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Thursday, June 6, 2019

No. 18

HOUSE JOURNAL NO. 17 (Cont'd)

Wednesday, June 5, 2019

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

HOUSE JOURNAL NO. 18

Thursday, June 6, 2019

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

Prayer was offered by House Chaplain, Reverend Kate Atkinson, Rector of St. Paul's Church in Concord. Timeless God, throughout history You are present, giving guidance, comfort, wisdom, strength and hope. On this 75th anniversary of D-Day, we give thanks again for the courage and determination of the men and women who brought an end to that horrific conflict. As we remember especially those who made the ultimate sacrifice, we pray again for peace throughout this world where conflict still prevails. We celebrate another momentous anniversary on this day: 200 years ago, this House was established. We honor the thousands of citizens who have served over those two centuries, and those who are serving today. We thank You, God, for the spirit of patriotism that calls Your children into service, whether it be on a beach in Normandy, or within the walls of this great building. Give us all the courage and determination the wisdom and strength, the commitment to justice and peace, that will ensure the safety and well-being of the people of New Hampshire for centuries to come. Amen.

Representative David Welch, member from Kingston, addressed the House on the State House Bicentennial and led the Pledge of Allegiance.

The National Anthem was sung by a trio from the Victory Baptist church in Londonderry.

REMARKS BY THE SPEAKER

Speaker Shurtleff addressed the House regarding the 75th anniversary of D-Day.

SEVENTY-FIVE SECONDS OF SILENCE

Seventy-five seconds of silence was observed in honor and in memory of those that lost their lives fighting for freedom on the beaches of Normandy, France.

LEAVES OF ABSENCE

Reps. Baldasaro, Belanger, Cote, Dolan, Gidge, Hoelzel, O'Connor, Tilton, Treleaven and Warner, the day, illness. Reps. Bucu, Burns, Cohen, Crawford, DiSilvestro, Fenton, Fowler, Furbush, Gunski, Loughman, Luneau, Marzullo, McBride, Mombourquette, Morrill, Moynihan, Plett, Read, Vincent and Walsh, the day, important business. Reps. Chase, Elliott and Tatro, the day, illness in the family.

INTRODUCTION OF GUESTS

Renaud DuMont and Albert NGoye, guests of Rep. Jeudy. Seamus Walsh, guest of Rep. Muscatel.

INTRODUCTION OF SPECIAL GUESTS

Former Speakers of the House; George Roberts, served as Speaker from 1974-1980; W. Douglas Scamman, Jr., served as Speaker from 1986-1990 and 2004-2006; Gene G Chandler, served as Speaker from 2000-2004 and 2017-2018; Terie Norelli, served as Speaker from 2006-2010 and 2012-2014; William L. O'Brien, served as Speaker from 2010-2012; and Shawn N. Jasper, served as Speaker from 2014-2017.

REMARKS BY THE SPEAKER

Speaker Shurtleff: I wanted to take a moment and welcome home all of our former House members who are here with us in the gallery today. We expect many more at lunch time for our Legislative Old Home Day picnic and are so pleased you took the time to come join us. Serving in the NH House is a labor of love; we don't do it for honor and glory, we certainly don't do it for money, we do it because we love this great state and have a desire to make it a better place for those after us. And so, we honor you that have come before, some long before, and welcome you home to your House. Please join me in welcoming our former members.

RESOLUTION

Reps. Ley and Hinch offered the following: **RESOLVED**, that the House of Representatives notify the Honorable Senate that it is ready to meet in Joint Convention for the purpose of celebrating the New Hampshire State House Bicentennial.

Motion adopted.

MOTION TO PRINT REMARKS

Rep. Hinch moved that the remarks made by Speaker Shurtleff on D-Day be printed in the Permanent Journal. Without objection, the Speaker ordered.

REMARKS ON ANNIVERSARY OF D-DAY

Speaker Shurtleff: As the Chaplain mentioned in her prayer, this is the 75th anniversary of D-Day. I just want to talk to you about it and I'm going to be brief. The reason I want to be brief is not because of any deadlines because of our House Calendar. My brevity is based on the fact that I really don't have the eloquence or the intellect to give justice to those that fought and those that died on the beaches of Normandy 75 years ago. On that morning of June 6, an overcast and somewhat rainy day, over 5,000 ships were gathered off the French coast. The largest armada the world has ever seen. With that, thousands of Americans poured ashore at D-Day and those that fought there realized they had one choice and that was only to go forward. Otherwise they would be pushed back into the sea. I would be remiss in not mentioning the Supreme Allied Commander, General Dwight D. Eisenhower, who went on to serve so admirably as our President of the United States. The pressure and the weight on his shoulders that morning; not knowing what the outcome would be and knowing at D-Day that so many things went wrong, that were never expected, but General Eisenhower kept his calm, kept his composure. The United States went on for a great victory with our allies. This morning, like a lot of you, I was up at 5:00 a.m. to watch the Normandy Day ceremonies in France. One thing that actually choked me up as the French President Macron was speaking and he was giving a speech in French and midway through his remarks at Normandy, he stopped and turned around and looked at the 90 plus year old veterans, U.S. Army Veterans sitting behind him. He said, "Today, France is free thanks to all of you." I think all of us here owe a great deal of credit to those who fought at Normandy. Not only that France is free, but the free world is the free world. I would ask you to stand, not for a moment of silence, but 75 seconds of silence in honor of those 6,000 that died on June 6, 1944. Thank you.

SENATE MESSAGE

RESOLVED, that the Senate meet in Joint Convention with the House of Representatives for the purpose of celebrating the New Hampshire State House Bicentennial.

JOINT CONVENTION

(Speaker Shurtleff presiding)

The Speaker called the Joint Convention to order.

His Excellency, Governor Christopher Sununu, joined the Speaker on the rostrum for the day's Bicentennial celebration.

Governor Sununu, House Speaker Shurtleff, Senate President Soucy and Representative Cushing, Chairman of the State House Bicentennial Commission addressed the House.

REMARKS

Governor Sununu: Thank you, Mister Speaker. I just wanted to have a few moments to say it really is an amazing week. I want to thank all the folks that have put on this bicentennial week. A lot of us see the final product this week with all the comings and goings, but this is something that really has been 18 months, 2 years in the making. With the Speaker, the Senate President, even some of the folks in the previous legislature really coming together and making sure it was something we could all be amazingly proud of. It just didn't focus around the State House, but all the communities got involved. I just want to give a big public thank you to the Speaker. Where is Terry? He is probably out doing something, Terry Pfaff and his whole crew. He's up top making sure everyone has got a seat up there. Thank you guys very much. I want to give them a round of applause.

REMARKS

Senator Soucy: Thank you. Thank you very much. Thank you so much, Mister Speaker. It is such a joy for me to see so many colleagues here today. Colleagues of the past, colleagues of the current legislative session. It really is an exciting time to be here today as we commemorate the State House Bicentennial. It's not lost on me how very different our legislative body is today compared to the first class of legislators, nor is it lost on me that in 1819 I could not have held the position of Senate President, been a State Senator at all or even voted to elect and represent myself. When this State House opened its doors, there were only 12 Senators. All of whom had to be at least 30 years of age, a property owner and a Protestant. Today, I proudly look out at this chamber full of legislators, past and present and that illustrates our state's rich cultural history. While New Hampshire marks the 200th anniversary of the State House this week, our country also marks an important anniversary. The 100th anniversary of the 19th Amendment, which gave most women the right to vote, gave women the right to vote and in doing so gave women the right to get elected to office here in New Hampshire. Two years later, voters elected two women to the State House, Dr. Mary Farnum and Jessie Doe and in 1930 New Hampshire elected our first female State Senator, Maude Ferguson. In 2008, while I was serving as a Senate Chief of Staff, New Hampshire became the first state to ever elect a female majority legislative body and in just the last year, New Hampshire elected our first African American State Senator. The State House Bicentennial and the Centennial of the 19th Amendment serve as an important opportunity for us to commemorate important milestones of democracy and to recommit to our democratic values of inclusion, diversity and equality. Today we stand on the shoulders of giants who worked to form a truly representative government we pride ourselves on here in the Granite State. As established in our state constitution, and I quote, "For the common benefit, protection and security of the whole community." Only by working together and ensuring everyone has a seat at the table can we live up to that important constitutional ideal. I am sincerely grateful to every former and current state legislator for all of the good that you do for the State of New Hampshire. It is my continued honor and privilege to work with each and every one of you for the betterment of our Granite Staters and in this historic State House, which serves as a beacon of democracy in New Hampshire, across the country and globally. Happy Bicentennial to all of you.

REMARKS

Speaker Shurtleff: I have the pleasure of following that wonderful speech by the Senate President. So, after hearing her eloquent words, I'm going to be very brief. Plus, I don't want to add to the decay of the paint in the building by adding to our warm air problem. I do want to just briefly say that as a kid that grew up in Concord and who is old enough to remember when the State House dome was green, still with the camouflage left over from World War II, for me now to be Speaker of the House in itself is a tremendous honor. To be Speaker during this Bicentennial celebration, I can't express in words the joy that brings me. This day, especially, to have all of our old friends from the House and the Senate back with us. Especially for us to have our former House Speakers here today is just, for me, the frosting on the cake. So, I thank you all and enjoy this day. I look forward to our picnic at noon to get to reminisce with old friends. I want to introduce a person who has done so much over the past several years to make this week such a tremendous success, our good friend from Hampton, Representative Renny Cushing to say a few words. The Chair of the Bicentennial Commission.

REMARKS

Rep. Cushing: Thank you, Mister Speaker. This is an event that's been over 200 years in the making, 205 years. There was a time when the New Hampshire Legislature, New Hampshire government, didn't really have a permanent home. We bounced around from town to town. The Legislature would meet and agree at the end of the meeting where it would meet the next time. It was kind of interesting because there were times when there would be as the final business of the legislative session, would be a bill to decide where they were going to meet next. The House would have a version and they would send it to the Senate. The Senate would change the next meeting place and they would send it back to the House. It was just the beginning of Conference Committees that we still see today. At some point the decision was made that it might be a good idea to have a permanent location to house all of state government. New Hampshire was the last of the original thirteen colonies, thirteen states, to decide that it was going to erect a permanent state capitol. There was a lot of competition for where it should be located, imagine that. Finally, Concord won out and it won out in part because it had close proximity to the granite here. Before New Hampshire decided to build the State House, it built a state prison. A man named Stuart Park was the architect who designed the state prison. He was a 3rd generation stone mason and Mr. Park did such a good job building the state prison that the state decided to hire him to build a State House. The granite on these walls that were used for the first State House was carved out and finished by state prisoners. It's interesting that we sit here today and in the same room that was built 200 years ago. It's kind of an auspicious moment. What also is somewhat interesting and true to the New Hampshire tradition perhaps, that while we may have been the last state to have our own home for the legislature, we are the only state that's kept it. Other states have turned their state houses, original state houses, into museums, but we've continued to make it a place of vibrant democracy, a place where we

do democracy, a place where we constantly work to perfect our democracy. As the Senate President alluded to, we have perfected our democracy so that our legislature here is much more inclusive than it was when we first assembled here. We all know that's a wonderful thing, but in this very chamber, if you think about it, there were discussions of great issues of the day. This is the place where people decided that you didn't have to be a person who had property in order to hold office or to help govern. This is the chamber where we decided that no human being should be owned by another human being, that we put an end to slavery. This is the place where we decided that children should not be exploited with their labor. This is the place where we decided that maybe there should be limits on the number of hours a person could be forced to work. This is the chamber where we decided that it was important, that it was right and just that women be full citizens with the right to vote. Sometimes when we sit here, you know, you can hear the ghosts, you can hear the echoes of debates that have taken place for two centuries. And, as we sit here today think about the fact that there are people who stood in this chamber who were alive before New Hampshire was a state, who were alive before this country was a nation. People who were around at the time that the broadside, which we have now in our visitor's center, which we brought back to the state at a time where the announcement that there's been a declaration of independence, as part of the celebration. We have brought back the original notice to the State of New Hampshire from Philadelphia that there was going to be a new nation, a Declaration of Independence. So, when you go down to the visitor's gallery and see that, you realize that there was no twitter about it, there was no Internet, there was no TV, there was the message that we were a new nation, that we were in a new state, was printed on broadside and brought to Exeter and read aloud and that's how we knew that it was a new day that led to us being here. Over the past week, we've had an amazing celebration and it was wonderful to sit on Sunday and to see a reenactment of the original first meeting day, first session of the legislature that took place in here. You can tell the difference. What I think of is almost a moment of the New Hampshire advantage when you saw the Secretary of State represent the Executive Branch and the Speaker of the House and the Dean of the Senate and the Chief Justice of the Supreme Court gather out front of the State House to cut a birthday cake for this building. To watch as people assembled out on the plaza to sing Happy Birthday to a building, but it's a building that is important. On Monday, we got to watch in this chamber, Governors come and speak at a roundtable and share their memories of what this place was like, share their thoughts about the place in a way that you could see the commonality that we don't always see on a day to day basis, but you could see the common experience that these six former Governors had shared and the true affection that they had for the job and for this place. In the afternoon, we watched this really unique institution, our Executive Council gather in the Executive Chambers and councilors from years past came and reminisced. They all understood, they all recognized that one of the reasons we have little corruption at all in this state is because we don't have one set of eyes, we have five sets of eyes that look over every contract that is signed, the look over every appointment. Tuesday morning, we sat here and it was a homecoming for our Supreme Court. Now, from 1872 to 1895 the Supreme Court was on the other side of that wall and they heard arguments and this was a time when this was the home to all three branches. They moved on, but as part of the Bicentennial celebration in January, our Supreme Court was welcomed back to do an argument in the newly refurbished Senate Chambers. That was pretty amazing. Something really historic happened that the Speaker for the first time invited into this chamber our Supreme Court to hear a real oral argument. As they came here, I know for people assembling to watch that oral argument of the Supreme Court on that particular case, it turned upon what was the legislative intent? For some of that, as we make laws, we realize sometimes there was absolutely, no one had an idea what the intent of the legislature was as they were doing their job of trying to parse a particular case. I think it brought home to all of us the interconnectedness between what we do here in making laws and how the courts interpret them. It was just a nice time to have our court back here together. On Tuesday afternoon, we had a really interesting event because it was the press homecoming. I know we know this is the seat of government for 200 years, but for 200 years this has also been the place where the press has been present to report back to the citizens of this state the activities that go on here. Sometimes we may not be real pleased with the press doing its reporting. The reality is that the transparency and the accountability that the press brings to this chamber, to this building and spreads outward is key to safeguarding our democracy. It was great to ask the press to come and kind of a funny little turn of events, the press got to sit in these seats which they never do. They would come up and they would share stories with them. As I spoke to a member of the press who came up here, all of a sudden, they were like, it is pretty scary to talk up here. It may be easy to sit in the back and record what we are doing, but it's difficult sometimes for us to get here, to stand up and help make our democracy work. Yesterday, of course, we had a celebration of our cultural heritage during the day. It was on the State House lawn. One of the things that I really appreciated, that moved me so much, was that the opening ceremony, there was a recitation of a prayer and a welcome, a traditional prayer, from the Cowasuck Indians. Before this was a state capitol for New Hampshire, this was a capitol for the people who lived here before the arrival of the Europeans. Yesterday, for the first time, in a couple hundred years, they were invited, our native peoples were invited to offer a prayer as a unity, an inclusion on the steps of the New Hampshire State

House. Then, yesterday afternoon there was a, we heard a lot about the tributes to the past. Yesterday afternoon was a presentation of the recognition for the award winners of the State House Bicentennial multimedia contest. What was remarkable was to be in the Executive Council. For the past three years we've sponsored this contest, many of you have seen it, for all school children in the state to try to encourage their participation in our civic realm. The winners were just writing about what it was creating projects around the theme of what the State House is and the importance of it. There was something about being assembled in the council chambers as these awards were being presented to the future. Assembled there was the future people who will be sitting in this room, who will be occupying this place, who will help to continue as we do democracy as we try to lead into the future. Today, of course, it's our homecoming. The fact that the House and the General Court, we are the largest legislative body in the English-speaking world. The fact that we make \$100, well the Speaker and Senate President make an extra \$25 a year, but the fact that we are well enumerated is in part, kind of part of the quirkiness we have. I can't think of anybody who would say to themselves their presence here really doesn't matter because every day we do the people's work. Every day we help improve our democracy. Every day we practice self-government. I just want to thank everyone for participating. Thanks to all the members of the commission who have worked for the past five years to make this celebration. As we look forward to having a picnic and having a lunch together, I'm confident, as we sit in this room, that 200 years from now in this room people will assemble in their state capitol to do democracy, to perfect democracy. Thank you.

Rep. Ley and Sen. Feltes moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

HOUSE SESSION

The Speaker reconvened the House Session.

REGULAR CALENDAR CONT'D FROM THE SESSION OF JUNE 5, 2019

SB 39, relative to the repair of roads not maintained by a municipality. **OUGHT TO PASS WITH AMENDMENT.** Rep. Barry Faulkner for Public Works and Highways. The purpose of this bill is to allow residential properties that are on a private way to qualify for federally-insured mortgages, which generally have more affordable terms than conventional mortgages. The Public Works and Highways Committee was informed that, without this bill, homes on private ways would not qualify for these mortgages unless the owners had a written cost-sharing agreement. The bill codifies the existing common law of easements as it applies to residential properties on private ways, as stated by the New Hampshire Supreme Court in *Village Green Condominium Association v. Hodges*, 167 NH 497 (2015.) Under current law, all property owners benefitting from use of a private way or other easement are required to contribute jointly to the maintenance and repair of that way, unless those users have an express agreement that provides otherwise. This bill does not require owners to accept any particular agreement and does not impose any new charge or obligation on anyone, unless the court system is required to resolve a dispute among owners, which is the same as the current condition. This bill does not deal with agricultural, timber, commercial, or other users. It is not intended to extend, restrict, or otherwise change the common law with regard to easements. Vote 14-6.

Amendment (2161h)

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

1 Statement of Purpose. The purpose of this act is to codify the common law of easements, as stated in the New Hampshire supreme court decision in *Village Green Condominium Assn. v. Hodges*, 167 N.H. 497 (2015), as it applies to residences on private roads, in order to facilitate the transactions of owners and buyers who apply for certain federally-backed mortgages that require such a statute in the absence of an agreement among the owners. It is not intended to extend or restrict the common law as applied to residences on private roads, nor to affect the rights and obligations of non-residential owners on private roads.

2 New Subdivision; Repair of Roads Not Maintained by a Municipality. Amend RSA 231 by inserting after section 81 the following new subdivision:

Repair of Roads Not Maintained by a Municipality

231:81-a Repair of Roads Not Maintained by a Municipality.

I. In the absence of an express agreement or requirement governing maintenance of a private road, when more than one residential owner enjoys a common benefit from a private road, each residential owner shall contribute equitably to the reasonable cost of maintaining the private road, and shall have the right to bring a civil action to enforce the requirement of this paragraph. This paragraph shall not apply to any highway defined in RSA 229:5.

II. Any owner of a residential property abutting a private road who directly or indirectly damages any portion such road shall be solely responsible for repairing or restoring the portion damaged by such owner.

III. Nothing in this section is intended to extend or restrict the common law as applied to residences on private roads, nor to affect the rights and obligations of non-residential property owners on private roads as they exist under the New Hampshire common law on easements.

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

Committee amendment adopted.

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

Rep. Yokela offered floor amendment (2426h).

Floor Amendment (2426h)

Amend RSA 231:81-a, I as inserted by section 2 of the bill by replacing it with the following:

I. In the absence of an express agreement or requirement governing maintenance of a private road, when more than one residential owner abuts a private road, each residential owner shall contribute equitably to the reasonable cost of maintaining the private road, and shall have the right to bring a civil action to enforce the requirement of this paragraph. This paragraph shall not apply to any highway defined in RSA 229:5.

Rep. Yokela spoke in favor.

Rep. Faulkner spoke against.

Floor amendment (2426h) failed.

Committee report adopted and ordered to third reading.

SB 241-FN-A, relative to funding for the project development phase of the capitol corridor rail project. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Sue Newman for the Majority of Public Works and Highways. This bill funds the project development phase of the capitol corridor rail project in the Ten-Year Transportation Plan. The project development phase is not another study. It will produce the engineering plan, environmental permitting, firm project costs, and funding sources required to apply to the Federal Transit Administration for competitively awarded construction funding. The bill authorizes use of already appropriated Federal Transit Administration funds and Department of Transportation (DOT) matching funds. The DOT is allowed to use toll credits as matching funds; no state funds will be used. Testimony heard supports the concerns about volume of traffic and choked highway conditions experienced by tens of thousands of daily commuters. NH is the only state in the union without passenger rail to a major city. Each day, southern NH families spend hours on congested, grid-locked highways, trying to balance their work, home, and family life here. We cannot pave our way out of solving our traffic problems and reverse the environmental impact caused by the number of cars on the roads. Rail will help mitigate this by removing vehicles from the roadways. Younger people don't have the "car culture" we have and support "greener footprints." NH businesses continue to have difficulty hiring qualified workers. We heard from the NH Business for Rail Expansion coalition (a nonpartisan group of more than 110 statewide businesses) who believe that rail is crucial to grow, diversify, and strengthen the NH economy. Rail would facilitate interstate travel for workers, achieve goals of retaining our young homegrown talent, and make it easier for businesses to draw from Boston's expansive talent pool. Rail would increase state business taxes and be an economic growth engine for the entire state. The project development phase does not obligate the state to move forward with rail construction. But it will answer the questions about how much passenger rail would cost, how it would be paid for, and give us the necessary information to make informed decisions. Vote 12-8.

