Woodbury, David

Bouldin, Andrew
Bergeron, Paul
Chretien, Jacqueline
Cornell, Patricia
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klein-Knight, Nicole
Murray, Megan
Mombourquette, Donna
O'Brien, Michael
Query, Joshua
Rung, Rosemarie
Stack, Kathryn
Van Houten, Constance

Balch, Chris
Bordy, William
Cleaver, Skip
Cote, David
Espitia, Manny
Griffith, Willis
Heath, Mary
Jack, Martin
Langley, Diane
Mangipudi, Latha
Mullen, Sue
Petrigno, Peter
Newman, Ray
Newman, Sue
Stevens, Deb
Thomas, Wendy

Baroody, Benjamin
Bosman, James
Cohen, Bruce
Dargie, Paul
Davis, Fred
Hall, Brett
Hopper, Gary
King, Mark
Leishman, Peter
Martin, Joelle
Murphy, Nancy
Pickering, Daniel
Radhakrishnan, Julie
Snow, Kendall
Telerski, Laura
Williams, Kermit

MERRIMACK

Carson, Clyde
Fox, Samantha
Luneau, David
Myler, Mel
Saunderson, George
Soucy, Timothy
Wazir, Safiya

Doherty, David
Fulweiler, Joyce
MacKay, James
Pimentel, Roderick
Schamberg, Thomas
Turcotte, Alan
Wells, Kenneth

Ebel, Karen
Karrick, David
McWilliams, Rebecca
Rodd, Beth
Schuett, Dianne
Wallner, Mary Jane

Ellison, Arthur
Lane, Connie
Moffett, Howard
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth

ROCKINGHAM

Abramson, Max
Bushway, Patricia
DeClercq, Edward
Eisner, Mary
Grote, Jaci
Le, Tamara
Malloy, Dennis
Meuse, David
Ward, Gerald

Altschiller, Debra
Cahill, Michael
Desilets, Joel
Gay, Betty
Hobson, Deborah
Loughman, Tom
McBeath, Rebecca
Read, Ellen

Berrien, Skip
Cali-Pitts, Jacqueline
DiLorenzo, Charlotte
Gilman, Julie
Janvrin, Jason
Lovejoy, Patricia
McConnell, Liz
Somssich, Peter

Bunker, Lisa
Cushing, Robert Renny
Edgar, Michael
Grossman, Gaby
Murray, Kate
Maggiore, Jim
Melvin, Charles
Vallone, Mark

STRAFFORD

Bixby, Peter
Ellis, Donna
Horrigan, Timothy
Opderbecke, Linn
Sandler, Catt
Vincent, Kenneth

Cannon, Gerri
Fontneau, Timothy
Kenney, Cam
Schmidt, Peter
Southworth, Thomas
Wall, Janet

Chase, Wendy
Grassie, Chuck
Levesque, Cassandra
Rich, Cecilia
Towne, Matthew

Conley, Casey
Higgins, Peg
Smith, Marjorie
Salloway, Jeffrey
Treleaven, Susan

SULLIVAN

Cloutier, John
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

and the motion failed.

The question now being adoption of the motion of Ought to Pass.

Rep. Loughman spoke in favor.

Rep. Ley requested a roll call; sufficiently seconded.

YEAS 231 - NAYS 97**YEAS - 231
BELKNAP**

Comtois, Barbara

Fields, Dennis

Huot, David

Buco, Thomas
Knirk, JerryBurroughs, Anita
MacDonald, JohnButler, Edward
Ticehurst, SusanDesMarais, Edith
Woodcock, Stephen**CHESHIRE**Abbott, Michael
Faulkner, Barry
Mann, John
Schapiro, Joe
Von Plinsky, SparkyAmes, Richard
Gomarlo, Jennie
Meador, David
Swinburne, Sandy
Pearson, WilliamBerch, Paul
Harvey, Cathryn
Morrill, David
Tatro, Bruce
Weber, LucyBordenet, John
Ley, Douglas
Parkhurst, Henry
Thompson, Craig**COOS**Hatch, William
Tucker, EdithLaflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

GRAFTONAbel, Richard
Dontonville, Roger
French, Elaine
Massimilla, Linda
Osborne, Richard
Sykes, GeorgeAdjutant, Joshua
Egan, Timothy
Josephson, Timothy
Mulligan, Mary Jane
Stavis, Laurel
Weston, JoyceAlmy, Susan
Fellows, Sallie
Ladd, Rick
Muscatel, Garrett
Stringham, JerryCampion, Polly
Ford, Susan
Maes, Kevin
Nordgren, Sharon
Smith, Suzanne**HILLSBOROUGH**Alexander, Joe
Balch, Chris
Bordy, William
Cleaver, Skip
Cote, David
Espitia, Manny
Griffith, Willis
Heath, Mary
Jack, Martin
Langley, Diane
Mangipudi, Latha
Mombourquette, Donna
O'Brien, Michael
Proulx, Mark
Radhakrishnan, Julie
Snow, Kendall
Telerski, Laura
Thomas, WendyBouldin, Amanda
Baroody, Benjamin
Bosman, James
Cohen, Bruce
Dargie, Paul
Davis, Fred
Hall, Brett
Hopper, Gary
King, Mark
Leishman, Peter
Martin, Joelle
Mullen, Sue
Panasiti, Reed
Prout, Andrew
Riel, Cole
Sofikitis, Catherine
Vail, Suzanne
Williams, KermitBouldin, Andrew
Beaulieu, Jane
Bouchard, Donald
Connors, Erika
Desjardin, Kathy
Freitas, Mary
Hamer, Heidi
Indruk, Greg
Klee, Patricia
Long, Patrick
Marzullo, JP
Murphy, Nancy
Petrigno, Peter
Query, Joshua
Rung, Rosemarie
Stack, Kathryn
Van Houten, Constance
Woodbury, DavidBackus, Robert
Bergeron, Paul
Chretien, Jacqueline
Cornell, Patricia
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klein-Knight, Nicole
Murray, Megan
McGhee, Kat
Nutting-Wong, Allison
Pickering, Daniel
Newman, Ray
Newman, Sue
Stevens, Deb
Vann, Ivy**MERRIMACK**Bartlett, Christy
Ellison, Arthur
Karrick, David
McWilliams, Rebecca
Rodd, Beth
Schuett, Dianne
Wallner, Mary Jane
Wolf, DanCarson, Clyde
Forsythe, Robert
Lane, Connie
Moffett, Howard
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth
Woods, GaryDoherty, David
Fox, Samantha
Luneau, David
Myler, Mel
Saunderson, George
Soucy, Timothy
Wazir, SafiyaEbel, Karen
Fulweiler, Joyce
MacKay, James
Pimentel, Roderick
Schamberg, Thomas
Turcotte, Alan
Wells, Kenneth**ROCKINGHAM**Abrami, Patrick
Berrien, Skip
Cali-Pitts, Jacqueline
Desilets, Joel
Eisner, Mary
Grote, Jaci
Le, Tamara
Malloy, Dennis
Meuse, David
Vallone, MarkAbramson, Max
Bunker, Lisa
Costable, Michael
DiLorenzo, Charlotte
Gay, Betty
Hobson, Deborah
Loughman, Tom
McBeath, Rebecca
Read, Ellen
Verville, KevinAltschiller, Debra
Bushway, Patricia
Cushing, Robert Renny
Doucette, Fred
Gilman, Julie
Janvrin, Jason
Lovejoy, Patricia
McConnell, Liz
Roy, Terry
Ward, GeraldBarnes, Arthur
Cahill, Michael
DeClercq, Edward
Edgar, Michael
Grossman, Gaby
Murray, Kate
Maggiore, Jim
Melvin, Charles
Somssich, Peter

