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HOUSE RECORD

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Friday, April 9, 2021

No. 7

HOUSE JOURNAL NO. 6 (Cont'd)

Thursday, April 8, 2021

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

HOUSE JOURNAL NO. 7

Friday, April 9, 2021

The House assembled at 9:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Bob Stewart, Pastor of St. Paul's United Methodist Church in Manchester.

This morning we will be doing what is called an Embodiment Prayer and is inspired by Psalm 118:1-2, 14-24. This first part of today's prayer comes from my colleague, Rich Hughen, of the New England Annual Conference of the United Methodist Church. (place your hands on top of your head) God, be in my mind so my thoughts reflect a better understanding of your ways. (place your hands over your eyes) God, be in my eyes to see ways I have fallen short and to see ways that I might be a better instrument of your grace and peace. (place your hands over your mouth) God, be in my mouth so the words that I speak may be words of justice and hope that the world needs. Help me to know when to be silent and when to shout. (place your hands over your ears) God, be in my ears and in my hearing that I might hear the cries of the world that I may respond with justice and grace. (place your hands on top of your legs) God, be in my legs that I might walk in your way and in my feet that I may be grounded in you. (place your hands over your heart) God, be in my heart and in my loving so that all that I do shall embrace your world and my neighbors around it. (place your hands high with open palms raised to heaven) God, be in my whole being that all that I do may glorify you! O, loving and gracious God, be with us in today's house session; Guide and direct us as we conduct the business before us. Let us be ever mindful that we do no harm and that we only do good. O God, we continue to hold our friend and colleague, Representative Hough and his family in our prayers this day. We pray for any others that may also be grieving the loss of a loved one. O God may this be a day we glorify you through our thoughts, our words and our actions. Amen.

Representative Walter Stapleton, member from Claremont, led the Pledge of Allegiance.

A recording of the National Anthem, performed by the United States Army Band, was played.

LEAVES OF ABSENCE

Reps. Mary Griffin, Major, Lynne Ober and Sofikitis, the day, illness.

Reps. Alicea, Berry, Cote, Danielson, McKinney, Myler, Nordgren, Russell Ober and Ruprecht, the day, important business.

Reps. Hyland and Leavitt, the day, death in the family.

HOUSE RESOLUTION NO. 12

Whereas, the New Hampshire National Guard traces its origins to 1623 as a defense of the first settlements near the mouth of the Piscataqua River in Portsmouth; and

Whereas, the New Hampshire National Guard under the leadership of General John Stark, halted the advance of a British column in Bennington, Vermont that prevented a British victory in the war of independence; and,

Whereas, since that time the New Hampshire National Guard has contributed to the defense of the United States in every conflict, both foreign and domestic; and

Whereas, an important mission of the New Hampshire National Guard is supporting the community in times of distress, most notably after 9/11, Hurricane Katrina, droughts, floods, and other natural disasters; and **Whereas**, the New Hampshire National Guard has contributed greatly to the State of New Hampshire during the pandemic, at first with mass testing and now with the mass rollout of the vaccines; now, be it therefore **Resolved**, that the New Hampshire House of Representatives in regular session convened, hereby offers its thanks to the New Hampshire National Guard and all of its members for their consistent support of their community, state, and nation.

Offered by the House of Representatives
Unanimously adopted.

REGULAR CALENDAR - PART II CONT'D

HB 440, relative to the protection of religious liberty. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael Sylvia for the Majority of Judiciary. This bill, as amended, clarifies that the General Court never intended that emergency powers granted to the governor would be used to suspend civil liberties. It amends the emergency powers statutes to expressly prohibit the suspension of civil liberties. This bill will provide an opportunity to challenge violations of constitutional protections and civil liberties. RSA 4:45 and 4:47 give the governor authority to act in a state of emergency, but those actions taken must do so while protecting the rights of the people of New Hampshire. Vote 11-10.

Rep. Cam Kenney for the Minority of Judiciary. This bill, as amended, would prohibit civil liberties from being suspended during a state of emergency. The bill is premature and reactionary to our current situation as it frequently refers to COVID-19. It defines civil liberties in a broad way that would open the door for confusion and probable litigation, where every logical decision made by the governor during a state of emergency that is backed by science, such as wearing a mask, could be incorrectly argued as stepping on someone's rights. It is important to note, the superior court decided the orders we have seen throughout COVID-19, such as wearing a mask, have been constitutional. Therefore, because civil liberties have not been ignored, the minority believes this bill is not needed and should be found Inexpedient to Legislate.

Majority Amendment (0486h)

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

AN ACT prohibiting the suspension of civil liberties during a state of emergency.

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

1 Title. This act may be known and cited as the "Civil Liberties Defense Act."

2 Legislative Findings.

I. RSA 4:45 and 4:47, together known as the emergency powers statutes, allow the governor of New Hampshire to declare a state of emergency and thereby activate emergency powers. The emergency powers statutes were passed by the general court in order to give the governor flexible, enumerated powers in a time of public disaster.

II. On Friday, March 13, 2020, the governor issued Executive Order 2020-04, declaring a state of emergency due to the novel coronavirus, or Covid-19. This order formed the basis for several emergency orders.

III. On Tuesday, March 17, 2020, Binford, et. al. v. Sununu became the first legal challenge to these emergency orders. The lawsuit claimed that aspects of the orders violated the plaintiffs' civil liberties.

IV. In response to this lawsuit, the state, rather than arguing simply that the orders in question were constitutional, disturbingly asked the New Hampshire superior court to hold that civil liberties are suspended due to the state of emergency. See Binford, et. al. v. Sununu, Merrimack Cty. Super. Ct., 217-2020-CV-00152 at 10 (March 25, 2020) (Kissinger, J.) ("...the State contends [that] during a state of emergency, executives are granted broad latitude to suspend civil liberties").

V. The superior court agreed with the state and concluded that civil liberties in New Hampshire are suspended during the Covid-19 emergency. Id. at 11 (affirming that "[i]n an emergency situation, fundamental rights such as the right of travel and free speech may be... suspended") (quoting Smith v. Avino, 91 F. 3d 105, 109 (11th Cir. 1996); id. at 16 ("the Court finds that the Governor may suspend... constitutional rights during a state of emergency..."). Although the superior court then proceeded to find that the governor's orders were constitutional, it noted that it was doing so only "for the purpose of establishing a complete record." Id.

VI. In subsequent emergency orders, the governor has cited the superior court's opinion letter in Binford as a legal authority. See e.g. Emergency Order No. 74 at 1 (Nov. 19, 2020) (citing Binford, et. al. v. Sununu, Merrimack Cty. Super. Ct., 217-2020-CV-00152).

VII. In enacting RSA 4:45 and 4:47, the general court intended to give the governor flexible enumerated powers during a time of disaster. It did not intend to allow the governor to suspend or otherwise infringe upon the New Hampshire bill of rights or the United States Constitution.

VIII. The general court makes no comment on the specific outcome of the Binford decision, recognizing that case-by-case applications of legal rights are within the province of the judicial branch. Yet the superior court exceeded its authority to the extent that it purported to authorize the governor to suspend or infringe upon the New Hampshire bill of rights or the United States Constitution.

IX. Civil liberties are a codification of the inherent and binding duties of governments to their citizens. The rule of law in a free society must therefore be permanent and inviolable. The New Hampshire bill of rights and the United States Constitution may never be suspended, set aside, or otherwise nullified by the governor, the judiciary, this general court, or any other official authority. “Government is not free to disregard the First Amendment in times of crisis.” *Roman Catholic Diocese of Brooklyn v. Cuomo*, 592 U. S. ____ (2020) (Gorsuch, J., concurring in the judgment).

X. Since the Binford decision was issued, the United States Supreme Court has correctly reaffirmed that “even in a pandemic, the Constitution cannot be put away and forgotten.” *Roman Catholic Diocese of Brooklyn v. Cuomo*, 592 U. S. ____ (2020).

XI. The United States Supreme Court has never held that constitutional rights may be suspended due to a pandemic. *Roman Catholic Diocese of Brooklyn v. Cuomo*, 592 U. S. ____ (2020) (Gorsuch, J., concurring in the judgment) (“Jacobson didn’t seek to depart from normal legal rules during a pandemic, and it supplies no precedent for doing so... Instead, Jacobson applied what would become the traditional legal test associated with the right at issue—exactly what the Court does today.”) (citing *Jacobson v. Massachusetts*, 197 U. S. 11 (1905)); *Id.* (“Nor does any [dissenting Justice in the *Cuomo* decision] seek to explain why anything other than our usual constitutional standards should apply during the current pandemic.”).

XII. The general court does not seek to obstruct lawful efforts by the governor or the governor’s officials to manage public disasters. Yet New Hampshire courts may not depart from the federal or state constitutions during a crisis. Given the alarming nature of the state’s argument in Binford, and the superior court’s resulting findings, the general court concludes that it would be negligent to wait for action by the New Hampshire supreme court before enacting this legislation.

3 Purpose. The purposes of this act are:

I. To clarify that the general court never intended that emergency powers granted to the governor would be used to suspend civil liberties, and to amend the emergency powers statutes to expressly prohibit the suspension of civil liberties.

II. To reject as *ultra vires* and to preclude any judicial decision purporting to suspend civil liberties in New Hampshire, whether reached under the emergency powers statutes or any other law or legal principle.

III. To ensure that “even in a pandemic, the Constitution cannot be put away and forgotten.” *Roman Catholic Diocese of Brooklyn v. Cuomo*, 592 U. S. ____ (2020). Legal challenges brought under the state or federal constitution must accordingly be subject to meaningful constitutional analysis.

4 Definitions. In this act:

I. “Civil liberties” encompasses any guarantee against, protection against, or remedy for an imposition, intrusion, fine, punishment, or penalty by a governmental entity or agent enumerated in the New Hampshire bill of rights, in the United States Constitution, or in any binding legal decision construing any part of the same.

II. “Suspension” refers to a time period or condition in which courts of law do not or are not required to subject impositions, intrusions, fines, punishments, or penalties by governmental entities or agents to constitutional analysis, instead subjecting such challenges to a “good faith” requirement or other extraordinary standard.

III. “New Hampshire bill of rights” means part I of the New Hampshire constitution and any legal precedent applying any article therein so as to invalidate, prohibit, punish, or remedy an imposition, intrusion, fine, punishment, or penalty by a governmental entity or agent.

5 Civil Liberties Protected. No power delegated or otherwise granted by any statute or act of this general court to the governor or any of the governor’s subordinates, whether before or after the date of this act, shall be construed to suspend or permit the suspension of civil liberties.

6 New Paragraph; State of Emergency; Powers of the Governor. Amend RSA 4:45 by inserting after paragraph III the following new paragraph:

IV. Notwithstanding the foregoing enumerated powers, civil liberties shall on no account be suspended. Nor shall the United States Constitution or the New Hampshire bill of rights be suspended, set aside, or otherwise infringed.

7 Emergency Management Powers. Amend RSA 4:47, III to read as follows:

III. The power to make, amend, suspend and rescind necessary orders, rules and regulations to carry out the provisions of this subdivision in the event of a disaster beyond local control; ***provided that civil liberties shall on no account be suspended, nor shall the United States Constitution or the New Hampshire bill of rights be suspended, set aside, or otherwise infringed.***

8 Rules of Construction.

I. This act and the amendments affected thereby shall be construed in favor of substantive protections for civil liberties.

II. The protections afforded by this act are in addition to any further protections provided under federal law, state law, and the state and federal constitutions.

III. This act shall not be construed to impede the application of any duly enacted amendment to the New Hampshire constitution.

IV. This act shall not be construed to imply that civil liberties are conferred upon the citizens of New Hampshire by the general court or that the general court has or claims for itself the power to suspend civil liberties.

V. Nothing in this act shall be construed to preempt or repeal any state or local law that is equally or more protective of civil liberties. Nothing in this act shall be construed to narrow the meaning or application of any state or local law protecting civil liberties.

VI. This act applies to, and in cases of conflict supersedes, each statute of the state that impinges upon civil liberties unless a conflicting statute is expressly made exempt from the application of this act. This act also applies to, and in cases of conflict supersedes, any ordinance, rule, regulation, order, opinion, decision, practice, or other exercise of the government's authority that impinges upon civil liberties.

VII. If any provision of this act or any application of such provision to any particular person or circumstance is held to be invalid under law, the remainder of this act and the application of its provisions to any other person or circumstance shall not be affected.

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

AMENDED ANALYSIS

This bill prohibits the suspension of civil liberties during a state of emergency.
Majority committee amendment adopted.

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

Rep. Kenney spoke against.

Rep. Simon spoke in favor.

Rep. Edwards requested a roll call; sufficiently seconded.

YEAS 192 - NAYS 178

YEAS - 192

BELKNAP

Aldrich, Glen
Harvey-Bolia, Juliet
Lang, Timothy
Ploszaj, Tom
Trottier, Douglas

Bean, Harry
Hough, Gregg
Littlefield, Richard
Silber, Norman
Varney, Peter

Bordes, Mike
Howard, Raymond
Mackie, Jonathan
Sylvia, Michael

Comtois, Barbara
Johnson, Dawn
O'Hara, Travis
Terry, Paul

CARROLL

Avellani, Lino
McConkey, Mark

Cordelli, Glenn
Nelson, Bill

Smith, Jonathan

McAleer, Chris

CHESHIRE

Hunt, John
Santonastaso, Matthew

Kilanski, Ben

Qualey, James

Rhodes, Jennifer

COOS

Craig, Kevin
Theberge, Robert

Davis, Arnold

Dostie, Donald

Merner, Troy

GRAFTON

Alliegro, Mark
Folsom, Beth
Ladd, Rick

Berezhny, Lex
Sanborn, Gail
Simon, Matthew

Binford, David
Gordon, Edward

Depalma IV, Joseph
Greenson, Jeffrey

HILLSBOROUGH

Lekas, Alicia
King, Bill
Creighton, Jim
Erf, Keith
Gagne, Larry
Gunski, Michael
Infantine, William
Lanzara, Tom
Mayville, Mary
Notter, Jeanine
Post, Lisa
Rouillard, Claire
Tausch, Lindsay

Alexander, Joe
Blasek, Melissa
Cushman, Leah
Fedolfi, Jim
Gorski, Ted
Healey, Robert
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Nunez, Hershel
Prout, Andrew
Sheehan, Vanessa
Ulery, Jordan

Ammon, Keith
Boehm, Ralph
Kelley, Diane
Foster, William
Gould, Linda
Homola, Susan
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Pauer, Diane
Renzullo, Andrew
Somero, Paul
Warden, Mark

Griffin, Barbara
Burt, John
Smith, Denise
Griffin, Gerald
Greene, Bob
Hopper, Gary
Sanborn, Laurie
Marston, Dick
Moran, Melbourne
Plett, Fred
Rice, Kimberly
Lekas, Tony

MERRIMACK

Andrus, Louise	Cambrils, Jose	Cross, Kenna	Hill, Gregory
Klose, John	McGuire, Carol	Moffett, Michael	Pearl, Howard
Pitaro, Matthew	Boyd, Stephen	Seaworth, Brian	Shurtleff, Steve
Testerman, Dave	Walsh, Thomas	Wells, Natalie	White, Nick
Yakubovich, Michael			

ROCKINGHAM

Abbas, Daryl	Abrami, Patrick	Abramson, Max	Acton, Dennis
Ayer, Paul	Baldasaro, Al	Baxter, Tim	Belanger, Cody
Bernardy, JD	Bershtein, Alan	Copp, Anne	DeSimone, Debra
Dodge, Dustin	Dolan, Tom	Doucette, Fred	Edwards, Jess
Elliott, Robert	Emerick, Tracy	Ford, Oliver	Gay, Betty
Green, Dennis	Guthrie, Joseph	Harb, Robert	Harley, Tina
Hobson, Deborah	Janigian, John	Katsakiores, Phyllis	Khan, Aboul
Kimball, Mary Ann	Layon, Erica	Litchfield, Melissa	Love, David
Pearson, Mark	Maggiore, Jim	McBride, Everett	McMahon, Charles
Melvin, Charles	Osborne, Jason	Piemonte, Tony	Potucek, John
Pratt, Kevin	Prudhomme-O'Brien, Katherine	Roy, Terry	Pearson, Stephen
Soti, Julius	Spillane, James	Sweeney, Joe	Sytek, John
Thomas, Douglas	Torosian, Peter	Tripp, Richard	True, Chris
Tudor, Paul	Vandecasteele, Susan	Verville, Kevin	Vose, Michael
MacDonald, Wayne	Wallace, Scott	Welch, David	Weyler, Kenneth
Yokela, Josh			

STRAFFORD

Ankarberg, Aidan	Bailey, Glenn	DeLemus, Susan	Groen, Fenton
Harrington, Michael	Hayward, Peter	Horgan, James	Kaczynski, Thomas
Kittredge, Mac	Newton, Clifford	Pitre, Joseph	Spang, Judith
Turcotte, Leonard	Wuelper, Kurt		

SULLIVAN

Aron, Judy	Callum, John	Rollins, Skip	Spillsbury, Walter
Stapleton, Walter			

NAYS - 178**CARROLL**

Buco, Thomas	Burroughs, Anita	Crawford, Karel	Deshaias, Brodie
MacDonald, John	Knirk, Jerry	Marsh, William	Umberger, Karen
Woodcock, Stephen			

CHESHIRE

Abbott, Michael	Ames, Richard	Berch, Paul	Bordenet, John
Eaton, Daniel	Faulkner, Barry	Fenton, Donovan	Fox, Dru
Gomarlo, Jennie	Harvey, Cathryn	Ley, Douglas	Mann, John
Parshall, Lucius	Schapiro, Joe	Toll, Amanda	Weber, Lucy
Welkowitz, Lawrence			

COOS

Kelley, Eamon	Laflamme, Larry	Thompson, Dennis	Tucker, Edith
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GRAFTON

Abel, Richard	Adjutant, Joshua	Almy, Susan	Dontonville, Roger
Egan, Timothy	Fellows, Sallie	Hakken-Phillips, Mary	Ham, Bonnie
Massimilla, Linda	Muirhead, Russell	Murphy, James	Stavis, Laurel
Smith, Suzanne	Sykes, George	Weston, Joyce	

HILLSBOROUGH

Bouldin, Amanda	Bouldin, Andrew	Baroody, Benjamin	Beaulieu, Jane
Bergeron, Paul	Bouchard, Donald	Bradley, Amy	Chretien, Jacqueline
Cohen, Bruce	Connors, Erika	Cornell, Patricia	DiSilvestro, Linda
Dutzy, Sherry	Espitia, Manny	Freitas, Mary	Goley, Jeffrey
Graham, John	Griffith, Willis	Hamer, Heidi	Harriott-Gathright, Linda
Heath, Mary	Schmidt, Janice	Jack, Martin	Judy, Jean
Klee, Patricia	Klein-Knight, Nicole	Labranche, Tony	Langley, Diane
Laughton, Stacie-Marie	Leishman, Peter	Long, Patrick	King, Mark
Murray, Megan	Mangipudi, Latha	McGhee, Kat	Mullen, Sue
Nutter-Upham, Frances	Nutting-Wong, Allison	O'Brien, Michael	Pedersen, Michael
Perez, Maria	Petrigno, Peter	Pickering, Daniel	Piedra, Israel
Porter, Marjorie	Query, Joshua	Newman, Ray	Rung, Rosemarie
Newman, Sue	Snow, Kendall	Stevens, Deb	Smith, Timothy
Telerski, Laura	Toomey, Dan	Vail, Suzanne	Van Houten, Constance
Vann, Ivy	Veilleux, Daniel	Wilhelm, Matthew	

MERRIMACK

Allard, James	Bartlett, Christy	Ebel, Karen	Ellison, Arthur
Gallager, Eric	Lane, Connie	Luneau, David	MacKay, James
Mason, James	McWilliams, Rebecca	Pimentel, Roderick	Richards, Beth
Rogers, Katherine	Schamberg, Thomas	Schuetz, Dianne	Schultz, Kristina
Soucy, Timothy	Wallner, Mary Jane	Walz, Mary Beth	Wazir, Safiya
Wolf, Dan	Woods, Gary		

ROCKINGHAM

Altschiller, Debra	Bunker, Lisa	Cahill, Michael	Cali-Pitts, Jacqueline
Cushing, Robert Renny	DiLorenzo, Charlotte	Edgar, Michael	Gilman, Julie
Grossman, Gaby	Grote, Jaci	Hamblet, Joan	Murray, Kate
Loughman, Tom	Lynn, Bob	Malloy, Dennis	McBeath, Rebecca
Meuse, David	Milz, David	Paige, Mark	Pantelakos, Laura
Read, Ellen	Simpson, Alexis	Somssich, Peter	Ward, Gerald

STRAFFORD

Bixby, Peter	Cannon, Gerri	Chase, Wendy	Conley, Casey
Ellis, Donna	Fargo, Kristina	Fontneau, Timothy	Gourgue, Amanda
Grassie, Chuck	Horrigan, Timothy	Kenney, Cam	Levesque, Cassandra
Smith, Marjorie	Oxaal, Ariel	Schmidt, Peter	Rich, Cecilia
Salloway, Jeffrey	Southworth, Thomas	Treleaven, Susan	Vincent, Kenneth
Wall, Janet			

SULLIVAN

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

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

MOTION TO PRINT DEBATE

Rep. Baldasaro moved that the debate on **HB 440**, prohibiting the suspension of civil liberties during a state of emergency, be printed in the Permanent Journal.

Without objection, the Speaker ordered.

Objection was made.

On a division vote, with 272 members having voted in the affirmative, and 98 in the negative, the motion to print debate was adopted.