Rep. John Graham for the Minority of Public Works and Highways. For several reasons, the minority of the committee feels that this bill should not become law. First, although billed as a simple design process, to many of those speaking in favor of the bill it is a foregone conclusion that the rail corridor would be built regardless of the results of this design phase. Second, the overwhelming sentiment appears to be that the study would be paid for with "free money." We all know that there is no such thing as free money whether it is from the federal government or from the state coffers. Third, within the past decade there have been several studies on the cost of commuter rail in the central corridor; all of which have outlined the considerable capital costs, as high as \$245.6M, involved as well as the requirement for annual outlays of \$15.7M, primarily from property taxes, to cover operating costs. Even the proponents of this bill acknowledge that operating costs will have to be subsidized in some fashion. Fourth, if commuter rail is to be studied, it should be done as a part of the Ten-Year Transportation Plan, which is currently being developed for legislative action in 2020. Finally, since the exact language of this bill is contained in HB2 as amended by the House, the minority believes that it would have been prudent to retain this bill in order to determine what position the governor will take on this issue.

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

Rep. Abramson spoke against.

Reps. Horn and Pederson spoke in favor.

Rep. Graham spoke against and yielded to questions.

Rep. Ley requested a roll call; sufficiently seconded.

YEAS 213 - NAYS 141**YEAS - 213
BELKNAP**

Feeney, George

Fields, Dennis

Huot, David

CARROLLBurroughs, Anita
Knirk, JerryButler, Edward
Woodcock, Stephen

DesMarais, Edith

Kanzler, Harrison

CHESHIREAbbott, Michael
Eaton, Daniel
Ley, Douglas
Swinburne, Sandy
Weber, LucyAmes, Richard
Faulkner, Barry
Mann, John
Thompson, CraigBerch, Paul
Gomarlo, Jennie
Meador, David
Von Plinsky, SparkyBordenet, John
Harvey, Cathryn
Schapiro, Joe
Pearson, William**COOS**

Hatch, William

Laflamme, Larry

Noel, Henry

Thomas, Yvonne

GRAFTONAbel, Richard
Diggs, Francesca
Ford, Susan
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, GeorgeAdjutant, Joshua
Dontonville, Roger
French, Elaine
Muscatel, Garrett
Stavis, Laurel
Weston, JoyceAlmy, Susan
Egan, Timothy
Josephson, Timothy
Nordgren, Sharon
Stringham, JerryCampion, Polly
Fellows, Sallie
Massimilla, Linda
Osborne, Richard
Smith, Suzanne**HILLSBOROUGH**Bouldin, Amanda
Baroody, Benjamin
Bordy, William
Cleaver, Skip
Desjardin, Kathy
Freitas, Mary
Hamer, Heidi
Indruk, Greg
King, Mark
Long, Patrick
McGhee, Kat
Nutting-Wong, Allison
Pickering, Daniel
Newman, Ray
Newman, Sue
St. John, Michelle
Telerski, Laura
Thomas, WendyBouldin, Andrew
Beaulieu, Jane
Bosman, James
Connors, Erika
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Murray, Megan
Mullen, Sue
O'Brien, Michael
Piedra, Israel
Radhakrishnan, Julie
Shaw, Barbara
Stack, Kathryn
Toomey, Dan
Wilhelm, MatthewBackus, Robert
Bergeron, Paul
Bouchard, Donald
Cornell, Patricia
Espitia, Manny
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Mangipudi, Latha
Murphy, Nancy
Pedersen, Michael
Porter, Marjorie
Riel, Cole
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Williams, KermitBalch, Chris
Bernet, Jennifer
Chretien, Jacqueline
Dargie, Paul
Davis, Fred
Hall, Brett
Herbert, Christopher
Judy, Jean
Langley, Diane
Martin, Joelle
Nutter-Upham, Frances
Petrigno, Peter
Query, Joshua
Rung, Rosemarie
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance
Woodbury, David**MERRIMACK**Allard, James
Doherty, David
Fulweiler, Joyce
MacKay, James
Pimentel, Roderick
Saunderson, George
Soucy, Timothy
Wazir, SafiyaBartlett, Christy
Ebel, Karen
Horn, Werner
McWilliams, Rebecca
Richards, Beth
Schamberg, Thomas
Turcotte, Alan
Wells, KennethBuchanan, Ryan
Ellison, Arthur
Karrick, David
Moffett, Howard
Rodd, Beth
Schuett, Dianne
Wallner, Mary Jane
Woods, GaryCarson, Clyde
Fox, Samantha
Lane, Connie
Myler, Mel
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth**ROCKINGHAM**Altschiller, Debra
Bushway, Patricia
Cushing, Robert Renny
Eisner, Mary
Murray, Kate
Maggiore, Jim
Meuse, David
Ward, GeraldBarnes, Arthur
Cahill, Michael
Desilets, Joel
Gilman, Julie
Khan, Aboul
Malloy, Dennis
Pantelakos, LauraBerrien, Skip
Cali-Pitts, Jacqueline
DiLorenzo, Charlotte
Grossman, Gaby
Le, Tamara
McBeath, Rebecca
Somssich, PeterBunker, Lisa
Coursin, David
Edgar, Michael
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Vallone, Mark**STRAFFORD**Bixby, Peter
Fargo, KristinaCannon, Gerri
Fontneau, TimothyConley, Casey
Frost, SherryEllis, Donna
Gourgue, Amanda

Grassie, Chuck
Kenney, Cam
Rich, Cecilia
Towne, Matthew

Higgins, Peg
Levesque, Cassandra
Salloway, Jeffrey
Wall, Janet

Horrigan, Timothy
Smith, Marjorie
Sandler, Catt

Keans, Sandra
Schmidt, Peter
Southworth, Thomas

SULLIVAN

Cloutier, John
Stapleton, Walter

Merchant, Gary
Sullivan, Brian

O'Hearne, Andrew
Tanner, Linda

Oxenham, Lee

NAYS - 141

BELKNAP

Aldrich, Glen
Jurius, Deanna
Beaudoin, Richard
Viens, Harry

Bean, Harry
Lang, Timothy
Spanos, Peter

Comtois, Barbara
Mackie, Jonathan
Sylvia, Michael

Howard, Raymond
Plumer, John
Varney, Peter

CARROLL

Avellani, Lino
Marsh, William

Comeau, Ed
Nelson, Bill

Cordelli, Glenn
Ticehurst, Susan

MacDonald, John

CHESHIRE

Hunt, John

O'Day, John

Parkhurst, Henry

COOS

Craig, Kevin

Fothergill, John

Merner, Troy

Tucker, Edith

GRAFTON

Gordon, Edward

Hennessey, Erin

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
Boehm, Ralph
Erf, Keith
Gould, Linda
Hopper, Gary
Notter, Jeanine
Prout, Andrew
Sanborn, Laurie
Warden, Mark

Alexander, Joe
Burt, John
Fedolli, Jim
Graham, John
Ober, Lynne
Nunez, Hershel
Ober, Russell
Somero, Paul
Whittemore, James

Griffin, Barbara
Camarota, Linda
Flanagan, Jack
Greene, Bob
Lascelles, Richard
Panasiti, Reed
Renzullo, Andrew
Lekas, Tony

Barry, Richard
Danielson, David
Gagne, Larry
Hinch, Richard
McLean, Mark
Proulx, Mark
Rice, Kimberly
Ulery, Jordan

MERRIMACK

Forsythe, Robert
Marple, Richard
Testerman, Dave

Hill, Gregory
McGuire, Carol
Wolf, Dan

Klose, John
Pearl, Howard
Yakubovich, Michael

Kotowski, Frank
Seaworth, Brian

ROCKINGHAM

Abbas, Daryl
Bershtein, Alan
Thomas, Douglas
Edwards, Jess
Harb, Robert
Janvrin, Jason
Lundgren, David
McKinney, Betsy
Owens, Becky
Pratt, Kevin
Spillane, James
Verville, Kevin
Weyler, Kenneth

Abrami, Patrick
Chirichiello, Brian
DeClercq, Edward
Gay, Betty
Hobson, Deborah
Katsakiores, Phyllis
Griffin, Mary
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Wallace, Scott
Yokela, Josh

Abramson, Max
Costable, Michael
DeSimone, Debra
Green, Dennis
Osborne, Jason
Kolodziej, Walter
Pearson, Mark
Melvin, Charles
Piemonte, Tony
Roy, Terry
Torosian, Peter
Webb, James

Acton, Dennis
Davis, Dan
Doucette, Fred
Guthrie, Joseph
Janigian, John
Love, David
Major, Norman
Milz, David
Potucek, John
Pearson, Stephen
True, Chris
Welch, David

STRAFFORD

Harrington, Michael
McNally, Jody
Rooney, Abigail

Hayward, Peter
Opderbecke, Linn
Beaudoin, Steven

Horgan, James
Perreault, Mona
Spang, Judith

Kittredge, Mac
Pitre, Joseph
Wuelper, Kurt

SULLIVAN

Aron, Judy

Laware, Thomas

Rollins, Skip

Smith, Steven

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

SB 168, relative to class 2 obligations under the electric renewable portfolio standards. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Wells for the Majority of Science, Technology and Energy. NH faces rising electricity costs on the multi-state regional grid because our neighboring states are driving down their total consumption by aggressively pursuing solar energy. This bill addresses our state's Renewable Portfolio Standard (RPS), which describes how much of NH's total energy mix will come from renewable energy. Renewable energy is a good deal for NH because, unlike fossil fuels such as coal, oil and natural gas, we can harvest renewable energy here in our state, paying in-state producers who will hire NH workers. This bill increases incrementally the Class II (solar electricity) portion of the RPS. It grows Class II from the existing 0.6% solar in 2019 to 5.4% by year 2025. Vote 12-7.

Rep. Fred Plett for the Minority of Science, Technology and Energy. This bill raises the Class II Renewable Portfolio Standard (new solar) from the current 0.6% to 5.4% by 2025, the percentages applicable to the electric supply necessary to provide energy to consumers in megawatt hours. This additional requirement may consume 2,300 acres of land somewhere for new solar panels and cost electric consumers an additional \$30 million per year. The minority objects to this additional burden on our lands and our pocketbooks.

Majority Amendment (1894h)

Amend the footnote to RSA 362-F:3 as inserted by section 1 of the bill by replacing it with the following:

*Class I increases an additional 0.9 percent per year from 2015 through 2025. A set percentage of the class I totals shall be satisfied annually by the acquisition of renewable energy certificates from qualifying renewable energy technologies producing useful thermal energy as defined in RSA 362-F:2, XV-a. The set percentage shall be 0.4 percent in 2014, 0.6 percent in 2015, 0.8 percent in 2016, and increased annually by 0.2 percent per year from 2017 through 2023, after which it shall remain unchanged. Class II shall increase to 0.5 percent beginning in 2018, 0.6 percent beginning in 2019, ~~and 0.7~~ **1.4 percent beginning in 2020, 2.2 percent beginning in 2021, 3.0 percent beginning in 2022, 3.8 percent beginning in 2023, 4.6 percent beginning in 2024, and 5.4 percent beginning in 2025**, ~~otherwise~~. Classes ~~III-IV~~ **III-IV** shall remain at the same percentages from 2015 through 2025 except as provided in RSA 362-F:4, ~~[V-VI]~~ **VI. The requirements for classes I-II are subject to the provisions of RSA 362-F:4, V.**

Majority committee amendment adopted.

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

Rep. Harrington spoke against.

Rep. Wells spoke in favor.

Rep. Notter requested a roll call; sufficiently seconded.

YEAS 217 - NAYS 139

YEAS - 217

BELKNAP

Fields, Dennis	Huot, David	Plumer, John
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CARROLL

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

CHESHIRE

Abbott, Michael	Ames, Richard	Berch, Paul	Bordenet, John
Eaton, Daniel	Faulkner, Barry	Gomarlo, Jennie	Harvey, Cathryn
Ley, Douglas	Mann, John	Meador, David	Schapiro, Joe
Swinburne, Sandy	Thompson, Craig	Von Plinsky, Sparky	Pearson, William
Weber, Lucy			

COOS

Hatch, William	Laflamme, Larry	Merner, Troy	Noel, Henry
Tucker, Edith	Thomas, Yvonne		

GRAFTON

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

HILLSBOROUGH

Bouldin, Amanda	Bouldin, Andrew	Backus, Robert	Balch, Chris
Baroody, Benjamin	Beaulieu, Jane	Bergeron, Paul	Bernet, Jennifer
Bordy, William	Bosman, James	Bouchard, Donald	Chretien, Jacqueline

Cleaver, Skip
 Dargie, Paul
 Davis, Fred
 Hall, Brett
 Herbert, Christopher
 Jeudy, Jean
 Langley, Diane
 Martin, Joelle
 Nutter-Upham, Frances
 Petrigno, Peter
 Query, Joshua
 Rung, Rosemarie
 Sofikitis, Catherine
 Smith, Timothy
 Van Houten, Constance
 Woodbury, David

Connors, Erika
 Desjardin, Kathy
 Freitas, Mary
 Hamer, Heidi
 Indruk, Greg
 King, Mark
 Long, Patrick
 McGhee, Kat
 Nutting-Wong, Allison
 Pickering, Daniel
 Newman, Ray
 Newman, Sue
 St. John, Michelle
 Telerski, Laura
 Thomas, Wendy

Cornell, Patricia
 Dutzy, Sherry
 Goley, Jeffrey
 Harriott-Gathright, Linda
 Schmidt, Janice
 Klee, Patricia
 Murray, Megan
 Mullen, Sue
 O'Brien, Michael
 Piedra, Israel
 Radhakrishnan, Julie
 Shaw, Barbara
 Stack, Kathryn
 Toomey, Dan
 Wilhelm, Matthew

Danielson, David
 Espitia, Manny
 Griffith, Willis
 Heath, Mary
 Jack, Martin
 Klein-Knight, Nicole
 Mangipudi, Latha
 Murphy, Nancy
 Pedersen, Michael
 Porter, Marjorie
 Riel, Cole
 Snow, Kendall
 Stevens, Deb
 Vail, Suzanne
 Williams, Kermit

MERRIMACK

Bartlett, Christy
 Ebel, Karen
 Horn, Werner
 McWilliams, Rebecca
 Richards, Beth
 Schamberg, Thomas
 Turcotte, Alan
 Wells, Kenneth

Buchanan, Ryan
 Ellison, Arthur
 Karrick, David
 Moffett, Howard
 Rodd, Beth
 Schuett, Dianne
 Wallner, Mary Jane
 Wolf, Dan

Carson, Clyde
 Fox, Samantha
 Lane, Connie
 Myler, Mel
 Rogers, Katherine
 Schultz, Kristina
 Walz, Mary Beth
 Woods, Gary

Doherty, David
 Fulweiler, Joyce
 MacKay, James
 Pimentel, Roderick
 Saunderson, George
 Soucy, Timothy
 Wazir, Safiya

ROCKINGHAM

Altschiller, Debra
 Cahill, Michael
 DiLorenzo, Charlotte
 Grossman, Gaby
 Lovejoy, Patricia
 McConnell, Liz
 Vallone, Mark

Berrien, Skip
 Cali-Pitts, Jacqueline
 Edgar, Michael
 Grote, Jaci
 Maggiore, Jim
 Meuse, David
 Ward, Gerald

Bunker, Lisa
 Coursin, David
 Eisner, Mary
 Murray, Kate
 Malloy, Dennis
 Pantelakos, Laura

Bushway, Patricia
 Cushing, Robert Renny
 Gilman, Julie
 Le, Tamara
 McBeath, Rebecca
 Somssich, Peter

STRAFFORD

Bixby, Peter
 Fargo, Kristina
 Grassie, Chuck
 Kenney, Cam
 Schmidt, Peter
 Southworth, Thomas

Cannon, Gerri
 Fontneau, Timothy
 Higgins, Peg
 Levesque, Cassandra
 Rich, Cecilia
 Spang, Judith

Conley, Casey
 Frost, Sherry
 Horrigan, Timothy
 Smith, Marjorie
 Salloway, Jeffrey
 Towne, Matthew

Ellis, Donna
 Gourgue, Amanda
 Keans, Sandra
 Opderbecke, Linn
 Sandler, Catt
 Wall, Janet

SULLIVAN

Cloutier, John
 Rollins, Skip

Merchant, Gary
 Sullivan, Brian

O'Hearne, Andrew
 Tanner, Linda

Oxenham, Lee

NAYS - 139

BELKNAP

Aldrich, Glen
 Howard, Raymond
 Beaudoin, Richard
 Viens, Harry

Bean, Harry
 Jurius, Deanna
 Spanos, Peter

Comtois, Barbara
 Lang, Timothy
 Sylvia, Michael

Feeney, George
 Mackie, Jonathan
 Varney, Peter

CARROLL

Avellani, Lino
 Marsh, William

Comeau, Ed
 Nelson, Bill

Cordelli, Glenn

MacDonald, John

CHESHIRE

Hunt, John

O'Day, John

Parkhurst, Henry

COOS

Craig, Kevin

Fothergill, John

GRAFTON

Gordon, Edward

Hennessey, Erin

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
 Boehm, Ralph

Alexander, Joe
 Burt, John

Griffin, Barbara
 Camarota, Linda

Barry, Richard
 Erf, Keith

Fedolfi, Jim
Graham, John
Ober, Lynne
Nunez, Hershel
Ober, Russell
Somero, Paul
Whittemore, James

Flanagan, Jack
Greene, Bob
Lascelles, Richard
Panasiti, Reed
Renzullo, Andrew
Lekas, Tony

Gagne, Larry
Hinch, Richard
McLean, Mark
Proulx, Mark
Rice, Kimberly
Ulery, Jordan

Gould, Linda
Hopper, Gary
Notter, Jeanine
Prout, Andrew
Sanborn, Laurie
Warden, Mark

MERRIMACK

Allard, James
Kotowski, Frank
Seaworth, Brian

Forsythe, Robert
Marple, Richard
Testerman, Dave

Hill, Gregory
McGuire, Carol
Yakubovich, Michael

Klose, John
Pearl, Howard

ROCKINGHAM

Abbas, Daryl
Barnes, Arthur
Davis, Dan
DeSimone, Debra
Green, Dennis
Osborne, Jason
Khan, Aboul
Griffin, Mary
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Wallace, Scott
Yokela, Josh

Abrami, Patrick
Bershtein, Alan
Thomas, Douglas
Doucette, Fred
Guthrie, Joseph
Janigian, John
Kolodziej, Walter
Pearson, Mark
Melvin, Charles
Piemonte, Tony
Roy, Terry
Torosian, Peter
Webb, James

Abramson, Max
Chirichiello, Brian
DeClercq, Edward
Edwards, Jess
Harb, Robert
Janvrin, Jason
Love, David
Major, Norman
Milz, David
Potucek, John
Pearson, Stephen
True, Chris
Welch, David

Acton, Dennis
Costable, Michael
Desilets, Joel
Gay, Betty
Hobson, Deborah
Katsakiores, Phyllis
Lundgren, David
McKinney, Betsy
Owens, Becky
Pratt, Kevin
Spillane, James
Verville, Kevin
Weyler, Kenneth

STRAFFORD

Harrington, Michael
McNally, Jody
Beaudoin, Steven

Hayward, Peter
Perreault, Mona
Wuelper, Kurt

Horgan, James
Pitre, Joseph

Kittredge, Mac
Rooney, Abigail

SULLIVAN

Aron, Judy

Laware, Thomas

Stapleton, Walter

Smith, Steven

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

SB 206, excluding the cost of lobbying and political activity from the rates of public utilities. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Chris Balch for the Majority of Science, Technology and Energy. The committee heard considerable testimony in favor of this bill and none in opposition. The bill was strongly supported by the Office of Consumer Advocate. Although the Public Utilities Commission has an accounting rule that is currently held to preclude including these political and lobbying costs in rates, the majority believes this prohibition deserves statutory protection. This bill may also facilitate discovery in rate cases to ensure these costs are disallowed. Vote 10-9. Rep. Douglas Thomas for the Minority of Science, Technology and Energy. The bipartisan minority is in 100 percent agreement that the cost of lobbying and political activity should be excluded from the rates of public utilities. The rub is that the Public Utilities Commission (PUC) already has rules and enforcement in place that prevent this very well. In fact, testimony admitted that not one case of rule breaking has ever occurred in the past or present. The PUC has the integrity and the expertise to determine what costs are allowed for rates and continues to do an exceptional job of maintaining this high level of scrutiny. The Office of Consumer Advocate supports this bill, but could offer not one piece of evidence that they were unable to perform their duties without codifying what was already in place. Its claim of additional authority was not a compelling case, especially when the PUC attorney offered that the bill added very little to what they were already doing. The minority feels an unintended consequence could exist as the bill calls into question contributions to trade organizations and is unclear how they would be treated. This is a major solution looking for a problem and although the "feel good" nature of the name is appealing, it adds nothing to the protection of ratepayers and only clutters up the statutes with an unnecessary law.

Majority committee report adopted and ordered to third reading.