STRAFFORD

Bixby, Peter
Ellis, Donna
Higgins, Peg
Smith, Marjorie
Salloway, Jeffrey
Towne, Matthew

Cannon, Gerri
Fontneau, Timothy
Horrigan, Timothy
Opderbecke, Linn
Sandler, Catt
Treleaven, Susan

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

Conley, Casey
Hayward, Peter
Levesque, Cassandra
Rich, Cecilia
Spang, Judith
Wall, Janet

SULLIVAN

Aron, Judy
O'Hearne, Andrew
Tanner, Linda

Callum, John
Oxenham, Lee

Cloutier, John
Stapleton, Walter

Merchant, Gary
Sullivan, Brian

NAYS - 97**BELKNAP**

Aldrich, Glen
Lang, Timothy
Tilton, Franklin

Bean, Harry
Mackie, Jonathan
Viens, Harry

Feeney, George
Spanos, Peter

Howard, Raymond
Sylvia, Michael

CARROLL

Avellani, Lino

Cordelli, Glenn

Marsh, William

CHESHIRE

Hunt, John

O'Day, John

COOS

Craig, Kevin

Fothergill, John

Furbush, Michael

Merner, Troy

GRAFTON

Hennessey, Erin

HILLSBOROUGH

Lekas, Alicia
Boehm, Ralph
Danielson, David
Gould, Linda
Hinck, Richard
Plett, Fred
Lekas, Tony

Griffin, Barbara
Burns, Charles
Erf, Keith
Graham, John
Lascelles, Richard
Renzullo, Andrew
Trento, Michael

Barry, Richard
Burt, John
Flanagan, Jack
Greene, Bob
Notter, Jeanine
Rice, Kimberly
Ulery, Jordan

Belanger, James
Camarota, Linda
Gagne, Larry
Gunski, Michael
Nunez, Hershel
Somero, Paul
Whittemore, James

MERRIMACK

Allard, James
Pearl, Howard
Yakubovich, Michael

Hill, Gregory
Seaworth, Brian

Horn, Werner
Testerman, Dave

McGuire, Carol
Walsh, Thomas

ROCKINGHAM

Abbas, Daryl
Davis, Dan
Green, Dennis
Kolodziej, Walter
McMahon, Charles
Piemonte, Tony
Pearson, Stephen
True, Chris

Acton, Dennis
Thomas, Douglas
Harb, Robert
Love, David
Milz, David
Potucek, John
Spillane, James
Welch, David

Baldasaro, Al
Dolan, Tom
Hoelzel, Kathleen
Griffin, Mary
O'Connor, John
Pratt, Kevin
Sytek, John
Yokela, Josh

Bershtein, Alan
Edwards, Jess
Janigian, John
Pearson, Mark
Packard, Sherman
Prudhomme-O'Brien, Katherine
Torosian, Peter

STRAFFORD

Horgan, James
Beaudoin, Steven

McNally, Jody
Wuelper, Kurt

Pitre, Joseph

Rooney, Abigail

SULLIVAN

Laware, Thomas

Rollins, Skip

Smith, Steven

and the motion of Ought to Pass was adopted and ordered to third reading.

HB 121-FN, relative to the regulation of massage establishments. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Samantha Fox for the Majority of Executive Departments and Administration. This bill, with the amendment, creates a license for massage, reflexology, structural integrator and Asian bodywork therapy establishments with two or more employees. It expressly exempts sole proprietors and independent contractors. These businesses will also no longer be subject to various town or city bylaws or ordinances regulating such establishments. Beyond the public health and safety issues addressed in this bill, the language has been designed

to help the state curb commercial sex and human trafficking in illicit massage businesses -- a result of work done by a task force comprised of industry stake-holders, state and local police, the Attorney General, and the Department of Homeland Security. This will facilitate cooperation between the licensing agency and law enforcement as the public reports generated by regular inspections are shared. This has not only been demonstrated to be a critical piece of the puzzle in supporting effective, survivor-centered law enforcement, but it serves to clearly distinguish those illicit activities from the good work that continues to be done by members of the massage, reflexology, structural integrator and Asian bodywork industries in our communities. Vote 12-7. Rep. Carol McGuire for the Minority of Executive Departments and Administration. While concerned about human trafficking, the minority is not convinced that the method chosen by the majority of the committee - additional licenses and regulation of legitimate massage establishments - is the appropriate method for controlling illicit massage parlors. The practitioners who testified, wrote to the committee and worked with the subcommittee were equally divided; many were concerned about the costs and hassles of a new license, the burden of proof for qualifying for one of the many exemptions from licensure, and new regulations that might disqualify their facilities from future operation. The minority of the committee is also concerned about the cost of the new establishment license, which is to be set in rules with no statutory limit. The fiscal note implies that the license might need to be \$500 rather than the \$50 proponents suggest. Finally, this bill allows license revocation or suspension if the licensee "Has engaged in illegal activity" which is subjective, overly broad, and does not require conviction before punishment.

Majority Amendment (0812h)

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

AN ACT relative to the regulation of massage, reflexology, structural integrator and Asian bodywork therapy establishments.

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

1 Regulation of Massage Establishments. Amend RSA 328-B:1 to read as follows:

328-B:1 Regulation of Massage Therapists and Massage Establishments. The general court, to protect the health, safety, and welfare of the people of the state of New Hampshire, establishes a regulatory program for massage therapists, including establishing basic qualifications for licensure of massage therapists **and massage establishments**.

2 New Paragraph; Massage Therapists and Massage Establishments; Definition Added. Amend RSA 328-B:2 by inserting after paragraph III the following new paragraph:

III-a. "Establishment" means the place issued a license by the executive director where the profession of massage is practiced. "Establishment" shall include any building in which 2 or more massage therapists work for the same employer.

3 New Paragraph; Massage Therapists and Massage Establishments; Definition Added. Amend RSA 328-B:2 by inserting after paragraph VIII the following new paragraph:

IX. "Sole proprietor" means any person who owns a business by himself or herself and does not have any employees within his or her business.