DEBATE ON HB 440

Representative Kenney: Thank you, Mister Speaker. HB 440 was first introduced as a bill relating to religion and religious liberties during a state of emergency. This bill was amended in committee to significantly open the scope of the bill, no longer only focusing on religion, but all civil liberties. The amended title is civil liberties defense act. Now the bill defines civil liberties in a way that is very broad, allowing confusion and probably litigation as there are multiple interpretations to what a civil liberty actually could be. It specifically refers to the restrictions put in place by our governor because of COVID-19 even though a superior court has decided these orders were completely constitutional. Now please let me just say wearing a mask and the restrictions that enforce social distancing are absolutely inconvenient. I do not deny that, but that does not mean they are unconstitutional. It is a very dangerous precedent when we start to equate anything that is inconvenient to us as our rights being taken away. I'll admit it, I do have a love/hate relationship with the masks. When a \$100 a year isn't cutting it, I serve tables in order to survive and this mask does make my job harder because it makes me sweat more, it makes the tables not able to hear me as well, but I still wear it. So why do I wear one? Because I do want to stop the spread of this disease. I do want to get out of this pandemic. I want to be able to see my grandparents and my other family members at the next holiday. I wear one because it is justified by science and logic. Therefore Mister Speaker, I do not think this bill is needed because I do not believe civil liberties have been ignored. I think we can all think of caveats where we know our rights and civil liberties are not being stepped on despite claims such as not being able to yell "bomb" on a plane or "fire" in a movie theater. I believe wearing a mask during a global pandemic when there is an airborne disease around the entire world, as well as the other orders we saw, follow the same clear logic of these caveats and no rights were infringed upon. So for these reasons I urge my colleagues to support the rights of our governors to enact orders during a state of emergency to keep Granite Staters safe. Please press the red button to overturn the OTP/A motion so an alternate motion can be considered. Thank you so much.

Speaker Packard: The Chair recognizes Rep. Simon to speak for the committee report.

Representative Simon: Thank you, Mister Speaker. First, because there seems to be some confusion on this point, let us establish what HB 440 is not meant to address. HB 440 is not a referendum on how the governor has handled the COVID-19 state of emergency. HB 440 is not focused on mask wearing and social distancing protocols since courts in many states have already ruled that these practices are constitutional at this time.

In fact, HB 440 is not meant to address the current state of emergency at all. HB 440 is a forward looking bill and is designed to address a breach in our constitutional defenses revealed by our courts last year. Specifically, arguments made by the attorney general's office and subsequently adopted by the Superior Court of New Hampshire during *Binford vs. Sununu*, the first challenge to the governor's emergency orders. During this trial, the courts handed the following dangerous ruling. The court finds that the governor may suspend constitutional rights during a state of emergency. Through this ruling the court has contended that a statute written by this body supersedes the authority of the Constitution of the United States of America and the Constitution of the State of New Hampshire. HB 440 simply states that it was never the intention of this body that emergency order powers, as outlined by our statutes, should ever supersede the constitution or compromise the rights of the citizens which that constitution guarantees. Our federal and state constitutions are designed to protect us from the gross injustices visited upon mankind by mankind throughout human history. To strip our people of these constitutional protections during a state of emergency when we are most vulnerable as individuals and as a society is short-sighted and dangerous. Unless we address this issue, guaranteed protections from unreasonable search and seizures, a right to a speedy trial by jury, freedom of speech, protection from excessive fines and cruel and unusual punishment, just for example, could be ignored and violated by a future governor. In fact, a governor can claim that it is necessary because of a state of emergency. These constitutional rights are conferred on us by natural law and by God almighty. It is not within the authority of a legitimate government to revoke these rights regardless of circumstance. In fact, government itself does not have rights, it has a responsibility. A responsibility to protect the constitutional rights of its citizens. No one knows what the next state of emergency will look like. We don't know if a future governor, republican or democrat, will attempt to abuse his or her power by suspending constitutional rights in a future state of emergency. We don't know what the future holds or what kind of person will wield emergency order powers, but we do know this, that we must do all we can do today. We must fulfill our duty to protect one another from any potential infringement of our rights. We must protect those that come after us and we must protect the great State of New Hampshire. Fellow colleagues, let us not be short-sighted or complacent. I ask that you shore up our constitutional defenses during a state of emergency so that the responsibility for any potential future abuses will not rest upon our shoulders. Thank you.

Speaker Packard: The House will be in order. The motion before the House. Why does the member rise? Rep. Simon, do you yield to questions? I'm assuming that means yes.

Representative Mark Pearson: I would just like some clarity. Would this bill actually in practice prohibit the governor from taking any actions during an emergency?

Representative Simon: Could you clarify? I'm sorry, I'm not sure I understand the question completely.

Representative Mark Pearson: Let me put it a different way. Is it true that at this point the courts have ruled that our constitutional rights are totally suspended in the case of an emergency and this bill would open the door for us to make constitutional claims which the court would then have to adjudicate in the case of an emergency?

Representative Simon: Essentially what this bill does is it ensures that the courts have to use constitutional scrutiny when determining whether an order from the governor is valid or not. At the present time because of *Binford vs. Sununu*, in a future case, the courts are not required to use constitutional scrutiny when making those decisions. They just throw constitutional scrutiny right out the door and it just becomes practical, so regardless of any constitutional rights, nobody is protected. Whether that is a specific group of us or all of us in general, literally the governor could pull one group of our citizens aside and say the emergency is because of this group of citizens, whether it is a minority or whatever group and say we have to round all these people up and lock them away because it's dangerous to our society in general. I mean literally, we are wide open to everything and this bill seeks to close that.

Speaker Packard: The motion before us is the majority committee report on HB 440, Ought to Pass with Amendment. Are you ready for the question? A roll call has been requested. Is that sufficiently seconded? It is sufficiently seconded. Members will take their seats. The Chair recognizes Rep. McBeath for a parliamentary inquiry.

Representative McBeath: Thank you, Mister Speaker. Good morning colleagues. If I know that democracy has some similarities with a 45 vinyl record. And, if I know that a vinyl 45 record is an antiquated audio device that had one song on each side. And, if I know that democracy's two sides would be one individual freedom and the other responsibility to community and country, would I now push the red button so that another motion can be brought? Thank you.

Speaker Packard: The Chair recognizes Rep. Sylvia for a parliamentary inquiry.

Representative Sylvia: Thank you, Mister Speaker. Mister Speaker, if I know it is a most extraordinary precedent to assume that our fellow citizens are walking around spreading disease. And, if I know that under the current laws, New Hampshire Courts have said that, "The governor may suspend constitutional rights during the state of emergency." If I know that this means we are all enjoying our fundamental rights, including free speech and trial by jury, at the mercy of the current governor. If I know that Maine has managed COVID-19 without suspending regular constitutional law. Mister Speaker, if I might even agree with the current governor's orders but I know that this has nothing to do with whether state law should give the governor absolute power. And finally Mister Speaker, if I know that unlimited power leads inevitably to unlimited abuse, then would I now press the green button and accept the committee report of Ought to Pass?

Speaker Packard: The question is. The House will be in order. The question is on the motion, the majority committee report on HB 440, Ought to Pass with Amendment. This is a roll call vote. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations are open for 30 seconds. Have all members present had an opportunity to vote? The House will attend to the state of the vote. 192 Yeas, 178 Nays, the committee report is adopted.

REGULAR CALENDAR PART II CONT'D

HB 542, relative to the applicability of a state of emergency declaration to a house of worship. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for the Majority of Judiciary. The amended version of this bill reinforces the foundational principles of religious freedom outlined in the 1st Amendment and in Part 1, Article 5 of the New Hampshire Constitution. It guarantees the free exercise of religion and the right of people to peaceably assemble, and it prohibits the powers activated in a state of emergency from forbidding in-person gatherings at houses of worship. It preserves the right of the government to require religious organizations to comply with neutral health and safety regulations, so long as any substantial burden is shown to be essential to further a compelling government interest and is the least restrictive means of furthering that interest. The committee heard testimony from faith leaders across the state who were unanimous in their belief that, during the state of emergency, churches were not seen as essential to the same degree as secular institutions such as hospitals and grocery stores. This subordinate position left houses of worship closed long after other essential institutions had opened, and prevented religious organizations from fulfilling their mission at a time when they were needed most. The sponsors felt that in an increasingly secular society it can be easy to lose sight of the important role religious institutions play in seeing people of faith through times of crisis. The majority of the committee believe that this bill recognizes that role, applies the lessons learned from the current state of emergency, and provides reasonable protections for religious exercise into the future. Vote 11-10.

Rep. Alexis Simpson for the Minority of Judiciary. The minority of the committee does not agree that we need a new law protecting religious freedoms. The free exercise of religion is protected by the United States Constitution and the New Hampshire Constitution. HB 542 attempts to elevate decisions by religious bodies above the health and safety interests of the public. In the current pandemic, we have seen numerous instances across the country where allowing large gatherings for worship and religious activities has led to outbreaks that stretch beyond those involved in religious activity. The emergency orders issued in New Hampshire have allowed religious communities to meet their needs with specific protocols that protect the larger community.

Majority Amendment (0623h)

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

AN ACT relative to the protection of religious liberty.

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

1 Title. This act may be known and cited as the New Hampshire religious liberty act.

2 Legislative Findings. The general court finds that:

I. The framers of our federal and state constitutions made the value judgment that religion warrants distinct protections. "In matters of Religion, no mans right is abridged by the institution of Civil Society... Religion is wholly exempt from its cognizance." James Madison, Memorial and Remonstrance Against Religious Assessments.

II. The right to the free exercise of religion, in both the federal and New Hampshire constitutions, was not meant to be a vague sentiment. Nor was it meant to protect mere private opinion or thought. It was intended to be just as concrete as the right of free speech, the right to be free from unreasonable searches, or any other enumerated right. It is "held by the same tenure with all our other rights... it is enumerated with equal solemnity, or rather studied emphasis." *Id.*

III. The general court understands the protections afforded to religious exercise under the New Hampshire Bill of Rights to be even stronger than those provided by the federal Bill of Rights. New Hampshire Constitution, Part 1, Articles 5; 6.

IV. Governments have trampled on religious exercise by crafting generally applicable laws which do not explicitly target a religion or religious activity. The fact that a law is generally applicable does not mean that it complies with the federal or state free exercise clauses. As the United States Supreme Court has said, the "constitutional rights of those spreading their religious beliefs through the spoken and printed word are not to be gauged by standards governing retailers or wholesalers of books." *Murdock v. Com. of Pennsylvania*, 319 U.S. 105, 111 (1943).

V. Protecting free exercise rights is especially important when it comes to the exercise of controversial or unpopular religious beliefs. "[M]any people hold beliefs alien to the majority of our society -- beliefs that are protected by the First Amendment but which could easily be trod upon under the guise of 'police' or 'health' regulations reflecting the majority's views." *Sherbert v. Verner*, 374 U.S. 398 at 411 (Douglas, J., concurring in the judgment).

VI. The United States Supreme Court has observed that forcing people to abandon the precepts of their religion “puts the same kind of burden upon the free exercise of religion as would a fine imposed” for a worship service. *Sherbert*, 374 U.S. 398 at 404 (1963).

VII. Although the state may legitimately burden religious exercise, it may only do so if there exists “some compelling state interest... [which] justifies the substantial infringement of [a person’s] First Amendment right.” *Sherbert*, 374 U.S. 398 at 406. The government must have a “paramount interest” in burdening free exercise. *Id.*

VIII. In response to the common argument that religious liberty protections will result in confusion and anarchy, allowing individuals to capriciously nullify ordinary laws, the Supreme Court in 1963 found that “there is no proof whatever to warrant such fears of malingering or deceit... it is highly doubtful whether such evidence would be sufficient to warrant a substantial infringement of religious liberties.” *Sherbert*, 374 U.S. 398 at 407.

IX. The free exercise of religion is currently under threat from many sides. As four justices of the United States Supreme Court have observed, the Court’s 1990 decision in *Employment Division v. Smith* has “drastically cut back on the protection provided by the Free Exercise Clause.” *Kennedy v. Bremerton Sch. Dist.*, cert. denied, 139 S. Ct. 634, 635 (2019) (Alito, J., concurring.). In the wake of the Covid-19 pandemic, many governors’ emergency orders have treated churches far more restrictively than comparable secular entities. *Maryville Baptist Church, Inc. v. Beshear*, 957 F.3d 610, 614, (2020) (“The [Governor of Kentucky’s] orders also likely ‘prohibit[] the free exercise’ of ‘religion’ in violation of the First and Fourteenth Amendments... Discriminatory laws come in many forms.”). At the same time, federal politicians are currently introducing bills intended to roll back statutory protections for the free exercise of religion.

X. *Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal*, 546 U.S. 418 (2006), indicates that legislative bodies may enact statutory law requiring that laws and other state action burdening the free exercise of religion be justified by a compelling governmental interest. Many states have done so, passing laws similar to this act.

XI. The compelling interest test, set forth in pre-1990 Supreme Court rulings and this act, is a workable test for striking sensible balances between religious liberty and competing governmental interests.

3 Purpose. The purposes of this act are:

I. To adopt the compelling interest test as articulated in *Sherbert v. Verner*, 374 U.S. 398 (1963) and to guarantee its application in all cases where the free exercise of religion is substantially burdened by state action;

II. To provide a claim or defense to a person or persons whose exercise of religion is substantially burdened by state action;

III. To provide a claim or defense to any religious organization whose religious services are, in a state of emergency, treated more restrictively than any other essential service; and

IV. To adopt this act as the general court’s construction of the relevant provisions in the New Hampshire Bill of Rights, so that New Hampshire courts may consider as persuasive this act, including the general court’s legislative findings, in any future cases interpreting the New Hampshire Bill of Rights.

4 New Chapter; Protection of Religious Liberty. Amend RSA by inserting after chapter 546-B the following new chapter:

CHAPTER 546-C

PROTECTION OF RELIGIOUS LIBERTY

546-C:1 Definitions. In this chapter:

I. “Person” means any individual, association, partnership, corporation, church, religious institution, estate, trust, foundation, or other legal entity.

II. “Exercise of religion” means the practice or observance of religion. It includes, but is not limited to, any action that is motivated by a sincerely held religious belief, whether or not the exercise is compulsory or central to a larger system of religious belief.

III. “Religious organization” means:

(a) A house of worship, including but not limited to churches, synagogues, mosques, shrines, and temples;

(b) A religious group, corporation, association, educational institution, ministry, order, society, or similar entity, regardless of whether it is integrated or affiliated with a church or other house of worship; or

(c) An officer, owner, employee, manager, religious leader, clergy, or minister of an entity or organization described in this paragraph.

IV. “Religious service” means a meeting, gathering, or assembly of 2 or more persons organized by a religious organization for the purpose of worship, teaching, training, providing educational services, conducting religious rituals, or other activities that are deemed necessary by the religious organization for the exercise of religion.

V. “State action” means the implementation or application of any law, including, but not limited to, state and local laws, ordinances, rules, regulations, and policies, whether statutory or otherwise, or other action by any governmental entity including but not limited to any subdivision of the state and any local government, municipality, instrumentality, or public official authorized by law.

VI. “State government” means:

(a) The state or a political subdivision of the state;

(b) Any agency of the state or of a political subdivision of the state, including a department, bureau, board, commission, council, court, or public institution of higher education;

(c) Any person acting under color of state law; and

(d) Any private person suing under or attempting to enforce a law, rule, or regulation adopted by the state or a political subdivision of the state.

VII. "Substantial burden" means any action that directly or indirectly constrains, inhibits, curtails, or denies the exercise of religion by any person or compels any action contrary to a person's exercise of religion. It includes, but is not limited to, withholding benefits, assessing criminal, civil, or administrative penalties or damages, or exclusion from governmental programs or access to governmental facilities.

546-C:2 Free Exercise of Religion Protected.

I. State action shall not substantially burden a person's right to exercise of religion, even if the burden results from a rule of general applicability, unless it is demonstrated that applying the burden to that person's exercise of religion in this particular instance:

(a) Is essential to further a compelling governmental interest; and

(b) Is the least restrictive means of furthering that compelling governmental interest.

II. A person whose exercise of religion has been burdened, or is likely to be burdened, in violation of this section may assert such violation or impending violation as a claim or defense in a judicial or administrative proceeding, regardless of whether the state or one of its political subdivisions is a party to the proceeding. The person asserting such a claim or defense may obtain appropriate relief, including relief against the state or its political subdivisions. Appropriate relief includes, but is not limited to, injunctive relief, declaratory relief, compensatory damages, and costs and attorney fees.

III. This section applies to all laws, and the implementation of laws, whether statutory or otherwise, and whether adopted before or after the effective date of this chapter.

546-C:3 State of Emergency Protections.

I. To guarantee the free exercise of religion and right of the people to peaceably assemble, as required by the First Amendment of the United States Constitution and Part I, Article 5 of the New Hampshire constitution, any powers activated pursuant to a state of emergency, as defined in RSA 21-P:35, VIII, shall not prohibit in-person gatherings at established houses of worship, such as churches, monasteries, mosques, shrines, synagogues, or temples.

II. Notwithstanding RSA 4:45 or any other provision of law to the contrary, during a state of emergency, the state government shall permit a religious organization to continue operating and to engage in religious services to the same or greater extent that other organizations or businesses that provide essential services that are necessary and vital to the health and welfare of the public are permitted to operate.

III. Nothing in this section shall prohibit the state government from requiring religious organizations to comply with neutral health, safety, or occupancy requirements issued by the state or federal government that are applicable to all organizations and businesses that provide essential services. Provided, however, that the state government shall not enforce any health, safety, or occupancy requirement that imposes a substantial burden on a religious service unless the state government demonstrates that applying the burden to the religious service in this particular instance is essential to further a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.

IV. A religious organization may assert a violation of this section as a claim against the state government in any judicial or administrative proceeding or as a defense in any judicial or administrative proceeding without regard to whether the proceeding is brought by or in the name of the state government, any private person, or any other party.

V. Any religious organization that successfully asserts a claim or defense under this section may recover appropriate relief including, but not limited to, injunctive relief, declaratory relief, compensatory damages, and costs and attorney fees.

546-C:4 Immunity Waived. Sovereign, governmental, and qualified immunities to suit and from liability are waived and abolished to the extent of liability created by this chapter.

546-C:5 Rules of Construction.

I. This chapter shall be construed in favor of substantive and broad protections for the free exercise of religion.

II. The protection of free exercise of religion afforded by this chapter are in addition to any further protections provided under federal law, state law, and the state and federal constitutions.

III. Nothing in this chapter shall be construed to preempt or invalidate any state law or local ordinance that is equally or more protective of free exercise of religion. Nothing in this chapter shall be construed to narrow the meaning or application of any state or local law protecting free exercise of religion.

IV. This chapter applies to, and in cases of conflict supersedes, each statute that impinges upon the free exercise of religion protected by this chapter, unless a conflicting state statute is expressly made exempt from the application of this chapter. This chapter also applies to, and in cases of conflict supersedes, any ordinance, rule, regulation, order, opinion, decision, practice, or other law that impinges upon the free exercise of religion protected by this chapter.

V. If any provision of this chapter or any application of such provision to any particular person or circumstance is held to be invalid under law, the remainder of this chapter and the application of its provisions to any other person or circumstance shall not be affected.

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

AMENDED ANALYSIS

This bill provides that any prohibition on in-person gatherings during a declared state of emergency shall not apply to houses of worship and provides that the state shall not substantially burden a person's right to the free exercise of religion unless doing so is essential to further a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.

Majority committee amendment adopted.

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

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

YEAS 199 - NAYS 173

YEAS - 199

BELKNAP

Aldrich, Glen
Harvey-Bolia, Juliet
Lang, Timothy
Ploszaj, Tom
Trottier, Douglas

Bean, Harry
Hough, Gregg
Littlefield, Richard
Silber, Norman
Varney, Peter

Bordes, Mike
Howard, Raymond
Mackie, Jonathan
Sylvia, Michael

Comtois, Barbara
Johnson, Dawn
O'Hara, Travis
Terry, Paul

CARROLL

Avellani, Lino
Smith, Jonathan

Cordelli, Glenn
McConkey, Mark

Crawford, Karel
Nelson, Bill

MacDonald, John
Umberger, Karen

CHESHIRE

Hunt, John
Santonastaso, Matthew

Kilanski, Ben

Qualey, James

Rhodes, Jennifer

COOS

Craig, Kevin

Davis, Arnold

Merner, Troy

GRAFTON

Alliegro, Mark
Folsom, Beth
Ladd, Rick

Berezhny, Lex
Sanborn, Gail
Simon, Matthew

Binford, David
Gordon, Edward

Depalma IV, Joseph
Greeson, Jeffrey

HILLSBOROUGH

Lekas, Alicia
King, Bill
Creighton, Jim
Erf, Keith
Gagne, Larry
Greene, Bob
Homola, Susan
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Pauer, Diane
Renzullo, Andrew
Somero, Paul
Veilleux, Daniel

Alexander, Joe
Blasek, Melissa
Cushman, Leah
Fedolfi, Jim
Gorski, Ted
Griffith, Willis
Hopper, Gary
Sanborn, Laurie
Marston, Dick
Moran, Melbourne
Plett, Fred
Rice, Kimberly
Lekas, Tony
Warden, Mark

Ammon, Keith
Boehm, Ralph
Kelley, Diane
Foster, William
Gould, Linda
Gunski, Michael
Infantine, William
Lanzara, Tom
Mayville, Mary
Notter, Jeanine
Post, Lisa
Rouillard, Claire
Tausch, Lindsay

Griffin, Barbara
Burt, John
Smith, Denise
Griffin, Gerald
Graham, John
Healey, Robert
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Nunez, Hershel
Prout, Andrew
Sheehan, Vanessa
Ulery, Jordan

MERRIMACK

Andrus, Louise
Kennedy, Margaret
Moffett, Michael
Seaworth, Brian
White, Nick

Cambriels, Jose
Klose, John
Pearl, Howard
Testerman, Dave
Yakubovich, Michael

Cross, Kenna
Mason, James
Pitaro, Matthew
Walsh, Thomas

Hill, Gregory
McGuire, Carol
Boyd, Stephen
Wells, Natalie

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Bernardy, JD
DeSimone, Debra
Edwards, Jess
Gay, Betty

Abrami, Patrick
Baldasaro, Al
Bershtein, Alan
Dodge, Dustin
Elliott, Robert
Green, Dennis

Abramson, Max
Baxter, Tim
Cali-Pitts, Jacqueline
Dolan, Tom
Emerick, Tracy
Guthrie, Joseph

Acton, Dennis
Belanger, Cody
Copp, Anne
Doucette, Fred
Ford, Oliver
Harb, Robert

Harley, Tina
Khan, Aboul
Love, David
McBride, Everett
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Vandecasteele, Susan
Wallace, Scott

Hobson, Deborah
Kimball, Mary Ann
Lynn, Bob
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
Verville, Kevin
Welch, David

Janigian, John
Layon, Erica
Pearson, Mark
Melvin, Charles
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
Vose, Michael
Weyler, Kenneth

Katsakiores, Phyllis
Litchfield, Melissa
Maggiore, Jim
Miz, David
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Tudor, Paul
MacDonald, Wayne
Yokela, Josh