SB 200, relative to wildlife corridors. **OUGHT TO PASS.**

Rep. Cecilia Rich for Transportation. It is necessary to include wildlife corridors and habitat strongholds as an integral piece of the New Hampshire Department of Transportation's review process. This bill implements some of the recommendations of the SB 376 (2016) study on wildlife corridors. Vote 9-5.

Committee report adopted and ordered to third reading.

SB 218, relative to duties of the commissioner of transportation regarding air navigation facilities. **WITH-OUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill provides a definition of small unmanned aircraft and makes clear that New Hampshire will follow federal regulations for these aircraft. It also authorizes the state of New Hampshire to enforce these regulations.

Rep. Casey Conley

Statement in support of Inexpedient to Legislate: This bill had two tied votes in Transportation. The first was OTP and the second was to retain. These two votes reflect the committee's uncertainty over the highly detailed technical aspects of the bill. One requirement of the bill makes it a violation to be out of compliance with federal codes. The bill also includes a definition that does not match the definition found in the federal code cited. More time is needed to get this language right and not put New Hampshire DOT in violation of this new statute.

Rep. Steven Smith

MOTION TO LAY ON THE TABLE

Rep. McGuire moved that **SB 200**, relative to wildlife corridors, be laid on the table.

On a division vote, with 154 members having voted in the affirmative, and 196 in the negative, the motion failed.

Rep. Sykes moved Ought to Pass and spoke in favor.

Rep. Steven Smith spoke against.

Rep. Spillane requested a roll call; sufficiently seconded.

YEAS 206 - NAYS 148

YEAS - 206 BELKNAP

Huot, David

CARROLL

Burroughs, Anita
Ticehurst, Susan

Butler, Edward
Woodcock, Stephen

DesMarais, Edith

Knirk, Jerry

CHESHIRE

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

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

Berch, Paul
Gomarlo, Jennie
Meador, David
Thompson, Craig

Bordenet, John
Harvey, Cathryn
Parkhurst, Henry
Von Plinsky, Sparky

COOS

Hatch, William
Thomas, Yvonne

Laflamme, Larry

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

Alexander, Joe
Balch, Chris
Bernet, Jennifer
Chretien, Jacqueline
Dargie, Paul
Davis, Fred
Hall, Brett
Herbert, Christopher
King, Mark
Langley, Diane
Martin, Joelle
Nutting-Wong, Allison
Pickering, Daniel
Newman, Ray
Newman, Sue
Stack, Kathryn
Vail, Suzanne
Williams, Kermit

Bouldin, Amanda
Baroody, Benjamin
Bordy, William
Cleaver, Skip
Desjardin, Kathy
Freitas, Mary
Hamer, Heidi
Indruk, Greg
Klee, Patricia
Long, Patrick
McGhee, Kat
O'Brien, Michael
Piedra, Israel
Radhakrishnan, Julie
Snow, Kendall
Stevens, Deb
Van Houten, Constance
Woodbury, David

Bouldin, Andrew
Beaulieu, Jane
Bosman, James
Connors, Erika
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klein-Knight, Nicole
Murray, Megan
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Riel, Cole
Sofikitis, Catherine
Telerski, Laura
Thomas, Wendy

Backus, Robert
Bergeron, Paul
Bouchard, Donald
Cornell, Patricia
Espitia, Manny
Griffith, Willis
Heath, Mary
Judy, Jean
Komi, Richard
Mangipudi, Latha
Nutter-Upham, Frances
Petrigno, Peter
Query, Joshua
Rung, Rosemarie
St. John, Michelle
Toomey, Dan
Wilhelm, Matthew

MERRIMACK

Bartlett, Christy
Ebel, Karen
Karrick, David
Moffett, Howard
Rodd, Beth
Schuett, Dianne
Wallner, Mary Jane

Buchanan, Ryan
Ellison, Arthur
Lane, Connie
Myler, Mel
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth

Carson, Clyde
Fox, Samantha
MacKay, James
Pimentel, Roderick
Saunderson, George
Soucy, Timothy
Wazir, Safiya

Doherty, David
Fulweiler, Joyce
McWilliams, Rebecca
Richards, Beth
Schamberg, Thomas
Turcotte, Alan
Woods, Gary

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
DiLorenzo, Charlotte
Grossman, Gaby
Lovejoy, Patricia
McConnell, Liz
Ward, Gerald

Berrien, Skip
Cali-Pitts, Jacqueline
Edgar, Michael
Grote, Jaci
Maggiore, Jim
Meuse, David

Bunker, Lisa
Coursin, David
Eisner, Mary
Murray, Kate
Malloy, Dennis
Pantelakos, Laura

Bushway, Patricia
Cushing, Robert Renny
Gilman, Julie
Le, Tamara
McBeath, Rebecca
Somssich, Peter

STRAFFORD

Bixby, Peter
Fargo, Kristina
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Southworth, Thomas

Cannon, Gerri
Fontneau, Timothy
Higgins, Peg
Levesque, Cassandra
Rich, Cecilia
Spang, Judith

Conley, Casey
Frost, Sherry
Horrigan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Towne, Matthew

Ellis, Donna
Gourgue, Amanda
Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Wall, Janet

SULLIVAN

Cloutier, John
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

NAYS - 148**BELKNAP**

Aldrich, Glen
Fields, Dennis
Mackie, Jonathan
Sylvia, Michael

Bean, Harry
Howard, Raymond
Plumer, John
Varney, Peter

Comtois, Barbara
Jurius, Deanna
Beaudoin, Richard
Viens, Harry

Feeney, George
Lang, Timothy
Spanos, Peter

CARROLL

Avellani, Lino
MacDonald, John

Comeau, Ed
Marsh, William

Cordelli, Glenn
Nelson, Bill

Kanzler, Harrison

CHESHIRE

Hunt, John

O'Day, John

COOS

Craig, Kevin

Fothergill, John

Merner, Troy

GRAFTON

Gordon, Edward

Hennessey, Erin

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
Burt, John
Fedolfi, Jim
Graham, John
Jack, Martin
Notter, Jeanine
Prout, Andrew
Sanborn, Laurie
Ulery, Jordan

Griffin, Barbara
Camarota, Linda
Flanagan, Jack
Greene, Bob
Ober, Lynne
Nunez, Hershel
Ober, Russell
Shaw, Barbara
Whittemore, James

Barry, Richard
Danielson, David
Gagne, Larry
Hinch, Richard
Lascelles, Richard
Panasiti, Reed
Renzullo, Andrew
Lekas, Tony

Boehm, Ralph
Erf, Keith
Gould, Linda
Hopper, Gary
McLean, Mark
Proulx, Mark
Rice, Kimberly
Smith, Timothy

MERRIMACK

Allard, James
Klose, John
Pearl, Howard
Wolf, Dan

Forsythe, Robert
Kotowski, Frank
Seaworth, Brian
Yakubovich, Michael

Hill, Gregory
Marple, Richard
Testerman, Dave

Horn, Werner
McGuire, Carol
Wells, Kenneth

ROCKINGHAM

Abbas, Daryl
Barnes, Arthur

Abrami, Patrick
Bershtein, Alan

Abramson, Max
Chirichiello, Brian

Acton, Dennis
Costable, Michael

Davis, Dan
DeSimone, Debra
Green, Dennis
Osborne, Jason
Khan, Aboul
Griffin, Mary
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Verville, Kevin
Weyler, Kenneth

Thomas, Douglas
Doucette, Fred
Guthrie, Joseph
Janigian, John
Kolodziej, Walter
Pearson, Mark
Melvin, Charles
Piemonte, Tony
Roy, Terry
Torosian, Peter
Wallace, Scott
Yokela, Josh

DeClercq, Edward
Edwards, Jess
Harb, Robert
Janvrin, Jason
Love, David
Major, Norman
Milz, David
Potucek, John
Pearson, Stephen
True, Chris
Webb, James

Desilets, Joel
Gay, Betty
Hobson, Deborah
Katsakiores, Phyllis
Lundgren, David
McKinney, Betsy
Owens, Becky
Pratt, Kevin
Spillane, James
Vallone, Mark
Welch, David

STRAFFORD

Harrington, Michael
McNally, Jody
Beaudoin, Steven

Hayward, Peter
Perreault, Mona
Wuelper, Kurt

Horgan, James
Pitre, Joseph

Kittredge, Mac
Rooney, Abigail

SULLIVAN

Aron, Judy
Smith, Steven

Laware, Thomas

Rollins, Skip

Stapleton, Walter

and the motion was adopted and ordered to third reading.

INTRODUCTION OF SPECIAL GUESTS

Former Governor of New Hampshire, the Honorable Steve Merrill.

The House recessed at 12:00 p.m.

RECESS

The House reconvened at 2:00 p.m.

(Speaker Shurtleff in the Chair)

REGULAR CALENDAR CONT'D

SB 41-FN, relative to historical racing. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Patrick Abrami for the Majority of Ways and Means. There are currently 16 establishments with charitable gaming licenses serving 584 charities across New Hampshire. There is also one former racetrack which also has a simulcast license. This bill allows for the installation of historic racing terminals at licensed racetracks and licensed charitable gaming facilities. Historic horse racing machines are designed to comply with existing pari-mutuel wagering legislation. The machines select from a library of tens of thousands of previously-run horse races. Information about the race, such as the location, date, and names of horses or jockeys are masked so to protect the integrity of the game. Players are provided handicapping data such as odds, jockey, and trainer win percentages and previous results. The player then selects from traditional pari-mutuel wagers. A graphic of the race is displayed on the screen in its entirety or in part. A centralized system accumulates wagers, notifies terminals of the outcome of each race, and withholds customary fees associated with pari-mutuel wagering before paying-out the remaining funds. This bill was amended to accomplish the following: 1) increase the revenues flowing to the state, of which 35% flows to the charities, by changing the formula from 1.25% of handle (what is wagered) to 25% of net revenue. In doing so it is estimated by the Lottery Commission, which oversees charitable gaming, that revenues to the state will increase from \$6.6M to 12.9M. In addition, revenues to the charities will increase from \$2.4M to \$5.7M or from \$4,100 to \$9,800 per charity. 2) Allows use of historic raising terminals only under a charitable gaming license to ensure monies flow to charities. 3) Prevents any new charitable gaming licensee who gained a license after May 1, 2019 from installing these machines until after July 1, 2022; giving time for assessment of machine installation and usage by existing licensees. 4) Strengthens language in several sections to ensure that these machines in the future will not function or be characterized as slot machines. 5) Ensures that no historic racing machine shall be operated except within the location of a licensee during the facility's hours of play of charity games. 6) Makes other technical corrections. The majority of the committee felt that the timing of allowing these machines is crucial with the upcoming opening of the \$2.4B casino in Everett, MA which will cut into the revenues flowing to NH charities; has concluded that these are not slot machines but games with a pace of play slower than a slot machine that enable, when desired, player expertise to slow down the pace and affect betting outcomes; recognizes that with slot machines a player is wagering against the house, but with these machines the player is betting into a wagering pool and that those participating are wagering against each other which is classic pari-mutuel wagering; is confident with the oversight proposed in the bill to ensure the integrity of these machines will be maintained; and the majority of the committee has confidence that the Lottery Commission is more than up to the task of overseeing the implementation of these new machines which will be helping our charities across New Hampshire. Vote 14-6.

Rep. Lisa Bunker for the Minority of Ways and Means. The minority of the committee felt that, even as amended, the bill brought into the state a new form of charitable gaming significantly different from the established forms, which are generally more social in nature and less susceptible to compulsive solo play. The minority felt that the purported differences between these machines and slot machines were minor and technical, and that as far as potential players were concerned, there is no significant difference. The minority felt that these machines would bring in a new potentially addictive form of gambling not already common in the state and had concerns about local control of this new form of gaming in communities that already have charitable gaming.

Majority Amendment (2342h)

Amend RSA 284:6-a, VII as inserted by section 2 of the bill by replacing it with the following:

VII. Notwithstanding the provisions of RSA 284:6-a, VI, the lottery commission shall authorize wagers on historic horse races, whether on an electronic gaming device or otherwise, so long as such wagers meet the requirements of this chapter. The historic racing machines shall be programmed and operated for pari-mutuel wagering only.

Amend the bill by replacing sections 5-6 with the following:

5 New Section; Requirements for Conducting Historic Horse Race Wagering. Amend RSA 284 by inserting after section 15-d the following new section:

284:15-e Requirements for Conducting Historic Horse Race Wagering. Any person who holds a game operator employer license and operates games of chance under RSA 287-D at a facility pursuant to RSA 284:22-b, II may accept wagers on historic horse races.

6 New Section; Pari-Mutuel Pools on Historic Horse Racing. Amend RSA 284 by inserting after section 22-a the following new section:

284:22-b Pari-mutuel Pools on Historic Horse Racing.

I. In this section:

(a) "Historic horse race" means:

(1) Any horse race, whether running or harness, that was previously conducted at a licensed pari-mutuel facility;

(2) Concluded with official results; and

(3) Concluded without scratches, disqualifications, or dead-heat finishes.

(b) "Licensee" means any individual, association, partnership, joint venture, corporation, or other organization or other entity which holds a game operator employer license under RSA 287-D.

(c) "Pari-mutuel method of wagering" means:

(1) For each race or group of up to 10 races, the players shall bet against each other; and

(2) A totalizator shall be used which displays and bases prizes on the variable pari-mutuel payout odds associated with each horse in the historic race.

II. A game operator employer licensed under RSA 287-D may sell pari-mutuel pools on historic horse races provided such sales are within the enclosure of the facility at which the licensee holds its licensed activities under RSA 287-D, provided that such facility was licensed as a facility where games of chance are held as of May 1, 2019.

III. In accordance with the provisions of RSA 284:6-a, wagering on historic horse races may take place on electronic gaming devices provided that:

(a) All wagers use the pari-mutuel method of wagering;

(b) A licensee at all times maintains at least 2 terminals offering the same type of wager on historic horse races;

(c) The terminal makes available true and accurate past performance information on each historic horse race prior to the patron making his or her selections;

(d) The terminal shall display a replay of each race, or a portion thereof, whether digital or by way of a video recording, and the official results of each race. The identity of each race shall be revealed to the patron after the patron has placed his or her wager;

(e) The outcome of each wager is based solely on the outcome of the historic horse race or races; no random elements may determine the outcome of the patron's wager;

(f) The terminals have been tested by an independent testing laboratory to ensure integrity and proper working order; and

(g) Each terminal displays pool amounts that the patron will receive for a winning wager on each pari-mutuel wagering pool.

IV. Racing officials, any employee or owner of the entity that provides the totalizator system to the licensee, and any person responsible for the operation of the electronic reproduction equipment which operates the historic horse racing and wagering shall be prohibited from participating in wagering, directly or indirectly, on historic horse races offered at the licensee's facility.

V. The licensee commission on all historic horse race pari-mutuel pools shall be at a rate of not greater than 12 percent. In addition to the above commission, 100 percent of the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10, known as "breakage", shall be paid to the lottery commission. Each licensee shall pay the tax provided for in RSA 284:23.

VI. Each licensee shall collect the amount provided for in RSA 284:23, I(d). Each game operator employer as defined in RSA 287-D who is licensed to conduct wagering on historic horse racing under this chapter shall distribute 35 percent of the amount collected to charitable organizations with who the game operator contracts on each licensed game date. The remainder of the total amount collected by the game operator employer under this paragraph shall be paid to the lottery commission for use according to the special fund established by RSA 284:21-j.

VII. The lottery commission shall adopt rules governing historic racing machines.

VIII. No historic racing machine shall be operated except within the location of a licensee during the facility's hours of play of charitable games.

Amend the bill by replacing all after section 7 with the following:

8 New Paragraph; Historic Racing; Breakage Payments. Amend RSA 284:23, I by inserting after paragraph (c) the following new paragraph:

(d) Each person, association, or corporation licensed to conduct historic horse race wagering under this chapter shall collect a sum equal to 25 percent of revenues generated from historic horse race pari-mutuel pools after breakage and payment of winnings to patrons. The licensee shall pay these monies to the charitable organizations and lottery commission as set forth in RSA 284:22-b.

9 Unclaimed Ticket Money. Amend RSA 284:31 to read as follows:

284:31 Unclaimed Ticket Money. On or before January 31 of each year every person, association, or corporation conducting a race or race meet, whether live racing, [or] simulcast racing, **or historic horse racing**, hereunder shall pay to the state treasurer all moneys collected during the previous year of pari-mutuel pool tickets and vouchers which have not been redeemed. The books or records of said person, association, or corporation, which clearly show the tickets entitled to reimbursement in any given race, live, [or] simulcast, **or historic**, shall be forwarded to the lottery commission. Such moneys shall become a part of the special fund established in RSA 284:21-j. The state treasurer shall pay the amount due on any ticket or voucher to the holder thereof from funds not otherwise appropriated upon an order from the lottery commission. Pari-mutuel tickets and vouchers which remain unclaimed after 11 months shall not be paid. Vouchers shall be remitted to the state treasurer on January 31 of the calendar year, 24 months after the year of the unclaimed voucher.

10 Licensed Facilities; Eligible in 2022. RSA 284:22-b, II is repealed and reenacted to read as follows:

II. A game operator employer licensed under RSA 287-D may sell pari-mutuel pools on historic horse races provided such sales are within the enclosure of the facility at which the licensee holds its licensed activities under RSA 287-D.

11 Effective Date.

I. Section 10 of this act shall take effect July 1, 2022.

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

MOTION TO LAY ON THE TABLE

Rep. Wolf moved that **SB 41-FN**, relative to historical racing, be laid on the table.

Rep. Soucy requested a roll call; sufficiently seconded.

YEAS 161 - NAYS 171

YEAS - 161

BELKNAP

Aldrich, Glen
Spanos, Peter

Bean, Harry
Viens, Harry

Comtois, Barbara

Jurius, Deanna

CARROLL

Avellani, Lino
Nelson, Bill

Comeau, Ed

Knirk, Jerry

Marsh, William

CHESHIRE

Berch, Paul
Parkhurst, Henry

Bordenet, John
Schapiro, Joe

Mann, John
Pearson, William

Meador, David
Weber, Lucy

COOS

Hatch, William

Noel, Henry

Tucker, Edith

GRAFTON

Adjutant, Joshua
Dontonville, Roger

Almy, Susan
Egan, Timothy

Campion, Polly
Fellows, Sallie

Diggs, Francesca
Ford, Susan

Gordon, Edward
Nordgren, Sharon
Smith, Suzanne

Josephson, Timothy
Osborne, Richard
Weston, Joyce

Maes, Kevin
Stavis, Laurel

Mulligan, Mary Jane
Stringham, Jerry

HILLSBOROUGH

Griffin, Barbara
Bergeron, Paul
Burt, John
Schmidt, Janice
Martin, Joelle
Petrigno, Peter
Snow, Kendall
Vail, Suzanne
Woodbury, David

Backus, Robert
Bordy, William
Chretien, Jacqueline
Jack, Martin
Murphy, Nancy
Piedra, Israel
Sofikitis, Catherine
Van Houten, Constance

Balch, Chris
Bosman, James
Danielson, David
Klein-Knight, Nicole
Nutter-Upham, Frances
Radhakrishnan, Julie
St. John, Michelle
Thomas, Wendy

Barry, Richard
Bouchard, Donald
Davis, Fred
Mangipudi, Latha
Nutting-Wong, Allison
Renzullo, Andrew
Smith, Timothy
Wilhelm, Matthew

MERRIMACK

Allard, James
Ellison, Arthur
MacKay, James
Myler, Mel
Testerman, Dave
Wazir, Safiya

Bartlett, Christy
Fulweiler, Joyce
McGuire, Carol
Pimentel, Roderick
Turcotte, Alan
Wells, Kenneth

Carson, Clyde
Karrick, David
McWilliams, Rebecca
Richards, Beth
Wallner, Mary Jane
Wolf, Dan

Ebel, Karen
Kotowski, Frank
Moffett, Howard
Saunderson, George
Walz, Mary Beth
Woods, Gary

ROCKINGHAM

Altschiller, Debra
Cali-Pitts, Jacqueline
Desilets, Joel
Green, Dennis
Murray, Kate
Lovejoy, Patricia
McBeath, Rebecca
Pantelakos, Laura
Pearson, Stephen
Vallone, Mark

Berrien, Skip
Chirichiello, Brian
DiLorenzo, Charlotte
Grossman, Gaby
Kolodziej, Walter
Pearson, Mark
McMahon, Charles
Piemonte, Tony
Somssich, Peter
Verville, Kevin

Bunker, Lisa
Coursin, David
Gay, Betty
Grote, Jaci
Le, Tamara
Maggiore, Jim
Melvin, Charles
Pratt, Kevin
Sytek, John
Ward, Gerald

Cahill, Michael
Thomas, Douglas
Gilman, Julie
Guthrie, Joseph
Love, David
Malloy, Dennis
Milz, David
Prudhomme-O'Brien, Katherine
Torosian, Peter
Webb, James

STRAFFORD

Bixby, Peter
Frost, Sherry
Horgan, James
Opderbecke, Linn
Salloway, Jeffrey
Wuelper, Kurt