4 New Paragraphs; Prohibited Acts; Establishment Licensure. Amend RSA 328-B:3 by inserting after paragraph VI the following new paragraphs:

VII. Operate an establishment without an establishment license.

VIII. Operate an establishment unless such establishment is at all times under the direct supervision and management of a professional licensed under this chapter.

5 New Paragraph; Powers and Duties; Establishments. Amend RSA 328-B:4 by inserting after paragraph VII the following new paragraph:

VIII. Regulate and adopt rules on massage establishments, including:

(a) The issuance, suspension, revocation, renewal, and denial of massage establishment licenses.

(b) Holding hearings and conduct investigations under paragraph II concerning massage establishment licenses.

(c) Conditions, requirements, and standards for operation under an establishment license, including health and safety standards.

(d) Standards and procedures for inspections of establishments including, inspections conducted as part of the initial licensure process.

(e) Application forms and procedures to open, close, relocate, or renew an establishment.

(f) Requiring public display of licensure and secure recordkeeping procedures.

(g) Procedures for disciplinary action, including cease and desist orders, suspension, limitation, or revocation of establishment licensure.

(h) Requiring the licensee to obtain a certificate of good standing from the secretary of state.

(i) Qualifications for exemption of schools, health facilities, or others from massage establishment license requirements in RSA 328-B:14.

(j) Required documentation to verify sole proprietor or independent contractor designation.

6 Advisory Board of Massage Therapists. Amend the introductory paragraph of RSA 328-B:5 to read as follows:

The executive director shall establish the advisory board of massage therapists. The board shall consist of 3 massage therapists who are licensees in the state of New Hampshire. The members shall be appointed for 3 years, staggered so that the term of one member expires each year, and they shall hold office until successors are appointed~~[- and shall serve on the board without any compensation]~~. ***Advisory board members shall be paid mileage and a per diem of \$50 for each day devoted to the work of the advisory board.*** In no event shall a member serve more than 2 full consecutive terms. The board shall:

7 New Paragraph; License Issuance. Amend RSA 328-B:6 by inserting after paragraph I the following new paragraph:

I-a. Initial licenses shall be valid until the next succeeding expiration date in accordance with 328-B:7.

8 License Fee; Establishment License. Amend RSA 328-B:7 to read as follows:

328-B:7 License Renewal. All licenses issued pursuant to this chapter shall expire on the last day of the birth month of the licensee in the even-numbered year, upon approval of the executive director of the renewal application and submission of the required \$110 renewal fee ***for massage therapists or the required fee as determined in rules adopted by the executive director for massage establishments.***

9 New Paragraph; Revocation or Suspension. Amend RSA 328-B:8 by inserting after paragraph V the following new paragraph:

VI. Has engaged in illegal activity, including but not limited to prostitution or human trafficking.

10 New Paragraph; Massage; Exemptions. Amend RSA 328-B:10 by inserting after paragraph III the following new paragraph:

IV. Nothing in this chapter shall require a residential care or health facility licensed pursuant to RSA 151:2 to obtain an establishment license under this chapter.

11 New Sections; Massage Establishment Licensure; Inspectors. Amend RSA 328-B by inserting after section 13 the following new sections:

328-B:14 Massage Establishment Licensure.

I. It shall be a misdemeanor for any person, as owner, manager, or agent to open, establish, conduct or maintain an establishment without first having obtained an establishment license from the board. Any New Hampshire licensed massage therapist may obtain an establishment license upon application and payment of fee provided that the establishment meets all requirements established in the rules of the board. Massage establishment licenses granted pursuant to this chapter shall be conspicuously posted within the establishment.

II. In addition to licenses issued under paragraph I, the board may issue an establishment license to an applicant who does not hold a personal massage therapist license provided that the owner employs a licensed massage therapist as manager. This section shall not authorize such owner to personally engage in massage therapy.

III. The requirement for establishment licensure under paragraph I shall not apply to a sole proprietor of his or her business or independent contractors. If a sole proprietor or independent contractor is providing services without a prior appointment, the sole proprietor or independent contractor shall obtain an establishment license.

IV. Only establishments issued a license by the executive director shall use the terms "licensed massage establishment" or "massage establishment."

V. The license fees for establishments shall be determined in rules adopted by the executive director under RSA 541-A. Establishments that are licensed as an establishment, shop, or facility under one of the occupations or professions regulated by the office of professional licensure and certification in RSA 310-A:1-a shall pay a reduced fee for a massage establishment license.

VI. No town or city shall adopt or enforce a bylaw or ordinance for the licensure of massage establishments.

328-B:15 Inspectors.

I. The office of professional licensure and certification shall employ inspectors and authorize them to enter and inspect any establishment licensed under this chapter for the purpose of ascertaining whether or not the administrative rules of the board and the provisions of this chapter are being observed. Each inspector shall file a report of inspection findings and results with the executive director. Salaries and necessary expenses shall be charged against the office of professional licensure and certification fund.

II. The executive director shall adopt rules under RSA 541-A relative to the qualifications of an inspector under this section.

12 Grandfathering of Municipal Bylaws and Ordinances. Notwithstanding RSA 328-B:14, VI, a license for a massage establishment issued by a municipality in effect on the effective date of this act shall remain valid for purposes of RSA 328-B:14 until the expiration of the term of the license.

13 New Paragraph; Definitions; Reflexology, Structural Integration, and Asian Bodywork Therapy. Amend RSA 328-H:2 by inserting after paragraph II the following new paragraph:

II-a. "Establishment" means the place licensed by the executive director where the practitioners of reflexology, structural integration, and Asian bodywork therapy practice. "Establishment" shall include any building in which 2 or more licensed reflexologists, structural integrators, or Asian bodywork therapists work for the same employer.

14 New Paragraph; Definitions; Reflexology, Structural Integration, and Asian Bodywork Therapy. Amend RSA 328-H:2 by inserting after paragraph VII the following new paragraph:

VIII. "Sole proprietor" means any person who owns a business by himself or herself and does not have any employees within his or her business.

15 New Paragraphs; Reflexologists, Structural Integrators, and Asian Bodywork Therapists; Prohibited Acts. Amend RSA 328-H:4 by inserting after paragraph V the following new paragraphs:

VI. Operate a reflexology, structural integration, or Asian bodywork therapy establishment without an establishment license.

VII. Operate a reflexology, structural integration, or Asian bodywork therapy establishment unless such establishment is at all times under the direct supervision and management of a practitioner licensed under this chapter.

16 New Subparagraph; Reflexologists, Structural Integrators, and Asian Bodywork Therapists; Rulemaking. Amend RSA 328-H:5, VIII by inserting after subparagraph (l) the following new subparagraph:

(m) Regulate establishments including:

(1) Issue, suspend, revoke, and deny licenses in accordance with rules adopted under RSA 541-A.

(2) Hold hearings and conduct investigations, public or confidential, and issue orders relating to such hearings and investigations. The contested case provisions of RSA 541-A:31-36 shall apply when a person is aggrieved by a decision of the executive director under this chapter. Appeals shall be made in accordance with RSA 541.