Ankarberg, Aidan
Harrington, Michael
Kittredge, Mac
Wuelper, Kurt

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

STRAFFORD

SULLIVAN

NAYS - 173

CARROLL

Buco, Thomas
Marsh, William

Burroughs, Anita
McAleer, Chris

Deshaias, Brodie
Woodcock, Stephen

Knirk, Jerry

Abbott, Michael
Faulkner, Barry
Harvey, Cathryn
Schapiro, Joe

Ames, Richard
Fenton, Donovan
Ley, Douglas
Toll, Amanda

Berch, Paul
Fox, Dru
Mann, John
Weber, Lucy

Bordenet, John
Gomarlo, Jennie
Parshall, Lucius
Welkowitz, Lawrence

CHESHIRE

COOS

Dostie, Donald
Thompson, Dennis

Kelley, Eamon
Tucker, Edith

Lafamme, Larry

Theberge, Robert

GRAFTON

Abel, Richard
Egan, Timothy
Massimilla, Linda
Smith, Suzanne

Adjutant, Joshua
Fellows, Sallie
Muirhead, Russell
Sykes, George

Almy, Susan
Hakken-Phillips, Mary
Murphy, James
Weston, Joyce

Dontonville, Roger
Ham, Bonnie
Stavis, Laurel

HILLSBOROUGH

Bouldin, Amanda
Bergeron, Paul
Cohen, Bruce
Dutzy, Sherry
Hamer, Heidi
Schmidt, Janice
Klein-Knight, Nicole
Leishman, Peter
Mangipudi, Latha
Nutting-Wong, Allison
Petrigno, Peter
Query, Joshua
Shaw, Barbara
Telerski, Laura
Vann, Ivy

Bouldin, Andrew
Bouchard, Donald
Connors, Erika
Espitia, Manny
Harriott-Gathright, Linda
Jack, Martin
Labranche, Tony
Long, Patrick
McGhee, Kat
O'Brien, Michael
Pickering, Daniel
Newman, Ray
Snow, Kendall
Toomey, Dan
Wilhelm, Matthew

Baroody, Benjamin
Bradley, Amy
Cornell, Patricia
Freitas, Mary
Heath, Mary
Judy, Jean
Langley, Diane
King, Mark
Mullen, Sue
Pedersen, Michael
Piedra, Israel
Rung, Rosemarie
Stevens, Deb
Vail, Suzanne

Beaulieu, Jane
Chretien, Jacqueline
DiSilvestro, Linda
Goley, Jeffrey
Herbert, Christopher
Klee, Patricia
Laughton, Stacie-Marie
Murray, Megan
Nutter-Upham, Frances
Perez, Maria
Porter, Marjorie
Newman, Sue
Smith, Timothy
Van Houten, Constance

Allard, James
Gallager, Eric
McWilliams, Rebecca
Schamberg, Thomas
Soucy, Timothy
Wolf, Dan

Bartlett, Christy
Lane, Connie
Pimentel, Roderick
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

Ebel, Karen
Luneau, David
Richards, Beth
Schultz, Kristina
Walz, Mary Beth

Ellison, Arthur
MacKay, James
Rogers, Katherine
Shurtleff, Steve
Wazir, Safiya

MERRIMACK

ROCKINGHAM

Altschiller, Debra
DiLorenzo, Charlotte
Grote, Jaci
Malloy, Dennis
Pantelakos, Laura
Ward, Gerald

Bunker, Lisa
Edgar, Michael
Hamblet, Joan
McBeath, Rebecca
Read, Ellen

Cahill, Michael
Gilman, Julie
Murray, Kate
Meuse, David
Simpson, Alexis

Cushing, Robert Renny
Grossman, Gaby
Loughman, Tom
Paige, Mark
Somssich, Peter

STRAFFORD

Bixby, Peter	Cannon, Gerri	Chase, Wendy	Conley, Casey
Ellis, Donna	Fargo, Kristina	Fontneau, Timothy	Gourgue, Amanda
Grassie, Chuck	Horrigan, Timothy	Kenney, Cam	Levesque, Cassandra
Smith, Marjorie	Oxaal, Ariel	Schmidt, Peter	Rich, Cecilia
Salloway, Jeffrey	Southworth, Thomas	Treleven, Susan	Vincent, Kenneth
Wall, Janet			

SULLIVAN

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

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

MOTION TO REMOVE FROM THE TABLE

Rep. Spillane moved that **HB 402**, relative to takings of property in a declared emergency, be removed from the table.

Rep. Spillane requested a roll call; sufficiently seconded.

YEAS 182 - NAYS 193**YEAS - 182****BELKNAP**

Aldrich, Glen	Bean, Harry	Bordes, Mike	Comtois, Barbara
Harvey-Bolia, Juliet	Hough, Gregg	Howard, Raymond	Johnson, Dawn
Lang, Timothy	Littlefield, Richard	Mackie, Jonathan	O'Hara, Travis
Ploszaj, Tom	Silber, Norman	Sylvia, Michael	Terry, Paul
Trottier, Douglas	Varney, Peter		

CARROLL

Avellani, Lino	Cordelli, Glenn	Smith, Jonathan	McConkey, Mark
Nelson, Bill			

CHESHIRE

Hunt, John	Kilanski, Ben	Qualey, James	Rhodes, Jennifer
Santonastaso, Matthew			

COOS

Craig, Kevin	Davis, Arnold	Dostie, Donald	Merner, Troy
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GRAFTON

Alliegro, Mark	Berezhny, Lex	Binford, David	Folsom, Beth
Sanborn, Gail	Gordon, Edward	Greeson, Jeffrey	Ham, Bonnie
Ladd, Rick	Simon, Matthew		

HILLSBOROUGH

Lekas, Alicia	Alexander, Joe	Ammon, Keith	Griffin, Barbara
King, Bill	Blasek, Melissa	Boehm, Ralph	Burt, John
Creighton, Jim	Cushman, Leah	Kelley, Diane	Smith, Denise
Erf, Keith	Fedolfi, Jim	Foster, William	Griffin, Gerald
Gagne, Larry	Gorski, Ted	Gould, Linda	Greene, Bob
Gunski, Michael	Healey, Robert	Homola, Susan	Hopper, Gary
Infantine, William	Kelsey, Niki	Kofalt, Jim	Sanborn, Laurie
Lanzara, Tom	Lascalles, Richard	Lewicke, John	Marston, Dick
Mayville, Mary	McLean, Mark	Mooney, Maureen	Notter, Jeanine
Nunez, Hershel	Pauer, Diane	Plett, Fred	Post, Lisa
Prout, Andrew	Renzullo, Andrew	Rouillard, Claire	Sheehan, Vanessa
Somero, Paul	Lekas, Tony	Tausch, Lindsay	Ulery, Jordan
Warden, Mark			

MERRIMACK

Andrus, Louise	Cambriels, Jose	Cross, Kenna	Hill, Gregory
Kennedy, Margaret	Klose, John	McGuire, Carol	Moffett, Michael
Pearl, Howard	Pitaro, Matthew	Boyd, Stephen	Seaworth, Brian
Testerman, Dave	Walsh, Thomas	Wells, Natalie	White, Nick
Yakubovich, Michael			

ROCKINGHAM

Abbas, Daryl	Abrami, Patrick	Abramson, Max	Acton, Dennis
Ayer, Paul	Baldasaro, Al	Baxter, Tim	Belanger, Cody
Bernardy, JD	Bershtein, Alan	Copp, Anne	Dodge, Dustin

Doucette, Fred
 Ford, Oliver
 Harley, Tina
 Khan, Aboul
 Love, David
 Melvin, Charles
 Pratt, Kevin
 Soti, Julius
 Torosian, Peter
 Vandecasteele, Susan
 Welch, David

Edwards, Jess
 Gay, Betty
 Hobson, Deborah
 Kimball, Mary Ann
 Lynn, Bob
 Osborne, Jason
 Prudhomme-O'Brien, Katherine
 Spillane, James
 Tripp, Richard
 Verville, Kevin
 Weyler, Kenneth

Elliott, Robert
 Green, Dennis
 Janigian, John
 Layon, Erica
 Pearson, Mark
 Piemonte, Tony
 Roy, Terry
 Sweeney, Joe
 True, Chris
 Vose, Michael
 Yokela, Josh

Emerick, Tracy
 Harb, Robert
 Katsakiores, Phyllis
 Litchfield, Melissa
 McBride, Everett
 Potucek, John
 Pearson, Stephen
 Thomas, Douglas
 Tudor, Paul
 Wallace, Scott

STRAFFORD

Ankarberg, Aidan
 Harrington, Michael
 Kittredge, Mac
 Wuelper, Kurt

Bailey, Glenn
 Hayward, Peter
 Newton, Clifford

DeLemus, Susan
 Horgan, James
 Pitre, Joseph

Groen, Fenton
 Kaczynski, Thomas
 Turcotte, Leonard

SULLIVAN

Aron, Judy
 Stapleton, Walter

Callum, John
 Smith, Steven

Rollins, Skip

Spilsbury, Walter

NAYS - 193

CARROLL

Buco, Thomas
 MacDonald, John
 Umberger, Karen

Burroughs, Anita
 Knirk, Jerry
 Woodcock, Stephen

Crawford, Karel
 Marsh, William

Deshaiies, Brodie
 McAleer, Chris

CHESHIRE

Abbott, Michael
 Eaton, Daniel
 Gomarlo, Jennie
 Parshall, Lucius
 Welkowitz, Lawrence

Ames, Richard
 Faulkner, Barry
 Harvey, Cathryn
 Schapiro, Joe

Berch, Paul
 Fenton, Donovan
 Ley, Douglas
 Toll, Amanda

Bordenet, John
 Fox, Dru
 Mann, John
 Weber, Lucy

COOS

Kelley, Eamon
 Thompson, Dennis

Hatch, William
 Tucker, Edith

Laflamme, Larry

Theberge, Robert

GRAFTON

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

Adjutant, Joshua
 Egan, Timothy
 Muirhead, Russell
 Sykes, George

Almy, Susan
 Fellows, Sallie
 Murphy, James
 Weston, Joyce

Depalma IV, Joseph
 Hakken-Phillips, Mary
 Stavis, Laurel

HILLSBOROUGH

Bouldin, Amanda
 Bergeron, Paul
 Cohen, Bruce
 Dutzy, Sherry
 Graham, John
 Heath, Mary
 Jeudy, Jean
 Langley, Diane
 King, Mark
 Moran, Melbourne
 O'Brien, Michael
 Pickering, Daniel
 Newman, Ray
 Shaw, Barbara
 Telerski, Laura
 Vann, Ivy

Bouldin, Andrew
 Bouchard, Donald
 Connors, Erika
 Espitia, Manny
 Griffith, Willis
 Herbert, Christopher
 Klee, Patricia
 Laughton, Stacie-Marie
 Murray, Megan
 Mullen, Sue
 Pedersen, Michael
 Piedra, Israel
 Rice, Kimberly
 Snow, Kendall
 Toomey, Dan
 Veilleux, Daniel

Baroody, Benjamin
 Bradley, Amy
 Cornell, Patricia
 Freitas, Mary
 Hamer, Heidi
 Schmidt, Janice
 Klein-Knight, Nicole
 Leishman, Peter
 Mangipudi, Latha
 Nutter-Upham, Frances
 Perez, Maria
 Porter, Marjorie
 Rung, Rosemarie
 Stevens, Deb
 Vail, Suzanne
 Wilhelm, Matthew

Beaulieu, Jane
 Chretien, Jacqueline
 DiSilvestro, Linda
 Goley, Jeffrey
 Harriott-Gathright, Linda
 Jack, Martin
 Labranche, Tony
 Long, Patrick
 McGhee, Kat
 Nutting-Wong, Allison
 Petrigno, Peter
 Query, Joshua
 Newman, Sue
 Smith, Timothy
 Van Houten, Constance

MERRIMACK

Allard, James
 Gallagher, Eric
 Mason, James
 Rogers, Katherine
 Shurtleff, Steve
 Wazir, Safiya

Bartlett, Christy
 Lane, Connie
 McWilliams, Rebecca
 Schamberg, Thomas
 Soucy, Timothy
 Wolf, Dan

Ebel, Karen
 Luneau, David
 Pimentel, Roderick
 Schuett, Dianne
 Wallner, Mary Jane
 Woods, Gary

Ellison, Arthur
 MacKay, James
 Richards, Beth
 Schultz, Kristina
 Walz, Mary Beth

ROCKINGHAM

Altschiller, Debra
Cushing, Robert Renny
Edgar, Michael
Guthrie, Joseph
Maggiore, Jim
Meuse, David
Read, Ellen
MacDonald, Wayne

Bunker, Lisa
DeSimone, Debra
Gilman, Julie
Hamblet, Joan
Malloy, Dennis
Milz, David
Simpson, Alexis
Ward, Gerald

Cahill, Michael
DiLorenzo, Charlotte
Grossman, Gaby
Murray, Kate
McBeath, Rebecca
Paige, Mark
Somssich, Peter

Cali-Pitts, Jacqueline
Dolan, Tom
Grote, Jaci
Loughman, Tom
McMahon, Charles
Pantelakos, Laura
Sytek, John

STRAFFORD

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

Cannon, Gerri
Fargo, Kristina
Horrigan, Timothy
Oxaal, Ariel
Southworth, Thomas
Wall, Janet

Chase, Wendy
Fontneau, Timothy
Kenney, Cam
Schmidt, Peter
Spang, Judith

Conley, Casey
Gourgue, Amanda
Levesque, Cassandra
Rich, Cecilia
Treleven, Susan

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

and the motion failed.

REGULAR CALENDAR PART II CONT'D

HB 561, relative to potential jurors excused from jury duty due to a lack of residency in the county of jury service. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael Sylvia for the Majority of Judiciary. This bill requires the clerk of the court to compile a list of the names of any persons who request to be excused from jury service for lack of residence in the county of jury service and transmit the names on the list to the secretary of state who shall publish the list on the secretary of state's website. This simple measure would allow supervisors of the checklist an aid in keeping the voter rolls current. Vote 11-10.

Rep. Cam Kenney for the Minority of Judiciary. This bill requires the clerk of the court to compile a list of names of individuals who request to be excused from jury service due to lack of residence in the county. Then, this bill would require the secretary of state to publish the list online. According to the prime sponsor, this list could then be a tool used to track voter fraud. Yet, the bill does not mention voting or elections in any respect. Therefore, due to the intent of the bill being unclear in the language, and it attempting to track voter fraud, an issue nonexistent in New Hampshire, the minority believe this bill should be found Inexpedient to Legislate.

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

Rep. Kenney spoke against and yielded to questions.

Rep. Sylvia spoke in favor.

On a division vote, with 187 members having voted in the affirmative, and 189 in the negative, the majority committee report failed.

MOTION TO LAY ON THE TABLE

Rep. Alexander moved that **HB 561**, relative to potential jurors excused from jury duty due to a lack of residency in the county of jury service, be laid on the table.

On a division vote, with 284 members having voted in the affirmative, and 92 in the negative, the motion was adopted.

REGULAR CALENDAR PART II CONT'D

HB 566, relative to sealing records in nonpublic session under the right-to-know law. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Joe Alexander for the Majority of Judiciary. The majority of the Judiciary Committee believes that the minutes of non-public meetings regarding acquisition, sale, or lease of real or personal property should not be kept from the public after the sale is completed or fell through. However, public bodies are not going back to reverse the vote to keep those minutes from the public. Pursuant to this bill, as amended, such minutes would now be automatically available to the public after the close of the transaction. The majority believes this is a simple step to add more transparency to our government. The amendment was agreed to by the New Hampshire Municipal Association and Right-to-Know NH. Vote 11-10.

Rep. Timothy Horrigan for the Minority of Judiciary. This bill, as introduced would have required public bodies to review each and every set of sealed minutes at least once every year to see if they should be unsealed. The minority recognized that this would be a waste of time and effort. After few years, some bodies could end up with no time to do anything but continually debate unsealing their old sealed minutes. Many of those sealed minutes would never turn out be worth unsealing. The minority is also opposed to the bill as amended, which

would require all unsealing motions to be debated in public session, even when it would be impossible to debate the merits of the motion without divulging details of the sealed material in the minutes in question. Also, both versions of the bill would make it effectively impossible to seal minutes of non-public meetings related to buying, selling, or leasing real estate, even when there might be a valid reason to seal those minutes.

Majority Amendment (0425h)

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

AN ACT relative to the discussion and disclosure of minutes from a nonpublic session under the right-to-know law.

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

1 New Subparagraph; Right-to-Know-Law; Nonpublic Sessions. Amend RSA 91-A:3, II by inserting after subparagraph (l) the following new subparagraph:

(m) Consideration of whether to disclose minutes of a nonpublic session due to a change in circumstances under paragraph III. However, any vote on whether to disclose minutes shall take place in public session.

2 Right-to-Know Law; Nonpublic Minutes. Amend RSA 91-A:3, III to read as follows:

III. Minutes of meetings in nonpublic session shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes of such sessions shall record all actions in such a manner that the vote of each member is ascertained and recorded. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present taken in public session, it is determined that divulgence of the information likely would affect adversely the reputation of any person other than a member of the public body itself, or render the proposed action ineffective, or pertain to terrorism, more specifically, to matters relating to the preparation for and the carrying out of all emergency functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life. This shall include training to carry out such functions. In the event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply. ***Minutes related to a discussion held in nonpublic session under subparagraph II(d) shall be made available to the public immediately after the transaction has closed or the public body has decided not to proceed with the transaction.***

3 Effective Date. This act shall take effect January 1, 2022.

AMENDED ANALYSIS

This bill allows discussion of disclosure of the minutes of a nonpublic session to occur in nonpublic session, provided the vote on disclosure takes place in public session. The bill also requires that sealed minutes of a nonpublic session related to the acquisition, sale, or lease of real or personal property be released once the transaction closes or the public body decides not to proceed.

On a division vote, with 179 members having voted in the affirmative, and 165 in the negative, the majority committee amendment was adopted.

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

Rep. Horrigan spoke against and yielded to questions.

Rep. Alexander spoke in favor.

Rep. Yokela requested a roll call; sufficiently seconded.

YEAS 201 - NAYS 178

**YEAS - 201
BELKNAP**

Aldrich, Glen
Harvey-Bolia, Juliet
Lang, Timothy
Ploszaj, Tom
Trottier, Douglas

Bean, Harry
Hough, Gregg
Littlefield, Richard
Silber, Norman
Varney, Peter

Bordes, Mike
Howard, Raymond
Mackie, Jonathan
Sylvia, Michael

Comtois, Barbara
Johnson, Dawn
O'Hara, Travis
Terry, Paul

CARROLL

Avellani, Lino
Deshaies, Brodie
Nelson, Bill

Burroughs, Anita
MacDonald, John
Umberger, Karen

Cordelli, Glenn
Smith, Jonathan

Crawford, Karel
McConkey, Mark

CHESHIRE

Gomarlo, Jennie
Santonastaso, Matthew

Hunt, John

Qualey, James

Rhodes, Jennifer

COOS

Craig, Kevin
Theberge, Robert

Davis, Arnold
Thompson, Dennis

Dostie, Donald
Tucker, Edith

Merner, Troy

GRAFTON

Alliegro, Mark
Folsom, Beth
Ham, Bonnie

Berezhny, Lex
Sanborn, Gail
Ladd, Rick

Binford, David
Gordon, Edward
Murphy, James

Depalma IV, Joseph
Greeson, Jeffrey
Simon, Matthew

HILLSBOROUGH

Lekas, Alicia
King, Bill
Creighton, Jim
Erf, Keith
Gagne, Larry
Greene, Bob
Hopper, Gary
Sanborn, Laurie
Mayville, Mary
Notter, Jeanine
Post, Lisa
Rouillard, Claire
Tausch, Lindsay

Alexander, Joe
Blasek, Melissa
Cushman, Leah
Fedolfi, Jim
Gorski, Ted
Gunski, Michael
Infantine, William
Lascelles, Richard
McGhee, Kat
Nunez, Hershel
Prout, Andrew
Sheehan, Vanessa
Ulery, Jordan

Ammon, Keith
Boehm, Ralph
Kelley, Diane
Foster, William
Gould, Linda
Healey, Robert
Kelsey, Niki
Lewicke, John
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Somero, Paul
Warden, Mark

Griffin, Barbara
Burt, John
Smith, Denise
Griffin, Gerald
Graham, John
Homola, Susan
Kofalt, Jim
Marston, Dick
Mooney, Maureen
Plett, Fred
Rice, Kimberly
Lekas, Tony

MERRIMACK

Andrus, Louise
Kennedy, Margaret
Moffett, Michael
Schamberg, Thomas
Wells, Natalie

Cambrils, Jose
Klose, John
Pearl, Howard
Seaworth, Brian
White, Nick

Cross, Kenna
Mason, James
Pitaro, Matthew
Testerman, Dave
Yakubovich, Michael

Hill, Gregory
McGuire, Carol
Boyd, Stephen
Walsh, Thomas

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Bernardy, JD
Dodge, Dustin
Elliott, Robert
Green, Dennis
Janigian, John
Layon, Erica
Lynn, Bob
Milz, David
Pratt, Kevin
Spillane, James
Torosian, Peter
Vandecastele, Susan
Wallace, Scott

Abrami, Patrick
Baldasaro, Al
Bershtein, Alan
Dolan, Tom
Emerick, Tracy
Guthrie, Joseph
Katsakiores, Phyllis
Litchfield, Melissa
Maggiore, Jim
Osborne, Jason
Prudhomme-O'Brien, Katherine
Sweeney, Joe
Tripp, Richard
Verville, Kevin
Welch, David

Abramson, Max
Baxter, Tim
Copp, Anne
Doucette, Fred
Ford, Oliver
Harley, Tina
Khan, Aboul
Love, David
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sytek, John
True, Chris
Vose, Michael
Weyler, Kenneth

Acton, Dennis
Belanger, Cody
DeSimone, Debra
Edwards, Jess
Gay, Betty
Hobson, Deborah
Kimball, Mary Ann
Lundgren, David
Melvin, Charles
Potucek, John
Soti, Julius
Thomas, Douglas
Tudor, Paul
MacDonald, Wayne
Yokela, Josh

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Kittredge, Mac
Wuelper, Kurt