Cannon, Gerri
Gourgue, Amanda
Keans, Sandra
Schmidt, Peter
Southworth, Thomas

Fargo, Kristina
Grassie, Chuck
Kittredge, Mac
Perreault, Mona
Spang, Judith

Fontneau, Timothy
Higgins, Peg
Smith, Marjorie
Pitre, Joseph
Wall, Janet

SULLIVAN

Merchant, Gary

Oxenham, Lee

Tanner, Linda

NAYS - 171 BELKNAP

Feeney, George
Mackie, Jonathan
Sylvia, Michael

Fields, Dennis
Plumer, John
Varney, Peter

Howard, Raymond
Beaudoin, Richard

Huot, David
St. Clair, Charlie

CARROLL

Burroughs, Anita
Kanzler, Harrison

Butler, Edward
MacDonald, John

Cordelli, Glenn
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

CHESHIRE

Abbott, Michael
Gomarlo, Jennie
O'Day, John

Ames, Richard
Harvey, Cathryn
Swinburne, Sandy

Eaton, Daniel
Hunt, John
Von Plinsky, Sparky

Faulkner, Barry
Ley, Douglas

COOS

Craig, Kevin

Laflamme, Larry

Merner, Troy

Thomas, Yvonne

GRAFTON

French, Elaine
Migliore, Vincent Paul

Hennessey, Erin
Ruprecht, Dennis

Ladd, Rick
Sykes, George

Massimilla, Linda

HILLSBOROUGH

Lekas, Alicia
Baroody, Benjamin
Cleaver, Skip
Desjardin, Kathy

Alexander, Joe
Beaulieu, Jane
Connors, Erika
Dutzy, Sherry

Bouldin, Amanda
Boehm, Ralph
Cornell, Patricia
Erf, Keith

Bouldin, Andrew
Camarota, Linda
Dargie, Paul
Espitia, Manny

Flanagan, Jack
Gould, Linda
Hamer, Heidi
Hinch, Richard
Klee, Patricia
Long, Patrick
McLean, Mark
Panasiti, Reed
Proulx, Mark
Rice, Kimberly
Sanborn, Laurie
Lekas, Tony
Whittemore, James

Freitas, Mary
Graham, John
Harriott-Gathright, Linda
Indruk, Greg
Komi, Richard
Murray, Megan
Mullen, Sue
Pedersen, Michael
Prout, Andrew
Riel, Cole
Shaw, Barbara
Telerski, Laura
Williams, Kermit

Gagne, Larry
Greene, Bob
Heath, Mary
Jeudy, Jean
Langley, Diane
Marzullo, JP
Notter, Jeanine
Pickering, Daniel
Query, Joshua
Rung, Rosemarie
Stack, Kathryn
Toomey, Dan

Goley, Jeffrey
Griffith, Willis
Herbert, Christopher
King, Mark
Lascelles, Richard
McGhee, Kat
Nunez, Hershel
Porter, Marjorie
Newman, Ray
Newman, Sue
Stevens, Deb
Ulery, Jordan

MERRIMACK

Buchanan, Ryan
Hill, Gregory
Rogers, Katherine
Seaworth, Brian

Doherty, David
Horn, Werner
Schamberg, Thomas
Soucy, Timothy

Forsythe, Robert
Lane, Connie
Schuett, Dianne
Yakubovich, Michael

Fox, Samantha
Pearl, Howard
Schultz, Kristina

ROCKINGHAM

Abbas, Daryl
Barnes, Arthur
Cushing, Robert Renny
Edgar, Michael
Hobson, Deborah
Khan, Aboul
Meuse, David
Weyler, Kenneth

Abrami, Patrick
Bershtein, Alan
Davis, Dan
Edwards, Jess
Osborne, Jason
Griffin, Mary
Potucek, John
Yokela, Josh

Abramson, Max
Bushway, Patricia
DeClercq, Edward
Eisner, Mary
Janigian, John
Major, Norman
True, Chris

Acton, Dennis
Costable, Michael
Doucette, Fred
Harb, Robert
Janvrin, Jason
McConnell, Liz
Wallace, Scott

STRAFFORD

Conley, Casey
Kenney, Cam
Rooney, Abigail

Ellis, Donna
Levesque, Cassandra
Beaudoin, Steven

Hayward, Peter
McNally, Jody
Sandler, Catt

Horrigan, Timothy
Rich, Cecilia
Towne, Matthew

SULLIVAN

Aron, Judy
Rollins, Skip

Cloutier, John
Stapleton, Walter

Laware, Thomas
Smith, Steven

O'Hearne, Andrew
Sullivan, Brian

and the motion failed.

The question being adoption of the majority committee amendment.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Walz offered floor amendment (2404h).

Floor Amendment (2404h)

Amend RSA 284:15-e as inserted by section 5 of the bill by replacing it with the following:

284:15-e Requirements for Conducting Historic Horse Race Wagering. Any person who holds a game operator employer license and operates games of chance under RSA 287-D at a facility pursuant to RSA 284:22-b, II in a municipality that has voted to allow pari-mutuel wagering on historic horse racing may accept wagers on historic horse races.

Amend RSA 284:22-b, III (f)-(g) as inserted by section 6 of the bill by replacing them with the following:

(f) The terminals have been tested by an independent testing laboratory to ensure integrity and proper working order;

(g) Each terminal displays pool amounts that the patron will receive for a winning wager on each pari-mutuel wagering pool; and

(h) The municipality has voted to allow pari-mutuel wagering on historic horse racing under paragraph IX.

Amend RSA 284:22-b as inserted by section 6 of the bill by inserting after paragraph VIII the following new paragraph:

IX.(a) Any town or city may allow the operation of pari-mutuel wagering on historic horse racing according to the provisions of this section, in the following manner:

(1) 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 5 percent of the registered voters.

(2) 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.

(3) The wording of the question shall be substantially as follows: "Shall we allow pari-mutuel wagering on historic horse racing within the town or city?"

(b) If a majority of those voting on the question vote "Yes," pari-mutuel wagering on historic horse racing is permitted within the town or city.

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

(d) A municipality that has voted to allow pari-mutuel wagering on historic horse racing may consider rescinding its action in the manner described in this paragraph.

(e) The lottery commission shall maintain a list of municipalities where pari-mutuel wagering on historic horse racing is permitted.

Rep. Walz spoke in favor.

On a division vote, with 162 members having voted in the affirmative, and 177 in the negative, floor amendment (2404h) failed.

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

Rep. Schamberg spoke in favor.

Reps. Stringham and Walz spoke against.

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

YEAS 158 - NAYS 183

YEAS - 158

BELKNAP

Bean, Harry
Lang, Timothy
Sylvia, Michael

Feeney, George
Beaudoin, Richard
Varney, Peter

Fields, Dennis
Spanos, Peter

Howard, Raymond
St. Clair, Charlie

CARROLL

Butler, Edward
MacDonald, John

Comeau, Ed

Cordelli, Glenn

Kanzler, Harrison

CHESHIRE

Abbott, Michael
Faulkner, Barry
Ley, Douglas

Ames, Richard
Gomarlo, Jennie
O'Day, John

Berch, Paul
Harvey, Cathryn

Eaton, Daniel
Hunt, John

COOS

Craig, Kevin
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Merner, Troy

Noel, Henry

GRAFTON

Hennessey, Erin

Ladd, Rick

Migliore, Vincent Paul

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Lekas, Alicia
Baroody, Benjamin
Cornell, Patricia
Dutzy, Sherry
Flanagan, Jack
Graham, John
Harriott-Gathright, Linda
Indruk, Greg
Komi, Richard
Marzullo, JP
Nutting-Wong, Allison
Petrigno, Peter
Newman, Ray
Sanborn, Laurie
Telerski, Laura
Whittemore, James

Alexander, Joe
Boehm, Ralph
Danielson, David
Erf, Keith
Gagne, Larry
Greene, Bob
Heath, Mary
Jeudy, Jean
Lascelles, Richard
McLean, Mark
O'Brien, Michael
Porter, Marjorie
Rice, Kimberly
Shaw, Barbara
Toomey, Dan
Williams, Kermit

Bouldin, Amanda
Cleaver, Skip
Dargie, Paul
Espitia, Manny
Goley, Jeffrey
Griffith, Willis
Herbert, Christopher
King, Mark
Long, Patrick
Notter, Jeanine
Panasiti, Reed
Proulx, Mark
Riel, Cole
Sofikitis, Catherine
Ulery, Jordan

Bouldin, Andrew
Connors, Erika
Desjardin, Kathy
Davis, Fred
Gould, Linda
Hamer, Heidi
Hinch, Richard
Klee, Patricia
Murray, Megan
Nunez, Hershel
Pedersen, Michael
Prout, Andrew
Newman, Sue
Lekas, Tony
Warden, Mark

MERRIMACK

Doherty, David
Klose, John
Pearl, Howard
Schultz, Kristina

Forsythe, Robert
Kotowski, Frank
Rogers, Katherine
Seaworth, Brian

Hill, Gregory
Marple, Richard
Schamberg, Thomas
Soucy, Timothy

Horn, Werner
McGuire, Carol
Schuett, Dianne
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Barnes, Arthur
Cushing, Robert Renny
Edwards, Jess
Osborne, Jason
Griffin, Mary
Piemonte, Tony
Wallace, Scott

Abrami, Patrick
Bershtein, Alan
Davis, Dan
Eisner, Mary
Janigian, John
Major, Norman
Potucek, John
Weyler, Kenneth

Abramson, Max
Bushway, Patricia
DeClercq, Edward
Harb, Robert
Janvrin, Jason
McMahon, Charles
Pratt, Kevin
Yokela, Josh

Acton, Dennis
Costable, Michael
Doucette, Fred
Hobson, Deborah
Khan, Aboul
Packard, Sherman
Spillane, James

STRAFFORD

Ellis, Donna
Kenney, Cam
Rooney, Abigail

Fontneau, Timothy
Levesque, Cassandra

Hayward, Peter
McNally, Jody

Horrigan, Timothy
Perreault, Mona

SULLIVAN

Aron, Judy
Stapleton, Walter

Cloutier, John
Smith, Steven

Laware, Thomas

Rollins, Skip

NAYS - 183**BELKNAP**

Aldrich, Glen
Mackie, Jonathan

Comtois, Barbara
Plumer, John

Huot, David
Viens, Harry

Jurius, Deanna

CARROLL

Avellani, Lino
Marsh, William

Burroughs, Anita
Nelson, Bill

DesMarais, Edith
Ticehurst, Susan

Knirk, Jerry
Woodcock, Stephen

CHESHIRE

Bordenet, John
Schapiro, Joe
Weber, Lucy

Mann, John
Swinburne, Sandy

Meador, David
Von Plinsky, Sparky

Parkhurst, Henry
Pearson, William

COOS

Hatch, William

GRAFTON

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

Almy, Susan
Egan, Timothy
Gordon, Edward
Mulligan, Mary Jane
Stavis, Laurel
Weston, Joyce

Campion, Polly
Fellows, Sallie
Josephson, Timothy
Nordgren, Sharon
Stringham, Jerry

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

HILLSBOROUGH

Griffin, Barbara
Beaulieu, Jane
Bosman, James
Chretien, Jacqueline
Jack, Martin
Mangipudi, Latha
Murphy, Nancy
Query, Joshua
Snow, Kendall
Smith, Timothy
Wilhelm, Matthew

Backus, Robert
Bergeron, Paul
Bouchard, Donald
Freitas, Mary
Klein-Knight, Nicole
Martin, Joelle
Nutter-Upham, Frances
Radhakrishnan, Julie
St. John, Michelle
Vail, Suzanne
Woodbury, David

Balch, Chris
Bernet, Jennifer
Burt, John
Hopper, Gary
Langley, Diane
McGhee, Kat
Pickering, Daniel
Renzullo, Andrew
Stack, Kathryn
Van Houten, Constance

Barry, Richard
Bordy, William
Camarota, Linda
Schmidt, Janice
Leishman, Peter
Mullen, Sue
Piedra, Israel
Rung, Rosemarie
Stevens, Deb
Thomas, Wendy

MERRIMACK

Allard, James
Ebel, Karen
Karrick, David
Moffett, Howard
Rodd, Beth
Wallner, Mary Jane
Wolf, Dan

Bartlett, Christy
Ellison, Arthur
Lane, Connie
Myler, Mel
Saunderson, George
Walz, Mary Beth
Woods, Gary

Buchanan, Ryan
Fox, Samantha
MacKay, James
Pimentel, Roderick
Testerman, Dave
Wazir, Safiya

Carson, Clyde
Fulweiler, Joyce
McWilliams, Rebecca
Richards, Beth
Turcotte, Alan
Wells, Kenneth

ROCKINGHAM

Altschiller, Debra
Cali-Pitts, Jacqueline
Desilets, Joel

Berrien, Skip
Chirichiello, Brian
DiLorenzo, Charlotte

Bunker, Lisa
Coursin, David
Edgar, Michael

Cahill, Michael
Thomas, Douglas
Gay, Betty

Gilman, Julie
Guthrie, Joseph
Love, David
McBeath, Rebecca
Milz, David
Sytek, John
Verville, Kevin

Green, Dennis
Murray, Kate
Lovejoy, Patricia
McConnell, Liz
Pantelakos, Laura
Torosian, Peter
Ward, Gerald

Grossman, Gaby
Kolodziej, Walter
Maggiore, Jim
Melvin, Charles
Prudhomme-O'Brien, Katherine
True, Chris
Webb, James

Grote, Jaci
Le, Tamara
Malloy, Dennis
Meuse, David
Somssich, Peter
Vallone, Mark

STRAFFORD

Bixby, Peter
Frost, Sherry
Horgan, James
Operbecke, Linn
Beaudoin, Steven
Spang, Judith

Cannon, Gerri
Gourgue, Amanda
Keans, Sandra
Schmidt, Peter
Salloway, Jeffrey
Towne, Matthew

Conley, Casey
Grassie, Chuck
Kittredge, Mac
Pitre, Joseph
Sandler, Catt
Wall, Janet

Fargo, Kristina
Higgins, Peg
Smith, Marjorie
Rich, Cecilia
Southworth, Thomas
Wuelper, Kurt

SULLIVAN

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

Sullivan, Brian

and the majority committee report failed.

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

Rep. Walz requested a roll call; sufficiently seconded.

YEAS 184 - NAYS 157

YEAS - 184

BELKNAP

Aldrich, Glen
Jurius, Deanna

Bean, Harry
Mackie, Jonathan

Comtois, Barbara
Plumer, John

Huot, David
Viens, Harry

CARROLL

Avellani, Lino
Marsh, William

Burroughs, Anita
Nelson, Bill

DesMarais, Edith
Ticehurst, Susan

Knirk, Jerry

CHESHIRE

Ames, Richard
Parkhurst, Henry
Pearson, William

Bordenet, John
Schapiro, Joe
Weber, Lucy

Mann, John
Swinburne, Sandy

Meador, David
Von Plinsky, Sparky

COOS

Hatch, William

Laflamme, Larry

Noel, Henry

Thomas, Yvonne

GRAFTON

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

Almy, Susan
Egan, Timothy
Gordon, Edward
Mulligan, Mary Jane
Stavis, Laurel
Weston, Joyce

Campion, Polly
Fellows, Sallie
Josephson, Timothy
Nordgren, Sharon
Stringham, Jerry

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

HILLSBOROUGH

Backus, Robert
Bergeron, Paul
Bouchard, Donald
Greene, Bob
Klein-Knight, Nicole
McGhee, Kat
Pickering, Daniel
Radhakrishnan, Julie
Snow, Kendall
Smith, Timothy
Wilhelm, Matthew

Balch, Chris
Bernet, Jennifer
Camarota, Linda
Hopper, Gary
Leishman, Peter
Mullen, Sue
Piedra, Israel
Renzullo, Andrew
Sofikitis, Catherine
Vail, Suzanne
Woodbury, David

Barry, Richard
Bordy, William
Chretien, Jacqueline
Schmidt, Janice
Mangipudi, Latha
Murphy, Nancy
Porter, Marjorie
Rung, Rosemarie
St. John, Michelle
Van Houten, Constance

Beaulieu, Jane
Bosman, James
Freitas, Mary
Jack, Martin
Martin, Joelle
Nutter-Upham, Frances
Query, Joshua
Newman, Sue
Stack, Kathryn
Thomas, Wendy

MERRIMACK

Allard, James
Ebel, Karen
Karrick, David
Moffett, Howard
Rodd, Beth
Wallner, Mary Jane
Wolf, Dan

Bartlett, Christy
Ellison, Arthur
Lane, Connie
Myler, Mel
Saunderson, George
Walz, Mary Beth
Woods, Gary

Buchanan, Ryan
Fox, Samantha
MacKay, James
Pimentel, Roderick
Testerman, Dave
Wazir, Safiya

Carson, Clyde
Fulweiler, Joyce
McWilliams, Rebecca
Richards, Beth
Turcotte, Alan
Wells, Kenneth

ROCKINGHAM

Altschiller, Debra
Cali-Pitts, Jacqueline
DiLorenzo, Charlotte
Green, Dennis
Hobson, Deborah
Love, David
McBeath, Rebecca
Somssich, Peter
Vallone, Mark

Berrien, Skip
Coursin, David
Edgar, Michael
Grossman, Gaby
Murray, Kate
Lovejoy, Patricia
Meuse, David
Sytek, John
Verville, Kevin

Bunker, Lisa
Thomas, Douglas
Gay, Betty
Grote, Jaci
Kolodziej, Walter
Maggiore, Jim
Milz, David
Toriosian, Peter
Ward, Gerald

Cahill, Michael
Desilets, Joel
Gilman, Julie
Guthrie, Joseph
Le, Tamara
Malloy, Dennis
Pantelakos, Laura
True, Chris

STRAFFORD

Bixby, Peter
Frost, Sherry
Keans, Sandra
Opderbecke, Linn
Rich, Cecilia
Southworth, Thomas
Wuelper, Kurt

Cannon, Gerri
Gourgue, Amanda
Kittredge, Mac
Schmidt, Peter
Beaudoin, Steven
Spang, Judith

Conley, Casey
Grassie, Chuck
Smith, Marjorie
Perreault, Mona
Salloway, Jeffrey
Towne, Matthew

Fargo, Kristina
Higgins, Peg
McNally, Jody
Pitre, Joseph
Sandler, Catt
Wall, Janet

SULLIVAN

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

Sullivan, Brian

NAYS - 157**BELKNAP**

Feeney, George
Beaudoin, Richard
Varney, Peter

Fields, Dennis
Spanos, Peter

Howard, Raymond
St. Clair, Charlie

Lang, Timothy
Sylvia, Michael

CARROLL

Butler, Edward
MacDonald, John

Comeau, Ed
Woodcock, Stephen

Cordelli, Glenn

Kanzler, Harrison

CHESHIRE

Abbott, Michael
Gomarlo, Jennie
O'Day, John

Berch, Paul
Harvey, Cathryn

Eaton, Daniel
Hunt, John

Faulkner, Barry
Ley, Douglas

COOS

Craig, Kevin

Merner, Troy

Tucker, Edith

GRAFTON

Hennessey, Erin

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Cleaver, Skip
Dargie, Paul
Espitia, Manny
Goley, Jeffrey
Hamer, Heidi
Hinch, Richard
Klee, Patricia
Long, Patrick
Notter, Jeanine
Panasiti, Reed
Prout, Andrew
Sanborn, Laurie
Telerski, Laura
Whittemore, James

Alexander, Joe
Baroody, Benjamin
Connors, Erika
Desjardin, Kathy
Davis, Fred
Gould, Linda
Harriott-Gathright, Linda
Indruk, Greg
Komi, Richard
Murray, Megan
Nunez, Hershel
Pedersen, Michael
Newman, Ray
Shaw, Barbara
Toomey, Dan
Williams, Kermit

Bouldin, Amanda
Boehm, Ralph
Cornell, Patricia
Dutzy, Sherry
Flanagan, Jack
Graham, John
Heath, Mary
Jeuzy, Jean
Langley, Diane
Marzullo, JP
Nutting-Wong, Allison
Petrigno, Peter
Rice, Kimberly
Stevens, Deb
Ulery, Jordan

Bouldin, Andrew
Burt, John
Danielson, David
Erf, Keith
Gagne, Larry
Griffith, Willis
Herbert, Christopher
King, Mark
Lascelles, Richard
McLean, Mark
O'Brien, Michael
Proulx, Mark
Riel, Cole
Lekas, Tony
Warden, Mark

MERRIMACK

Doherty, David
Klose, John
Pearl, Howard
Schultz, Kristina

Forsythe, Robert
Kotowski, Frank
Rogers, Katherine
Seaworth, Brian

Hill, Gregory
Marple, Richard
Schamberg, Thomas
Soucy, Timothy

Horn, Werner
McGuire, Carol
Schuett, Dianne
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Barnes, Arthur

Abrami, Patrick
Bershtein, Alan

Abramson, Max
Bushway, Patricia

Acton, Dennis
Chirichiello, Brian

Costable, Michael
 Doucette, Fred
 Osborne, Jason
 Griffin, Mary
 Melvin, Charles
 Pratt, Kevin
 Webb, James

Cushing, Robert Renny
 Edwards, Jess
 Janigian, John
 Major, Norman
 Packard, Sherman
 Prudhomme-O'Brien, Katherine
 Weyler, Kenneth

Davis, Dan
 Eisner, Mary
 Janvrin, Jason
 McConnell, Liz
 Piemonte, Tony
 Spillane, James
 Yokela, Josh

DeClercq, Edward
 Harb, Robert
 Khan, Aboul
 McMahon, Charles
 Potucek, John
 Wallace, Scott

STRAFFORD

Ellis, Donna
 Horrigan, Timothy

Fontneau, Timothy
 Kenney, Cam

Hayward, Peter
 Levesque, Cassandra

Horgan, James
 Rooney, Abigail

SULLIVAN

Aron, Judy
 Stapleton, Walter

Cloutier, John
 Smith, Steven

Laware, Thomas

Rollins, Skip

and the minority committee report was adopted.