(3) Conditions, requirements, and standards for operation under an establishment license, including health and safety standards.

(4) Standards and procedures for inspections of establishments, including inspections conducted as part of the initial licensure process.

(5) A fine schedule for violations of the administrative rules adopted by the executive director under this chapter.

(6) Application forms and procedures to open, close, relocate, or renew an establishment.

(7) Requiring public display of licensure and secure recordkeeping procedures.

(8) Procedures for disciplinary action, including cease and desist orders, suspension, limitation, or revocation of establishment licensure.

(9) Requiring an applicant for licensure to obtain a certificate of good standing from the secretary of state.

(10) Establishing the fees for licensure of a reflexology, structural integration, or Asian bodywork therapy establishment in rules adopted by the executive director under RSA 541-A. Establishments that are licensed as an establishment, shop, or facility under one of the occupations or professions regulated by the office of professional licensure and certification in RSA 310-A:1-a shall pay a reduced fee for a reflexology, structural integration, or Asian bodywork therapy establishment license.

(11) Qualifications for exemption of schools, health facilities, or others from reflexology, structural integration, or Asian bodywork therapy establishment license requirements in RSA 328-H:18.

(12) Required documentation to verify sole proprietor or independent contractor designation.

17 New Paragraph; License Revocation or Suspension. Amend RSA 328-H:10 by inserting after paragraph V the following new paragraph:

VI. Has engaged in illegal activity including but not limited to prostitution or human trafficking.

18 Exemptions. Amend RSA 328-H:13 as follows:

328-H:13 Exemptions.

I. Nothing in this chapter shall prevent a person licensed by this state pursuant to any other provision of law from performing the occupation for which he or she is licensed.

II. *Nothing in this chapter shall require a residential care or health facility licensed pursuant to RSA 151:2 to obtain an establishment license under this chapter.*

19 New Sections; Establishment Licensure; Inspectors. Amend RSA 328-H by inserting after section 17 the following new sections:

328-H:18 Establishment Licensure.

I. It shall be a misdemeanor for any person, as owner, manager, or agent to open, establish, conduct or maintain an establishment without first having obtained an establishment license from the executive director. Any New Hampshire licensed reflexologist, structural integrator, or Asian bodywork therapist may obtain an establishment license upon application and fee provided that the establishment meets all requirements established in the rules adopted by the executive director. Establishment licenses granted pursuant to this chapter shall be conspicuously posted within the establishment.

II. In addition to licenses issued under paragraph I, the board may issue an establishment license to an applicant who does not hold a personal reflexologist, structural integrator, or Asian bodywork therapist license provided that the owner employs a licensed reflexologist, structural integrator, or Asian bodywork therapist as manager. This paragraph shall not authorize such owner to personally engage in massage therapy act as a practitioner under this chapter.

III. This section shall not apply to licensed reflexologist, structural integrator, or Asian bodywork therapists who are sole proprietors of his or her business or an independent contractor. If a sole proprietor or independent contractor is providing services without a prior appointment, the sole proprietor or independent contractor shall obtain an establishment license.

IV. No town or city shall adopt or enforce a bylaw or ordinance for the licensure of reflexology, structural integration, or Asian bodywork therapy establishments.

328-H:19 Inspectors.

I. The office of professional licensure and certification shall employ inspectors and authorize them to enter and inspect any establishment licensed under this chapter for the purpose of ascertaining whether or not the administrative rules of the executive director and the provisions of this chapter are being observed. Each inspector shall file a report with the executive director of inspection findings and results. Salaries and necessary expenses shall be charged against the fees and other moneys collected under this chapter.

II. The executive director shall adopt rules relative to the qualifications of an inspector under this section.

20 Office of Professional Licensure and Certification; New Classified Position; Appropriation.

I. One investigative paralegal position, labor grade 22, is hereby established as a classified position in the office of professional licensure and certification.

II. The amount necessary to pay for the position established in paragraph I, which shall be in addition to any sums appropriated in 01-21-21-215010-2406 for the division of health professions, is hereby appropriated to the executive director of the office of professional licensure and certification. Salaries and necessary expenses shall be charged against the office of professional licensure and certification fund established in RSA 310-A:1-e.

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

AMENDED ANALYSIS

This bill requires massage establishments and reflexology, structural integration, or Asian bodywork therapy establishments to be licensed, regulated, and inspected by the office of professional licensure and certification. The bill also adds compensation to members of the advisory board of massage therapists. On a division vote, with 181 members having voted in the affirmative, and 114 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. McGuire spoke against.

Rep. Fox spoke in favor.

Rep. Goley yielded to questions.

Majority committee report adopted and ordered to third reading.

HB 133-FN, repealing the licensing requirement for open-air shows and repealing the laws related to the keeping of billiard tables. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Schmidt for Executive Departments and Administration. This bill repeals the local licensing requirement for open-air shows and repeals the laws related to the keeping of billiard tables. Although, at first blush, the bill might seem to deal with an outdated, and therefore unnecessary, statute, which ought to be repealed, in point of fact, it provides the underpinning for local control with regard to shows that might be conducted in New Hampshire, especially in our smaller communities. Repealing important sections of RSA 286, as proposed by this bill, would deprive local select-boards of their authority to license such shows, if they choose, at their discretion. The ED&A majority recognizes the value and importance of RSA 286 and recommends Inexpedient to Legislate. Vote 14-4.

Committee report adopted.

HB 562, relative to the state building code. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Schmidt for Executive Departments and Administration. This bill updates the definition of the state building code to include the 2015 editions of the International Building Code, the International Existing Building Code, the International Plumbing Code, the International Mechanical Code, the International Energy Conservation Code, and the International Residential Code. This bill is the culmination of an extensive and long-term effort by the ED&A Committee, NH state agencies, the Building Code Review Board (BCRB) and major stakeholders in the state's building sector, to rectify a decade-long inability to update the state building codes. All parties recognize the absolute necessity to act at this time, as further delay will result in unacceptable increases in insurance rates, which have already risen substantially, as well as long-term

harm to our building sector and the people of New Hampshire from a failure to adapt to climate change and the concomitant effects on energy consumption and costs. The amendment ratifies recent amendments to the state building code adopted by the BCRB. This bipartisan bill represents a long-awaited step in the right direction. Vote 11-8.

Amendment (1025h)

Amend the bill by replacing section 2 with the following:

2 New Hampshire Building Code. Amend RSA 155-A:1, IV to read as follows:

IV. "New Hampshire building code" or "state building code" means the adoption by reference of the International Building Code [2009] **2015**, the International Existing Building Code [2009] **2015**, the International Plumbing Code [2009] **2015**, the International Mechanical Code [2009] **2015**, the International Energy Conservation Code [2009] **2015**, *the International Swimming Pool and Spa Code 2015*, and the International Residential Code [2009] **2015**, as published by the International Code Council, and the National Electrical Code 2017, as amended by the state building code review board and ratified by the legislature in accordance with RSA 155-A:10. The provisions of any other national code or model code referred to within a code listed in this definition shall not be included in the state building code unless specifically included in the codes listed in this definition.