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

NAYS - 178**CARROLL**

Buco, Thomas
Woodcock, Stephen

Knirk, Jerry

Marsh, William

McAleer, Chris

CHESHIRE

Abbott, Michael
Eaton, Daniel
Harvey, Cathryn
Parshall, Lucius
Weber, Lucy

Ames, Richard
Faulkner, Barry
Kilanski, Ben
Schapiro, Joe
Welkowitz, Lawrence

Berch, Paul
Fenton, Donovan
Ley, Douglas
Toll, Amanda

Bordenet, John
Fox, Dru
Mann, John
Von Plinsky, Sparky

COOS

Kelley, Eamon

Hatch, William

Lafamme, Larry

GRAFTON

Abel, Richard
Egan, Timothy
Muirhead, Russell
Weston, Joyce

Adjutant, Joshua
Fellows, Sallie
Stavis, Laurel

Almy, Susan
Hakken-Phillips, Mary
Smith, Suzanne

Dontonville, Roger
Massimilla, Linda
Sykes, George

HILLSBOROUGH

Bouldin, Amanda
Bergeron, Paul
Chretien, Jacqueline
DiSilvestro, Linda
Goley, Jeffrey
Heath, Mary
Jeudy, Jean
Langley, Diane
Long, Patrick
Moran, Melbourne
O'Brien, Michael
Pickering, Daniel
Newman, Ray
Snow, Kendall
Toomey, Dan
Veilleux, Daniel

Bouldin, Andrew
Booras, Efstathia
Cohen, Bruce
Dutzy, Sherry
Griffith, Willis
Herbert, Christopher
Klee, Patricia
Lanzara, Tom
King, Mark
Mullen, Sue
Pedersen, Michael
Piedra, Israel
Rung, Rosemarie
Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

Baroody, Benjamin
Bouchard, Donald
Connors, Erika
Espitia, Manny
Hamer, Heidi
Schmidt, Janice
Klein-Knight, Nicole
Laughton, Stacie-Marie
Murray, Megan
Nutter-Upham, Frances
Perez, Maria
Porter, Marjorie
Newman, Sue
Smith, Timothy
Van Houten, Constance

Beaulieu, Jane
Bradley, Amy
Cornell, Patricia
Freitas, Mary
Harriott-Gathright, Linda
Jack, Martin
Labranche, Tony
Leishman, Peter
Mangipudi, Latha
Nutting-Wong, Allison
Petrigno, Peter
Query, Joshua
Shaw, Barbara
Telerski, Laura
Vann, Ivy

MERRIMACK

Allard, James
Gallager, Eric
McWilliams, Rebecca
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

Bartlett, Christy
Lane, Connie
Pimentel, Roderick
Schultz, Kristina
Walz, Mary Beth

Ebel, Karen
Luneau, David
Richards, Beth
Shurtleff, Steve
Wazir, Safiya

Ellison, Arthur
MacKay, James
Rogers, Katherine
Soucy, Timothy
Wolf, Dan

ROCKINGHAM

Altschiller, Debra
Cushing, Robert Renny
Grossman, Gaby
Murray, Kate
McBeath, Rebecca
Pantelakos, Laura
Somssich, Peter

Bunker, Lisa
DiLorenzo, Charlotte
Grote, Jaci
Loughman, Tom
McBride, Everett
Read, Ellen
Ward, Gerald

Cahill, Michael
Edgar, Michael
Hamblet, Joan
Pearson, Mark
Meuse, David
Pearson, Stephen

Cali-Pitts, Jacqueline
Gilman, Julie
Harb, Robert
Malloy, Dennis
Paige, Mark
Simpson, Alexis

STRAFFORD

Bixby, Peter
Ellis, Donna
Gourgue, Amanda
Levesque, Cassandra
Rich, Cecilia
Treleven, Susan

Cannon, Gerri
Fargo, Kristina
Grassie, Chuck
Smith, Marjorie
Salloway, Jeffrey
Vincent, Kenneth

Chase, Wendy
Fontneau, Timothy
Horrigan, Timothy
Oxaal, Ariel
Southworth, Thomas
Wall, Janet

Conley, Casey
Frost, Sherry
Kenney, Cam
Schmidt, Peter
Spang, Judith

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

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

HB 348, requiring a public employer to provide notice of a new or amended collective bargaining agreement. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Leonard Turcotte for the Majority of Labor, Industrial and Rehabilitative Services. The bill would provide both union members and interested taxpayers the ability to review a tentative agreement prior to the Collective Bargaining Agreement (CBA) being ratified by their respective authorizing bodies by permitting a 30-day review period. While public sector CBAs are eventually put into the public domain for viewing, it is unfortunately an "after the fact" situation where it is too late for taxpayers or union members to have any solid input to provisions, they may deem exceedingly onerous. Vote 11-9.

Rep. Brian Sullivan for the Minority of Labor, Industrial and Rehabilitative Services. The minority opposes the ought to pass motion. We believe that a 30-day posting of a tentative agreement prior to ratification by the board of the employer and the members of the bargaining unit will be seriously disruptive to the collective bargaining process for public sector employers and employee organizations. It will require the parties to wait for those 30 days not knowing if the two sides will support ratification. There is no point in providing public access to a tentative agreement that may not have the support of the board and the employees. The public has an opportunity to review a ratified collective bargaining agreement for 30 days prior to being approved or rejected by a vote of the legislative body, usually at a town or school district meeting. This bill adds an additional 30 day waiting period to the timeline. We believe this adds unnecessary delay and potential confusion to the process.

Majority Amendment (0047h)

Amend the bill by replacing section 1 with the following:

1 New Section; Public Employees Labor Relations Board; Notice of Tentative Agreement Required. Amend RSA 273-A by inserting after section 3 the following new section:

273-A:3-a Notice of Tentative Agreement Required. A public employer shall post notice of a tentative agreement on any new or amended collective bargaining agreement in a conspicuous place on the public employer's Internet website. The public employer shall also make available for inspection an electronic copy of the tentative agreement on any new or amended collective bargaining agreement on the public employer's Internet website. Both the notice and the electronic copy of the tentative agreement shall remain on the public employer's Internet website for not less than 30 days after reaching the tentative agreement. No new or amended collective bargaining agreement shall be ratified by the public employer until after the Internet posting has expired.

On a division vote, with 168 members having voted in the affirmative, and 175 in the negative, the majority committee amendment failed.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Baldasaro moved that the House reconsider its action whereby, on a division vote of 168-175, the House failed to adopt the majority committee amendment (0047h) on **HB 348**, requiring a public employer to provide notice of a new or amended collective bargaining agreement. Rep. Baldasaro spoke in favor and requested a roll call; sufficiently seconded.

YEAS 184 - NAYS 192**YEAS - 184****BELKNAP**

Aldrich, Glen
Harvey-Bolia, Juliet
Lang, Timothy
Ploszaj, Tom
Trottier, Douglas

Bean, Harry
Hough, Gregg
Littlefield, Richard
Silber, Norman
Varney, Peter

Bordes, Mike
Howard, Raymond
Mackie, Jonathan
Sylvia, Michael

Comtois, Barbara
Johnson, Dawn
O'Hara, Travis
Terry, Paul

CARROLL

Avellani, Lino
Nelson, Bill

Cordelli, Glenn

Smith, Jonathan

McConkey, Mark

CHESHIRE

Hunt, John
Rhodes, Jennifer

Kilanski, Ben
Santonastaso, Matthew

Mann, John

Qualey, James

COOS

Craig, Kevin

Davis, Arnold

Dostie, Donald

Tucker, Edith

GRAFTON

Alliegro, Mark
Folsom, Beth
Ham, Bonnie

Berezhny, Lex
Sanborn, Gail
Ladd, Rick

Binford, David
Gordon, Edward
Simon, Matthew

Depalma IV, Joseph
Greeson, Jeffrey

HILLSBOROUGH

Lekas, Alicia
King, Bill
Creighton, Jim
Erf, Keith
Gagne, Larry
Gunski, Michael
Infantine, William
Lascelles, Richard
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Somero, Paul
Warden, Mark

Alexander, Joe
Blasek, Melissa
Cushman, Leah
Fedolfi, Jim
Gorski, Ted
Healey, Robert
Kelsey, Niki
Lewicke, John
Mooney, Maureen
Plett, Fred
Rice, Kimberly
Lekas, Tony

Ammon, Keith
Boehm, Ralph
Kelley, Diane
Foster, William
Gould, Linda
Homola, Susan
Kofalt, Jim
Marston, Dick
Notter, Jeanine
Post, Lisa
Rouillard, Claire
Tausch, Lindsay

Griffin, Barbara
Burt, John
Smith, Denise
Griffin, Gerald
Greene, Bob
Hopper, Gary
Sanborn, Laurie
Mayville, Mary
Nunez, Hershel
Prout, Andrew
Sheehan, Vanessa
Ulery, Jordan

MERRIMACK

Andrus, Louise
Kennedy, Margaret
Moffett, Michael
Seaworth, Brian
White, Nick

Cambrils, Jose
Klose, John
Pearl, Howard
Testerman, Dave
Yakubovich, Michael

Cross, Kenna
Mason, James
Pitaro, Matthew
Walsh, Thomas

Hill, Gregory
McGuire, Carol
Boyd, Stephen
Wells, Natalie

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Bernardy, JD
Dodge, Dustin
Elliott, Robert
Green, Dennis
Hobson, Deborah
Kimball, Mary Ann
Lundgren, David
Osborne, Jason
Soti, Julius
Thomas, Douglas
Tudor, Paul
Wallace, Scott

Abrami, Patrick
Baldasaro, Al
Bershtein, Alan
Dolan, Tom
Emerick, Tracy
Guthrie, Joseph
Janigian, John
Layon, Erica
Lynn, Bob
Piemonte, Tony
Spillane, James
Torosian, Peter
Vandecasteele, Susan
Weyler, Kenneth

Abramson, Max
Baxter, Tim
Copp, Anne
Doucette, Fred
Ford, Oliver
Harb, Robert
Katsakiores, Phyllis
Litchfield, Melissa
McMahon, Charles
Potucek, John
Sweeney, Joe
Tripp, Richard
Verville, Kevin
Yokela, Josh

Acton, Dennis
Belanger, Cody
DeSimone, Debra
Edwards, Jess
Gay, Betty
Harley, Tina
Khan, Aboul
Love, David
Melvin, Charles
Roy, Terry
Sytek, John
True, Chris
Vose, Michael

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Kittredge, Mac
Wuelper, Kurt

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John

Rollins, Skip

Spilsbury, Walter

NAYS - 192**CARROLL**

Buco, Thomas
MacDonald, John
Umberger, Karen

Burroughs, Anita
Knirk, Jerry
Woodcock, Stephen

Crawford, Karel
Marsh, William

Deshaies, Brodie
McAleer, Chris

CHESHIRE

Abbott, Michael
Eaton, Daniel
Gomarlo, Jennie
Schapiro, Joe
Welkowitz, Lawrence

Ames, Richard
Faulkner, Barry
Harvey, Cathryn
Toll, Amanda

Berch, Paul
Fenton, Donovan
Ley, Douglas
Von Plinsky, Sparky

Bordenet, John
Fox, Dru
Parshall, Lucius
Weber, Lucy

COOS

Kelley, Eamon
Theberge, Robert

Hatch, William
Thompson, Dennis

Lafamme, Larry

Merner, Troy

GRAFTON

Abel, Richard
Egan, Timothy
Muirhead, Russell
Sykes, George

Adjutant, Joshua
Fellows, Sallie
Murphy, James
Weston, Joyce

Almy, Susan
Hakken-Phillips, Mary
Stavis, Laurel

Dontonville, Roger
Massimilla, Linda
Smith, Suzanne

HILLSBOROUGH

Bouldin, Amanda
Bergeron, Paul
Chretien, Jacqueline
DiSilvestro, Linda
Goley, Jeffrey
Harriott-Gathright, Linda
Jack, Martin
Labranche, Tony
Leishman, Peter
Mangipudi, Latha
Nutter-Upham, Frances
Petrigno, Peter
Query, Joshua
Shaw, Barbara
Telerski, Laura
Vann, Ivy

Bouldin, Andrew
Booras, Efstathia
Cohen, Bruce
Dutzy, Sherry
Graham, John
Heath, Mary
Judy, Jean
Langley, Diane
Long, Patrick
McGhee, Kat
Nutting-Wong, Allison
Pickering, Daniel
Newman, Ray
Snow, Kendall
Toomey, Dan
Veilleux, Daniel

Baroody, Benjamin
Bouchard, Donald
Connors, Erika
Espitia, Manny
Griffith, Willis
Herbert, Christopher
Klee, Patricia
Lanzara, Tom
King, Mark
Moran, Melbourne
Pedersen, Michael
Piedra, Israel
Rung, Rosemarie
Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

Beaulieu, Jane
Bradley, Amy
Cornell, Patricia
Freitas, Mary
Hamer, Heidi
Schmidt, Janice
Klein-Knight, Nicole
Laughton, Stacie-Marie
Murray, Megan
Mullen, Sue
Perez, Maria
Porter, Marjorie
Newman, Sue
Smith, Timothy
Van Houten, Constance

MERRIMACK

Allard, James
Gallager, Eric
McWilliams, Rebecca
Schamberg, Thomas
Soucy, Timothy
Wolf, Dan

Bartlett, Christy
Lane, Connie
Pimentel, Roderick
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

Ebel, Karen
Luneau, David
Richards, Beth
Schultz, Kristina
Walz, Mary Beth

Ellison, Arthur
MacKay, James
Rogers, Katherine
Shurtleff, Steve
Wazir, Safiya

ROCKINGHAM

Altschiller, Debra
Cushing, Robert Renny
Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Paige, Mark
Pearson, Stephen
Ward, Gerald

Bunker, Lisa
DiLorenzo, Charlotte
Grote, Jaci
Pearson, Mark
McBride, Everett
Pantelakos, Laura
Simpson, Alexis
Welch, David

Cahill, Michael
Edgar, Michael
Hamblet, Joan
Maggiore, Jim
Meuse, David
Pratt, Kevin
Somssich, Peter

Cali-Pitts, Jacqueline
Gilman, Julie
Murray, Kate
Malloy, Dennis
Milz, David
Read, Ellen
MacDonald, Wayne

STRAFFORD

Bixby, Peter
Ellis, Donna
Gourgue, Amanda
Levesque, Cassandra
Rich, Cecilia
Treleven, Susan

Cannon, Gerri
Fargo, Kristina
Grassie, Chuck
Smith, Marjorie
Salloway, Jeffrey
Vincent, Kenneth

Chase, Wendy
Fontneau, Timothy
Horrigan, Timothy
Oxaal, Ariel
Southworth, Thomas
Wall, Janet

Conley, Casey
Frost, Sherry
Kenney, Cam
Schmidt, Peter
Spang, Judith

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

and the motion failed.

MOTION TO LAY ON THE TABLE

Rep. Turcotte moved that **HB 348**, requiring a public employer to provide notice of a new or amended collective bargaining agreement, be laid on the table.

On a division vote, with 194 members having voted in the affirmative, and 184 in the negative, the motion was adopted.

REGULAR CALENDAR PART II CONT'D

HB 385-FN, relative to workers' compensation for heart and lung disease in firefighters. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Soucy for the Majority of Labor, Industrial and Rehabilitative Services. This bill, as amended, provides that the benefits stated in RSA 281-A:17(c) shall not continue beyond one month after a call, volunteer, or permanent firefighter reaches his or her 70th birthday. This is a change from age 65 to 70 years of age. Firefighters are working longer. This change would give those individuals that retire at 65 the same benefit of the prima facie presumption for Workers Compensation benefits of 5 years from the effective date of said firefighter's retirement as stated in RSA 281-A:17(b). Vote 13-7.

Rep. Stephen Boyd for the Minority of Labor, Industrial and Rehabilitative Services. This bill relates to workers compensation for firefighters. Currently, heart or lung disease is presumed to be occupationally related for firefighters while employed and after retirement up to age 65. This bill as amended would extend the presumption to an additional 5 years to age 70. While respectful of the dangers of the job, the minority believes this age limit will lead to more claims for workers' compensation and increased insurance costs for municipalities, continued future age extensions will put taxpayers on the hook for even higher medical costs, even when a direct causal link cannot be proven. The minority believes this bill does not adequately address future expenditures. The fiscal note indicates that there will be an increase of indeterminable amount for state, county and local governments.

Majority Amendment (0307h)

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

1 Workers' Compensation; Firefighter and Heart, Lung, or Cancer Disease; Presumption. Amend RSA 281-A:17, I(c) to read as follows:

(c) The benefits of RSA 281-A:17, I shall not continue in effect beyond one month after a call, volunteer or permanent firefighter reaches his or her ~~sixty-fifth~~ **seventieth** birthday.

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

AMENDED ANALYSIS

This bill extends to age 70 the benefits from the presumption that heart or lung disease is occupationally related for firefighters.

Majority committee amendment adopted.

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

Rep. Boyd spoke against.

Rep. Soucy spoke in favor.

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

On a division vote, with 257 members having voted in the affirmative, and 117 in the negative, the majority committee report was adopted and the bill was ordered to third reading.

(Rep. Steven Smith in the Chair)

REGULAR CALENDAR PART II CONT'D

HB 448, establishing a committee to study and compare federal Occupational Safety and Health Act standards with the safety and health standards the New Hampshire department of labor uses for public sector employees. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: Half of the committee members support an Ought to Pass motion. We believe that the NH Department of Labor will gain great benefit from a study comparing OSHA standards to the department's safety and health standards currently used for public sector employees. At the very least it will provide insight as to where improvements can be made in the department standards. It may further allow the legislature to make a fully informed decision in the next session whether to create a state OSHA plan for public sector workers. We believe that worker safety is a critically important issue for both private and public sector employers and employees.

Rep. Brian Sullivan

Statement in support of Inexpedient to Legislate: This bill would seek to establish a study to compare OSHA standards with NH standards of the Department of Labor for public sector employees. This bill raises concern for reasons of excessive costs to municipalities.

Rep. Gregg Hough

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

Rep. Hough spoke against.

On a division vote, with 201 members having voted in the affirmative, and 166 in the negative, the motion of Ought to Pass was adopted and the bill was ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Timothy Smith moved that the House reconsider its action where-by, on a division vote of 201-166, the House adopted the motion of Ought to Pass on **HB 448**, establishing a committee to study and compare federal Occupational Safety and Health Act standards with the safety and health standards the New Hampshire department of labor uses for public sector employees.

Rep. Timothy Smith spoke against.

On a division vote, with 143 members having voted in the affirmative, and 230 in the negative, the motion failed.

REGULAR CALENDAR PART II CONT'D

MOTION TO SPECIAL ORDER

Rep. Cahill moved that **HB 113**, relative to payment for earned but unused vacation or personal time, be made a Special Order as the next order of business.

Rep. Cahill spoke in favor.

Rep. Infantine spoke against.

On a division vote, with 72 members having voted in the affirmative, and 298 in the negative, the motion failed.

REGULAR CALENDAR PART II CONT'D

CACR 9, relative to municipal taxes. Providing that municipalities may not raise property taxes greater than 2 percent per year and no greater than 1 percent per year on disabled citizens or senior citizens. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Tony Piemonte for the Majority of Municipal and County Government. This resolution offers to amend the New Hampshire Constitution by putting a two percent cap per year on property tax increases by municipalities. It would further limit tax increases to one percent for those property owners who are 67 years of age or older or who are permanently and totally disabled according to the Social Security Administration or the Veterans Administration. The offered amendment would allow the caps to be overridden by the voters in a particular community should they so choose. As this is a proposed amendment to the New Hampshire Constitution, passing this CACR would allow the citizens of New Hampshire to express their wishes with regard to these proposed caps. Vote 10-9.

Rep. Jim Maggiore for the Minority of Municipal and County Government. This resolution was introduced as a "conversation starter" for tax relief, especially for seniors. CACR 9 imposes a mandate on every municipality in New Hampshire and preserves that mandate within our state Constitution prohibiting raising property taxes more than 2% per year and not more than 1% for citizens 67 years of age and older and for veterans 100% disabled. The mandate against a municipality raising actual property taxes fails to consider that the Department of Revenue Administration sets actual municipal tax rates and that tax rates affect actual taxes. There is no means test included in the mandate for raising taxes on citizens over the age of 67. According to recent census statistics, more than 18% of residents in the state of New Hampshire are older than 65 years of age. How this demographic is further delineated by data, including but not limited to per capita income, household assets, or ability to pay a fair share of taxes, is not accounted for in this bill. This mandate puts

potentially severe restrictions on every municipality in New Hampshire from responsibly managing their own operating budgets, school operating budgets, capital improvement schedules, collective bargaining agreements, warrant articles, bond payments, and more. While warrant articles can be combined with operating budgets and exceed the 2% increase in property taxes with an override vote, the bill fails to provide a process for local governing bodies or legislative bodies to decide which viable warrant articles must be included and excluded by the final override. The mandate fails to account for downshifting of fiscal responsibilities from the state to municipalities or changes in state/municipal revenue sharing, both of which affect municipal property taxes. A conversation about property taxes is a worthy exercise. That exercise should not be predicated by a constitutional mandate as proposed in this bill. For all of these reasons, the minority cannot support the motion of ought to pass.

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

On a division vote, with 175 members having voted in the affirmative, and 193 in the negative, the majority committee report failed.

HB 67-L, relative to warrant articles in official ballot town, school district, or village district meetings. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard Tripp for the Majority of Municipal and County Government. This bill addresses a recurring issue with petition warrant articles being amended at SB2 deliberative sessions. Oftentimes citizens will submit a petition article which addresses a particular issue only to have it amended at the deliberative session to either negate or otherwise make the intent of the warrant article ineffective. This bill amends RSA 40:13 to prohibit amendment of the warrant article such that its specific intent is altered. This bill ensures citizens are provided the opportunity to vote on the warrant article's intended purpose. Vote 10-7.

Rep. Jim Maggiore for the Minority of Municipal and County Government. This bill as amended seeks to amend NH RSA 40:13 IV to prohibit residents from amending the intent of petitioned warrant articles. The authority of town meeting voters to amend warrant articles has been recognized at least as far back as 1875 when the New Hampshire Supreme Court ruled in the case of *Pittsburg v. Danforth*, 56 N.H. 272, "No doubt the subject-matter being plainly referred to, may properly include authority to act upon minute specifications and particulars included and necessarily involved in that 'subject-matter,' and which need not be in particular terms enumerated." In other words, once the subject matter of the article is stated, the town meeting has authority to add to the article or delete from it "minute" details and "particular terms." Depending upon the population of a community, as few as 10 residents can submit a petitioned warrant article. If HB 67 passes as amended, as few as 10 residents can submit a petitioned warrant article affecting the prudent management of a community without the recourse that has been available for nearly 150 years. The minority of the committee believe that residents will be disenfranchised if their rights to openly discuss and potentially amend petitioned warrant articles at town meeting is prohibited by law. It would be also be unjust to permit the legislature to enjoy the full prerogative to amend the intent of drafted legislation while the people who elected us are denied the same right in their own elections. Therefore, the minority are opposed to the Ought to Pass motion.