SB 74-FN-A, relative to register of deeds fees used to support the land and community heritage investment program (LCHIP), and establishing a committee to study the economic impact of land conservation. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Lisa Bunker for the Majority of Ways and Means. This bill, as amended, raises certain fees involved in real estate transactions to increase funding for the Land and Community Heritage and Investment Program (LCHIP), the independent state authority that makes matching grants to New Hampshire communities and nonprofits to conserve and preserve the state's most important natural, cultural, and historic resources. LCHIP funds have inspired local entities across the state to raise many times the grant amounts in support of local preservation projects. The program is also currently under-funded, awarding grants to only a fraction of worthy applicants. The proposed change from the current \$25 per document to \$35 per document represents the first increase in a decade. A 2014 study by the Trust for Public Land "found that every \$1 invested in land conservation returned \$11 in natural goods and services to the New Hampshire economy." The bill also establishes a committee to study the economic and demographic impacts of land conservation in general, unrelated to the LCHIP program, on housing and development. The amendment finesses timing of implementation and adds a discussion of register of deeds' compensation and the documents to which the LCHIP fee applies to the committee's purview. Vote 11-9.

Rep. Jess Edwards for the Minority of Ways and Means. This bill simultaneously expands a state program funded by fees on real estate transfers by increasing a fee 40% while establishing a legislative committee to study the impact of the program. This "Ready, Fire, Aim" to taking taxpayer money runs the serious risk of exacerbating the state's housing issues and is particularly burdensome to lower income homeowners given the number of homeowner related transactions that are impacted – in many cases three or more fee impositions for a loan refinancing or property transfer. While the Land and Community Heritage Investment Program has value, the impacts of this legislation are uncertain and it would be better to understand the results of the study first ("Aim") before raising a burdensome fee.

Majority Amendment (2329h)

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

AN ACT relative to register of deeds fees used to support the land and community heritage investment program (LCHIP), and establishing a committee to study the economic impact of land conservation and to review the LCHIP surcharge.

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

2 Committee to Study the Economic Impact of Land Conservation and to review the LCHIP Surcharge.

I. There is established a legislative committee to study the economic impact of land conservation on housing prices, whose purpose shall be to develop a strategy balancing the need for responsible housing with the need for responsible land conservation and to review the land and community heritage investment program (LCHIP) surcharge. Members of the committee shall be as follows:

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

(b) Two members of the house of representatives, appointed by the speaker of the house of representatives.

II. The committee shall study issues related to the economic and demographic impact of land conservation on housing and development throughout New Hampshire and shall solicit testimony from housing, development, and conservation stakeholders. Its duties shall include, but not be limited to:

(a) Reviewing current patterns of land conservation of all types in New Hampshire, including state, municipal, federal, and private land preservation efforts such as, but not limited to, voluntary conservation easements, acquisition by land trusts, and coastal protection efforts;

(b) Analyzing the impact of conservation efforts on the affordability of housing;

(c) Analyzing the extent of land conservation in municipalities to determine if conservation and development is occurring equitably around the state so as not to place undue development burden on neighboring municipalities;

(d) Proposing a permanent state land conservation impact commission to report annually on the annual increase, respectively, in land under conservation and balanced-use housing by municipality and by county, and the effects of such increases on housing and rental prices by community and by county;

(e) Analyzing the impact of land conservation on each municipality's property valuation per pupil;

(f) Analyzing the impact of conservation and housing on local property taxation; and

(g) Proposing legislation derived from the work of the committee.

III. The committee shall also review the types of documents and the compensation to the registries of deeds for collection and remission of the land and community heritage investment program (LCHIP) surcharge under RSA 478:17-g, II.

IV. The committee shall elect a chair from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section.

V. The committee may engage the office of strategic initiatives, the legislative budget assistant, the department of revenue administration, and any other agencies within the state in formulating metrics and acquiring data, so long as such data is de-identified for use in computations and analysis.

VI. Committee members shall receive mileage at the legislative rate when attending to the duties of the committee.

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

3 Effective Date.

I. Section 1 of this act shall take effect 90 days after its passage.

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

AMENDED ANALYSIS

This bill increases the fee assessed in addition to register of deeds recording fees used to support the land and community heritage investment program. The bill also establishes a committee to study the economic impact of land conservation and to review the LCHIP surcharge.

Majority committee amendment adopted.

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

Rep. Edwards offered floor amendment (2378h).

Floor Amendment (2378h)

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

AN ACT establishing a committee to study the economic impact of land conservation.

Amend the bill by deleting section 1 and renumbering the original sections 2 and 3 to read as 1 and 2, respectively.

Amend the bill by replacing section 2 with the following:

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

AMENDED ANALYSIS

This bill establishes a committee to study the economic impact of land conservation.

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

YEAS 136 - NAYS 200

YEAS - 136

BELKNAP

Aldrich, Glen
Fields, Dennis
Plumer, John
Sylvia, Michael

Bean, Harry
Howard, Raymond
Beaudoin, Richard
Varney, Peter

Comtois, Barbara
Lang, Timothy
Spanos, Peter

Feeney, George
Mackie, Jonathan
St. Clair, Charlie

CARROLL

Avellani, Lino
Marsh, William

Comeau, Ed
Nelson, Bill

Cordelli, Glenn

MacDonald, John

CHESHIRE

Hunt, John

O'Day, John

COOS

Craig, Kevin

Merner, Troy

GRAFTONGordon, Edward
Stringham, Jerry

Hennessey, Erin

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGHLekas, Alicia
Barry, Richard
Cleaver, Skip
Gould, Linda
Hopper, Gary
Notter, Jeanine
Prout, Andrew
Sanborn, Laurie
Warden, MarkAlexander, Joe
Boehm, Ralph
Erf, Keith
Graham, John
Lascelles, Richard
Nunez, Hershel
Renzullo, Andrew
Shaw, Barbara
Whittemore, JamesGriffin, Barbara
Burt, John
Flanagan, Jack
Greene, Bob
Marzullo, JP
Panasiti, Reed
Rice, Kimberly
Lekas, TonyBaroody, Benjamin
Camarota, Linda
Gagne, Larry
Hinch, Richard
McLean, Mark
Proulx, Mark
Rung, Rosemarie
Ulery, Jordan**MERRIMACK**Allard, James
Klose, John
Seaworth, Brian
Yakubovich, MichaelForsythe, Robert
Kotowski, Frank
Soucy, TimothyHill, Gregory
Marple, Richard
Testerman, DaveHorn, Werner
McGuire, Carol
Wolf, Dan**ROCKINGHAM**Abbas, Daryl
Barnes, Arthur
Davis, Dan
Doucette, Fred
Guthrie, Joseph
Janigian, John
Lovejoy, Patricia
McMahon, Charles
Piemonte, Tony
Pearson, Stephen
True, Chris
Weyler, KennethAbrami, Patrick
Bershtein, Alan
Thomas, Douglas
Edwards, Jess
Harb, Robert
Khan, Aboul
Griffin, Mary
Melvin, Charles
Potucek, John
Spillane, James
Verville, Kevin
Yokela, JoshAbramson, Max
Chirichiello, Brian
DeClercq, Edward
Gay, Betty
Hobson, Deborah
Kolodziej, Walter
Pearson, Mark
Milz, David
Pratt, Kevin
Sytek, John
Wallace, ScottActon, Dennis
Costable, Michael
Desilets, Joel
Green, Dennis
Osborne, Jason
Love, David
Major, Norman
Packard, Sherman
Prudhomme-O'Brien, Katherine
Torosian, Peter
Webb, James**STRAFFORD**Hayward, Peter
Perreault, Mona
Wuelper, KurtHorgan, James
Pitre, JosephKittredge, Mac
Rooney, AbigailMcNally, Jody
Beaudoin, Steven**SULLIVAN**Aron, Judy
Smith, Steven

Laware, Thomas

Rollins, Skip

Stapleton, Walter

NAYS - 200**BELKNAP**

Huot, David

Jurius, Deanna

Viens, Harry

CARROLLBurroughs, Anita
Knirk, JerryButler, Edward
Ticehurst, SusanDesMarais, Edith
Woodcock, Stephen

Kanzler, Harrison

CHESHIREAbbott, Michael
Eaton, Daniel
Ley, Douglas
Schapiro, Joe
Weber, LucyAmes, Richard
Faulkner, Barry
Mann, John
Swinburne, SandyBerch, Paul
Gomarlo, Jennie
Meador, David
Von Plinsky, SparkyBordenet, John
Harvey, Cathryn
Parkhurst, Henry
Pearson, William**COOS**Hatch, William
Thomas, Yvonne

Laflamme, Larry

Noel, Henry

Tucker, Edith

GRAFTONAdjutant, Joshua
Dontonville, Roger
French, Elaine
Mulligan, Mary Jane
Stavis, LaurelAlmy, Susan
Egan, Timothy
Josephson, Timothy
Nordgren, Sharon
Smith, SuzanneCampion, Polly
Fellows, Sallie
Maes, Kevin
Osborne, Richard
Weston, JoyceDiggs, Francesca
Ford, Susan
Massimilla, Linda
Ruprecht, Dennis

HILLSBOROUGH

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

MERRIMACK

Bartlett, Christy	Buchanan, Ryan	Carson, Clyde	Doherty, David
Ebel, Karen	Ellison, Arthur	Fox, Samantha	Fulweiler, Joyce
Karrick, David	Lane, Connie	MacKay, James	McWilliams, Rebecca
Moffett, Howard	Myler, Mel	Pimentel, Roderick	Richards, Beth
Rodd, Beth	Rogers, Katherine	Saunderson, George	Schamberg, Thomas
Schuett, Dianne	Schultz, Kristina	Turcotte, Alan	Wallner, Mary Jane
Walz, Mary Beth	Wazir, Safiya	Wells, Kenneth	Woods, Gary

ROCKINGHAM

Altschiller, Debra	Berrien, Skip	Bunker, Lisa	Bushway, Patricia
Cahill, Michael	Cali-Pitts, Jacqueline	Coursin, David	Cushing, Robert Renny
DiLorenzo, Charlotte	Edgar, Michael	Eisner, Mary	Gilman, Julie
Grossman, Gaby	Grote, Jaci	Murray, Kate	Le, Tamara
Maggiore, Jim	Malloy, Dennis	McBeath, Rebecca	McConnell, Liz
Meuse, David	Pantelakos, Laura	Vallone, Mark	Ward, Gerald

STRAFFORD

Bixby, Peter	Cannon, Gerri	Ellis, Donna	Fargo, Kristina
Fontneau, Timothy	Frost, Sherry	Gourgue, Amanda	Grassie, Chuck
Higgins, Peg	Horriggan, Timothy	Keans, Sandra	Kenney, Cam
Levesque, Cassandra	Smith, Marjorie	Opderbecke, Linn	Schmidt, Peter
Rich, Cecilia	Salloway, Jeffrey	Sandler, Catt	Southworth, Thomas
Spang, Judith	Towne, Matthew	Wall, Janet	

SULLIVAN

Cloutier, John	Merchant, Gary	O'Hearne, Andrew	Oxenham, Lee
Sullivan, Brian	Tanner, Linda		

and floor amendment (2329h) failed.

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

Rep. Bershtein spoke against.

Rep. Bunker spoke in favor.

Majority committee report adopted and ordered to third reading.

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

SB 187, relative to OHRV dealer and rental agency registration fees and snowmobile registration fees. OUGHT TO PASS.

Rep. Edith Tucker for Ways and Means. This bill is designed to solve the financial stress that is an increasing problem for the state's 105 snowmobile clubs. Snowmobiling has always been funded by user-fees. The proposed registration fee structure, to be phased in with a two-step process, would cover the cost of trail grooming and trail maintenance, including building bridges. Generally, the clubs would receive full reimbursement for their operational costs. But, unlike today, the state would no longer be involved in groomer equipment purchases; the clubs would raise these funds themselves. This bill, which includes some other positive tweaks, including raising Off-Highway Recreational Vehicle (OHRV) dealer and rental agency registration fees, is the result of many stakeholder meetings: NH Snowmobile Association, local snowmobile clubs, NH Bureau of Trails, and NH Fish and Game Department, all of which advocated for the changes. The OHRV community was also consulted and agreed. The state's costs will be reduced and riders will bear more of the costs of sustaining the state's 7,000-mile snowmobile trail system, much of which is on public corridors. Vote 20-0.

Committee report adopted and ordered to third reading.

SB 190-FN, relative to apportionment of sales under the business profits tax. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susan Almy for Ways and Means. Apportionment is the way that companies are told to attribute their income for taxation purposes to the various states in which they do business. States vary in how they define apportionment, and in recent years 31 states, including all of our neighbors (Vermont this month), have changed to market-based sourcing of sales. The result is that NH-based businesses often have to pay taxes twice on part of their income, sometimes 80% of it, in full to NH and in part to other states they sell services to. We must change our apportionment system to relieve their burden and avoid their departure, and also to allow us to make up the revenue loss, and more, by extending our reach to outside businesses that sell into NH and are now paying on less than 100% of their income. Apportionment applies mostly to the business profits tax, but also to a small part of the business enterprise formula. The amendment corrects language inadvertently omitted from the original bill when it was copied from department rules, adds the apportionment changes to the business enterprise tax as well, and provides that the changes will apply to tax years beginning on or after January 1, 2021. The Department of Revenue Administration (DRA) needs this time to rewrite the lengthy apportionment rules, change the forms, and publicize the changes here and across the country. This delay provides for two quarterly estimate payments before the end of the FY20-21 budget, which DRA research shows may add at least \$10 million to the budget revenues in the last six months. Vote 19-0.

Amendment (2182h)

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

AN ACT relative to apportionment of sales under the business profits tax and the apportionment of dividends under the business enterprise tax.

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

1 Business Profits Tax; Apportionment of Sales. Amend RSA 77-A:3, I(c) to read as follows:

(c) The percentage of the total sales, including charges for services, made by the business organization everywhere as is made by it within this state[-]:

(1) Sales of tangible personal property are made in this state if the property is delivered or shipped to a purchaser, other than the United States government, within this state regardless of f.o.b. point or other conditions of sale, or the property is shipped from an office, store, warehouse, factory or other place of storage in this state and [(1)] (A) the purchaser is the United States government, or [(2)] (B) the business organization is not taxable in the state of the purchaser.

(2) Sales other than sales of tangible personal property are in this state if the [income-producing activity is performed in this state; or the income-producing activity is performed both in and outside this state and a greater proportion of the income-producing activity is performed in this state than in any other state; based on costs of performance] **business organization's market for the sales is in this state, as follows:**

(A) *In the case of sale, rental, lease or license of real property, if and to the extent the property is located in this state;*

(B) *In the case of rental, lease or license of tangible personal property, if and to the extent the property is located in this state;*

(C) *In the case of sale of a service, if the service is delivered to a location in this state;*

(D) *In the case of sale, rental, lease or license of intangible property, if and to the extent the property is used in this state;*

(E) *In the case of interest income, if and to the extent the debtor or encumbered property is located in this state;*

(F) *In the case of dividend income, if and to the extent the business organization's commercial domicile is in this state; and*

(G) *In the case of other income, if and to the extent the income is derived from sources in this state.*

(3) *In the case of sales other than sales of tangible personal property, if the state or states of assignment cannot be determined, the state or states of assignment shall be reasonably approximated.*

(4) *In the case of sales other than sales of tangible personal property, if the taxpayer is not taxable in a state to which a sale is assigned, or if the state of assignment cannot be determined or reasonably approximated, such sale shall be excluded from the denominator of the sales factor.*

2 Business Enterprise Tax; Apportionment of Dividends. Amend RSA 77-E:4, I(c)(3) to read as follows:

(3) The percentage of the total sales, including charges for services, made by the business enterprise everywhere as is made by it within this state[-]:

(A) Sales of tangible personal property are made in this state if the property is delivered or shipped to a purchaser, other than the United States government, within this state regardless of free on board point or other conditions of sale, or the property is shipped from an office, store, warehouse, factory or other place of storage in this state and [(A)] (i) the purchaser is the United States government, or [(B)] (ii) the business enterprise is not taxable in the state of the purchaser.

~~(B) Sales other than sales of tangible personal property are in this state if the [revenue-producing activity is performed in this state, or the revenue-producing activity is performed both in and outside this state and a greater proportion of the revenue-producing activity is performed in this state than in any other state, based on costs of performance]~~ **business enterprise's market for the sales is in this state, as follows:**

(i) In the case of sale, rental, lease or license of real property, if and to the extent the property is located in this state;

(ii) In the case of rental, lease or license of tangible personal property, if and to the extent the property is located in this state;

(iii) In the case of sale of a service, if and to the extent the service is delivered to a location in this state;

(iv) In the case of sale, rental, lease or license of intangible property, if and to the extent the property is used in this state;

(v) In the case of interest income, if and to the extent the debtor or encumbered property is located in this state;

(vi) In the case of dividend income, if and to the extent the business enterprise's commercial domicile is in this state; and

(vii) In the case of other income, if and to the extent the income is derived from sources in this state.

(C) In the case of sales other than sales of tangible personal property, if the state or states of assignment cannot be determined, the state or states of assignment shall be reasonably approximated.

(D) In the case of sales other than sales of tangible personal property, if the taxpayer is not taxable in a state to which a sale is assigned, or if the state of assignment cannot be determined or reasonably approximated, such sale shall be excluded from the denominator of the sales factor.

3 Applicability. Sections 1 and 2 of this act shall apply to taxable periods ending on or after December 31, 2021.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect January 1, 2021.

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

AMENDED ANALYSIS

This bill modifies the apportionment to this state of sales of a business organization with activity in other states and the apportionment of dividends of a business enterprise based on sales made within this state.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

SB 242-FN, requiring notice and approval of certain actions to commence audits of collection liabilities arising under certain sales and use tax statutes and prohibiting New Hampshire remote sellers from disclosing private customer information to foreign taxing authorities in connection with the collection of certain sales and use taxes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard Ames for Ways and Means. On June 21, 2018, in a case titled *South Dakota v. Wayfair*, the United States Supreme Court overturned over 50 years of precedent that had required the physical presence in a state of a retail seller before the state could impose on the seller its sales and use tax collection requirements. Post *Wayfair*, retail businesses throughout the country selling remotely into another state, including those located within New Hampshire, are now exposed to new assertions by thousands of foreign taxing jurisdictions of various sales tax collection and remission requirements. These remote New Hampshire retailers are no longer protected by the longstanding physical presence rule. But the *Wayfair* decision left unresolved many questions relating to the scope of constitutionally allowable sales tax impositions on remote sellers. Key is the definition of a constitutionally sufficient safe harbor for the protection of relatively small businesses and other businesses with relatively low levels of sales business in the foreign taxing jurisdiction. The Supreme Court directly invited further examination of these questions, observing that the *Wayfair* case involved only "large, national companies that undoubtedly maintain an extensive virtual presence" and stating that the "question remains whether some other principle in the Court's Commerce Clause doctrine might invalidate the [South Dakota] Act." The core purpose of this bill is to authorize and direct the New Hampshire Department of Justice, working collaboratively with the Department of Revenue Administration and with private NH businesses selling remotely into other states, to conduct investigations and take legal action. The goal of legal action shall be to ensure that, post-*Wayfair*, no foreign taxing jurisdiction or authority imposes or attempts to impose sales and use tax collection obligations on a New Hampshire remote seller or accesses private information in a manner that violates the United States or New Hampshire constitutions or any other applicable provision of law. Actions by foreign taxing jurisdictions that impose undue burdens on interstate commerce and/or that unreasonably discriminate against New Hampshire remote sellers will not be tolerated. The committee amendment, developed over the course of several working sessions with the governor's legal counsel and with representatives of the Department of Justice and Department of Revenue

Administration, removes provisions from the original bill that the committee deemed not needed to advance the core purpose of the bill. Requirements for annual reports and the establishment of a commission with special time-limited monitoring responsibilities are included in the bill to ensure continuing legislative oversight of SB 242 implementation activity. Vote 19-0.

Amendment (2275h)

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

AN ACT providing for protection of private customer information and rights of New Hampshire remote sellers in connection with certain foreign sales and use taxes.

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

1 New Chapter; Protection of Private Customer Information and Rights of New Hampshire Remote Sellers in Connection With Certain Foreign Sales and Use Taxes. Amend RSA by inserting after chapter 78-D the following new chapter:

CHAPTER 78-E PROTECTION OF PRIVATE CUSTOMER INFORMATION AND RIGHTS OF NEW HAMPSHIRE REMOTE SELLERS IN CONNECTION WITH CERTAIN FOREIGN SALES AND USE TAXES

78-E:1 Findings and Purpose. The general court finds that:

I. Over 10,000 state and local jurisdictions within the United States impose sales and use taxes. Many of these jurisdictions have their own laws, regulations, policies, and standards for determining sales and use tax obligations.

II. The state of New Hampshire does not impose a traditional broad-based sales and use tax on customers making purchases of goods and services in New Hampshire, nor on goods and services purchased by its residents out of state for use, storage, or consumption in New Hampshire. New Hampshire law and policy does not require New Hampshire businesses to suffer the cost and burdens of establishing administrative systems to comply with the collection and remission provisions of a traditional broad-based sales and use tax law.