Amend the bill by inserting after section 3 the following and renumbering the original 4 to read as 5:

4 State Building Code; Ratification of Amendments by the State Building Code Review Board. Pursuant to RSA 155-A:10, V, the general court hereby ratifies the amendments to the state building codes, as defined in RSA 155-A:1, adopted by the state building code review board from January 31, 2017 through January 31, 2019, in administrative rules Bcr 300; provided that the following amendments shall expire 30 months from the effective date of this act:

I. RE-15-33-18, an amendment to International Residential Code (IRC) 2015, table N1102.1.2, relative to climate zone 6, wood frame wall r-value.

II. RE-15-37-18, an amendment to IRC 2015, section N1101.5, relative to information on construction documents.

III. RE-15-39-18, an amendment to IRC 2015, section N1102.1, relative to the building thermal envelope.

IV. RE-15-40-18, an amendment to IRC 2015, section N1102.4.1.2, relative to testing.

V. RE-15-42-18, an amendment to IRC 2015, section N1103.6, relative to mechanical ventilation.

VI. RE-15-43-18, an amendment to IRC 2015, table N1102.1.2, relative to insulation and fenestration requirements by component.

AMENDED ANALYSIS

This bill:

I. Updates the definition of the state building code to include the 2015 editions of the International Building Code, the International Existing Building Code, the International Plumbing Code, the International Mechanical Code, the International Energy Conservation Code, and the International Residential Code.

II. Adds the International Swimming Pool and Spa Code to the definition of the state building code.

III. Ratifies changes to the New Hampshire building code made by the building code review board from January 31, 2017 through January 31, 2019, with the exception of certain amendments which shall expire 30 months from the effective date of this act.

Committee amendment adopted.

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

Rep. Beaudoin spoke against and yielded to questions.

Rep. Peter Schmidt spoke in favor.

Rep. Spillane requested a roll call; sufficiently seconded.

YEAS 193 - NAYS 122

YEAS - 193 BELKNAP

Huot, David

CARROLL

Buco, Thomas
Knirk, Jerry

Burroughs, Anita
Ticehurst, Susan

Butler, Edward
Woodcock, Stephen

DesMarais, Edith

CHESHIRE

Abbott, Michael
Faulkner, Barry
Mann, John
Schapiro, Joe
Weber, Lucy

Ames, Richard
Gomarlo, Jennie
Meador, David
Swinburne, Sandy

Berch, Paul
Harvey, Cathryn
Morrill, David
Thompson, Craig

Bordenet, John
Ley, Douglas
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
Stringham, Jerry

Adjutant, Joshua
Egan, Timothy
Maes, Kevin
Nordgren, Sharon
Smith, Suzanne

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

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

HILLSBOROUGH

Bouldin, Andrew
Bergeron, Paul
Chretien, Jacqueline
Cornell, Patricia
Desjardin, Kathy
Freitas, Mary
Hamer, Heidi
Schmidt, Janice
Klein-Knight, Nicole
Murray, Megan
Mombourquette, Donna
Petrigno, Peter
Radhakrishnan, Julie
Snow, Kendall
Telerski, Laura
Thomas, Wendy

Backus, Robert
Bordy, William
Cleaver, Skip
Cote, David
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Jack, Martin
Langley, Diane
Mangipudi, Latha
Murphy, Nancy
Pickering, Daniel
Riel, Cole
Sofikitis, Catherine
Vail, Suzanne
Williams, Kermit

Balch, Chris
Bosman, James
Cohen, Bruce
Danielson, David
Espitia, Manny
Griffith, Willis
Heath, Mary
King, Mark
Leishman, Peter
Martin, Joelle
Nutting-Wong, Allison
Query, Joshua
Rung, Rosemarie
Stack, Kathryn
Van Houten, Constance
Woodbury, David

Beaulieu, Jane
Bouchard, Donald
Connors, Erika
Dargie, Paul
Davis, Fred
Hall, Brett
Indruk, Greg
Klee, Patricia
Long, Patrick
McGhee, Kat
O'Brien, Michael
Newman, Ray
Newman, Sue
Stevens, Deb
Vann, Ivy

MERRIMACK

Bartlett, Christy
Ellison, Arthur
Lane, Connie
Moffett, Howard
Rogers, Katherine
Schultz, Kristina
Wazir, Safiya

Carson, Clyde
Fox, Samantha
Luneau, David
Myler, Mel
Saunderson, George
Soucy, Timothy
Wells, Kenneth

Doherty, David
Fulweiler, Joyce
MacKay, James
Pimentel, Roderick
Schamberg, Thomas
Wallner, Mary Jane
Wolf, Dan

Ebel, Karen
Karrick, David
McWilliams, Rebecca
Rodd, Beth
Schuett, Dianne
Walz, Mary Beth
Woods, Gary

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
Edgar, Michael
Murray, Kate
Maggiore, Jim
Meuse, David

Berrien, Skip
Cali-Pitts, Jacqueline
Eisner, Mary
Kolodziej, Walter
Malloy, Dennis
Read, Ellen

Bunker, Lisa
Cushing, Robert Renny
Gilman, Julie
Le, Tamara
McBeath, Rebecca
Somssich, Peter

Bushway, Patricia
DiLorenzo, Charlotte
Grote, Jaci
Loughman, Tom
McConnell, Liz
Ward, Gerald

STRAFFORD

Bixby, Peter
Grassie, Chuck
Levesque, Cassandra
Pitre, Joseph
Southworth, Thomas
Vincent, Kenneth

Cannon, Gerri
Higgins, Peg
Smith, Marjorie
Rich, Cecilia
Spang, Judith
Wall, Janet

Chase, Wendy
Horrigan, Timothy
Opderbecke, Linn
Salloway, Jeffrey
Towne, Matthew

Conley, Casey
Kenney, Cam
Schmidt, Peter
Sandler, Catt
Treleven, Susan

SULLIVAN

Cloutier, John
Tanner, Linda

Merchant, Gary

Oxenham, Lee

Sullivan, Brian

NAYS - 122**BELKNAP**

Aldrich, Glen
Fields, Dennis
Sylvia, Michael

Bean, Harry
Howard, Raymond
Tilton, Franklin

Comtois, Barbara
Mackie, Jonathan
Viens, Harry

Feeney, George
Spanos, Peter

CARROLL

Avellani, Lino

Cordelli, Glenn

MacDonald, John

Marsh, William

CHESHIRE

Hunt, John

O'Day, John

COOS

Craig, Kevin

Fothergill, John

Furbush, Michael

Merner, Troy

GRAFTON

Hennessey, Erin

Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
 Barry, Richard
 Burt, John
 Gagne, Larry
 Gunski, Michael
 Marzullo, JP
 Panasiti, Reed
 Renzullo, Andrew
 Trento, Michael