Majority Amendment (0553h)

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Government of Town Meeting; Official Ballot Referenda; Warrant Articles. Amend RSA 40:13, IV by inserting after subparagraph (c) the following new subparagraph:

(d) No petitioned warrant article shall be amended to change its specific intent.

AMENDED ANALYSIS

This bill prohibits the amendment of a petitioned warrant article when such amendment would change the specific intent of a petitioned warrant article.

Majority committee amendment adopted.

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

Rep. Porter spoke against.

Rep. Marsh spoke in favor.

On a division vote, with 193 members having voted in the affirmative, and 181 in the negative, the majority committee report was adopted and the bill was ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Maggiore moved that the House reconsider its action whereby, on a division vote of 175-193, the House failed to adopt the majority committee report of Ought to Pass on **CACR 9**, relative to municipal taxes. Providing that municipalities may not raise property taxes greater than 2 percent per year and no greater than 1 percent per year on disabled citizens or senior citizens.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 164 - NAYS 208**YEAS - 164****BELKNAP**

Aldrich, Glen
Hough, Gregg
O'Hara, Travis
Trottier, Douglas

Bean, Harry
Howard, Raymond
Silber, Norman
Varney, Peter

Bordes, Mike
Johnson, Dawn
Sylvia, Michael

Comtois, Barbara
Mackie, Jonathan
Terry, Paul

CARROLL

Avellani, Lino
MacDonald, John
Nelson, Bill

Cordelli, Glenn
Smith, Jonathan

Crawford, Karel
Marsh, William

Deshaiies, Brodie
McConkey, Mark

CHESHIRE

Hunt, John

Kilanski, Ben

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin
Theberge, Robert

Davis, Arnold
Thompson, Dennis

Dostie, Donald

Merner, Troy

GRAFTON

Alliegro, Mark
Folsom, Beth
Ladd, Rick

Berezhny, Lex
Sanborn, Gail
Simon, Matthew

Binford, David
Gordon, Edward

Depalma IV, Joseph
Greeson, Jeffrey

HILLSBOROUGH

Lekas, Alicia
Burt, John
Fedolfi, Jim
Gorski, Ted
Gunski, Michael
Infantine, William
Lanzara, Tom
Nunez, Hershel
Prout, Andrew
Sheehan, Vanessa
Warden, Mark

Ammon, Keith
Creighton, Jim
Foster, William
Gould, Linda
Healey, Robert
Kelsey, Niki
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Somero, Paul

Griffin, Barbara
Cushman, Leah
Griffin, Gerald
Graham, John
Homola, Susan
Kofalt, Jim
Mooney, Maureen
Plett, Fred
Rice, Kimberly
Tausch, Lindsay

Blasek, Melissa
Kelley, Diane
Gagne, Larry
Greene, Bob
Hopper, Gary
Sanborn, Laurie
Notter, Jeanine
Post, Lisa
Rouillard, Claire
Ulery, Jordan

MERRIMACK

Andrus, Louise
Klose, John
Pitaro, Matthew
Walsh, Thomas

Cambrils, Jose
McGuire, Carol
Boyd, Stephen
Wells, Natalie

Cross, Kenna
Moffett, Michael
Seaworth, Brian
White, Nick

Kennedy, Margaret
Pearl, Howard
Testerman, Dave
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Bershtein, Alan
Edwards, Jess
Green, Dennis
Janigian, John
Layon, Erica
Lynn, Bob
Milz, David
Potucek, John
Pearson, Stephen
Sytek, John
Tudor, Paul
Weyler, Kenneth

Abrami, Patrick
Baxter, Tim
Copp, Anne
Emerick, Tracy
Harb, Robert
Katsakiores, Phyllis
Litchfield, Melissa
Pearson, Mark
Osborne, Jason
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Vandecasteele, Susan

Abramson, Max
Belanger, Cody
Dodge, Dustin
Ford, Oliver
Harley, Tina
Khan, Aboul
Love, David
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Verville, Kevin

Ayer, Paul
Bernardy, JD
Dolan, Tom
Gay, Betty
Hobson, Deborah
Kimball, Mary Ann
Lundgren, David
Melvin, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
Wallace, Scott

STRAFFORD

Ankarberg, Aidan
Horgan, James
Turcotte, Leonard

Bailey, Glenn
Kaczynski, Thomas

DeLemus, Susan
Kittredge, Mac

Hayward, Peter
Newton, Clifford

SULLIVAN

Aron, Judy

Rollins, Skip

NAYS - 208**BELKNAP**

Harvey-Bolia, Juliet

Lang, Timothy

Littlefield, Richard

Ploszaj, Tom

CARROLL

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

McAleer, Chris

Umberger, Karen

CHESHIRE

Abbott, Michael
Eaton, Daniel
Gomarlo, Jennie
Parshall, Lucius
Weber, Lucy

Ames, Richard
Faulkner, Barry
Harvey, Cathryn
Schapiro, Joe
Welkowitz, Lawrence

Berch, Paul
Fenton, Donovan
Ley, Douglas
Toll, Amanda

Bordenet, John
Fox, Dru
Mann, John
Von Plinsky, Sparky

COOS

Kelley, Eamon

Hatch, William

Laflamme, Larry

Tucker, Edith

GRAFTON

Abel, Richard
Egan, Timothy
Massimilla, Linda
Smith, Suzanne

Adjutant, Joshua
Fellows, Sallie
Muirhead, Russell
Sykes, George

Almy, Susan
Hakken-Phillips, Mary
Murphy, James
Weston, Joyce

Dontonville, Roger
Ham, Bonnie
Stavis, Laurel

HILLSBOROUGH

Alexander, Joe
Baroody, Benjamin
Booras, Efstathia
Connors, Erika
Dutzy, Sherry
Goley, Jeffrey
Heath, Mary
Jeudy, Jean
Langley, Diane
Lewicke, John
Mangipudi, Latha
Moran, Melbourne
O'Brien, Michael
Pickering, Daniel
Newman, Ray
Snow, Kendall
Telerski, Laura
Vann, Ivy

Bouldin, Amanda
Beaulieu, Jane
Bouchard, Donald
Cornell, Patricia
Erf, Keith
Griffith, Willis
Herbert, Christopher
Klee, Patricia
Lascelles, Richard
Long, Patrick
Marston, Dick
Mullen, Sue
Pedersen, Michael
Piedra, Israel
Rung, Rosemarie
Stevens, Deb
Toomey, Dan
Veilleux, Daniel

Bouldin, Andrew
Bergeron, Paul
Chretien, Jacqueline
Smith, Denise
Espitia, Manny
Hamer, Heidi
Schmidt, Janice
Klein-Knight, Nicole
Laughton, Stacie-Marie
King, Mark
Mayville, Mary
Nutter-Upham, Frances
Perez, Maria
Porter, Marjorie
Newman, Sue
Lekas, Tony
Vail, Suzanne
Wilhelm, Matthew

King, Bill
Boehm, Ralph
Cohen, Bruce
DiSilvestro, Linda
Freitas, Mary
Harriott-Gathright, Linda
Jack, Martin
Labranche, Tony
Leishman, Peter
Murray, Megan
McGhee, Kat
Nutting-Wong, Allison
Petrigno, Peter
Query, Joshua
Shaw, Barbara
Smith, Timothy
Van Houten, Constance

MERRIMACK

Allard, James
Gallager, Eric
Mason, James
Schamberg, Thomas
Soucy, Timothy
Wolf, Dan

Bartlett, Christy
Lane, Connie
McWilliams, Rebecca
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

Ebel, Karen
Luneau, David
Pimentel, Roderick
Schultz, Kristina
Walz, Mary Beth

Ellison, Arthur
MacKay, James
Rogers, Katherine
Shurtleff, Steve
Wazir, Safiya

ROCKINGHAM

Acton, Dennis
Cali-Pitts, Jacqueline
Edgar, Michael
Grote, Jaci
Loughman, Tom
Meuse, David
Simpson, Alexis
MacDonald, Wayne

Altschiller, Debra
Cushing, Robert Renny
Elliott, Robert
Guthrie, Joseph
Maggiore, Jim
Paige, Mark
Somssich, Peter
Ward, Gerald

Bunker, Lisa
DiLorenzo, Charlotte
Gilman, Julie
Hamblet, Joan
Malloy, Dennis
Pantelakos, Laura
True, Chris
Welch, David

Cahill, Michael
Doucette, Fred
Grossman, Gaby
Murray, Kate
McBeath, Rebecca
Read, Ellen
Vose, Michael
Yokela, Josh

STRAFFORD

Bixby, Peter
Ellis, Donna
Gourgue, Amanda
Horrihan, Timothy
Oxaal, Ariel
Salloway, Jeffrey
Vincent, Kenneth

Cannon, Gerri
Fargo, Kristina
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Southworth, Thomas
Wall, Janet

Chase, Wendy
Fontneau, Timothy
Groen, Fenton
Levesque, Cassandra
Pitre, Joseph
Spang, Judith
Wuelper, Kurt

Conley, Casey
Frost, Sherry
Harrington, Michael
Smith, Marjorie
Rich, Cecilia
Treleaven, Susan

SULLIVAN

Callum, John
O'Hearne, Andrew
Sullivan, Brian

Cloutier, John
Oxenham, Lee
Tanner, Linda

Gottling, Suzanne
Spilsbury, Walter

Merchant, Gary
Stapleton, Walter

and the motion failed.

REGULAR CALENDAR PART II CONT'D

HB 183, prohibiting municipalities from requiring a license for a lemonade stand operated by a person under the age of 18. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Tony Piemonte for the Majority of Municipal and County Government. While RSA 31:102-a does give cities and towns the right to license and regulate hawkers and peddlers, the majority of the committee does not find any need for the state of NH to grant to a local government the authority to control and regulate a child's lemonade stand. New Hampshire is a Dillon's rule state and thus NH defines what powers it will grant to local government. HB 183 clearly states that a city or town MAY NOT claim that the RSA gives them the authority to demand licensing and regulations from some kids setting up a lemonade stand on their front lawn. The committee amendment simply changes 'a lemonade stand' to 'a soft drink stand.' The purpose of the committee amendment is to allow children to sell a more varied group of drinks. Vote 10-9.

Rep. Marjorie Porter for the Minority of Municipal and County Government. Although well-intentioned, the minority finds this bill unnecessary. There are no instances in New Hampshire where a town has closed down a child's front-yard lemonade stand for lack of a license. In addition, there may be unintended consequences if it were to pass. What would then prevent a nefarious adult, wishing to avoid paying a license fee, from hiring a 17 year-old to operate his lemonade booth at the town fair? The bill prohibits a municipality from regulating a child's lemonade stand. If a child were to set up a stand in a dangerous spot, would the police or other town official then be prohibited from moving it? And finally, why only lemonade? What about bake sales? Things are working fine the way they are. The minority sees no reason for the government to interfere.

Majority Amendment (0092h)

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

AN ACT prohibiting municipalities from requiring a license for a soft drink stand operated by a person under the age of 18.

Amend the bill by replacing section 1 with the following:

1 Hawkers, Peddlers, and Vendors; Exception. Amend the introductory paragraph of RSA 31:102-a to read as follows:

The governing board of a city, town or village district may adopt, by ordinance or regulation, provisions for the licensure and regulation of itinerant vendors, hawkers, peddlers, traders, farmers, merchants, or other persons who sell, offer to sell, or take orders for merchandise from temporary or transient sales locations within a town or who go from town to town or place to place within a town for such purposes. Any person who violates any provision of such ordinance or regulation shall be guilty of a class B misdemeanor, and each continuing day of violation after notice shall constitute a separate offense. A city, town, or village district shall be specifically prohibited, however, from licensing or regulating a candidate for public office in the process of obtaining signatures on nomination papers, who seeks to have the candidate's name placed on the ballot for the state general election by submitting nomination papers under RSA 655:40. ***A city, town, or village district shall also be specifically prohibited from licensing or regulating a soft drink stand operated by a person under the age of 18.*** Provisions adopted under this section shall be in addition to any requirements imposed by the state under either RSA 320 or RSA 321 and may include, but shall not be limited to:

AMENDED ANALYSIS

This bill prohibits a city, town, or village district from licensing or regulating a soft drink stand operated by a person under the age of 18.

Majority committee amendment adopted.

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

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

MOTION TO LAY ON THE TABLE

Rep. Mayville moved that **HB 183**, prohibiting municipalities from requiring a license for a soft drink stand operated by a person under the age of 18, be laid on the table.

On a division vote, with 181 members having voted in the affirmative, and 190 in the negative, the motion failed.

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

Rep. Verville requested a roll call; sufficiently seconded.

YEAS 211 - NAYS 163**YEAS - 211****BELKNAP**

Aldrich, Glen
Harvey-Bolia, Juliet
Lang, Timothy
Ploszaj, Tom
Trottier, Douglas

Bean, Harry
Hough, Gregg
Littlefield, Richard
Silber, Norman
Varney, Peter

Bordes, Mike
Howard, Raymond
Mackie, Jonathan
Sylvia, Michael

Comtois, Barbara
Johnson, Dawn
O'Hara, Travis
Terry, Paul

CARROLL

Avellani, Lino
Deshaies, Brodie
McConkey, Mark

Burroughs, Anita
MacDonald, John
Nelson, Bill

Cordelli, Glenn
Smith, Jonathan
Umberger, Karen

Crawford, Karel
Marsh, William

CHESHIRE

Hunt, John
Santonastaso, Matthew

Kilanski, Ben

Qualey, James

Rhodes, Jennifer

COOS

Craig, Kevin

Davis, Arnold

Merner, Troy

Thompson, Dennis

GRAFTON

Adjutant, Joshua
Depalma IV, Joseph
Greeson, Jeffrey

Alliegro, Mark
Folsom, Beth
Ladd, Rick

Berezhny, Lex
Sanborn, Gail
Muirhead, Russell

Binford, David
Gordon, Edward
Simon, Matthew

HILLSBOROUGH

Lekas, Alicia
King, Bill
Burt, John
Smith, Denise
Griffin, Gerald
Graham, John
Herbert, Christopher
Kofalt, Jim
Lewicke, John
McLean, Mark
Nunez, Hershel
Plett, Fred
Rice, Kimberly
Lekas, Tony
Warden, Mark

Alexander, Joe
Beaulieu, Jane
Creighton, Jim
Erf, Keith
Gagne, Larry
Greene, Bob
Homola, Susan
Sanborn, Laurie
King, Mark
Mooney, Maureen
Nutter-Upham, Frances
Post, Lisa
Rouillard, Claire
Smith, Timothy

Ammon, Keith
Blasek, Melissa
Cushman, Leah
Fedolfi, Jim
Gorski, Ted
Gunski, Michael
Hopper, Gary
Lanzara, Tom
Marston, Dick
Moran, Melbourne
Pauer, Diane
Prout, Andrew
Sheehan, Vanessa
Tausch, Lindsay

Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Foster, William
Gould, Linda
Healey, Robert
Kelsey, Niki
Lanzara, Richard
Mayville, Mary
Notter, Jeanine
Petrigno, Peter
Renzullo, Andrew
Somero, Paul
Ulery, Jordan

MERRIMACK

Allard, James
Hill, Gregory
McGuire, Carol
Boyd, Stephen
Walsh, Thomas

Andrus, Louise
Kennedy, Margaret
Moffett, Michael
Schultz, Kristina
Wells, Natalie

Cambriels, Jose
Klose, John
Pearl, Howard
Seaworth, Brian
White, Nick

Cross, Kenna
Mason, James
Pitaro, Matthew
Testerman, Dave
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Bernardy, JD
DeSimone, Debra
Edwards, Jess
Gay, Betty
Harley, Tina
Khan, Aboul
Love, David
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Vandecasteele, Susan
Wallace, Scott

Abrami, Patrick
Baldasaro, Al
Bershtein, Alan
Dodge, Dustin
Elliott, Robert
Green, Dennis
Hobson, Deborah
Kimball, Mary Ann
Lundgren, David
Melvin, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
Verville, Kevin
Welch, David

Abramson, Max
Baxter, Tim
Cali-Pitts, Jacqueline
Dolan, Tom
Emerick, Tracy
Guthrie, Joseph
Janigian, John
Layon, Erica
Lynn, Bob
Milz, David
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
Vose, Michael
Weyler, Kenneth

Acton, Dennis
Belanger, Cody
Copp, Anne
Doucette, Fred
Ford, Oliver
Harb, Robert
Katsakiores, Phyllis
Litchfield, Melissa
Pearson, Mark
Osborne, Jason
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Tudor, Paul
MacDonald, Wayne
Yokela, Josh

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Kenney, Cam
Turcotte, Leonard

Bailey, Glenn
Hayward, Peter
Kittredge, Mac
Vincent, Kenneth

DeLemus, Susan
Horgan, James
Newton, Clifford
Wuelper, Kurt

Groen, Fenton
Kaczynski, Thomas
Pitre, Joseph

SULLIVANAron, Judy
Stapleton, Walter

Callum, John

Rollins, Skip

Spilsbury, Walter

NAYS - 163**CARROLL**

Buco, Thomas

Knirk, Jerry

McAleer, Chris

Woodcock, Stephen

CHESHIREAbbott, Michael
Eaton, Daniel
Gomarlo, Jennie
Parshall, Lucius
Weber, LucyAmes, Richard
Faulkner, Barry
Harvey, Cathryn
Schapiro, Joe
Welkowitz, LawrenceBerch, Paul
Fenton, Donovan
Ley, Douglas
Toll, AmandaBordenet, John
Fox, Dru
Mann, John
Von Plinsky, Sparky**COOS**Dostie, Donald
Theberge, RobertKelley, Eamon
Tucker, Edith

Hatch, William

Laflamme, Larry

GRAFTONAbel, Richard
Fellows, Sallie
Murphy, James
Weston, JoyceAlmy, Susan
Hakken-Phillips, Mary
Stavis, LaurelDontonville, Roger
Ham, Bonnie
Smith, SuzanneEgan, Timothy
Massimilla, Linda
Sykes, George**HILLSBOROUGH**Bouldin, Amanda
Booras, Efstathia
Connors, Erika
Espitia, Manny
Hamer, Heidi
Jack, Martin
Labranche, Tony
Long, Patrick
Mullen, Sue
Perez, Maria
Query, Joshua
Shaw, Barbara
Toomey, Dan
Veilleux, DanielBouldin, Andrew
Bouchard, Donald
Cornell, Patricia
Freitas, Mary
Harriott-Gathright, Linda
Judy, Jean
Langley, Diane
Murray, Megan
Nutting-Wong, Allison
Pickering, Daniel
Newman, Ray
Snow, Kendall
Vail, Suzanne
Wilhelm, MatthewBaroody, Benjamin
Chretien, Jacqueline
DiSilvestro, Linda
Goley, Jeffrey
Heath, Mary
Klee, Patricia
Laughton, Stacie-Marie
Mangipudi, Latha
O'Brien, Michael
Piedra, Israel
Rung, Rosemarie
Stevens, Deb
Van Houten, ConstanceBergeron, Paul
Cohen, Bruce
Dutzy, Sherry
Griffith, Willis
Schmidt, Janice
Klein-Knight, Nicole
Leishman, Peter
McGhee, Kat
Pedersen, Michael
Porter, Marjorie
Newman, Sue
Telerski, Laura
Vann, Ivy**MERRIMACK**Bartlett, Christy
Lane, Connie
Pimentel, Roderick
Shurtleff, Steve
Wazir, SafiyaEbel, Karen
Luneau, David
Rogers, Katherine
Soucy, Timothy
Wolf, DanEllison, Arthur
MacKay, James
Schamberg, Thomas
Wallner, Mary Jane
Woods, GaryGallager, Eric
McWilliams, Rebecca
Schuett, Dianne
Walz, Mary Beth**ROCKINGHAM**Altschiller, Debra
DiLorenzo, Charlotte
Grote, Jaci
Maggiore, Jim
Paige, Mark
Ward, GeraldBunker, Lisa
Edgar, Michael
Hamblet, Joan
Malloy, Dennis
Read, EllenCahill, Michael
Gilman, Julie
Murray, Kate
McBeath, Rebecca
Simpson, AlexisCushing, Robert Renny
Grossman, Gaby
Loughman, Tom
Meuse, David
Somssich, Peter**STRAFFORD**Bixby, Peter
Ellis, Donna
Gourgue, Amanda
Smith, Marjorie
Salloway, Jeffrey
Wall, JanetCannon, Gerri
Fargo, Kristina
Grassie, Chuck
Oxaal, Ariel
Southworth, ThomasChase, Wendy
Fontneau, Timothy
Horrigan, Timothy
Schmidt, Peter
Spang, JudithConley, Casey
Frost, Sherry
Levesque, Cassandra
Rich, Cecilia
Treleven, Susan**SULLIVAN**Cloutier, John
Oxenham, LeeGottling, Suzanne
Sullivan, BrianMerchant, Gary
Tanner, Linda

O'Hearne, Andrew

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

HB 243, relative to the form of municipal budgets. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Tony Piemonte for the Majority of Municipal and County Government. This bill is relative to the form of municipal budgets and it requires municipal, district, and administrative unit budgets to use full line item

detail in industry standard spreadsheet format. This tool will allow constituents to expand their knowledge of budgets and make it easy to follow year after year. Having an active spreadsheet will allow board members to see the impact of increases and deductions to line items. Vote 10-9.

Rep. Julie Gilman for the Minority of Municipal and County Government. This bill seeks to amend municipal budget law but conflicts with current budget and transparency RSAs. If approved, it will affect the dates of finalization and the understanding of the budget presented at town meeting. The requirement for posting “live” electronic budget spreadsheets allows for format errors, manipulation of data, and the misunderstanding and/or misinformation of which version is the official and accurate record. Access to public records, such as a line by line version of a budget, is already covered by RSA 91-A. A well-administered, managed and educated governing body already practices the transparency this bill seeks to impose. This bill is yet another instance of attempting state micro-management. Further, similar bills previously submitted cite the same local instance of transparency errors that can be solved through better education of administration and/or for constituents at the polling place. These local problems should have been solved since the committee first saw a version of this bill. For these reasons the minority finds this bill unnecessary and recommend it be found inexpedient to legislate.