III. The state of New Hampshire is a year-round destination visited by millions of persons from various states that impose sales and use tax on their own residents. Complying with the complexities of these multiple and various foreign sales and use tax laws and regulations will impose very costly burdens on all affected New Hampshire retail businesses. These burdens will be especially difficult for smaller businesses that seek to expand their customer base by using old and new technologies such as traditional mail and communications using the Internet.

IV. On June 21, 2018, the United States Supreme Court issued its decision in *South Dakota v. Wayfair, Inc.*, et al. The Court overturned over 50 years of precedent that had required the physical presence in a state of a retail seller before the state could impose on the seller its sales and use tax collection requirements. This decision exposes remote retail businesses, including those located within New Hampshire, to assertions by thousands of foreign taxing jurisdictions of various collection and remission requirements on remote retail businesses that were previously protected by the longstanding physical presence rule.

V. The Wayfair decision left unresolved many questions relating to the scope of constitutionally allowable sales tax impositions on remote sellers, including the definition of a constitutionally sufficient safe harbor for the protection of relatively small businesses and others with relatively low levels of sales business in the foreign taxing jurisdiction. The Court directly invited further examination of these questions, observing that the Wayfair case involved only “large, national companies that undoubtedly maintain an extensive virtual presence” and stating that the “question remains whether some other principle in the Court’s Commerce Clause doctrine might invalidate the [South Dakota] Act.”

VI. New Hampshire has enacted the business enterprise tax (BET), which is a form of value-added or consumption tax imposed directly on the business, and not on the consumer. The enactment of the BET represents the affirmative adoption by New Hampshire of a fundamentally different consumption tax policy than other states’ adoption of retail sales and use taxes, and further reflects New Hampshire’s direct rejection of complexities and undue administrative burdens that result from traditional retail sales and use taxes and their third-party collection regimes.

VII. Because New Hampshire has never enacted a traditional broad-based sales and use tax law, New Hampshire retailers selling intrastate and remotely to other states had been fully protected pre-Wayfair from the burden of sales tax collection and remittance responsibilities. Post-Wayfair, New Hampshire has a compelling governmental interest in providing for the continuing protection of these retailers, especially relatively small retailers, from any unlawful imposition of this burden. The establishment and expansion of small and “micro-businesses” represent a particularly valuable segment of New Hampshire’s economy and comprise a majority of employers in the state. The high cost and practical difficulty of compliance with sales and use tax requirements in a state that has chosen not to impose sales and use tax obligations would disproportionately and negatively impact these businesses and discourage other aspiring entrepreneurs from starting new businesses in New Hampshire.

VIII. New Hampshire has a compelling governmental interest in protecting the privacy of an individual's personal information that may be used to facilitate the sale of goods and services within this state.

IX. New Hampshire has a compelling governmental interest in protecting its remote sellers and the private, personal information they possess from consumers from persons who may attempt to steal money or sensitive information from remote sellers by impersonating a foreign taxing jurisdiction or foreign taxing authority.

X. New Hampshire has a compelling governmental interest in protecting New Hampshire remote sellers from tax assessment and collection practices by foreign taxing jurisdictions and authorities that unlawfully discriminate against out-of-state persons in favor of in-state persons.

XI. The purpose of this chapter is to (a) ensure that no foreign taxing jurisdiction or authority imposes or attempts to impose sales and use tax collection obligations on a New Hampshire remote seller in a manner that violates the United States or New Hampshire constitutions or any other applicable provision of law and (b) protect New Hampshire remote sellers and the private, personal information they possess from consumers from persons who may attempt to steal money or sensitive information from remote sellers by impersonating a foreign taxing jurisdiction or foreign taxing authority.

78-E:2 Definitions. In this chapter:

I. "Foreign taxing authority" means an agency or other instrumentality of, or a person acting on behalf of, a foreign taxing jurisdiction that is authorized to administer, audit, and enforce sales or use tax laws of the foreign taxing jurisdiction.

II. "Foreign taxing jurisdiction" means a state, territory, the District of Columbia, a local government, political subdivision, or any other entity which assesses a retail sales tax or use tax on its persons with respect to the use, storage, and consumption of goods and services.

III. "New Hampshire remote purchase transaction" means any sale of services or goods, or both, for any purpose other than resale in the regular course of business where the customer takes possession of the services or goods in a foreign taxing jurisdiction.

IV.(a) "New Hampshire remote seller" means any individual, trust, estate, fiduciary, partnership, corporation, or other legal entity, including a retailer as defined in RSA 78-D, located within the state, that engages in New Hampshire remote purchase transactions, and that does not have a physical presence within the foreign taxing jurisdiction.

(b) For purposes of this paragraph, a person has a "physical presence" in a foreign taxing jurisdiction only if such person's business activities within the jurisdiction include any of the following:

- (1) Maintaining its commercial or legal domicile in the foreign taxing jurisdiction;
- (2) Owning, holding a leasehold interest in, or maintaining real property for business purposes such as a retail store, warehouse, distribution center, manufacturing operation, assembly facility, or any other facility in the foreign taxing jurisdiction;
- (3) Leasing or owning tangible personal property for business purposes (other than computer software) of more than de minimis value in the foreign taxing jurisdiction;
- (4) Having one or more employees or independent sales persons present in the foreign taxing jurisdiction actively soliciting sales;
- (5) Maintaining an office in the foreign taxing jurisdiction at which it regularly employs three or more employees for any purpose.

(c) For purposes of this paragraph, the term "physical presence" shall not include:

- (1) Entering into an agreement under which a person, for a commission or other consideration, directly or indirectly refers potential purchasers to a person outside the foreign taxing jurisdiction, whether by an Internet-based link or platform, Internet website or otherwise;
- (2) Any presence in a foreign taxing jurisdiction, as described in this paragraph, for less than 15 days in a taxable year (or a greater number of days if provided by foreign taxing jurisdiction law);
- (3) Product placement, setup, or other services offered in connection with delivery of products by an interstate or in-state carrier or other service provider;
- (4) Internet advertising services provided by in-state residents which are not exclusively directed towards, or do not solicit exclusively, in-state customers;
- (5) Ownership by a person outside the foreign taxing jurisdiction of an interest in a limited liability company or similar entity organized or with a physical presence in the foreign taxing jurisdiction;
- (6) The furnishing of information to customers or affiliates in such foreign taxing jurisdiction, or the coverage of events or other gathering of information in such foreign taxing jurisdiction by such person, or his or her representative, which information is used or disseminated from a point outside the foreign taxing jurisdiction; or
- (7) Business activities directly relating to such person's potential or actual purchase of goods or services within the foreign taxing jurisdiction if the final decision to purchase is made outside the foreign taxing jurisdiction.

V. "Person" means any individual, trust, estate, fiduciary, partnership, corporation, or any state, territory, the District of Columbia, a local government or political subdivision, or any other legal entity.

VI. "Private customer transaction information" means, with respect to any New Hampshire remote seller, any documents, records, and other information possessed or maintained by a New Hampshire remote seller in any form which contain information concerning the name, address, or telephone number of any customer, or any other information related to a customer such as credit card, debit card, or checks used to complete a customer transaction, a description of the goods or service purchased, the identity of any person for whom the goods or services were purchased, and the identification of the point of transfer of any goods or services that comprise a transaction of sales used for the calculation of sales or use tax liability.

VII. "Streamlined Sales and Use Tax Agreement" means the Streamlined Sales and Use Tax Agreement as adopted and amended from time to time by the Streamlined Sales Tax Governing Board.

VIII. "Written notice" means a notice in writing, by physical letter, addressed and physically mailed to the New Hampshire department of justice. No other form of notice shall be deemed to meet the requirements of this chapter.

78-E:3 Voluntary Information Sharing and Collaboration.

I. In furtherance of the purposes of this chapter, the department of justice shall develop a system providing for voluntary information sharing and collaboration between the department of justice and New Hampshire remote sellers.

II. In collaboration with the department of revenue administration and through such other means as it determines appropriate, the department of justice shall transmit periodic bulletins to businesses located in New Hampshire providing information about the provisions of this chapter and about new developments relating to the collection and remission of sales taxes to foreign taxing jurisdictions and authorities. The department of revenue administration is hereby authorized to collaborate with the department of justice in developing and distributing such bulletins.

III. The system established by the department of justice shall encourage and enable the confidential transmission to the department of justice by New Hampshire remote sellers of information regarding sales tax collection or remission actions, including actions seeking private customer information, taken or threatened against said sellers by foreign taxing jurisdictions and authorities or by other persons. Such information shall be exempt from disclosure under RSA 91-A.

78-E:4 Notice Requirements; Prohibitions.

I. A foreign taxing authority shall provide written notice to the department of justice at least 45 days prior to taking any action to determine or impose sales or use tax liability against a New Hampshire remote seller. The written notice regarding a particular New Hampshire remote seller shall state that it is an "RSA 78-E Notice," shall provide the full legal name and address of the seller, shall contain the reasons for the request or examination, shall cite the legal authorities that authorize imposition of a tax collection obligation on the seller, and shall explain why the seller is subject to those laws.

II. No foreign taxing authority shall request from a New Hampshire remote seller any private customer transaction information for use in the determination of sales or use tax liability of the customer or for use in the determination, collection, and remittance of sales or use tax by the seller with respect to a customer transaction, nor shall a foreign taxing authority proceed with conducting such an examination or imposing sales and use tax collection obligations, unless the foreign taxing authority has first provided the department of justice with written notice of its intent to request such information or conduct such an examination from a particular New Hampshire remote seller pursuant to paragraph I and 45 days from the date of such written notice have elapsed.

III.(a) A New Hampshire remote seller should provide to the department of justice notice of a foreign taxing authority's first request for any private customer transaction information for use in the determination of sales or use tax liability of the customer or for use in the determination, collection, and remittance of sales or use tax by the seller with respect to a customer transaction, to insure that the foreign taxing authority has provided the notice required by paragraph I.

(b) Notwithstanding the provisions of subparagraph (a), a New Hampshire remote seller may elect immediate compliance with a request or directive of a foreign taxing authority if the seller determines that such compliance is in its best interests. If a New Hampshire remote seller elects immediate compliance, that seller should remit notice to the department of justice after such compliance to insure that the foreign taxing authority has provided the notice required by paragraph I. Immediate compliance by a New Hampshire remote seller shall not relieve a foreign taxing authority's obligation to comply with the notice requirements contained in paragraph I.

(c) A New Hampshire remote seller may satisfy the notice provisions under this paragraph through email, phone call, letter, or other method established and specified by the department of justice.

IV. A New Hampshire remote seller who elects immediate compliance under paragraph II of this section may do so under protest while reserving all rights provided under this chapter, the United States or New Hampshire Constitutions, or any other provision of law.

78-E:5 No person shall impersonate or attempt to impersonate a foreign taxing jurisdiction, foreign taxing authority, or any other government agency for any reason and, any person who does shall be deemed to have

committed an unfair or deceptive act or practice within the meaning of RSA 358-A:2. Any right, remedy, or power set forth in RSA 358-A, including those set forth in RSA 358-A:4, II, may be used to enforce the provisions of this section. The exemptions provided for in RSA 358-A:3, I shall not apply to this paragraph.

78-E:6 Administration; Enforcement.

I. Upon receipt of a written notice of a foreign taxing authority's intent to request private customer information from, conduct an examination of, or impose sales and use tax collection obligations on one or more New Hampshire remote sellers, the department of justice shall determine whether the laws of the foreign taxing jurisdiction meet the requirements of the United States and New Hampshire Constitutions and, if they do, whether they can be applied to the New Hampshire remote seller or sellers based on the reasons provided in the required written notice. In conducting the review required by this paragraph, the department of justice shall consider all laws and regulations existing as of the time of the review, and all applicable principles of the United States and New Hampshire Constitutions, including but not limited to: whether or not the foreign taxing jurisdiction's laws provide a satisfactory safe harbor for New Hampshire remote sellers that conduct only limited business within the jurisdiction; whether or not the laws ensure that no obligation to remit sales or use tax may be applied retroactively; whether or not the foreign taxing jurisdiction has adopted the Streamlined Sales and Use Tax Agreement or otherwise adopted laws that are substantially compliant with each of the requirements set forth in the Streamlined Sales and Use Tax Agreement; whether or not the foreign taxing jurisdiction's laws provide for deduction, reimbursement, or exemption for the cost of compliance of the New Hampshire remote seller in collecting, accounting, and remitting the foreign taxing jurisdiction's sales or use taxes; whether or not the laws require substantial compliance and enforcement of the entirety of such laws, including whether or not the laws include a use tax and the requirement that persons report and pay use tax liability; whether or not the foreign taxing jurisdiction or authority is actively seeking to enforce its own requirement that persons report and pay use tax liability; and whether or not the application of such laws in practice are fairly related to the tangible benefits provided by such state to the New Hampshire remote seller.

II. Whenever the department of justice has reason to believe that a foreign taxing jurisdiction or authority or any other person has taken, is taking, or is threatening to take any tax assessment or collection action against any New Hampshire remote seller, and the department further determines that said action constitutes an undue burden on interstate commerce within the meaning of Article 1, Section 8, Clause 3 of the United States Constitution, or that said action violates any other provision of the United States Constitution or New Hampshire constitution or of any other applicable state or federal law, including but not limited to the notice requirements in RSA 78-E:4, the department may bring a civil action in the name of the state against such person to restrain by temporary, preliminary, or permanent injunction the said action and may petition the court for an order of restitution of money or property to any person or class of persons injured thereby. The department of justice may further bring a declaratory judgment action against any foreign taxing authority or jurisdiction to establish that the proposed assertion of an obligation to collect and remit sales tax by one or more New Hampshire remote sellers violates applicable state or federal law. The action may be brought in any court of competent jurisdiction. Nothing in this chapter shall be construed as creating a cause of action against the state of New Hampshire or any of its officials or employees. Any action taken by the department of justice pursuant to the provisions of this chapter shall not be read to preclude a New Hampshire remote seller from bringing its own action under paragraph IV, or upon any other legal basis, and nothing in this chapter shall be construed to require or permit the department of justice to act as legal counsel or provide legal advice to a New Hampshire remote seller or any other person to whom the department of justice is not otherwise authorized by law to provide legal counsel.

III. Any information, testimony, or documentary material obtained under the authority of this section shall be used only for one or more of the following purposes:

(a) In connection with investigations instituted under this chapter or for the prosecution of legal proceedings instituted under this chapter or any other provision of New Hampshire law; and

(b) In connection with any formal or informal program of or request for information exchange between the department of justice and any other local, state, or federal agency. However, no information or material obtained or used pursuant to the authority of this section shall be released publicly by any governmental agency except in connection with the prosecution of legal proceedings instituted under this chapter or any other provision of New Hampshire law. In addition, any information, testimony, or documentary material obtained or used pursuant to a protective order shall not be exchanged or released, as provided herein, publicly except in compliance with such protective order.

IV. A New Hampshire remote seller who is subject to collection, audit, or examination by a foreign taxing authority in connection with alleged sales tax collection or remission obligations may file an action in any court of competent jurisdiction seeking immediate, emergency relief to enjoin any collection, audit, or examination attempt that is occurring or will occur in violation of rights provided by this chapter or of any other provision of constitutional or statutory law. Any New Hampshire remote seller who prevails in such an

action shall be entitled to recover any damages suffered as a result of the violation of rights provided by this chapter and reasonable attorney fees and costs incurred in maintaining the action. Nothing in this paragraph is intended to limit a New Hampshire remote seller's judicial recourse to enforcement of this chapter.

78-E:7 Reimbursement for Sales and Use Tax Collection. Notwithstanding the provisions of this chapter, if a New Hampshire remote seller is determined to be obligated to collect and remit a sales or use tax on behalf of a foreign taxing jurisdiction or foreign taxing authority, then that New Hampshire remote seller shall be entitled to recover or deduct from any taxes collected on behalf of such foreign taxing jurisdiction or foreign taxing authority any reasonable costs, including any initial set up and ongoing maintenance costs, incurred in the collection and remission of sales and use taxes to that jurisdiction or authority.

78-E:8 Rulemaking. The department of justice may establish procedures, in rules adopted by the attorney general under RSA 541-A, to facilitate the department of justice's implementation of this chapter, including the creation of forms, schedules, explanatory documents, or other materials. Such rules may be adopted through emergency rulemaking under RSA 541-A:18.

78-E:9 Supplement to RSA 78-D. The protections for New Hampshire remote sellers provided by this chapter are intended to supplement, and not replace or supplant, protections provided to retailers under RSA 78-D. Therefore, in any situation where a provision of this chapter conflicts with the provisions of RSA 78-D, the provision that provides greater protection from sales and use tax collection liabilities to a New Hampshire remote seller or retailer, as that term is defined in RSA 78-D, shall control.

78-E:10 On or before November 1 of each year, the department of justice shall report on the status of implementation of the provisions of RSA 78-E along with any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the chairs of the senate and house committees on ways and means, the senate clerk, the house clerk, the governor, and the state library.

78-E:11 Commission Established. There shall be a commission established to monitor changes in federal and state-level legislation and actions concerning the imposition of tax collection obligations on New Hampshire remote sellers.

I. The commission shall be composed of 7 members, as follows:

- (a) The attorney general, or designee.
- (b) The commissioner of the department of revenue administration, or designee.
- (c) Three members of the house of representatives, one of whom shall be from the minority party, appointed by the speaker of the house of representatives.
- (d) Two members of the senate, one of whom shall be from the minority party, appointed by the president of the senate.

II. The duties of the commission shall include, but are not limited to:

- (a) Monitoring subsequent United States Supreme Court decisions relating to the issues raised in *South Dakota v. Wayfair, Inc.*, and any other relevant court decisions that may impact New Hampshire businesses' obligations to collect sales and use taxes on behalf of foreign taxing jurisdictions or authorities.
- (b) Monitoring attempts by other states to impose sales and use tax collection obligations on New Hampshire remote sellers and remote service providers.
- (c) Addressing concerns related to costs incurred by New Hampshire businesses in the collection of sales and use taxes on behalf of a foreign taxing jurisdiction or authority.
- (d) Monitoring implementation by the department of justice and the department of revenue administration of RSA 78-E.
- (e) Proposing further legislation or other state action intended to address these concerns.

III. The commission may solicit information from any person or entity the commission deems relevant to its duties.

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 senate member. The first meeting of the commission shall be held within 30 days of the effective date of this section. Four members of the commission shall constitute a quorum.

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

78-E:12 Severability. If any provision of this chapter or the application thereof to any agency, person, or circumstances is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

2 Repeal of Commission. RSA 78-E:11, relative to the establishment of a commission, is repealed.

3 Effective Dates.

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 prohibits foreign taxing jurisdictions from requesting private customer information from, conducting examinations of, or imposing sales and use tax collection obligations on sellers in New Hampshire, unless the foreign taxing jurisdiction provides notice to the New Hampshire department of justice. This bill allows sellers to comply with any directive of a foreign taxing authority, while preserving the seller's rights under the statute, if the seller determines that such compliance is in the seller's best interest. The bill also establishes a commission to monitor changes in federal and state legislation concerning the imposition of tax collection obligations on New Hampshire remote sellers.

Committee amendment adopted.

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

Reps. Ames and Edwards spoke in favor.