Alexander, Joe
 Belanger, James
 Camarota, Linda
 Gould, Linda
 Hinch, Richard
 Mullen, Sue
 Plett, Fred
 Rice, Kimberly
 Ulery, Jordan

Griffin, Barbara
 Boehm, Ralph
 Erf, Keith
 Graham, John
 Hopper, Gary
 Notter, Jeanine
 Proulx, Mark
 Somero, Paul
 Warden, Mark

Baroody, Benjamin
 Burns, Charles
 Flanagan, Jack
 Greene, Bob
 Lascelles, Richard
 Nunez, Hershel
 Prout, Andrew
 Lekas, Tony
 Whittemore, James

MERRIMACK

Allard, James
 McGuire, Carol
 Turcotte, Alan

Forsythe, Robert
 Pearl, Howard
 Walsh, Thomas

Hill, Gregory
 Seaworth, Brian
 Yakubovich, Michael

Horn, Werner
 Testerman, Dave

ROCKINGHAM

Abbas, Daryl
 Baldasaro, Al
 Davis, Dan
 Dolan, Tom
 Green, Dennis
 Love, David
 Melvin, Charles
 Pratt, Kevin
 Spillane, James
 Verville, Kevin

Abrami, Patrick
 Barnes, Arthur
 Thomas, Douglas
 Doucette, Fred
 Hoelzel, Kathleen
 Griffin, Mary
 Packard, Sherman
 Prudhomme-O'Brien, Katherine
 Sytek, John
 Welch, David

Abramson, Max
 Bershtein, Alan
 DeClercq, Edward
 Edwards, Jess
 Janigian, John
 Pearson, Mark
 Piemonte, Tony
 Roy, Terry
 Torosian, Peter
 Yokela, Josh

Acton, Dennis
 Costable, Michael
 Desilets, Joel
 Gay, Betty
 Janvrin, Jason
 McMahon, Charles
 Potucek, John
 Pearson, Stephen
 True, Chris

STRAFFORD

Fontneau, Timothy
 Rooney, Abigail

Hayward, Peter
 Beaudoin, Steven

Horgan, James
 Wuelper, Kurt

McNally, Jody

SULLIVAN

Aron, Judy
 Stapleton, Walter

Callum, John
 Smith, Steven

Laware, Thomas

Rollins, Skip

and the committee report was adopted and ordered to third reading
 Rep. McGuire voted Nay and intended to vote Yea.

HB 624, establishing a commission to study management systems and customer service of New Hampshire government agencies. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jaci Grote for the Majority of Executive Departments and Administration. The objective of the commission established by this bill is to use lean, learning and other initiatives, to improve efficiency and effectiveness for those utilizing NH government services. There are several ways that this can be accomplished through this commission, which is comprised primarily of state agency commissioners or their designees. The commission will study management and customer service systems to reduce duplicated activities, develop common goals between agencies where applicable, develop information technology that improves communication within and between agencies, access capabilities among agencies and examine interfaces within and among agencies. The commission will complete this work within a tight time frame and submit its report on or before November 1, 2019. Vote 11-8.

Rep. Reed Panasiti for the Minority of Executive Departments and Administration. The minority opposes the adoption of this bill, because although establishing a commission is an effective way to identify deficiencies and gaps in services, it is felt that the time allotted for this work, with a report due by November 1, 2019, is far too short to reasonably report these discrepancies and deficiencies for all the New Hampshire governmental agencies. The minority also believes that the Department of Information Technology currently has the knowledge and experience necessary to identify any deficiencies that may exist in any state agency.

Majority Amendment (0311h)

Amend RSA 20-B:2, I(i) as inserted by section 1 of the bill by replacing it with the following:

(i) The chief information officer of the department of information technology, or designee.

Amend RSA 20-B:2, III as inserted by section 1 of the bill by replacing it with the following:

III. The commission shall study the efficiency and effectiveness of management systems and both internal and external customer service provided by state agencies. The study shall include:

- (a) Consideration of lean government initiatives to identify and implement the most efficient, value-added ways to provide government services.
- (b) Consideration of other learning initiatives, and implementation of such learning initiatives, designed to improve the efficiency and effectiveness of customer service provided by state agencies.
- (c) Development of internal and external customer satisfaction measurements and performance metrics.
- (d) Development of information technology resources to improve the efficiency and effectiveness of customer service initiatives.
- (e) Implementation of management systems to support improved internal and external customer systems.
- (f) Examination of electronic interfaces between departments that could provide synergy in communications and provide leveraging of solutions.
- (g) Development of procedures, protocols, and systems designed to break down barriers between state agencies and between the public and private sector.
- (h) Examination on how integration of services can improve efficiency and service.
- (i) Development of a system to continuously study and improve the workflow and standardization of services.
- (j) Examination of the availability and linkage of services and delivery of programs between federal, state, and county agencies and the community.

AMENDED ANALYSIS

This bill establishes a commission to study the efficiency and effectiveness of management systems and customer service provided by state agencies, for the purpose of improving overall execution and efficiency, including streamlining processes, improving communication between agencies, and measuring the internal and external customer service experience.

Majority committee amendment adopted.

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

On a division vote, with 190 members having voted in the affirmative, and 122 in the negative, the majority committee report was adopted and ordered to third reading.

HB 662, establishing a commission to study occupational licensing reforms. **INEXPEDIENT TO LEGISLATE.** Rep. Peter Schmidt for Executive Departments and Administration. While the issues raised in this bill seem unobjectionable or even worthwhile, most of them have in actuality already been the subject of an ongoing effort by the ED&A Committee over the past several terms to improve accessibility to employment and to enhance economic opportunities in New Hampshire, especially in the regulated professions. There is already an existing grant-funded study under the auspices of the Office of Professional Licensure and Certification (OPLC) to do something similar to the study proposed by this bill. A good deal of progress has already been achieved in the areas of reciprocity, portability and removal of barriers, specifically regarding veterans, current members of the military and their spouses. The OPLC itself is striving to continue and improve this process. In addition, the mission of the proposed commission is so wide-ranging and its time frame so narrow that the ED&A majority has very serious doubts as to its workability. In the view of the committee majority, this bill, establishing a commission to study occupational licensing reforms, is both unworkable and unnecessary. Vote 13-7.

On a division vote, with 195 members having voted in the affirmative, and 119 in the negative, the committee report was adopted.

HCR 3, relative to welcoming communities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jean Jeudy for Executive Departments and Administration. This resolution, as amended, designates September as diversity month, giving the opportunity to welcoming communities of immigrants to celebrate cultural diversity. It urges state and local government officials, small business owners, and community members to celebrate the month with appropriate events and activities. Vote 15-4.

Amendment (0577h)

Amend the resolution by replacing the second paragraph after the resolving clause with the following:

That the general court hereby designates September as welcoming month and urges state and local government officials, small business owners, and community members to celebrate the month with appropriate events and activities.

AMENDED ANALYSIS

This resolution designates September as welcoming month and urges public and private organizations to celebrate both occasions with appropriate events and activities.