Majority Amendment (0546h)

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

AN ACT relative to the form of municipal budgets, relative to municipal estimates of expenditures and revenues, and relative to the requirement that certain governing bodies submit recommendations to the budget committee.

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

2 Budget Preparation; Estimate of Expenditures and Revenues. Amend RSA 32:4 to read as follows:

32:4 Estimate of Expenditures and Revenues. All municipal officers, administrative officials, and department heads, including officers of such self-sustaining departments as water, sewer, and electric departments, shall prepare statements of estimated expenditures and revenues for the ensuing fiscal year, and shall submit such statements to their respective governing bodies, at such times and in such detail as the governing body may require, ***but no fewer than 30 days prior to the public hearing for its budget. The governing body shall publish the draft budget and revised versions, after making any updates to the budget, within 5 days. Budgets shall be published in full line item detail, and made available in CSV and PDF formats for easy viewing and use by common spreadsheet programs.***

3 Duties of Governing Bodies; Budget Committee Requirements. Amend RSA 32:17 to read as follows:

32:17 Duties of Governing Body and Other Officials. The governing bodies of municipalities adopting this subdivision, or of districts which are wholly within towns adopting this subdivision, shall review the statements submitted to them under RSA 32:4 and shall submit their own recommendations to the budget committee, together with all information necessary for the preparation of the annual budget, including each purpose for which an appropriation is sought and each item of anticipated revenue, at such [time] ***times and in such detail*** as the budget committee shall fix. In the case of a special meeting calling for the appropriation of money, the governing body shall submit such information not later than 5 days prior to the required public hearing. Department heads and other officers shall submit their departmental statements of estimated expenditures and receipts to the budget committee, if requested.

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

AMENDED ANALYSIS

This bill requires:

- I. Municipal, district, and administrative unit budgets to use full line item detail.
 - II. Governing bodies to publish statements of estimated expenditures and revenues for the next fiscal year in full line item detail.
 - III. Governing bodies to submit to the budget committee information necessary for the preparation of the annual budget in whatever detail the budget committee requires.
- Majority committee amendment adopted.

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

Rep. Gilman spoke against.

Rep. Piemonte spoke in favor.

On a division vote, with 189 members having voted in the affirmative, and 186 in the negative, the majority committee report was adopted and the bill was ordered to third reading.

(Speaker Packard in the Chair)

REGULAR CALENDAR PART II CONT'D

HB 266-FN-L, relative to enforcement of immigration laws and the prohibition of sanctuary policies. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard Tripp for the Majority of Municipal and County Government. The majority agreed that The New Hampshire Sanctuary Act, which requires that state and local government entities comply with federal immigra-

tion detainer requests, is reasonable. The bill also makes sense in that it also prohibits state and local government entities from adopting policies that prohibit, restrict, or discourage the enforcement of federal immigration laws. While immigration is a federal matter and under the US Constitution Supremacy Clause, federal law is supreme over state law, and state and local governments must assist and cooperate in the enforcement of immigration law. State and local law enforcement are force multipliers for assisting in enforcing federal law, including immigration: US Immigration and Customs Enforcement (ICE) has roughly 20,000 personnel nationwide while there are hundreds of thousands of state and local police. This bill does not require law enforcement officials in NH to enforce immigration law, nor does it authorize state or local law enforcement on their own inquiry to arrest someone based on immigration status. The first Circuit Court of Appeals which governs NH, has never determined that honoring or complying with detainers is unconstitutional. Neither the fourth amendment nor the NH Constitution limits seizures to crimes; all they require is that they be reasonable. For a federal government official to issue a detainer, they must have probable cause to believe that person is in the country unlawfully. Therefore, NH law enforcement would be able to comply with properly made detainer requests as required by HB 266. Local communities are not served by policies that require law enforcement to ignore or even potentially obstruct certain areas of the law. Local communities are part of the US and immigration law is their law too. All communities in NH should be welcoming, but residents of NH communities should also welcome living in communities where law is respected and upheld as opposed to selective enforcement based on political agendas. Vote 10-9.

Rep. Jim Maggiore for the Minority of Municipal and County Government. The intent of this bill is to compel state and local police to comply with federal immigration detainer requests, as well as to prohibit state and local governments from adopting their own immigration policies. This bill exposes municipalities to the real possibility of violating three amendments to the US Constitution: the fourth amendment, citing unreasonable search and seizure and arbitrary arrest; the tenth amendment, citing balance of power between federal and state government; and the fourteenth amendment, citing equal protection under the law. If this bill were to pass, state and local law enforcement agencies would be required to honor federal immigration detainer requests, effectively stripping local officials of their autonomy and forcing them to prioritize federal law. Detainers are not arrest warrants. Persons held without probable cause or arrested due to possible racial profiling expose the local agency and municipality to potentially costly legal liability. This bill prohibits a municipality from enforcing a policy in violation of 8 U.S.C. section 1373 and prohibits actions that are illegal under that federal statute. Municipalities are already required to comply with federal law. There is no need for a state law compelling compliance. In addition to significant legal liability, this bill would put upward financial pressure on legal and police budgets, possibly creating a violation of Part 1, Article 28-a of the NH Constitution prohibiting unfunded mandates. The fiscal note is silent as to additional budget requirements. Local officials who are responsible for ensuring the safety and well-being of their residents are best positioned to adopt policies that serve that goal. Local officials and local police understand that effective policing requires the cooperation and trust of every member of the community. When state and local officials are viewed as an arm of federal immigration enforcement efforts, it undermines that trust. This bill strips local control, exposes municipalities to potentially costly litigation, puts upward pressure on budgets, begets racial profiling, and undermines police/community relations. Prudent immigration laws are important. Punishing criminals is important. But this bill is rife with issues that would have negative impacts on local communities throughout NH. The minority of the committee and the 388 people who registered in opposition to this bill believe HB 266 is a bad bill for NH.

MOTION TO LAY ON THE TABLE

Rep. Dolan moved that **HB 266-FN-L**, relative to enforcement of immigration laws and the prohibition of sanctuary policies, be laid on the table.

Motion adopted.

REGULAR CALENDAR PART II CONT'D

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Piemonte moved that the House reconsider its action whereby, on a division vote of 189-186, the House adopted the majority committee report of Ought to Pass with Amendment on **HB 243**, relative to the form of municipal budgets, relative to municipal estimates of expenditures and revenues, and relative to the requirement that certain governing bodies submit recommendations to the budget committee.

Rep. Piemonte spoke against.

On a division vote, with 179 members having voted in the affirmative, and 194 in the negative, the motion failed.

REGULAR CALENDAR PART II CONT'D

HB 332, relative to deadlines for consideration of developments of regional impact by planning boards. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: The intent of this bill is to give reasonable consideration to developments of regional impact by clarifying the date upon which planning boards begin formal consideration of plans relating to developments of regional impact.

Rep. Everett McBride

Statement in support of Inexpedient to Legislate: This bill as presented attempts to amend RSA 676:4, I(c)(1), Planning and Zoning: Board's Procedures on Plats, by extending the time for which the board shall act if the board has declared regional impact. The regional impact statute (NH RSA 36:57-58) provides "timely notice to potentially affected municipalities concerning proposed developments which are likely to have impacts beyond the boundaries of a single municipality." Under current law the window of time can be very tight for all parties to gain the full and complete input once the statutory 65-day time clock begins on those cases where regional impact has been declared. HB 332 as presented makes specific reference to "commencement of a public hearing held pursuant to RSA 36:57." In fact, RSA 36:57 establishes the requirement to notify the affected parties prior to the public hearing and the required time frame for issuing those notices, but not the specific timing for the public hearing itself. The timing for the public hearing already exists within RSA 676:4. Therefore an amendment to HB 332 is suggested to accomplish the original intent. At the time of the vote, the committee did not have an amendment.

Rep. Jim Maggiore

Rep. Dolan moved Ought to Pass.

Rep. Maggiore offered floor amendment (0344h).

Floor Amendment (0344h)

Amend RSA 676:4, I(c)(1) as inserted by section 1 of the bill by replacing it with the following:

(c)(1) The board shall, at the next regular meeting or within 30 days following the delivery of the application, for which notice can be given in accordance with the requirements of subparagraph (b), determine if a submitted application is complete according to the board's regulation and shall vote upon its acceptance. Upon determination by the board that a submitted application is incomplete according to the board's regulations, the board shall notify the applicant of the determination in accordance with RSA 676:3, which shall describe the information, procedure, or other requirement necessary for the application to be complete. Upon determination by the board that a submitted application is complete according to the board's regulations, the board shall begin formal consideration and shall act to approve, conditionally approve as provided in subparagraph (i), or disapprove within 65 days, subject to extension or waiver as provided in subparagraph (f). ***In the case of a determination by the board that the application is a development of regional impact requiring notice in accordance with RSA 36:57, III, the board shall have an additional 30 days to act to approve, conditionally approve, as provided in subparagraph (i), or disapprove.*** Upon failure of the board to approve, conditionally approve, or disapprove the application, the selectmen or city council shall, upon request of the applicant, immediately issue an order directing the board to act on the application within 30 days. If the planning board does not act on the application within that 30-day time period, then within 40 days of the issuance of the order, the selectmen or city council shall certify on the applicant's application that the plat is approved pursuant to this paragraph, unless within those 40 days the selectmen or city council has identified in writing some specific subdivision regulation or zoning or other ordinance provision with which the application does not comply. Such a certification, citing this paragraph, shall constitute final approval for all purposes including filing and recording under RSA 674:37 and 676:18, and court review under RSA 677:15.

Rep. Maggiore spoke in favor.

Floor amendment (0344h) adopted.

Motion of Ought to Pass with Amendment adopted and the bill was ordered to third reading.

HB 374, relative to the official ballot referendum form of town meetings. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Tony Piemonte for the Majority of Municipal and County Government. This bill restores the original method of adopting the official ballot referendum form of meeting (SB 2) by removing the question from the warrant to be acted upon at the traditional town meeting and placing it on the official ballot. This provides for all day voting at polls on town election day or by absentee ballot upon request. Moreover, this bill eliminates the control of a small group of citizens present at an annual meeting to decide whether or not to adopt the SB 2 system. Additionally, this bill also protects against disenfranchising voters such as the elderly, disabled, deployed military, business travelers, shift workers, and families with child care needs who cannot attend the traditional meeting to vote on SB 2 adoption. Lastly, by placing the question to adopt SB 2 back onto the official ballot, this bill restores the same process to adopt or to rescind SB 2. Vote 10-9.

Rep. Marjorie Porter for the Minority of Municipal and County Government. Towns that govern themselves using the traditional town meeting form of government discuss and vote at that meeting when major decisions need to be made, such as forming a budget committee or building a new fire station. Changing its form of government from traditional town meeting to the official ballot form, known as SB 2, is just such a major decision. It is right that it should be discussed and voted on at the town meeting. HB 374 changes that process, taking the vote on this most important decision away from the traditional meeting and putting it on the official ballot instead. The minority believes this mixing of forms of government makes no sense, and that deciding to change a form of government should be made using the form currently in place.

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

Rep. Porter spoke against and yielded to questions.

Rep. Pauer spoke in favor and yielded to questions.

Rep. Dolan yielded to questions.

On a division vote, with 200 members having voted in the affirmative, and 175 in the negative, the majority committee report was adopted and the bill was ordered to third reading.

HB 439, relative to the powers of city councils. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Everett McBride for the Majority of Municipal and County Government. This bill limits the authority of city councils to make bylaws and ordinances to those by which they are specifically empowered by state statute. In accordance with this bill, city councils may not make new laws simply because they believe it is for the community's wellbeing. Vote 10-9.

Rep. Jim Maggiore for the Minority of Municipal and County Government. This bill would amend NH RSA 47:17 XV by removing the ability of city councils to make bylaws and regulations "which may seem for the well-being of the city." The power granted to city councils to make such bylaws and regulations for the "well-being" of their specific communities has existed in law since at least 1846. The phrase at issue is a manifestation of what is known as the "police power" which the NH Supreme Court has said gives municipalities authority to promote "such varied interests as public health, safety, morals, comfort, the protection of prosperity, and the general welfare," and it ensures that cities have the flexibility to manage emergent problems at the local level without the need for legislative action on all such problems. If the RSA is amended as proposed, all manner of problems that arise at the local level in our cities will require legislative remedies and would need to comport with legislative timelines. This would significantly multiply the workload of the legislature, focus legislative efforts on singular issues rather than on the greatest good for the residents our great state, and strip locally elected officials of the responsibilities to represent their constituents. Another unresolved question about this bill is whether existing ordinances approved at the local level would be rendered null if this bill passes. Article 1 of the New Hampshire State Constitution says, in part, "Therefore, all government of right originates from the people, is founded in consent, and instituted for the general good." The elected governing bodies of our cities must retain the right to manage the "general good" of their communities as expressed in the NH Constitution and "well-being" as expressed in statute. The minority of the committee believe this bill should be found Inexpedient to Legislate.

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

Rep. Treleaven spoke against.

Rep. Blasek spoke in favor.

Rep. Porter yielded to questions.

Rep. Grassie requested a roll call; sufficiently seconded.

YEAS 185 - NAYS 192

YEAS - 185

BELKNAP

Aldrich, Glen
Hough, Gregg
Littlefield, Richard
Silber, Norman
Varney, Peter

Bean, Harry
Howard, Raymond
Mackie, Jonathan
Sylvia, Michael

Comtois, Barbara
Johnson, Dawn
O'Hara, Travis
Terry, Paul

Harvey-Bolia, Juliet
Lang, Timothy
Ploszaj, Tom
Trottier, Douglas

CARROLL

Avellani, Lino
McConkey, Mark

Cordelli, Glenn
Nelson, Bill

MacDonald, John
Umberger, Karen

Smith, Jonathan

CHESHIRE

Hunt, John
Santonastaso, Matthew

Kilanski, Ben

Qualey, James

Rhodes, Jennifer

COOS

Craig, Kevin
Theberge, Robert

Davis, Arnold

Dostie, Donald

Merner, Troy

GRAFTON

Alliegro, Mark
Folsom, Beth
Simon, Matthew

Berezhny, Lex
Sanborn, Gail

Binford, David
Greeson, Jeffrey

Depalma IV, Joseph
Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
King, Bill

Alexander, Joe
Blasek, Melissa

Ammon, Keith
Boehm, Ralph

Griffin, Barbara
Burt, John

Creighton, Jim
Erf, Keith
Gagne, Larry
Greene, Bob
Infantine, William
Lanzara, Tom
McLean, Mark
Plett, Fred
Rice, Kimberly
Lekas, Tony

Cushman, Leah
Fedolfi, Jim
Gorski, Ted
Gunski, Michael
Kelsey, Niki
Lascelles, Richard
Notter, Jeanine
Post, Lisa
Rouillard, Claire
Tausch, Lindsay

Kelley, Diane
Foster, William
Gould, Linda
Homola, Susan
Kofalt, Jim
Lewicke, John
Nunez, Hershel
Prout, Andrew
Sheehan, Vanessa
Ulery, Jordan

Smith, Denise
Griffin, Gerald
Graham, John
Hopper, Gary
Sanborn, Laurie
Marston, Dick
Pauer, Diane
Renzullo, Andrew
Somero, Paul
Warden, Mark

Andrus, Louise
Kennedy, Margaret
Pitaro, Matthew
Walsh, Thomas

Cambrils, Jose
McGuire, Carol
Boyd, Stephen
Wells, Natalie

Cross, Kenna
Moffett, Michael
Seaworth, Brian
White, Nick

Hill, Gregory
Pearl, Howard
Testerman, Dave
Yakubovich, Michael

MERRIMACK

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Bernardy, JD
Dodge, Dustin
Elliott, Robert
Green, Dennis
Hobson, Deborah
Layon, Erica
Lynn, Bob
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Vandecasteele, Susan
Wallace, Scott

Abrami, Patrick
Baldasaro, Al
Bershtein, Alan
Dolan, Tom
Emerick, Tracy
Guthrie, Joseph
Janigian, John
Litchfield, Melissa
Pearson, Mark
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
Verville, Kevin
Welch, David

Abramson, Max
Baxter, Tim
Copp, Anne
Doucette, Fred
Ford, Oliver
Harb, Robert
Katsakiores, Phyllis
Love, David
McMahon, Charles
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
Vose, Michael
Weyler, Kenneth

Acton, Dennis
Belanger, Cody
DeSimone, Debra
Edwards, Jess
Gay, Betty
Harley, Tina
Kimball, Mary Ann
Lundgren, David
Melvin, Charles
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Tudor, Paul
MacDonald, Wayne
Yokela, Josh

Ankarberg, Aidan
Harrington, Michael
Kittredge, Mac
Wuelper, Kurt

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

STRAFFORD

SULLIVAN

Aron, Judy
Smith, Steven

Callum, John

Rollins, Skip

Spilsbury, Walter

NAYS - 192

BELKNAP

Bordes, Mike

CARROLL

Buco, Thomas
Knirk, Jerry

Burroughs, Anita
Marsh, William

Crawford, Karel
McAleer, Chris

Deshaiies, Brodie
Woodcock, Stephen

CHESHIRE

Abbott, Michael
Eaton, Daniel
Gomarlo, Jennie
Parshall, Lucius
Weber, Lucy

Ames, Richard
Faulkner, Barry
Harvey, Cathryn
Schapiro, Joe
Welkowitz, Lawrence

Berch, Paul
Fenton, Donovan
Ley, Douglas
Toll, Amanda

Bordenet, John
Fox, Dru
Mann, John
Von Plinsky, Sparky

COOS

Kelley, Eamon
Tucker, Edith

Hatch, William

Lafamme, Larry

Thompson, Dennis

GRAFTON

Abel, Richard
Egan, Timothy
Ham, Bonnie
Stavis, Laurel

Adjutant, Joshua
Fellows, Sallie
Massimilla, Linda
Smith, Suzanne

Almy, Susan
Gordon, Edward
Muirhead, Russell
Sykes, George

Dontonville, Roger
Hakken-Phillips, Mary
Murphy, James
Weston, Joyce

HILLSBOROUGH

Bouldin, Amanda
Bergeron, Paul

Bouldin, Andrew
Booras, Efstathia

Baroody, Benjamin
Bouchard, Donald

Beaulieu, Jane
Chretien, Jacqueline

Cohen, Bruce
Dutzy, Sherry
Griffith, Willis
Heath, Mary
Jeudy, Jean
Langley, Diane
King, Mark
McGhee, Kat
Nutter-Upham, Frances
Perez, Maria
Porter, Marjorie
Newman, Sue
Smith, Timothy
Van Houten, Constance

Connors, Erika
Espitia, Manny
Hamer, Heidi
Herbert, Christopher
Klee, Patricia
Laughton, Stacie-Marie
Murray, Megan
Mooney, Maureen
Nutting-Wong, Allison
Petrigno, Peter
Query, Joshua
Shaw, Barbara
Telerski, Laura
Vann, Ivy

Cornell, Patricia
Freitas, Mary
Harriott-Gathright, Linda
Schmidt, Janice
Klein-Knight, Nicole
Leishman, Peter
Mangipudi, Latha
Moran, Melbourne
O'Brien, Michael
Pickering, Daniel
Newman, Ray
Snow, Kendall
Toomey, Dan
Veilleux, Daniel

DiSilvestro, Linda
Goley, Jeffrey
Healey, Robert
Jack, Martin
Labranche, Tony
Long, Patrick
Mayville, Mary
Mullen, Sue
Pedersen, Michael
Piedra, Israel
Rung, Rosemarie
Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

MERRIMACK

Allard, James
Ellison, Arthur
Luneau, David
Pimentel, Roderick
Schultz, Kristina
Walz, Mary Beth

Bartlett, Christy
Gallager, Eric
MacKay, James
Rogers, Katherine
Shurtleff, Steve
Wazir, Safiya

Caplan, Tony
Klose, John
Mason, James
Schamberg, Thomas
Soucy, Timothy
Wolf, Dan

Ebel, Karen
Lane, Connie
McWilliams, Rebecca
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

ROCKINGHAM

Altschiller, Debra
Cushing, Robert Renny
Grossman, Gaby
Khan, Aboul
McBeath, Rebecca
Pantelakos, Laura
Ward, Gerald

Bunker, Lisa
DiLorenzo, Charlotte
Grote, Jaci
Loughman, Tom
Meuse, David
Read, Ellen

Cahill, Michael
Edgar, Michael
Hamblet, Joan
Maggiore, Jim
Milz, David
Simpson, Alexis

Cali-Pitts, Jacqueline
Gilman, Julie
Murray, Kate
Malloy, Dennis
Paige, Mark
Somssich, Peter

STRAFFORD

Bixby, Peter
Ellis, Donna
Gourgue, Amanda
Levesque, Cassandra
Rich, Cecilia
Treleaven, Susan

Cannon, Gerri
Fargo, Kristina
Grassie, Chuck
Smith, Marjorie
Salloway, Jeffrey
Vincent, Kenneth

Chase, Wendy
Fontneau, Timothy
Horrigan, Timothy
Oxaal, Ariel
Southworth, Thomas
Wall, Janet

Conley, Casey
Frost, Sherry
Kenney, Cam
Schmidt, Peter
Spang, Judith

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Stapleton, Walter

Merchant, Gary
Sullivan, Brian

O'Hearne, Andrew
Tanner, Linda

and the majority committee report failed.

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

MOTION TO LAY ON THE TABLE

Rep. Doucette moved that **HB 439**, relative to the powers of city councils, be laid on the table.

On a division vote, with 189 members having voted in the affirmative, and 186 in the negative, the motion was adopted.

MOTION TO PRINT DEBATE

Rep. Oxenham moved that the debate on **HB 439**, relative to the powers of city councils, be printed in the Permanent Journal.

Without objection, the Speaker ordered.

Objection was made.

On a division vote, with 269 members having voted in the affirmative, and 93 in the negative, the motion to print debate was adopted.

DEBATE ON HB 439

Representative Treleaven: Thank you, Mister Speaker. First of all can I tell you how much I love parliamentary procedure? It makes our enemies into our friends and it makes our friends even better friends. The other thing I want to say is that I rise before you today to oppose 439, limiting areas which city councils can govern, control and oversee themselves. I know how many cities there are in the State of New Hampshire. I know how many towns there are in the State of New Hampshire. I know how many unincorporated areas there are in the State of New Hampshire. Do you? Good. Cities are unique and special and this bill seeks to cut the growing. Excuse me, I can't talk now. I get so excited about parliamentary

procedure. Seeks to cut the governing body at the knees, giving them little or no leeway in making decisions on their own property, rules and regulations. Who knows a city or town better than its residents? A catch-all provision granting cities authority to, "Make any other bylaws, regulations which may seem to be for the wellbeing of the city, but no bylaw or ordinance shall be repugnant to the constitution or the laws of the State of New Hampshire." This bill would make cities only recourse to change, the legislature. So this is the first step towards removing authority from all municipalities. In past legislatures that I have been in, I know people voted what was best for New Hampshire, not for their party. Please join me in voting no on this Ought to Pass and keep our New Hampshire cities strong. Thank you very much Mister Speaker.