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

YEAS 308 - NAYS 25

YEAS - 308

BELKNAP

Aldrich, Glen
Fields, Dennis
Lang, Timothy
Spanos, Peter
Viens, Harry

Bean, Harry
Howard, Raymond
Mackie, Jonathan
St. Clair, Charlie

Comtois, Barbara
Huot, David
Plumer, John
Sylvia, Michael

Feeney, George
Jurius, Deanna
Beaudoin, Richard
Varney, Peter

CARROLL

Burroughs, Anita
DesMarais, Edith
Marsh, William

Butler, Edward
Kanzler, Harrison
Nelson, Bill

Comeau, Ed
Knirk, Jerry
Ticehurst, Susan

Cordelli, Glenn
MacDonald, John
Woodcock, Stephen

CHESHIRE

Abbott, Michael
Faulkner, Barry
Ley, Douglas
Parkhurst, Henry
Weber, Lucy

Ames, Richard
Gomarlo, Jennie
Mann, John
Schapiro, Joe

Berch, Paul
Harvey, Cathryn
Meador, David
Swinburne, Sandy

Eaton, Daniel
Hunt, John
O'Day, John
Von Plinsky, Sparky

COOS

Craig, Kevin
Noel, Henry

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Merner, Troy

GRAFTON

Almy, Susan
Egan, Timothy
Ladd, Rick
Mulligan, Mary Jane
Stavis, Laurel

Campion, Polly
Ford, Susan
Maes, Kevin
Nordgren, Sharon
Stringham, Jerry

Diggs, Francesca
French, Elaine
Massimilla, Linda
Osborne, Richard
Smith, Suzanne

Dontonville, Roger
Gordon, Edward
Migliore, Vincent Paul
Ruprecht, Dennis
Weston, Joyce

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Bergeron, Paul
Bosman, James
Chretien, Jacqueline
Danielson, David
Erf, Keith
Freitas, Mary
Graham, John
Heath, Mary
Indruk, Greg
Klein-Knight, Nicole
Leishman, Peter
Marzullo, JP
Murphy, Nancy
Nutting-Wong, Allison
Petrigno, Peter
Proulx, Mark
Renzullo, Andrew
Sanborn, Laurie

Alexander, Joe
Balch, Chris
Bernet, Jennifer
Bouchard, Donald
Cleaver, Skip
Dargie, Paul
Espitia, Manny
Gagne, Larry
Greene, Bob
Herbert, Christopher
Jeudy, Jean
Komi, Richard
Murray, Megan
McGhee, Kat
Notter, Jeanine
O'Brien, Michael
Pickering, Daniel
Prout, Andrew
Rice, Kimberly
Shaw, Barbara

Bouldin, Amanda
Barry, Richard
Boehm, Ralph
Burt, John
Connors, Erika
Desjardin, Kathy
Davis, Fred
Goley, Jeffrey
Griffith, Willis
Hinch, Richard
King, Mark
Langley, Diane
Mangipudi, Latha
McLean, Mark
Nunez, Hershel
Panasiti, Reed
Piedra, Israel
Query, Joshua
Rung, Rosemarie
Snow, Kendall

Bouldin, Andrew
Beaulieu, Jane
Bordy, William
Camarota, Linda
Cornell, Patricia
Dutzy, Sherry
Flanagan, Jack
Gould, Linda
Harriott-Gathright, Linda
Hopper, Gary
Klee, Patricia
Lascelles, Richard
Martin, Joelle
Mullen, Sue
Nutter-Upham, Frances
Pedersen, Michael
Porter, Marjorie
Newman, Ray
Newman, Sue
Stack, Kathryn

Lekas, Tony
Vail, Suzanne
Whittemore, James

Telerski, Laura
Van Houten, Constance
Woodbury, David

Toomey, Dan
Thomas, Wendy

Ulery, Jordan
Warden, Mark

MERRIMACK

Allard, James
Ebel, Karen
Fulweiler, Joyce
Klose, John
Marple, Richard
Pimentel, Roderick
Saunderson, George
Seaworth, Brian
Wallner, Mary Jane
Wolf, Dan

Buchanan, Ryan
Ellison, Arthur
Hill, Gregory
Kotowski, Frank
McGuire, Carol
Richards, Beth
Schamberg, Thomas
Soucy, Timothy
Walz, Mary Beth
Woods, Gary

Carson, Clyde
Forsythe, Robert
Horn, Werner
Lane, Connie
Moffett, Howard
Rodd, Beth
Schuett, Dianne
Testerman, Dave
Wazir, Safiya
Yakubovich, Michael

Doherty, David
Fox, Samantha
Karrick, David
MacKay, James
Myler, Mel
Rogers, Katherine
Schultz, Kristina
Turcotte, Alan
Wells, Kenneth

ROCKINGHAM

Abbas, Daryl
Barnes, Arthur
Bushway, Patricia
Cushing, Robert Renny
Desilets, Joel
Eisner, Mary
Grossman, Gaby
Hobson, Deborah
Murray, Kate
Love, David
Maggiore, Jim
McMahon, Charles
Pantelakos, Laura
Prudhomme-O'Brien, Katherine
Torosian, Peter
Ward, Gerald

Abrami, Patrick
Berrien, Skip
Cali-Pitts, Jacqueline
Davis, Dan
DiLorenzo, Charlotte
Gay, Betty
Grote, Jaci
Osborne, Jason
Khan, Aboul
Lovejoy, Patricia
Major, Norman
Melvin, Charles
Piemonte, Tony
Pearson, Stephen
True, Chris
Webb, James

Abramson, Max
Bershtein, Alan
Chirichiello, Brian
Thomas, Douglas
Edgar, Michael
Gilman, Julie
Guthrie, Joseph
Janigian, John
Kolodziej, Walter
Griffin, Mary
Malloy, Dennis
Meuse, David
Potucek, John
Somssich, Peter
Vallone, Mark
Weyler, Kenneth

Acton, Dennis
Bunker, Lisa
Coursin, David
DeClercq, Edward
Edwards, Jess
Green, Dennis
Harb, Robert
Janvrin, Jason
Le, Tamara
Pearson, Mark
McConnell, Liz
Packard, Sherman
Pratt, Kevin
Sytek, John
Wallace, Scott
Yokela, Josh

STRAFFORD

Bixby, Peter
Fontneau, Timothy
Higgins, Peg
Kenney, Cam
McNally, Jody
Pitre, Joseph
Salloway, Jeffrey
Towne, Matthew

Cannon, Gerri
Gourgue, Amanda
Horgan, James
Kittredge, Mac
Opderbecke, Linn
Rich, Cecilia
Sandler, Catt
Wall, Janet

Ellis, Donna
Grassie, Chuck
Horrigan, Timothy
Levesque, Cassandra
Schmidt, Peter
Rooney, Abigail
Southworth, Thomas
Wuelper, Kurt

Fargo, Kristina
Hayward, Peter
Keans, Sandra
Smith, Marjorie
Perreault, Mona
Beaudoin, Steven
Spang, Judith

Aron, Judy
O'Hearne, Andrew
Smith, Steven

Cloutier, John
Oxenham, Lee
Sullivan, Brian

Laware, Thomas
Rollins, Skip
Tanner, Linda

Merchant, Gary
Stapleton, Walter

NAYS - 25

CARROLL

Avellani, Lino

Bordenet, John

Adjutant, Joshua

Backus, Robert
Long, Patrick
St. John, Michelle

Bartlett, Christy

Altschiller, Debra
Verville, Kevin

Fellows, Sallie

Hamer, Heidi
Radhakrishnan, Julie
Stevens, Deb

McWilliams, Rebecca

Cahill, Michael

Josephson, Timothy

HILLSBOROUGH

Schmidt, Janice
Riel, Cole
Smith, Timothy

Jack, Martin
Sofikitis, Catherine
Williams, Kermit

MERRIMACK

ROCKINGHAM

Costable, Michael

Spillane, James

STRAFFORD

Frost, Sherry

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

SB 246-FN, relative to licensing of child daycare, residential care, and child-placing agencies. **OUGHT TO PASS.** Rep. Richard Ames for Ways and Means. This bill came to the Ways and Means Committee for second committee review with respect to its proposed establishment of a new nonlapsing Child Care Licensing Fund. The bill provides for the regular deposit into the new fund of certain fees for state registry and criminal record checks collected by the Department of Health and Human Services. The committee agrees that this arrangement is appropriate and necessary to meet certain federal grant requirements and that there are no revenue implications of concern to the committee. Vote 20-0.

Committee report adopted and ordered to third reading.

SB 270-FN, establishing a tax credit against the business profits tax for donations to career and technical education centers. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Thomas Southworth for the Majority of Ways and Means. This bill establishes a tax credit program that encourages businesses to make donations to career and technical education centers (CTEs). In order to qualify for the program, a business must first develop a partnership with a CTE and identify areas of need such as updated equipment, student internships, or even providing a part-time mentor at the CTE. The total tax credit available is \$500,000 and if requests surpass that amount, the credits will be pro-rated. The true value of the program is the long-term partnership between the business and the CTE that "is worth gold." The majority of the committee believes that this program will provide an added tool to enhance the success of CTEs and ensure a skilled workforce for the future. The amendment contains a sunset in 2022 because committee members thought there might be better methods of funding, and this and required annual reporting provides a trial period for this method. Vote 18-2.

Rep. Jerry Stringham for the Minority of Ways and Means. The minority feels that this bill is a costly, cumbersome, and inefficient way to incentivize businesses to participate in the Granite State's very valuable Career and Technical Education (CTE) program. Businesses will have to perform paperwork to secure a potential state tax credit. As the program has a \$500,000 cap, the businesses will not know how much of a credit they will receive until after they have expended the funds. When they do receive the credit, it will not be entirely retained by the company as the funds will be taxable to the business with a percentage being diverted to the federal government. The minority believes a substantial portion of the tax credits will go to businesses already supporting CTE investments and not lead to additional business support. There are better ways to incentivize businesses, particularly those with urgent employee needs. The minority believes that, for example, acknowledgments from the governor during February (CTE month) as prompted by the Department of Business Development would be more effective than an undefined promise of a tax break. There are no provisions for what spending will be cut or taxes increased to offset this \$500,000 tax credit.

Majority Amendment (2280h)

Amend RSA 188-E:9-a as inserted by section 1 of the bill by inserting after paragraph VII the following new paragraph:

VIII. On or before October 1 of each year, the department of education shall report to the speaker of the house of representatives, the senate president, and the chairpersons of the house and senate ways and means committees on the total value of charitable donations received by school districts under this section, the tax credits issued to all donors, and the department's determination of the effect the tax credit program has on educational programs offered by CTE centers and their apprenticeship and training programs.

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

3 Repeal; 2022. RSA 188-E:9-a, relative to donations to regional career and technical education center programs, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect June 30, 2022.

II. The remainder of this act shall take effect July 1, 2019.

AMENDED ANALYSIS

This bill establishes a tax credit against business profits taxes for donations to career and technical education centers. The donation program is repealed June 30, 2022.

Majority committee amendment adopted.

Majority 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, Thursday, June 13, 2019 at 10:00 a.m.

Motion adopted.

LATE SESSION**Third Reading and Final Passage**

SB 39, relative to the repair of roads not maintained by a municipality.

SB 241-FN-A, relative to funding for the project development phase of the capitol corridor rail project.

SB 168, relative to class 2 obligations under the electric renewable portfolio standards.

SB 206, excluding the cost of lobbying and political activity from the rates of public utilities.

SB 200, relative to wildlife corridors.

SB 218, relative to duties of the commissioner of transportation regarding air navigation facilities.

SB 74-FN-A, relative to register of deeds fees used to support the land and community heritage investment program (LCHIP), and establishing a committee to study the economic impact of land conservation and to review the LCHIP surcharge.

SB 187, relative to OHRV dealer and rental agency registration fees and snowmobile registration fees.

SB 190-FN, relative to apportionment of sales under the business profits tax and the apportionment of dividends under the business enterprise tax.

SB 242-FN, providing for protection of private customer information and rights of New Hampshire remote sellers in connection with certain foreign sales and use taxes.

SB 246-FN, relative to licensing of child daycare, residential care, and child-placing agencies.

SB 270-FN, establishing a tax credit against the business profits tax for donations to career and technical education centers.

UNANIMOUS CONSENT

Rep. Altschiller requested Unanimous Consent of the House regarding the anniversary of the 19th Amendment and addressed the House.

MOTION TO PRINT REMARKS

Rep. Ebel moved that the remarks made by Rep. Altschiller during Unanimous Consent be printed in the Permanent Journal.

Without objection, the Speaker ordered.

REMARKS

Rep. Altschiller: Thank you, Mister Speaker. This week marked the passage of yet another important anniversary. Tuesday, June 4th was the centennial anniversary of the Congress of United States passing the 19th Amendment to the US Constitution. This historic legislation ensured equal voting rights to women and men. It reads as follows, "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex." The journey to that historic day traveled 71 long years. At the first convention of women's rights in Seneca Falls, NY in 1848 an idea that was wildly radical for its time was proposed, women should have access to the most crucial part of our government, access to the vote. Those early feminist leaders, Lucretia Mott, Lucy Stone, Susan B. Anthony and the author of the Declaration of Sentiments, Elizabeth Cady Stanton blazed the path that led to that momentous day, June 4th, 1919, a day that none of them would live to see. The majority of delegates to that Seneca Falls Convention agreed on this: American women were autonomous individuals who deserved their own political identities. "We hold these truths to be self-evident," proclaimed the Declaration of Sentiments that the delegates produced, "That all men and women are created equal, that they are endowed by their creator with certain inalienable rights, among these are life, liberty, and the pursuit of happiness." What this meant, among other things, was that they believed women should have the right to vote. This bold declaration of intention to pursue self-determination, to be recognized as equal citizens with access to the vote, unleashed fears and anxieties that our democracy might not withstand an expansion of full inclusion. It did and it expanded more and has flourished because of it. These brave, bold, visionary women showed the greatest faith, hope and leadership in bringing equal access to the ballot box. They planted seeds for fruit they would never taste. They inspired generations of feminist activists who built on that faith, hope and determination to expand upon that early success in equal access. One of those faithful, bold activists who fought hard to bring the 19th Amendment to fruition was Alice Paul. She said, "I never doubted that equal rights was the right direction. Most reforms, most problems are complicated. But to me there is nothing complicated about ordinary equality." The 19th Amendment empowered women. It elevated and amplified our voices in the political sphere. Its passage marked the end of having to submit to laws passed by men who women had never consented to represent them. It empowered women to participate in and enter American politics as full participants. In the first election after passage and ratification of the 19th Amendment, 8 million women across our nation voted for the very first time. So, we celebrate those Suffragettes. We honor them for the vision of a country where gender was not a barrier to the ballot box. Where self-determination was an American ideal for all citizens and where women could be equals in American politics. We are not done with our work of achieving fully equal representation, but like our foremothers, we are determined. Huzzah Suffragettes! We are grateful for the seeds you planted, cared for and nurtured and whose fruits you would never taste. They are sweet indeed.

UNANIMOUS CONSENT

Rep. Jeudy requested Unanimous Consent of the House to play the harmonica and played for the House.

UNANIMOUS CONSENT

Rep. Notter requested Unanimous Consent of the House regarding Sergeant Dube and the anniversary of D-Day and addressed the House.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of Sergeant Dube and those that lost their lives on D-Day.

MOTION TO PRINT REMARKS

Rep. Rice moved that the remarks made by Rep. Notter during Unanimous Consent be printed in the Permanent Journal.

Without objection, the Speaker ordered.

REMARKS

Rep. Notter: Thank you for listening. How I met Noel Dube is kind of interesting. I was raising money to hire a lawyer at the Vatican and he sent me a check. It was a good amount too so I wanted to meet him in person to say thank you. I had no idea that I was about to meet the sergeant who was the GI who blew the wall on the beach at Normandy on D-Day. When I was a child, I remember watching the movie, *The Longest Day*, from the comfort of my daddy's lap. And, I remember the scene when they blew the wall, and here I was in my 30's talking to the very man who was portrayed in that movie. He enlisted in the Army in April of 1942 and was assigned to C Company of the 21st Combat, 29th Division Engineers. After some training he sailed for Scotland on the Queen Elizabeth. He said, "It was hardly the cruise accommodations we read about today: we were stacked four high, 12 in each room." I was thinking, that's 24 smelly socks per day in a small room. The following is his own words. "The 29th Division soon moved to the coastal ports of Southern England to prepare for the big invasion the world was awaiting. We boarded an LST, a Landing Ship Tank, and we were fully loaded and ready to go on 2 June 1944. On the morning of June 4, a Catholic Army Chaplain came on board, prayed with the troops, and gave us his blessing. This was the sign to me that this was not going to be another 'dry run.' This was it, the big one we had been training for two and a half years. I was standing along the rail, praying as I had never prayed before, when all of a sudden, I saw ships passing us going in the opposite direction. Only the next morning did I learn that the invasion had been postponed because of bad weather. We started out again on the night of June 5th. This time it was for real. As dawn approached, we could see the beach wall and the church steeple, our landmark for D-Day. My mission for the 9th Squad was to bypass the wall, go up to the Vierville draw, to the intersection at the top of the hill, and sweep the field with our mine detectors. As we were about to land, we pulled alongside a landing craft that was sinking. The men aboard were yelling to us to back off. Our coxswain was finally able to reverse our craft, and we came ashore about a mile to the left of our landing place. Our craft beached, the only one that I know that allowed troops to walk off onto the pebbles on the beach without getting our shoes wet. (This was Our Lady answering my prayers.) But it took my squad almost a day to get back to where the Vierville draw and the wall were located. At high tide it was very difficult to walk on the beach without walking over, or on, dead bodies. When I arrived at the wall with my 9th Squad, around 5 p.m., the B Commander ordered me to take some of my men and reconnoiter beyond the wall and prepare to blow it. We discovered that it was not a single, but a double wall and knew that we would have to take out one wall at a time with ten cases of TNT for each wall. We detonated the charges, and when everything had cleared, we could see the explosion had made a hole in both walls. Now, the bulldozer operators moved up, filled the anti-tank ditch in front of the wall, and widened the holes in the walls to allow the vehicles on the beach to drive through and up the Vierville draw to support our troops. For this action, after I returned to the states, I was awarded the Bronze Star." I remember Sgt. Dube telling me that he didn't lose a single man in his squad and he attributed that to the power of prayer. After D-Day, he continued to serve heroically, earning a total of two Bronze Stars, a Silver Star and a Purple Heart. He actually chuckled a little when he told me that war ended for him when he blew himself up. In his own words, "We worked in pairs and probed for mines with our bayonets. When we found one, we would dig it out, neutralize it, and throw it away. We found four men who were badly wounded from having stepped on mines and had them evacuated on stretchers. One of them was sitting against a bridge abutment. The lower part of one of his legs had blown off. As I came closer to rescue him, I noticed that he was shivering quite badly, so I took off my jacket and gave it to him." Then it started to rain and he himself got cold without his jacket. Going against what he learned in training about never being in a hurry in a minefield, he hurried, and set off a mine. His left arm was broken below the shoulder, his left forearm

had been blown away and the left foot was so badly mangled that the first thing the doctor said to him was, "I'm going to have to take your leg, Sergeant." He replied, "Doc, do what you have to do." Chatting with Sgt. Dube I learned more about his service during the war and also about his life afterwards. He was part of the greatest generation. He had an unwavering faith and I still remember the sound of his voice repeating the words, the power of prayer. The girl he married was the one he met at the USO before he left for France. They fell in love through the letters they wrote to each other during the war and married when he got back to the states. They had several children and lived a full life. Regarding the 50-year anniversary of D-Day, Sgt. Dube wrote, "The mayor of Vierville honored me and my squad at the town ceremonies at the 29th Division monument with a bronze plaque to be placed where the wall once stood." Sgt. Noel Dube passed away on May 21, 2010. He was just the sweetest, kindest man and I feel blessed having known him. We thank you for your service, Sgt. Dube. May your memory be eternal.

UNANIMOUS CONSENT

Rep. Peter Schmidt requested Unanimous Consent of the House regarding the battle at Midway and addressed the House.

MOTION TO PRINT REMARKS

Rep. Hinch moved that the remarks made by Rep. Peter Schmidt during Unanimous Consent be printed in the Permanent Journal.

Motion adopted.

REMARKS

Rep. Peter Schmidt: Thank you, Mister Speaker. We very rightly celebrated the tremendous heroism of our forces, both British and American and allied, at the Normandy invasion 75 years ago this week. But, in point of fact, it's also completely fitting that we not forget a momentous battle that occurred 77 years ago this week on the 4th and 5th of June, namely the battle of Midway. The battle of Midway greatly contributed toward the ultimate success of the allied operations in the Pacific. It's a story that many of us have some familiarity with. A good movie was made about the battle, "Midway," worth seeing in case you are not familiar with it. I would just like to highlight the reality that when the American forces first attacked the Japanese fleet, which was centered, if you will, around by the 4 great Japanese carriers; Akagi, Kaga, Soryu and Hiryu, they constituted the core of the Japanese mobile air fleet. The initial attack was carried out by a very outmoded, inadequate American torpedo bomber called the Devastator. When they attacked initially, they had no protection, no accompanying fighter escort when they began their attack. Torpedo bombers at that time had to fly very straight and very level in order to be able to drop their torpedoes successfully, so they enter the water properly. So, this makes them sitting ducks. The Japanese Zero fighter planes that were protecting the 4 carriers, the 4 Japanese carriers, they pounced on these Devastators and not a single one of the torpedoes that they managed to launch hit a ship or did any damage whatsoever. But, by their sacrifice in drawing down the Japanese fighter planes to attack and shoot them down, they cleared the skies above the Japanese fleet for the almost immediately subsequently arriving American dive bombers, which were able to attack the Japanese, the 4 Japanese carriers, virtually unopposed. Within five minutes, Kaga, Akagi and Soryu were devastated by the bombs and rendered inoperable and, effectively, that won the battle, although one of the carriers, the Hiryu was not immediately spotted. It was slightly farther away, but the Americans came back and subsequently sank the Hiryu as well. The loss of those 4 carriers and their very experienced air crews was absolutely fundamental to turning the tide in the Pacific. One pilot of a torpedo bomber, Ensign George Gay, was not seriously wounded in being shot down. He managed to hide in the water underneath his seat cushion and he was there to witness the attacks on the 3 carriers that were immediately attacked. That is a sight that no person had ever seen before or likely will ever see again, to see those American dauntless dive bombers descending and dropping their bombs on those 3 carriers and destroying them. He survived the war and only died just a few years ago. We rightly celebrate the Normandy landings, but I wonder whether they would have been able to be carried out so shortly after, if you think about it, December 7, 1941; and by 1944 we were already ready to invade Normandy. I wonder whether that would have been possible if the Japanese had still been able to operate so successfully as they had up to that point of the Battle of Midway. For the loss of somewhere in the neighborhood of fewer than 400 American pilots, many of them those torpedo bomber crews, for the loss of just a few hundred, our Navy turned the tide in the Pacific. Only six months after Pearl Harbor, so I think that we should never forget the courage of those pilots going into the unknown facing a triumphant Japanese fleet that had not only attacked Pearl Harbor but had run wild in the Pacific up until that point. I thought somebody would say something about it yesterday, but I'm glad to remind us all that this is something that we shouldn't forget as well. As much as we celebrate Normandy, and rightfully so, Midway was the turning point in the Pacific. Thank you for your attention.

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, enrolled bill reports and forming Committees of Conference.
Motion adopted.

The House recessed at 4:10 p.m.