Committee amendment adopted.

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

YEAS 251 - NAYS 56

YEAS - 251

BELKNAP

Feeney, George
Sylvia, Michael

Fields, Dennis
Viens, Harry

Huot, David

Spanos, Peter

CARROLL

Buco, Thomas
Knirk, Jerry
Woodcock, Stephen

Burroughs, Anita
MacDonald, John

Butler, Edward
Marsh, William

DesMarais, Edith
Ticehurst, Susan

CHESHIRE

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

Ames, Richard
Gomarlo, Jennie
Meader, David
Swinburne, Sandy
Weber, Lucy

Berch, Paul
Harvey, Cathryn
Morrill, David
Tatro, Bruce

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

COOS

Craig, Kevin
Merner, Troy
Thomas, Yvonne

Fothergill, John
Moynihan, Wayne

Hatch, William
Noel, Henry

Laflamme, Larry
Tucker, Edith

GRAFTON

Abel, Richard
Dontonville, Roger
Hennessey, Erin
Mulligan, Mary Jane
Stavis, Laurel
Weston, Joyce

Adjutant, Joshua
Egan, Timothy
Josephson, Timothy
Muscatel, Garrett
Stringham, Jerry

Almy, Susan
Ford, Susan
Maes, Kevin
Nordgren, Sharon
Smith, Suzanne

Campion, Polly
French, Elaine
Massimilla, Linda
Osborne, Richard
Sykes, George

HILLSBOROUGH

Lekas, Alicia
Baroody, Benjamin
Bergeron, Paul
Camarota, Linda
Connors, Erika
Desjardin, Kathy
Freitas, Mary
Gunski, Michael
Heath, Mary
Jack, Martin
Langley, Diane
Mangipudi, Latha
Mombourquette, Donna
Nunez, Hershel
Petrigno, Peter
Query, Joshua
Riel, Cole
Sofikitis, Catherine
Lekas, Tony
Van Houten, Constance
Williams, Kermit

Bouldin, Andrew
Barry, Richard
Bordy, William
Chretien, Jacqueline
Cornell, Patricia
Dutzy, Sherry
Goley, Jeffrey
Hall, Brett
Hinch, Richard
King, Mark
Leishman, Peter
Martin, Joelle
Mullen, Sue
Nutting-Wong, Allison
Pickering, Daniel
Newman, Ray
Rung, Rosemarie
Somero, Paul
Telerski, Laura
Vann, Ivy
Woodbury, David

Backus, Robert
Beaulieu, Jane
Bosman, James
Cleaver, Skip
Cote, David
Espitia, Manny
Graham, John
Hamer, Heidi
Indruk, Greg
Klee, Patricia
Long, Patrick
Marzullo, JP
Murphy, Nancy
O'Brien, Michael
Plett, Fred
Radhakrishnan, Julie
Newman, Sue
Stack, Kathryn
Trento, Michael
Thomas, Wendy

Balch, Chris
Belanger, James
Bouchard, Donald
Cohen, Bruce
Dargie, Paul
Davis, Fred
Griffith, Willis
Harriott-Gathright, Linda
Schmidt, Janice
Klein-Knight, Nicole
Murray, Megan
McGhee, Kat
Notter, Jeanine
Panasiti, Reed
Proulx, Mark
Rice, Kimberly
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Warden, Mark

MERRIMACK

Bartlett, Christy
Ellison, Arthur
Horn, Werner
MacKay, James
Pimentel, Roderick
Schamberg, Thomas
Turcotte, Alan
Wells, Kenneth

Carson, Clyde
Fox, Samantha
Karrick, David
McWilliams, Rebecca
Rodd, Beth
Schuett, Dianne
Wallner, Mary Jane
Wolf, Dan

Doherty, David
Fulweiler, Joyce
Lane, Connie
Moffett, Howard
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth
Woods, Gary

Ebel, Karen
Hill, Gregory
Luneau, David
Myler, Mel
Saunderson, George
Soucy, Timothy
Wazir, Safiya
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Bunker, Lisa

Abrami, Patrick
Barnes, Arthur
Bushway, Patricia

Abramson, Max
Berrien, Skip
Cahill, Michael

Altschiller, Debra
Bershtein, Alan
Cali-Pitts, Jacqueline

Cushing, Robert Renny
DiLorenzo, Charlotte
Edwards, Jess
Grote, Jaci
Le, Tamara
McBeath, Rebecca
Packard, Sherman
Ward, Gerald

Thomas, Douglas
Dolan, Tom
Eisner, Mary
Hoelzel, Kathleen
Loughman, Tom
McConnell, Liz
Read, Ellen
Welch, David

DeClercq, Edward
Doucette, Fred
Gay, Betty
Janigian, John
Maggiore, Jim
McMahon, Charles
Roy, Terry

Desilets, Joel
Edgar, Michael
Gilman, Julie
Murray, Kate
Malloy, Dennis
Meuse, David
Somssich, Peter

STRAFFORD

Bixby, Peter
Fontneau, Timothy
Kenney, Cam
Schmidt, Peter
Sandler, Catt
Treleaven, Susan

Cannon, Gerri
Grassie, Chuck
Levesque, Cassandra
Rich, Cecilia
Southworth, Thomas
Vincent, Kenneth

Chase, Wendy
Higgins, Peg
Smith, Marjorie
Rooney, Abigail
Spang, Judith
Wall, Janet

Conley, Casey
Horrigan, Timothy
Opderbecke, Linn
Salloway, Jeffrey
Towne, Matthew

SULLIVAN

Aron, Judy
Oxenham, Lee
Tanner, Linda

Cloutier, John
Rollins, Skip

Laware, Thomas
Stapleton, Walter

Merchant, Gary
Sullivan, Brian

NAYS - 56

BELKNAP

Aldrich, Glen
Mackie, Jonathan

Bean, Harry
Tilton, Franklin

Comtois, Barbara

Howard, Raymond

CARROLL

Avellani, Lino

Cordelli, Glenn

CHESHIRE

Hunt, John

O'Day, John

COOS

Furbush, Michael

GRAFTON

Ladd, Rick

HILLSBOROUGH

Alexander, Joe
Burt, John
Gould, Linda
Ulery, Jordan

Griffin, Barbara
Danielson, David
Greene, Bob
Whittemore, James

Boehm, Ralph
Erf, Keith
Lascelles, Richard

Burns, Charles
Gagne, Larry
Prout, Andrew

MERRIMACK

Allard, James
Testerman, Dave

Forsythe, Robert

McGuire, Carol

Pearl, Howard

ROCKINGHAM

Acton, Dennis
Kolodziej, Walter
Piemonte, Tony
Spillane, James
Verville, Kevin

Costable, Michael
Love, David
Potucek, John
Sytek, John
Yokela, Josh

Green, Dennis
Griffin, Mary
Pratt, Kevin
Torosian, Peter

Janvrin, Jason
Melvin, Charles
Prudhomme-O'Brien, Katherine
True, Chris

STRAFFORD

Hayward, Peter
Beaudoin, Steven

Horgan, James
Wuelper, Kurt

McNally, Jody

Pitre, Joseph

SULLIVAN

Callum, John

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

HB 110-FN-A, relative to the cost of fiscal analysis of legislation relating to the retirement system. **OUGHT TO PASS.**

Rep. Peter Leishman for Finance. This bill requires that the administrative and professional cost of the fiscal analysis of proposed legislation that is borne by the NH Retirement System be reimbursed from general funds. Presently, legislative fiscal costs of proposed legislation are the responsibility of the NH Retirement System. The cost to the NH Retirement System for legislative fiscal analysis of proposed legislation between 2014 and 2018 was \$177,800.00. Vote 20-0.