Speaker Packard: The Chair recognizes Rep. Blasek to speak for the committee.

Representative Blasek: Thank you, Mister Speaker. HB 439 is a very simple bill that removes a single line from RSA 47-17, the statute by which towns and cities derive their authority. New Hampshire is not a home rule state which means per our constitution, localities derive their authority from the legislature. The line that is removed is the catchall phrase, "They may make any other bylaw or regulations which may seem for the wellbeing of the city." Wellbeing is a wildly unspecific term and cannot be considered a specific authority granted by the legislature. By removing this phrase it simply requires towns and cities to rely on enabling legislation as the constitution requires. The argument against this bill was that towns and cities would not be able to adequately protect their citizens if they didn't have this catchall authority and I believe an example used was if a swimming hole became contaminated, they would need an ordinance to ban its use. I mean the town can and should put out a sign warning of the contamination but they don't need an ordinance. Humans have a very good natural instinct to protect themselves against injury and death and would likely not swim there if it was contaminated and if they did, that's their problem. This argument gets to the fundamental confusion of politicians today so let me clarify something. It is not the responsibility of government to protect people's health and safety. It is the responsibility of government to protect their rights. It is the job of government to inform and educate people about community risks so that people can make informed decisions, but ultimately it is the individual's responsibility to protect their own health and safety. Listen, this bill simply makes the law more constitutional. If certain members of this body disagree with the constitution, they can attempt a constitutional amendment but there have been three attempts at a constitutional amendment on this subject in modern history and all have failed. It seems the people do not want home rule status. I urge you to support the Ought to Pass motion.

Speaker Packard: Will the member yield to a question? Member does not yield. Will a member of the Municipal and County Committee yield to a question? Rep. Porter yields.

Representative Horrigan: Thank you. Thank you, Mister Chair. Thank you to the gentlelady from Hillsborough. The first speaker, the gentlelady from Dover, explained pretty clearly that this only covers the cities, not the towns, not the unincorporated areas where the county stands in lieu of municipal government. The member who just spoke, I believe she's from Merrimack, the Town of Merrimack. So does this ordinance only restrict the powers of the cities or does it apply to all municipalities?

Representative Porter: According to the bill as written, it's written specifically for cities and does not say towns.

Representative Horrigan: Thank you very much for the very clear answer. Thank you.

Speaker Packard: Why does the member rise?

Representative Oxenham: I would like to request that the debate be printed in the Journal.

Speaker Packard: We haven't voted yet. Does the member yield? She yields.

Representative Somssich: I just wanted to ask you as someone who's been involved in this issue whether you feel that the terminology, "The wellbeing of the city," is too vague?

Representative Porter: It is not specific because it needs to cover many different things that might occur. Without that phrase and I don't have the official language in front of me, but without that phrase in the law, cities would only be able to regulate things like hoop rolling and carts and things like that are specifically mentioned in the RSA. There are a very limited number of things and then it says, "Or any other thing for the wellbeing." So without that phrase, cities and towns, excuse me, cities would not be able to make any bylaws without getting the authority from the House of Representatives prior to enacting them.

Speaker Packard: The question before the House. You need to ask the Chair if she would be willing to ask. The question before the House is the majority report of Ought to Pass on HB 439. Are you ready for the question? Division has been called. What is your point of order? That is not a point of order. This is a division vote. Members will take their seats. Did someone request a roll call? Is that sufficiently seconded? Who requested it? Is it properly seconded? It is properly seconded. The question is on the majority report of Ought to Pass on HB 439. This is a roll call vote. The Chair recognizes Rep. Maggiore for a parliamentary inquiry.

Representative Maggiore: Thank you, Mister Speaker. Mister Speaker if I know that this bill would deny city councilors of their responsibility to make bylaws and regulations for their own communities as granted to them by the virtue of their election, conveyed by statute and transfer that responsibility to the full house, the full senate and the governor. And, if I know that the New Hampshire Supreme Court has said that mu-

nicipalities have the authority to promote, “Such varied interest as public health, safety, morals, comfort and the protection of prosperity and the general welfare.” And if I know that Article 1 of the New Hampshire State Constitution says, “All government of the right originates from the people is founded in consent and is instituted for the general good,” then would I press the red number two button and vote against the Ought to Pass motion so that another motion can be made? Thank you.

Speaker Packard: The Chair recognizes Rep. Torosian for a parliamentary inquiry.

Representative Torosian: Thank you, Mister Speaker. Mister Speaker, if I know HB 439, which is relative to the powers of city councils, and by the way it also includes towns if you read the statute, is common sense legislation that puts checks and balances on a very loosely worded sentence in New Hampshire RSA 47:17 XV and strikes this line from the statute. If I know that the bulk of RSA 47:17 has very detailed language with everything in it from street and sidewalk grading with layout, regulating public squares, public lights and lamps, military marching bands, public property, cemeteries, public burial, licenses regulating grocers, peddlers and pawn brokers and the list goes on. But if I also know that one sentence at the end of the statute, “They may make any other bylaws and regulations which may seem for the wellbeing of the city” is way too vague and is inconsistent with the rest of the statute which is very specific. And if I believe that this clause makes it too easy for governing bodies to overstep its authority and make rules and regulations that may violate its citizens constitutional rights and for that matter pretty much make it for any reason whatsoever because the language is so vague, would I then ask you to please join me and press the green button and vote yes to support the committees common sense recommendation of Ought to Pass? Thank you, Mister Speaker.

Speaker Packard: The question is on the majority committee report of Ought to Pass on HB 439. This is a roll call vote. If you are in favor, you’ll press the green button. If you are opposed, you’ll press the red button. Voting stations are open for 30 seconds. Have all members present had an opportunity to vote? The House will attend to the state of the vote. 185 Yeas, 192 Nays, the Ought to Pass motion fails. The Chair recognizes Rep. Porter.

Representative Porter: Thank you, Mister Speaker. I move ITL on this bill.

Speaker Packard: Rep. Porter moves ITL. Why does the member rise?

Representative Doucette: I move to lay 439 on the table.

Speaker Packard: That is a higher priority. Rep. Doucette moves to table HB 439. A division has been requested. All members will take their seats. This is a division vote. The motion before us is lay on the table HB 439. This is a division vote. We have already had two parliamentary inquiries. I’m not going to do it again. So to lay on the table is HB 439. If you are in favor, you’ll press the green button. If you are opposed, you’ll press the red button. Why does the member rise?

Representative Cushing: This is a subsequent motion to lay on the table. There has not been a parliamentary inquiry before the vote.

Speaker Packard: In the past, Representative, we have had when we have gotten into this situation, we have not taken a 2nd parliamentary inquiry.

Representative Cushing: Respectfully Mister Speaker, it’s a subsequent motion. It’s appropriate to have a parliamentary inquiry.

Speaker Packard: I will give you the courtesy of doing a parliamentary inquiry, but in the future, I would at some point make that decision to not accept parliamentary inquiry on a 2nd motion on the same bill. She can make her parliamentary inquiry.

Representative Cushing: I appreciate that need to be concise and efficient today, but I’m just saying that there is a tradition that in intervening motions, parliamentary inquiries are allowed.

Speaker Packard: The point is well taken, Representative. Rep. Porter or...

Representative Maggione: Thank you, Mister Speaker. Mister Speaker, if I know that we have spent a considerable amount of time over these last three days speaking about the value of the intent and the integrity of the vote and the vote on this last bill shows clear intent for the desire of this body, then would I vote against the motion to lay on the table so that we can take action on the ITL?

Speaker Packard: The Chair recognizes Rep. Doucette for a parliamentary inquiry.

Representative Doucette: Mister Speaker, if I know HB 439 should be laid on the table, should I press green?

Speaker Packard: The motion before us is on HB 439, is to lay it on the table. This is a division vote. If you are in favor, you’ll press the green button. If you are opposed, you’ll press the red button. Voting stations will be open for 30 seconds. Have all members present had an opportunity to vote? The House will attend to the state of the vote. 189 voting Yea, 186 voting Nay, HB 439 is laid on the table.

The House recessed at 12:45 p.m.

RECESS

The House reconvened at 1:15 p.m.

(Speaker Packard in the Chair)**REGULAR CALENDAR PART II CONT'D**

HB 484, relative to budget committee recommendations on warrant articles. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Everett McBride for the Majority of Municipal and County Government. This bill clarifies that a budget committee or an advisory budget committee shall only provide a printed recommendation on the town, school district or village district warrant next to a warrant article, submitted by the governing body or by petition, that includes an appropriation or an expenditure. The duties and authorities of a budget committee pursuant to RSA 32:16 are to prepare the budget, conduct public budget hearings, and forward copies of final budget and recommendations on special warrant articles. Special warrant articles are defined as any article in the warrant which proposes an appropriation (RSA 32:3). Expenditures are included in this bill since expenditures are monetary figures coming directly from a past appropriation. This bill provides needed clarification in RSA 32 that the inclusion of recommendations by a budget committee on non-monetary articles is not authorized, delineating the separation of authorities between a governing body and a budget committee. Thus, this bill properly ensures recommendations on matters of governance and policy rest solely with a governing body in accordance with NH statute. Vote 10-9.

Rep. Jim Maggiore for the Minority of Municipal and County Government. The purpose of a municipal budget committee is to assist voters in the prudent appropriations of public funds. This responsibility includes a requirement that any warrant article with an appropriation include a notation whether or not the warrant article is recommended by the municipal budget committee (RSA 32:5, V (a)). RSA 32 does not prohibit a municipal budget committee from making recommendations on non-monetary warrant articles on the official warrant. HB 484 would prohibit the municipal budget committee from providing their recommendations on non-budgetary warrant articles even if those articles could have a budgetary impact in future years. The minority of the committee believe that prohibiting a simple vote tally on a warrant article will deprive residents of the insight they expect from their elected representative. The minority on the committee oppose the Ought to Pass motion and hope municipal budget committees will retain the ability to convey important information about current and future appropriations in a simple and clear manner.

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

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 199 - NAYS 173**YEAS - 199****BELKNAP**

Aldrich, Glen	Bean, Harry	Bordes, Mike	Comtois, Barbara
Harvey-Bolia, Juliet	Hough, Gregg	Howard, Raymond	Johnson, Dawn
Lang, Timothy	Littlefield, Richard	Mackie, Jonathan	O'Hara, Travis
Ploszaj, Tom	Silber, Norman	Sylvia, Michael	Terry, Paul
Trotter, Douglas	Varney, Peter		

CARROLL

Avellani, Lino	Crawford, Karel	MacDonald, John	Smith, Jonathan
Marsh, William	McConkey, Mark	Nelson, Bill	Umberger, Karen

CHESHIRE

Eaton, Daniel	Hunt, John	Kilanski, Ben	Qualey, James
Rhodes, Jennifer	Santonastaso, Matthew		

COOS

Craig, Kevin	Davis, Arnold	Dostie, Donald	Merner, Troy
Theberge, Robert	Thompson, Dennis	Tucker, Edith	

GRAFTON

Alliegro, Mark	Berezhny, Lex	Binford, David	Depalma IV, Joseph
Folsom, Beth	Sanborn, Gail	Gordon, Edward	Greeson, Jeffrey
Ladd, Rick	Simon, Matthew		

HILLSBOROUGH

Lekas, Alicia	Ammon, Keith	Griffin, Barbara	King, Bill
Bergeron, Paul	Blasek, Melissa	Boehm, Ralph	Burt, John
Creighton, Jim	Cushman, Leah	Kelley, Diane	Smith, Denise
Erf, Keith	Fedolfi, Jim	Foster, William	Griffin, Gerald
Gagne, Larry	Gorski, Ted	Gould, Linda	Graham, John
Greene, Bob	Gunski, Michael	Healey, Robert	Homola, Susan
Hopper, Gary	Infantine, William	Kelsey, Niki	Kofalt, Jim

Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Prout, Andrew
Sheehan, Vanessa
Warden, Mark

Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Renzullo, Andrew
Somero, Paul

Lascelles, Richard
McLean, Mark
Pauer, Diane
Rice, Kimberly
Lekas, Tony

Lewicke, John
Mooney, Maureen
Post, Lisa
Rouillard, Claire
Ulyer, Jordan

MERRIMACK

Allard, James
Hill, Gregory
McGuire, Carol
Boyd, Stephen
Wells, Natalie

Andrus, Louise
Kennedy, Margaret
Moffett, Michael
Seaworth, Brian
White, Nick

Cambrils, Jose
Klose, John
Pearl, Howard
Testerman, Dave
Yakubovich, Michael

Cross, Kenna
Mason, James
Pitaro, Matthew
Walsh, Thomas

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Bershtein, Alan
Dolan, Tom
Emerick, Tracy
Guthrie, Joseph
Janigian, John
Layon, Erica
Lynn, Bob
Milz, David
Pratt, Kevin
Pearson, Stephen
Sytek, John
True, Chris
Vose, Michael
Weyler, Kenneth

Abrami, Patrick
Baxter, Tim
Copp, Anne
Doucette, Fred
Ford, Oliver
Harb, Robert
Katsakiores, Phyllis
Litchfield, Melissa
Pearson, Mark
Osborne, Jason
Prudhomme-O'Brien, Katherine
Soti, Julius
Thomas, Douglas
Tudor, Paul
MacDonald, Wayne
Yokela, Josh

Abramson, Max
Belanger, Cody
DeSimone, Debra
Edwards, Jess
Gay, Betty
Harley, Tina
Khan, Aboul
Love, David
McMahon, Charles
Piemonte, Tony
Read, Ellen
Spillane, James
Torosian, Peter
Vandecasteele, Susan
Wallace, Scott

Acton, Dennis
Bernardy, JD
Dodge, Dustin
Elliott, Robert
Green, Dennis
Hobson, Deborah
Kimball, Mary Ann
Lundgren, David
Melvin, Charles
Potucek, John
Roy, Terry
Sweeney, Joe
Tripp, Richard
Verville, Kevin
Welch, David

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Kittredge, Mac
Wuelper, Kurt

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip
Sullivan, Brian

Spilsbury, Walter

NAYS - 173

CARROLL

Buco, Thomas
Knirk, Jerry

Burroughs, Anita
McAleer, Chris

Cordelli, Glenn
Woodcock, Stephen

Deshaies, Brodie

CHESHIRE

Abbott, Michael
Faulkner, Barry
Harvey, Cathryn
Schapiro, Joe
Welkowitz, Lawrence

Ames, Richard
Fenton, Donovan
Ley, Douglas
Toll, Amanda

Berch, Paul
Fox, Dru
Mann, John
Von Plinsky, Sparky

Bordenet, John
Gomarlo, Jennie
Parshall, Lucius
Weber, Lucy

COOS

Kelley, Eamon

Hatch, William

Lafamme, Larry

GRAFTON

Abel, Richard
Egan, Timothy
Massimilla, Linda
Smith, Suzanne

Adjutant, Joshua
Fellows, Sallie
Muirhead, Russell
Sykes, George

Almy, Susan
Hakken-Phillips, Mary
Murphy, James
Weston, Joyce

Dontonville, Roger
Ham, Bonnie
Stavis, Laurel

HILLSBOROUGH

Alexander, Joe
Beaulieu, Jane
Chretien, Jacqueline
DiSilvestro, Linda
Goley, Jeffrey
Heath, Mary
Jeudy, Jean
Langley, Diane
King, Mark

Bouldin, Amanda
Booras, Efsthia
Cohen, Bruce
Dutzy, Sherry
Griffith, Willis
Herbert, Christopher
Klee, Patricia
Loughton, Stacie-Marie
Murray, Megan

Bouldin, Andrew
Bouchard, Donald
Connors, Erika
Espitia, Manny
Hamer, Heidi
Schmidt, Janice
Klein-Knight, Nicole
Leishman, Peter
Mangipudi, Latha

Baroody, Benjamin
Bradley, Amy
Cornell, Patricia
Freitas, Mary
Harriott-Gathright, Linda
Jack, Martin
Labranche, Tony
Long, Patrick
McGhee, Kat

Moran, Melbourne
O'Brien, Michael
Pickering, Daniel
Newman, Ray
Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

Mullen, Sue
Pedersen, Michael
Piedra, Israel
Rung, Rosemarie
Smith, Timothy
Van Houten, Constance

Nutter-Upham, Frances
Perez, Maria
Porter, Marjorie
Newman, Sue
Telerski, Laura
Vann, Ivy

Nutting-Wong, Allison
Petrigno, Peter
Query, Joshua
Snow, Kendall
Toomey, Dan
Veilleux, Daniel

MERRIMACK

Bartlett, Christy
Gallager, Eric
McWilliams, Rebecca
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

Caplan, Tony
Lane, Connie
Pimentel, Roderick
Schultz, Kristina
Walz, Mary Beth

Ebel, Karen
Luneau, David
Rogers, Katherine
Shurtleff, Steve
Wazir, Safiya

Ellison, Arthur
MacKay, James
Schamberg, Thomas
Soucy, Timothy
Wolf, Dan

ROCKINGHAM

Altschiller, Debra
Cushing, Robert Renny
Grossman, Gaby
Loughman, Tom
Meuse, David
Somssich, Peter

Bunker, Lisa
DiLorenzo, Charlotte
Grote, Jaci
Maggiore, Jim
Paige, Mark
Ward, Gerald

Cahill, Michael
Edgar, Michael
Hamblet, Joan
Malloy, Dennis
Pantelakos, Laura

Cali-Pitts, Jacqueline
Gilman, Julie
Murray, Kate
McBeath, Rebecca
Simpson, Alexis

STRAFFORD

Bixby, Peter
Ellis, Donna
Gourgue, Amanda
Levesque, Cassandra
Rich, Cecilia
Vincent, Kenneth

Cannon, Gerri
Fargo, Kristina
Grassie, Chuck
Smith, Marjorie
Salloway, Jeffrey
Wall, Janet

Chase, Wendy
Fontneau, Timothy
Horrigan, Timothy
Oxaal, Ariel
Southworth, Thomas

Conley, Casey
Frost, Sherry
Kenney, Cam
Schmidt, Peter
Spang, Judith

SULLIVAN

Cloutier, John
Tanner, Linda

Gottling, Suzanne

Merchant, Gary

Oxenham, Lee

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

HB 560, relative to the election of Rockingham county officials. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard Tripp for the Majority of Municipal and County Government. This bill changes the term length in Rockingham County from two years to four years for the offices of sheriff, county attorney, county treasurer, register of deeds, and register of probate. There are arguments that this will make Rockingham County the sole county whose office term lengths differ from other counties in the state and may cause confusion as to the correct term lengths and thus should not be permitted. Should this be the case then the different term length for county commissioners in Carroll, Cheshire, Sullivan, Belknap, Rockingham, Merrimack and Coos counties with 4-2-2 terms for the three commissioners which differ from the remaining counties should not have been permitted either. There are arguments that the two year term is a New Hampshire tradition which permits removal of an undesirable office holder via frequent elections. The majority argues that while the two year term does permit eventual removal of marginal office holders, there are other means which can be used to more effectively achieve this. Further the portions of the two year term required to either become proficient in the position or campaign to retain the position reduces the efficiency and productivity of the office holder. The benefit of this change is the overall improvement of the efficiency and productivity of the office holder through the reduction of the time spent campaigning to retain the office held. This bill follows the example of differing county commissioner term lengths utilized in many counties to preserve the corporate knowledge used to administer the county. Vote 11-8.

Rep. Marjorie Porter for the Minority of Municipal and County Government. Although several counties elect one commissioner for a four-year term on a rotating basis, the minority knows of no other county or state-wide officials elected for more than two years, and for good reason. New Hampshire has no provision for recall of a bad official. Under the current two-year system, if an elected official goes rogue, performs poorly, or in other ways proves to be unworthy of the public trust, the voters can vote them out within a relatively short period. If four-year terms are allowed, a bad official can do a lot of damage before the voters have a say again.