RECESS

(Rep. MacDonald in the Chair)

ENROLLED BILL AMENDMENTS

HB 450, relative to examinations conducted by the banking department.

Amendment 2019-2410EBA

Amend the bill by replacing section 6 with the following:

6 Banks and Banking; Bank Commissioner; Consumer Complaints and Restitution. Amend RSA 383:10-d to read as follows:

383:10-d Consumer Complaints and Restitution. The commissioner shall have exclusive authority and jurisdiction to investigate conduct that may violate any of the provisions of RSA 361-A, RSA 361-E, and Titles XXXV and XXXVI and administrative rules adopted thereunder. The commissioner may hold hearings relative to such conduct and may order restitution for a person or persons adversely affected by such conduct. The commissioner may request the assistance and services of the department of justice and shall delegate to the department of justice the authority to investigate criminal conduct under this section. The commissioner shall provide the department of justice information relevant to the criminal investigation of such matters, if applicable, and shall cooperate with such investigation and prosecution. ***The commissioner may also share information with state and federal regulators, and may share information with law enforcement agencies for the purpose of criminal investigations.***

Amend the bill by inserting after section 20 the following and renumbering the original section 21 to read as 23:

21 Banks and Banking; Organization of State Banks; Investigative Powers. Amend RSA 383-A:3-306 to read as follows:

383-A:3-306 Investigative Powers. For the purpose of any investigation ***or examination*** under RSA 383-A, RSA 383-B, RSA 383-C, and RSA 383-D, 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 ***or examination***.

22 Contingency. If HB 474 of the 2019 regular legislative session becomes law, section 21 of this act shall take effect at 12:01 a.m. on the effective date of HB 474 and section 9 of this act shall not take effect. If HB 474 of the 2019 regular legislative session does not become law, then section 9 of this act shall take effect upon its passage and section 21 of this act shall not take effect.

Motion adopted.

HB 549-FN, establishing gold star family decals for motor vehicles.

Amendment 2019-2409EBA

Amend section 4 of the bill by replacing lines 2-3 with the following:

C:4, I by inserting after subparagraph (b) the following new subparagraph:

(c) Gold star family member decals pursuant to RSA 261-C:3-a and RSA 261-B:3-c, if

Motion adopted.

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

Amendment 2019-2371EBA

Amend RSA 406-B:17, V as inserted by section 7 of the bill by replacing line 10 with the following:

late payments received more than 60 days after the due date, the penalty fee shall be 12

Motion adopted.

HB 621-FN, establishing the state commission on aging.

Amendment 2019-2377EBA

Amend RSA 19-P:1, IV as inserted by section 2 of the bill by replacing line 1 with the following:

IV. The members appointed pursuant to subparagraph II(j) shall serve 2-year terms; provided

Motion adopted.

HB 657, relative to prescription drugs under the managed care law.

Amendment 2019-2350EBA

Amend RSA 420-J:7-b, III as inserted by section 1 of the bill by replacing line 14 with the following:
himself or herself of the exception process as outlined in 420-J:7-b, II, the medication shall be
 Motion adopted.

RECESS**(Rep. Rodd in the Chair)****ENROLLED BILL AMENDMENTS**

SB 4, relative to the group and individual health insurance market. (Amendment printed SJ 6/13/19)
 Motion adopted.

SB 131, reestablishing a commission to study grandfamilies in New Hampshire. (Amendment printed SJ 6/13/19)
 Motion adopted.

RECESS**(Rep. Swinburne in the Chair)****SENATE MESSAGES****REQUESTS CONCURRENCE WITH AMENDMENTS**

HB 295-FN-A, establishing a special marriage officiant license and relative to the assignment of temporary justices to the supreme court. (Amendment printed SJ 5/30/19)

Reps. Marjorie Smith and Almy moved that the House nonconcur and request a Committee of Conference.
 Motion adopted.

The Speaker appointed Reps. Woodbury, Burroughs, Gordon and Berch.

HB 326, relative to the definition of prime wetland. (Amendment printed SJ 5/15/19)

Rep. Suzanne Smith moved that the House nonconcur and request a Committee of Conference.
 Motion adopted.

The Speaker appointed Reps. Suzanne Smith, Spang, Grassie and Rung.

HB 459-FN, defining hemp, relative to its growth and use in New Hampshire, establishing a committee to study the federal guidelines on growing hemp, and relative to costs of care for animals seized in animal cruelty cases and prohibiting the future ownership of animals in certain animal cruelty cases. (Amendment printed SJ 5/23/19)

Rep. Gourgue moved that the House nonconcur and request a Committee of Conference.
 Motion adopted.

The Speaker appointed Reps. Gourgue, Bixby, Pearl and Cushing.

HB 494, relative to removal or containment of contaminants from the Coakley Landfill. (Amendment printed SJ 5/30/19)

Rep. Gourgue moved that the House nonconcur and request a Committee of Conference.
 Motion adopted.

The Speaker appointed Reps. Bixby, Beaulieu, Amanda Bouldin and Cushing.

HB 564, relative to possession of firearms on school property. (Amendment printed SJ 5/23/19)

Reps. Myler and Cushing moved that the House nonconcur and request a Committee of Conference.
 Motion adopted.

The Speaker appointed Reps. Luneau, Myler, Heath and Cushing.

HB 582-FN, relative to the regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions. (Amendment printed SJ 5/15/19)

Rep. Backus moved that the House nonconcur and request a Committee of Conference.
 Motion adopted.

The Speaker appointed Reps. Backus, Saunderson, McWilliams and Mann.

SENATE MESSAGE

NONCONCURS WITH AMENDMENTS
REQUESTS COMMITTEE OF CONFERENCE

SB 30, relative to the advisory board on services for children, youth, and families.

The President appointed Sens. Carson, Cavanaugh and Rosenwald.

Rep. Long moved that the House accede.

Motion adopted.

The Speaker appointed Reps. Long, Berrien, French and Juris.

SENATE MESSAGES**CONCURRENCE**

HB 106, relative to the terms “resident,” “inhabitant,” “residence,” and “residency.”

HB 504, relative to election-related amendments to the United States Constitution.

HB 544, relative to the governance of the Manchester school district.

REREFERRED TO COMMITTEE

HB 556, allowing municipalities to process absentee ballots prior to election day.

RECESS

(Rep. Myler in the Chair)

ENROLLED BILL AMENDMENTS

HB 156, establishing a commission to study the establishment of a state department of energy.

Amendment 2019-2376EBA

Amend RSA 162-H:23, I(n) as inserted by section 1 of the bill by replacing it with the following:

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

Motion adopted.

SENATE MESSAGE**REQUESTS CONCURRENCE WITH AMENDMENTS**

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2020 and June 30, 2021. (Amendment printed SJ 6/6/19)

Rep. Wallner moved that the House nonconcur and request a Committee of Conference.

Motion adopted.

The Speaker appointed Reps. Wallner, Ley, Lovejoy, Ford and Huot.

The Speaker appointed alternates Reps. Hatch, Almy and Nordgren.

HB 2-FN-A-L, relative to state fees, funds, revenues, and expenditures. (Amendment printed SJ 6/6/19)

Rep. Wallner moved that the House nonconcur and request a Committee of Conference.

Motion adopted.

The Speaker appointed Reps. Wallner, Ley, Lovejoy, Nordgren and Ford.

The Speaker appointed alternates Reps. Luneau, Martin and Ames.

HB 131, establishing a commission on mental health education and behavioral health and wellness programs and conferring degree granting authority to Signum university. (Amendment printed SJ 5/23/19)

Rep. Myler moved that the House nonconcur and request a Committee of Conference.

Motion adopted.

The Speaker appointed Reps. Luneau, Cornell, Doherty and Mullen.

HB 277, relative to mental health parity under the insurance laws. (Amendment printed SJ 5/30/19)

Rep. Butler moved that the House nonconcur and request a Committee of Conference.

Motion adopted.

The Speaker appointed Reps. Butler, Bartlett, Knirk and Hunt.

HB 315, relative to the Interstate Voter Registration Crosscheck Program and the accuracy and efficiency of voter registration systems. (Amendment printed SJ 5/30/19)

Rep. Cote moved that the House nonconcur and request a Committee of Conference.

Motion adopted.

The Speaker appointed Reps. Moynihan, Bergeron, William Pearson and Prudhomme-O'Brien.

HB 464, relative to the definitions of solar energy systems and wind-powered energy systems for assessed value of real estate exemptions and enabling municipalities to adopt a property tax exemption for electric energy storage systems. (Amendment printed SJ 5/23/19)

Rep. Backus moved that the House nonconcur and request a Committee of Conference.

Motion adopted.

The Speaker appointed Reps. McGhee, Saunderson, Moffett and Mann.

HB 628-FN, relative to universal changing stations in certain places of public accommodation. (Amendment printed SJ 5/23/19)

Rep. Butler moved that the House nonconcur and request a Committee of Conference.

Motion adopted.

The Speaker appointed Reps. Williams, Le, Van Houten and Potucek.

SENATE MESSAGE**ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE**

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2020 and June 30, 2021.

The President appointed Sens. D'Allesandro, Feltes, Rosenwald and Reagan.

The President appointed alternates Sens. Soucy and Kahn.

HB 2-FN-A-L, relative to state fees, funds, revenues, and expenditures.

The President appointed Sens. D'Allesandro, Feltes, Rosenwald and Reagan.

The President appointed alternates Sens. Soucy and Kahn.

HB 131, establishing a commission on mental health education and behavioral health and wellness programs and conferring degree granting authority to Signum university.

The President appointed Sens. Kahn, Dietsch and Ward.

HB 295-FN-A, establishing a special marriage officiant license and relative to the assignment of temporary justices to the supreme court.

The President appointed Sens. Hennessey, Chandley and French.

HB 315, relative to the Interstate Voter Registration Crosscheck Program and the accuracy and efficiency of voter registration systems.

The President appointed Sens. Levesque, Morgan and Birdsell.

HB 326, relative to the definition of prime wetland.

The President appointed Sens. Fuller Clark, Watters and Bradley.

HB 459-FN, defining hemp, relative to its growth and use in New Hampshire, establishing a committee to study the federal guidelines on growing hemp, and relative to costs of care for animals seized in animal cruelty cases and prohibiting the future ownership of animals in certain animal cruelty cases.

The President appointed Sens. Fuller Clark, Feltes and Bradley.

HB 464, relative to the definitions of solar energy systems and wind-powered energy systems for assessed value of real estate exemptions and enabling municipalities to adopt a property tax exemption for electric energy storage systems.

The President appointed Sens. Fuller Clark, Watters and Giuda.

HB 494, relative to removal or containment of contaminants from the Coakley Landfill.

The President appointed Sens. Fuller Clark, Sherman and Giuda.

HB 582-FN, relative to the regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

The President appointed Sens. Fuller Clark, Feltes and Bradley.

HB 628-FN, relative to universal changing stations in certain places of public accommodation.

The President appointed Sens. Carson, Cavanaugh and Chandley.

RECESS

(Speaker Shurtleff in the Chair)

ENROLLED BILL AMENDMENTS

SB 59-FN, adding post traumatic stress disorder and acute stress disorder to the definition of "injury" for purposes of workers' compensation, establishing the commission to study the incidence of post-traumatic stress disorder in first responders, and clarifying workers' compensation for firefighter and heart, lung, or cancer disease. (Amendment printed SJ 6/6/19)

Motion adopted.

SB 62, relative to temporary layoffs of certain seasonal workers and establishing a commission to study school bus driver background checks. (Amendment printed SJ 6/6/19)

Motion adopted.

SENATE MESSAGE**REQUESTS CONCURRENCE WITH AMENDMENTS**

HB 393, establishing a committee to study child care in New Hampshire, relative to tuition waivers for children in state foster care or guardianship, relative to penalties for violations related to obtaining public assistance, relative to designated receiving facilities, relative to the membership of the commission to study the environmental and health effects of evolving 5G technology, and relative to the moratorium on health facility licensure. (Amendment printed SJ 6/6/19)

Rep. Long moved that the House nonconcur and request a Committee of Conference.
Motion adopted.

The Speaker appointed Reps. Long, Berrien, Diggs and Jurius.

HB 508, relative to direct primary care. (Amendment printed SJ 5/15/19)

Reps. Weber and Butler moved that the House nonconcur and request a Committee of Conference.
Motion adopted.

The Speaker appointed Reps. Butler, Indruk, Marsh and Campion.

HB 511-FN, relative to vaping. (Amendment printed SJ 4/25/19)

Rep. Weber moved that the House nonconcur and request a Committee of Conference.
Motion adopted.

The Speaker appointed Reps. Marsh, Freitas, Knirk and Schapiro.

HB 696-FN, establishing a protective order for vulnerable adults. (Amendment printed SJ 5/23/19)

Reps. Weber and Cushing moved that the House nonconcur and request a Committee of Conference.
Motion adopted.

The Speaker appointed Reps. Cushing, Welch, Weber and Richard Osborne.

SENATE MESSAGE

ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

HB 534-FN, relative to certain major state projects.

The President appointed Sens. Watters, Kahn and Ward.

HB 564, relative to possession of firearms on school property.

The President appointed Sens. Chandley, Feltes and French.

HB 592, relative to OHRV operation and license.

The President appointed Sens. Watters, Hennessey and Birdsell.

SENATE MESSAGE

NONCONCURS WITH AMENDMENTS REQUESTS COMMITTEE OF CONFERENCE

SB 10, relative to the state minimum hourly rate.

The President appointed Sens. Cavanaugh, Soucy and French.

Rep. Sullivan moved that the House accede.

Motion adopted.

The Speaker appointed Reps. Sullivan, Soucy, DiSilvestro and Bouchard.

NONCONCURS WITH AMENDMENTS REQUESTS COMMITTEE OF CONFERENCE

SB 86, establishing a commission to study programs for serving individuals with certain developmental and mental health disabilities.

The President appointed Sens. Sherman, Fuller Clark and Gray.

Rep. Weber moved that the House accede.

Motion adopted.

The Speaker appointed Reps. Weber, MacKay, Nutter-Upham and Guthrie.

NONCONCURS WITH AMENDMENTS REQUESTS COMMITTEE OF CONFERENCE

SB 118, establishing a child fatality review committee.

The President appointed Sens. Sherman, Hennessey and Gray.

Rep. Long moved that the House accede.

Motion adopted.

The Speaker appointed Reps. Long, Berrien, Diggs and Jurius.

NONCONCURS WITH AMENDMENTS REQUESTS COMMITTEE OF CONFERENCE

SB 216-FN, establishing an autonomous vehicle advisory commission, establishing an autonomous vehicle testing pilot program, and providing requirements for automated vehicle deployment.

The President appointed Sens. Watters, Birdsell and Levesque.

Rep. Sykes moved that the House accede.

Motion adopted.

The Speaker appointed Reps. Sykes, Steven Smith, Telerski and Pickering.

RECESS

(Speaker Shurtleff in the Chair)

SENATE MESSAGE

NONCONCURS WITH AMENDMENTS REQUESTS COMMITTEE OF CONFERENCE

SB 82-FN, relative to school food and nutrition programs.

The President appointed Sens. D'Allesandro, Fuller Clark and Giuda.

Reps. Myler and Wallner moved that the House accede.

Motion adopted.

The Speaker appointed Reps. Myler, Luneau, Ford and Weyler.

NONCONCURS WITH AMENDMENTS REQUESTS COMMITTEE OF CONFERENCE

SB 167-FN, establishing a clean energy resource procurement commission.

The President appointed Sens. Fuller Clark, Watters and Bradley.

Rep. Backus moved that the House accede.

Motion adopted.

The Speaker appointed Reps. Backus, Oxenham, Cali-Pitts and Mann.

NONCONCURS WITH AMENDMENTS REQUESTS COMMITTEE OF CONFERENCE

SB 226-FN, relative to registration of pharmacy benefit managers, and reestablishing the commission to study greater transparency in pharmaceutical costs and drug rebate programs.

The President appointed Sens. Soucy, Morgan and French.

Rep. Butler moved that the House accede.

Motion adopted.

The Speaker appointed Reps. Butler, Hunt, Abel and Indruk.

NONCONCURS WITH AMENDMENTS REQUESTS COMMITTEE OF CONFERENCE

SB 228-FN, relative to multiple-employer welfare arrangements.

The President appointed Sens. Cavanaugh, Morgan and French.

Rep. Butler moved that the House accede.

Motion adopted.

The Speaker appointed Reps. Butler, Williams, Muscatel and Fargo.

NONCONCURS WITH AMENDMENTS REQUESTS COMMITTEE OF CONFERENCE

SB 235-FN, relative to sexual harassment complaints in the general court and authorizing an independent human resources professional.

The President appointed Sens. Carson, Cavanaugh and Rosenwald.

Rep. Wall moved that the House accede.

Motion adopted.

The Speaker appointed Reps. Wall, Ley, Wilhelm and Nutting-Wong.

NONCONCURS WITH AMENDMENTS REQUESTS COMMITTEE OF CONFERENCE

SB 267, relative to the release of student assessment information and data.

The President appointed Sens. Kahn, Morgan and Starr.

Rep. Myler moved that the House accede.

Motion adopted.

The Speaker appointed Reps. Luneau, Tanner and Mullen.

**NONCONCURS WITH AMENDMENTS
REQUESTS COMMITTEE OF CONFERENCE**

SB 279-FN, relative to access to fertility care.

The President appointed Sens. Cavanaugh, Morgan and Morse.

Rep. Butler moved that the House accede.

Motion adopted.

The Speaker appointed Reps. Butler, Bartlett, Van Houten and Weston.

RECESS

**(Speaker Shurtleff in the Chair)
ENROLLED BILL AMENDMENTS**

HB 522, establishing a commission to study the environmental and health effects of evolving 5G technology.

Amendment 2019-2461EBA

Amend RSA 12-K:14, I(c) as inserted by section 1 of the bill by replacing line 4 with the following:
businesses and businesses working on the development of autonomous vehicles which will rely on 5G

Amend RSA 12-K:14, I(d)(3) as inserted by section 1 of the bill by replacing line 3 with the following:
significant DNA damage, brain and heart tumors, infertility, and so many other ailments, been

Amend section 2 of the bill by replacing line 2 with the following:

to the commission to study the environmental and health effects of the evolving 5G technology, are

Motion adopted.

RECESS

**(Rep. Levesque in the Chair)
ENROLLED BILL AMENDMENTS**

HB 615, relative to the regulation of pharmacies and pharmacists.

Amendment 2019-2460EBA

Amend RSA 318:42, II(c) as inserted by section 8 of the bill by replacing line 2 with the following:

administering, dispensing, or prescribing a fluoride supplement, topically applied fluoride, and

Motion adopted.

HB 645-FN, establishing a dock registration procedure.

Amendment 2019-2459EBA

Amend RSA 482-A:11, XI as inserted by section 3 of the bill by replacing line 2 with the following:

forms, the registration renewal process, and the display of registration numbers; and the registration

Motion adopted.

RECESS

**(Rep. Murray in the Chair)
ENROLLED BILL AMENDMENTS**

SB 111, relative to the collection of health care data. (Amendment printed SJ 6/13/19)

Motion adopted.

SB 187, relative to OHRV dealer and rental agency registration fees and snowmobile registration fees.

(Amendment printed SJ 6/13/19)

Motion adopted.

SB 208, renaming the adjutant general's department to the department of military affairs and veterans services. (Amendment printed SJ 6/13/19)

Motion adopted.

RECESS

**(Speaker Shurtleff in the Chair)
SENATE MESSAGE**

ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

HB 393, establishing a committee to study child care in New Hampshire, relative to tuition waivers for children in state foster care or guardianship, relative to penalties for violations related to obtaining public

assistance, relative to designated receiving facilities, relative to the membership of the commission to study the environmental and health effects of evolving 5G technology, and relative to the moratorium on health facility licensure.

The President appointed Sens. Sherman, Chandley and Bradley.

HB 508, relative to direct primary care.

The President appointed Sens. Sherman, Fuller Clark and Gray.

HB 511-FN, relative to vaping.

The President appointed Sens. Cavanaugh, Morse and Morgan.

HB 696-FN, establishing a protective order for vulnerable adults.

The President appointed Sens. Hennessey, Levesque and French.

SENATE MESSAGE

REQUESTS CONCURRENCE WITH AMENDMENTS

NONCONCURS WITH AMENDMENTS

REQUESTS COMMITTEE OF CONFERENCE

SB 194-FN, relative to the insurance data security law.

The President appointed Sens. Cavanaugh, Morgan and Morse.

Rep. Butler moved that the House accede.

Motion adopted.

The Speaker appointed Reps. Butler, Williams, Indruk and Herbert.

NONCONCURS WITH AMENDMENTS

REQUESTS COMMITTEE OF CONFERENCE

SB 290-FN, relative to the New Hampshire granite advantage health care program.

The President appointed Sens. Rosenwald, Sherman and Gray.

Reps. Weber and Wallner moved that the House accede.

Motion adopted.

The Speaker appointed Reps. Martin, Nordgren, Campion and Weber.

RECESS

(Rep. Welch in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 113, 116, 137, 138, 146, 162, 189, 228, 280, 286, 474, 518, 550, 588, 595, 630, 669 and 725 and Senate Bills numbered 24, 33, 54, 67, 68, 87, 92, 97, 106, 123, 133, 140, 186, 188, 203, 211 and 261.

Rep. Wall, Sen. Soucy for the Committee

RECESS