Committee report adopted and ordered to third reading.

HB 713-FN-L, relative to transportation of pupils. **OUGHT TO PASS.**

Rep. Werner Horn for Finance. The requirements for transportation of pupils is addressed, extending transportation to include kindergarten through eighth graders. It further clarifies that transportation may be provided for pupils K-12 who live 2 miles or less. Vote 20-1.

Committee report adopted and ordered to third reading.

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, Wednesday, March 20, 2019 at 10:00 a.m.

Motion adopted.

LATE SESSION**Third Reading and Final Passage**

HB 263, relative to department of health and human services family reunification practices involving convicted sex offenders.

HB 393, establishing a committee to study child care in New Hampshire.

HB 427, relative to the procedure for filing a protective order on behalf of a minor.

HB 437, establishing a commission to study parental alienation.

HB 574-FN, relative to the emancipation of minors.

HB 309, relative to procedures for foreclosure of a mortgage.

HB 348, relative to procedures for condominiums with 25 or fewer residential units.

HB 389-FN, requiring the secretary of state to prepare materials for businesses relative to service dogs.

HB 450, relative to examinations conducted by the banking department.

HB 474, relative to principal offices of trust companies and banking and trusts insurance.

HB 598, establishing a commission to study beer, wine, and liquor tourism.

HB 648-FN, defining and regulating service entities.

HB 657, relative to prescription drugs under the managed care law.

HB 670-FN, relative to the cost of prescription drugs.

HB 684-FN, relative to mediation of rent increases in manufactured housing parks.

HB 695, relative to transparency of nonprofit patient advocacy organizations.

HB 740, exempting certain mortgages from the law regarding licensing of nondepository mortgage bankers, brokers, and servicers.

HB 447, relative to school calendar days.

HB 448, making technical corrections in the department of education.

HB 489, relative to changing a pupil's school or assignment because of a manifest educational hardship.

HB 459-FN, defining industrial hemp, relative to its growth in New Hampshire, its use in food, and establishing a committee to study the federal guidelines on growing industrial hemp.

HB 663, relative to the definition of agriculture and existing agricultural uses.

HB 271, relative to apprentice electricians and third party electrical inspections.

HB 468-FN-L, relative to the inclusion of attendance stipends as earnable compensation in the retirement system.

HB 710-FN, relative to adoption of state building code and fire code amendments.

HB 224-FN, making emergency medical technicians and rescue squad members eligible for a death benefit if killed in the line of duty.

HB 225, relative to the National Guard Scholarship Fund.

HB 357, relative to the public school infrastructure fund.

HB 730-FN-A, relative to funding for the CART program.

SB 16, relative to certain information provided by the commissioner of the department of employment security to the United States Department of Labor.

HB 539-FN, establishing a committee to study the implementation of the One4All ballot in municipal elections.

HB 137, establishing a commission to examine the effects of wake boats in the state of New Hampshire.

HB 244, repealing the moorings appeals board.

HB 261, requiring the commissioner of the department of environmental services to revise rules relative to arsenic contamination in drinking water.

HB 324, relative to operation of personal water craft around the marsh lands or flats in the Hampton/Seabrook estuary.

HB 495, establishing a commission on drinking water.

HB 591, amending the laws governing OHRVs and snowmobiles.

HB 645-FN, establishing a dock registration procedure.

HB 660-FN, relative to studying the economic and other impacts of OHRV use in New Hampshire.

HB 668, relative to heating, agitating or other devices in public waters.

HB 707, relative to settlement money from actions pertaining to the contamination of groundwater or drinking water.

HB 737, establishing a commission to investigate and analyze the environmental and public health impacts relating to releases of perfluorinated chemicals in the air, soil, and groundwater in Merrimack, Bedford and Litchfield.

HB 413, relative to membership of the energy efficiency and sustainable energy board.

HJR 2, recommending and requesting the president of the United States and the United States Congress to exclude the state of New Hampshire from offshore oil and gas drilling and exploration activities.

HB 368-FN, relative to medically recognized disorders identified on drivers' licenses.

HB 548, relative to certain organizations that are authorized to issue decals.

HB 458-FN, repealing certain inactive dedicated funds.

HB 480-FN, relative to sports betting.

HB 600-FN, adding an exception to the real estate transfer tax for transfers of interest in certain low-income housing.

HB 700, relative to valuation of utility company assets for local property taxation.

HB 118, relative to notifying a child's primary health care provider of a report of abuse or neglect.

HB 233, relative to the group and individual health insurance market.

HB 277, establishing a commission to study a public option for health insurance.

HB 520, relative to availability of diaper changing stations in public restrooms.

HB 558-FN, restricting the distribution of plastic straws.

HB 560-FN, relative to single-use carryout bags.

HB 628-FN, relative to universal changing stations in certain places of public accommodation.

HB 654, relative to surety required on construction loans.

HB 656, establishing a commission to study the impact of financial initiatives for commercially insured members by drug manufacturers on prescription drug prices and health insurance premiums.

HB 664-FN, relative to vehicle repair standards.

HB 703-FN, relative to providing notice of the introduction of new high-cost prescription drugs.

HB 714-FN, relative to New Hampshire products purchased and sold by the liquor commission.

HB 717-FN, prohibiting prescription drug manufacturers from offering coupons or discounts to cover insurance copayments or deductibles.

HB 109-FN, requiring background checks for commercial firearms sales.

HB 394-FN, relative to crop theft.

HB 514-FN, imposing a waiting period between the purchase and delivery of a firearm.

HB 605-FN, relative to criminal penalties for possession, transfer, or manufacture of animal fighting paraphernalia with the intent to be present at, aiding in, or contributing to such fighting.

HB 494, relative to removal or containment of contaminants from the Coakley Landfill.

HB 121-FN, relative to the regulation of massage, reflexology, structural integrator and Asian bodywork therapy establishments.

HB 562, relative to the state building code.

HB 624, establishing a commission to study management systems and customer service of New Hampshire government agencies.

HCR 3, relative to welcoming communities.

HB 110-FN-A, relative to the cost of fiscal analysis of legislation relating to the retirement system.

HB 713-FN-L, relative to transportation of pupils.

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 6:00 p.m.

RECESS