Majority Amendment (0187h)

Amend the bill by replacing section 1 with the following:

1 Rockingham County Officials; Election for 4-year Term. Amend RSA 653:1, V to read as follows:

V. One sheriff, one county attorney, one county treasurer, one register of deeds, and one register of probate by the voters in each county, *except for Rockingham county. Beginning with the election in November 2022, Rockingham county shall elect one sheriff, one county attorney, one county treasurer, one register of deeds, and one register of probate for 4-year terms;*

MOTION TO LAY ON THE TABLE

Rep. Porter moved that **HB 560**, relative to the election of Rockingham county officials, be laid on the table.
Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 206 - NAYS 167**YEAS - 206****BELKNAP**

Comtois, Barbara
Sylvia, Michael

Howard, Raymond
Varney, Peter

Ploszaj, Tom

Silber, Norman

CARROLL

Buco, Thomas
Umberger, Karen

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

McAleer, Chris

CHESHIRE

Abbott, Michael
Eaton, Daniel
Gomarlo, Jennie
Parshall, Lucius
Weber, Lucy

Ames, Richard
Faulkner, Barry
Harvey, Cathryn
Schapiro, Joe
Welkowitz, Lawrence

Berch, Paul
Fenton, Donovan
Ley, Douglas
Toll, Amanda

Bordenet, John
Fox, Dru
Mann, John
Von Plinsky, Sparky

COOS

Kelley, Eamon
Thompson, Dennis

Hatch, William
Tucker, Edith

Lafamme, Larry

Theberge, Robert

GRAFTON

Abel, Richard
Egan, Timothy
Muirhead, Russell
Sykes, George

Adjutant, Joshua
Fellows, Sallie
Murphy, James
Weston, Joyce

Almy, Susan
Hakken-Phillips, Mary
Stavis, Laurel

Dontonville, Roger
Massimilla, Linda
Smith, Suzanne

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Boehm, Ralph
Chretien, Jacqueline
DiSilvestro, Linda
Freitas, Mary
Griffith, Willis
Herbert, Christopher
Klee, Patricia
Laughton, Stacie-Marie
Murray, Megan
Moran, Melbourne
O'Brien, Michael
Pickering, Daniel
Newman, Ray
Snow, Kendall
Telerski, Laura
Van Houten, Constance

Alexander, Joe
Baroody, Benjamin
Booras, Efstathia
Cohen, Bruce
Dutzy, Sherry
Goley, Jeffrey
Hamer, Heidi
Schmidt, Janice
Klein-Knight, Nicole
Leishman, Peter
Mangipudi, Latha
Mullen, Sue
Pedersen, Michael
Piedra, Israel
Rung, Rosemarie
Stevens, Deb
Toomey, Dan
Vann, Ivy

Bouldin, Amanda
Beaulieu, Jane
Bouchard, Donald
Connors, Erika
Erf, Keith
Gould, Linda
Harriott-Gathright, Linda
Jack, Martin
Labranche, Tony
Long, Patrick
Marston, Dick
Nutter-Upham, Frances
Perez, Maria
Porter, Marjorie
Newman, Sue
Lekas, Tony
Ulery, Jordan
Veilleux, Daniel

Bouldin, Andrew
Bergeron, Paul
Bradley, Amy
Cornell, Patricia
Espitia, Manny
Graham, John
Heath, Mary
Jeudy, Jean
Langley, Diane
King, Mark
McGhee, Kat
Nutting-Wong, Allison
Petrigno, Peter
Query, Joshua
Shaw, Barbara
Smith, Timothy
Vail, Suzanne
Wilhelm, Matthew

MERRIMACK

Allard, James
Ellison, Arthur
MacKay, James
Pimentel, Roderick
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

Bartlett, Christy
Gallager, Eric
Mason, James
Pitaro, Matthew
Schultz, Kristina
Walz, Mary Beth

Caplan, Tony
Lane, Connie
McGuire, Carol
Rogers, Katherine
Shurtleff, Steve
Wazir, Safiya

Ebel, Karen
Luneau, David
McWilliams, Rebecca
Schamberg, Thomas
Soucy, Timothy
Wolf, Dan

ROCKINGHAM

Altschiller, Debra
Cali-Pitts, Jacqueline
Gilman, Julie
Murray, Kate
Malloy, Dennis
Paige, Mark
Somssich, Peter
Welch, David

Bernardy, JD
Cushing, Robert Renny
Grossman, Gaby
Litchfield, Melissa
McBeath, Rebecca
Pantelakos, Laura
Toriosian, Peter
Yokela, Josh

Bunker, Lisa
DiLorenzo, Charlotte
Grote, Jaci
Loughman, Tom
McMahon, Charles
Read, Ellen
True, Chris

Cahill, Michael
Edgar, Michael
Hamblet, Joan
Maggiore, Jim
Meuse, David
Simpson, Alexis
Ward, Gerald

STRAFFORD

Bixby, Peter
Ellis, Donna
Gourgue, Amanda
Levesque, Cassandra
Rich, Cecilia
Vincent, Kenneth

Cannon, Gerri
Fargo, Kristina
Grassie, Chuck
Smith, Marjorie
Salloway, Jeffrey
Wall, Janet

Chase, Wendy
Fontneau, Timothy
Horrigan, Timothy
Oxaal, Ariel
Southworth, Thomas

Conley, Casey
Frost, Sherry
Kenney, Cam
Schmidt, Peter
Spang, Judith

Cloutier, John
Smith, Steven

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary
Tanner, Linda

Oxenham, Lee

SULLIVAN**NAYS - 167****BELKNAP**

Aldrich, Glen
Hough, Gregg
Mackie, Jonathan

Bean, Harry
Johnson, Dawn
O'Hara, Travis

Bordes, Mike
Lang, Timothy
Terry, Paul

Harvey-Bolia, Juliet
Littlefield, Richard
Trottier, Douglas

CARROLL

Avellani, Lino
MacDonald, John
Nelson, Bill

Cordelli, Glenn
Smith, Jonathan

Crawford, Karel
Marsh, William

Deshaies, Brodie
McConkey, Mark

CHESHIRE

Hunt, John
Santonastaso, Matthew

Kilanski, Ben

Qualey, James

Rhodes, Jennifer

COOS

Craig, Kevin

Davis, Arnold

Dostie, Donald

Merner, Troy

GRAFTON

Alliegro, Mark
Folsom, Beth
Ham, Bonnie

Berezhny, Lex
Sanborn, Gail
Ladd, Rick

Binford, David
Gordon, Edward
Simon, Matthew

Depalma IV, Joseph
Greeson, Jeffrey

HILLSBOROUGH

Ammon, Keith
Creighton, Jim
Fedolfi, Jim
Gorski, Ted
Homola, Susan
Sanborn, Laurie
Mayville, Mary
Nunez, Hershel
Renzullo, Andrew
Somero, Paul

King, Bill
Cushman, Leah
Foster, William
Greene, Bob
Hopper, Gary
Lanzara, Tom
McLean, Mark
Pauer, Diane
Rice, Kimberly
Tausch, Lindsay

Blasek, Melissa
Kelley, Diane
Griffin, Gerald
Gunski, Michael
Kelsey, Niki
Lascelles, Richard
Mooney, Maureen
Post, Lisa
Rouillard, Claire
Warden, Mark

Burt, John
Smith, Denise
Gagne, Larry
Healey, Robert
Kofalt, Jim
Lewicke, John
Notter, Jeanine
Prout, Andrew
Sheehan, Vanessa

MERRIMACK

Andrus, Louise
Kennedy, Margaret
Boyd, Stephen
Wells, Natalie

Cambriels, Jose
Klose, John
Seaworth, Brian
White, Nick

Cross, Kenna
Moffett, Michael
Testerman, Dave
Yakubovich, Michael

Hill, Gregory
Pearl, Howard
Walsh, Thomas

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Copp, Anne
Doucette, Fred
Ford, Oliver
Harb, Robert
Katsakiores, Phyllis
Love, David
Melvin, Charles
Potucek, John
Pearson, Stephen
Sytek, John
Vandecasteele, Susan
Wallace, Scott

Abrami, Patrick
Baxter, Tim
DeSimone, Debra
Edwards, Jess
Gay, Betty
Harley, Tina
Khan, Aboul
Lundgren, David
Milz, David
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Verville, Kevin
Weyler, Kenneth

Abramson, Max
Belanger, Cody
Dodge, Dustin
Elliott, Robert
Green, Dennis
Hobson, Deborah
Kimball, Mary Ann
Lynn, Bob
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Tripp, Richard
Vose, Michael

Acton, Dennis
Bershtein, Alan
Dolan, Tom
Emerick, Tracy
Guthrie, Joseph
Janigian, John
Layon, Erica
Pearson, Mark
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tudor, Paul
MacDonald, Wayne

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Kittredge, Mac
Wuelper, Kurt

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John

Rollins, Skip

Spillsbury, Walter

and the motion was adopted.

REGULAR CALENDAR PART II CONT'D

HB 315, relative to the aggregation of electric customers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael Vose for Science, Technology and Energy. NH needs a dependable electricity delivery system. It also needs the freedom to innovate in order to modernize its grid. This bill provides both the consumer protections that guarantee a stable and reliable grid while keeping open the pathways to new and more forward-thinking power delivery systems. This bill modifies an existing law that permits the bundling of the electricity demand of many customers into a single bulk purchase. This capability, known as community aggregation, can lower costs by taking advantage of smaller unit charges as quantity goes up – like buying paper towels in bulk at a discount store. Changes made to the existing statute in 2019 added new provisions to augment community aggregation to permit grid modernizations, such as time of use and demand response capability, which transform community aggregation into a new service called community power. These 2019 changes unintentionally created roadblocks to rulemaking for this new capability because it did not protect non-aggregation consumers from potential added costs. This bill restores those protections. The bill, as filed, somewhat hampered community power innovations and the amendment restored the balance between essential consumer protections and a pathway to a modernized grid. Vote 18-0.

Amendment (0748H)

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

1 Aggregation of Electric Customers; Definition; Aggregation. Amend RSA 53-E:2, I to read as follows:

I. "Aggregation" means the grouping of retail electric customers to provide, broker, or contract for ~~[electric power supply and]~~ energy services for such customers.

2 New Paragraph; Definition; Energy Services. Amend RSA 53-E:2 by inserting after paragraph V the following new paragraph:

V-a. "Energy services" means the provision of electric power supply solely or in combination with any or all of the services specified in RSA 53-E:3.

3 Municipal and County Authority; Agreements. Amend RSA 53-E:3, II(a) to read as follows:

II.(a) Enter into agreements and provide for ***energy services, specifically:***

(1) The supply of electric power ***and capacity.***

(2) Demand side management.

(3) Conservation.

(4) Meter reading, ***with commission approval for meters owned or controlled by the electric distribution utilities or used for load settlement.***

(5) Customer service ***for aggregation provided services.***

(6) Other related services.

(7) The operation of energy efficiency and clean energy districts adopted by a municipality pursuant to RSA 53-F and as approved by the municipality's governing body.

4 Municipal Aggregators. Amend RSA 53-E:3-a to read as follows:

53-E:3-a Municipal Aggregators Authorized. Municipal aggregators of electricity load under this chapter, and municipalities operating municipal electric utilities under RSA 38, are expressly authorized to aggregate ~~[other]~~ ***energy services [commonly and regularly billed to customers] as described in RSA 53-E:3.*** Municipalities may operate approved aggregation programs as self-supporting enterprise funds including the use of revenue bonds pursuant to RSA 33-B and RSA 374-D and loans from other municipal enterprise funds as may be approved by the governing body and the legislative body of the municipality. Any such loans from other municipal enterprise funds shall be used for purposes that have a clear nexus to the primary purposes of such other funds, such as generation, storage, or sale of power generated from sites, facilities, or resources that might otherwise be operated or produced by the other enterprise fund. Nothing in this chapter shall be deemed to limit the capacity of customers to select any service or combination of services offered by such municipal aggregators or to limit the municipality from combining billing for ~~[any or all utility]~~ ***energy services with other municipal*** services.

5 Regulation of Aggregators. Amend RSA 53-E:4, I to read as follows:

I. An aggregator operating under this chapter shall not be considered a ***public*** utility ~~[engaging in the wholesale purchase and resale of electric power]~~ ***under RSA 362:2*** and shall not be considered a municipal utility under RSA 38. ~~[Providing electric power or energy services to aggregated customers within a municipality or county shall not be considered a wholesale utility transaction. However,]~~ A municipal or county aggregation may elect to participate in the ISO New England wholesale energy market as a load serving entity for the purpose of procuring or selling electrical energy or capacity on behalf of its participating retail electric customers, including itself.

6 Regulation of Aggregators. Amend RSA 53-E:4, IV to read as follows:

IV. For the purpose of obtaining interval meter data for load settlement, the provision of energy services, and near real-time customer access to such data, a municipal and county aggregator may contribute to the cost of electric utility provided meter upgrades, jointly own revenue grade meters with an electric utility, or provide its own revenue grade electric meter, which would be in addition to a utility provided meter^[5]. **Such metering shall only be implemented** subject to the commission finding **it is** in the public good, **assuring that meters used for distribution tariff implementation remain under the control and majority ownership of the electric distribution utility**, and ~~[approval of]~~ **otherwise approving** the terms and conditions for such arrangements, including sharing or transfer of meter data from and to the electric distribution utility.

7 Financial Responsibility. Amend RSA 53-E:5 to read as follows:

53-E:5 Financial Responsibility. Retail electric customers who choose not to participate in an aggregation program adopted under RSA 53-E:7 shall not be responsible for, and no entity shall require them to pay, any costs associated with such program, through taxes or otherwise except for electric power supply or energy services consumed directly by the municipality or county, or incidental costs, which may include costs necessary to comply with the provisions of this chapter up to the time that the aggregation starts to produce revenue from participating customers, **but shall not include any capitalized or operating costs of an aggregation program.**

8 Electric Aggregation Plan. Amend RSA 53-E:6, I to read as follows:

I. The governing body of a municipality or county may form an electric aggregation committee to develop a plan for an aggregation program for its citizens. A municipality or county may join other municipalities or counties in developing such plans. **A county plan may provide an aggregation program for all or a subset of municipalities within the county that request to participate by a majority vote of their respective governing bodies.**

9 Aggregation Program. RSA 53-E:7 is repealed and reenacted to read as follows:

53-E:7 Aggregation Program.

I. The governing body of a municipality or county may submit to its legislative body for adoption a final plan for an aggregation program or any revision to include an opt-out aggregation program, to be approved by a majority of those present and voting.

II. Every electric aggregation plan and any revision of a plan to include an opt-out default service program shall be submitted to the commission, either before or after being submitted by the governing body to the legislative body for approval, to determine whether the plan conforms to the requirements of this chapter and applicable rules of the commission. The commission shall approve any plan submitted to it unless it finds that it does not meet the requirements of this chapter and other applicable rules and shall detail in writing addressed to the governing bodies of the municipalities or counties concerned, the specific respects in which the proposed plan substantially fails to meet the requirements of this chapter and applicable rules. Failure to disapprove a plan submitted hereunder within 60 days of its submission shall constitute approval thereof. A municipality or county may submit a plan that is revised to comply with applicable requirements at any time and start the review process over. Any plan submitted to the commission under this paragraph shall also be submitted on the same date to the office of the consumer advocate under RSA 363:28 and any electric distribution utility providing service within the jurisdiction of the municipality or county. The consumer advocate, utilities, and members of the public may file comments about such plans within the first 21 days of their submission. Commission review and approval of electric aggregation plans shall not require a contested case but shall allow time for submission and consideration of any such comments.

III. If the plan is adopted or once adopted is revised to include an opt-out service, the municipality or county shall mail written notification to each retail electric customer within the municipality or county service area. To enable such mailed notification and notwithstanding RSA 363:38, after an aggregation plan is duly approved the electric distribution utility or utilities serving an adopting municipality or county shall provide to such municipality or county a current list of the names and mailing addresses of all electric customers taking distribution service within the municipality or county service area, and for such customers on utility provided default service, the account numbers and any other information necessary for successful enrollment in the aggregation. Notification shall include a description of the aggregation program, the implications to the municipality or county, and the rights and responsibilities that the participants will have under the program, and if provided on an opt-out basis, the fixed rate or charges that will apply. No retail electric customer shall be included in a program in which the customer does not know all of the rates or charges the customer may be subject to at least 30 days in advance and has the option, for a period of not less than 30 days from the date of the mailing, to opt out of being enrolled in such program, unless the customer affirmatively responds to the notification or requests in writing to be included in the program.

IV. Within 15 days after notification of the plan has been sent to retail electric customers in the service area, a public information meeting to answer questions on the program shall be held.

V. Services proposed to be offered by or through the aggregation shall be on an opt-in basis unless the adopted aggregation plan explicitly creates an opt-out alternative default energy service program where the rate or price is known at least 30 days in advance of its application and, for a period of not less than 30 days from the date notification is mailed, the customer has the opportunity to opt out of being enrolled in such program, by return postcard, website, or such additional means as may be provided. Customers who are on default service provided by an electric distribution utility shall be enrolled by the aggregator in an aggregation provided alternative default service if they do not elect to opt out. Customers opting out will instead remain on utility provided default service. Customers taking energy service from a competitive electricity supplier shall not be enrolled in any aggregation program, unless they voluntarily opt in.

VI. New customers to the electric distribution utility after the notification mailing required by paragraph III shall initially be enrolled in utility provided default service unless the customer has relocated within a single utility's service area and is continuing service with a competitive supplier or a municipal or county aggregation program. Upon request of an aggregator, but not more frequently than monthly and notwithstanding RSA 363:38, the utility shall make available to each operating municipal aggregation, or county aggregation where there is no municipal aggregation, the names, account numbers, mailing addresses, and any other information necessary for successful enrollment in the aggregation of customers that are new to or then currently on electric distribution utility provided default service after they have provided the customer list for the initial customer mailing required by paragraph III and that are located within the aggregation service area. The aggregation shall periodically mail a written notification to such new customers that have not previously opted out of the aggregator's service and shall enroll them in the aggregation consistent with the opt-in or opt-out requirements of this paragraph and paragraph III.

VII. Municipal aggregations shall take priority or precedence over any county aggregations and each such aggregation shall be responsible for assuring that customers are enrolled with the correct aggregation.

VIII. Customers enrolled in a municipal- or county-provided default service shall be free to elect to transfer to utility provided default service or to transfer to a competitive electricity supplier with adequate notice in advance of the next regular meter reading by the distribution utility, in the same manner as if they were on utility provided default service or as approved by the commission. No such customer shall be required to pay any exit fee or charge for such transfer. Customers requesting transfer of supply service upon dates other than on the next available regular meter reading date may be charged an off-cycle meter reading and billing charge. Upon request of the customer the aggregator shall transfer the customer back to utility provided default service.

IX. Once adopted, an aggregation plan and program may be amended and modified from time to time as provided by the governing body of the municipality or county. In all cases the establishment of an opt-out default service program shall be approved as provided in paragraphs I, II, and IV.

X. The commission shall adopt rules, under RSA 541-A, to implement this chapter and, to the extent authorities granted to municipalities and counties by this chapter materially affect the interests of electric distribution utilities and their customers, to reasonably balance such interests with those of municipalities and counties for the public good, which may also be done through adjudicative proceedings to the extent specified or not addressed in rules. Such rules shall include but not be limited to rules governing the relationship between municipal and county aggregators and distribution utilities, metering, billing, access to customer data for planning and operation of aggregations, notice of the commencement or termination of aggregation services and products, and the reestablishment of a municipal or county aggregation that has substantially ceased to provide services. Where the commission has adopted rules in conformity with this chapter, complaints to and proceedings before the commission shall not be subject to RSA 541-A:29 or RSA 541-A:29-a.

10 New Section; Billing Arrangements. Amend RSA 53-E by inserting after section 8 the following new section: 53-E:9 Billing Arrangements.

I. For purposes of this section the term "supplier" shall mean an aggregator functioning as a load serving entity under this chapter or a competitive electricity supplier serving an aggregation under this chapter. The term shall also include competitive electricity suppliers generally to the extent and for such customer rate classes as the commission finds, after notice and hearing, that it is for the public good. Such a determination shall be on a utility-specific basis, if proposed and assented to by the utility.

II. Each electric distribution utility shall propose to the commission for review and approval a program for the purchase of receivables of the supplier in which the utility shall pay in a timely manner the amounts due such suppliers from customers for electricity supply and related services less a discount percentage rate equal to the utility's actual uncollectible rate, adjusted to recover capitalized and operating costs specific to the implementation and operation of the purchase of receivables program, including working capital. Additionally, such discount rate adjustments shall include a pro rata share of the cost of administering collection efforts such that the utility's participation in the purchase of receivables program shall not require the utility or non-participating consumers to assume any costs arising from its use. Such pro rata costs must include, but

not be limited to, any increases in the utility's bad debt write-offs attributable to participants in the purchase of receivables program, as approved by the commission. However, the allocation of costs arising from different rate components and determination of the uncollectible rate shall be equitably allocated between such suppliers, utility provided default service, and other utility charges that are a part of consolidated billing by the utility as approved by the commission. The discount percentage rate shall be subject to periodic adjustment as approved by the commission.

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

Committee amendment adopted.

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

Rep. Oxenham spoke against.

Committee report adopted and the bill was ordered to third reading.

HB 351, relative to the system benefits charge. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Douglas Thomas for the Majority of Science, Technology and Energy. This bill returns the authority for increases in the systems benefit charge (SBC) to the legislature, either by passage of legislation or by approval of the fiscal committee of the General Court. The SBC is one of several state-mandated surcharges added to electricity bills to pay for energy efficiency programs. An example of what can happen without legislative approval is the current 3-year Energy Efficiency Plan under review by the Public Utilities Commission (PUC). The majority does not dispute the value of energy efficiency but feels approval to raise the yearly surcharge from \$62 million to nearly \$280 million over a three-year span is the duty of the legislative body, which has a fiduciary responsibility to taxpayers, particularly during the current pandemic crisis. The majority believes the legislative body is well-equipped to review and approve any such requests from state agencies where the merits can be discussed and recommended. Vote 11-9.

Rep. Kat McGhee for the Minority of Science, Technology and Energy. This bill creates bureaucracy by taking the authority granted by the legislature to the Public Utilities Commission (PUC) for rate-setting of the System Benefits Charge (SBC) and moving it back to the House for approval. The bill says "prior approval by either the passage of legislation...or authorization by the House Fiscal Committee" is required before making changes to the SBC. So this bill upsets the natural rate-setting schedule between the PUC and the utilities by adding a potential need to pass a bill before a new rate can be adopted. The PUC's thorough, evidence-based proceedings are designed to keep schedule delays to a minimum. The language of this bill serves to undermine the intent of the SBC, which is to fund energy efficiency programs, creating uncertainty for everyone. This bill also supplies language that could derail the pending 3-year Energy Efficiency Plan, set to fund the 2021-2023 NHSaves. The recently completed Triennium Energy Efficiency Plan (TEEP) was estimated through PUC evidence to generate \$619 million in net benefits to the NH economy. Over the lifetime of the measures put in place by the TEEP, residents would derive \$1.3 billion in energy cost savings and up to 4,673 FTE jobs would be created. The minority remains in favor of funding for energy efficiency and the pending 3-year energy efficiency plan and its resulting economic stimulus in a recovering COVID-19 economy.

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

Rep. McGhee spoke against.

Rep. Harrington spoke in favor.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 198 - NAYS 179

YEAS - 198

BELKNAP

Aldrich, Glen
Harvey-Bolia, Juliet
Lang, Timothy
Ploszaj, Tom
Trottier, Douglas

Bean, Harry
Hough, Gregg
Littlefield, Richard
Silber, Norman
Varney, Peter

Bordes, Mike
Howard, Raymond
Mackie, Jonathan
Sylvia, Michael

Comtois, Barbara
Johnson, Dawn
O'Hara, Travis
Terry, Paul

CARROLL

Avellani, Lino
MacDonald, John
Nelson, Bill

Cordelli, Glenn
Smith, Jonathan
Umberger, Karen

Crawford, Karel
Marsh, William

Deshaies, Brodie
McConkey, Mark

CHESHIRE

Hunt, John
Santonastaso, Matthew

Kilanski, Ben

Qualey, James

Rhodes, Jennifer

COOS

Craig, Kevin

Davis, Arnold

Merner, Troy

GRAFTON

Alliegro, Mark
Folsom, Beth
Ladd, Rick

Berezhny, Lex
Sanborn, Gail
Simon, Matthew

Binford, David
Greeson, Jeffrey

Depalma IV, Joseph
Ham, Bonnie

HILLSBOROUGH

Lekas, Alicia
King, Bill
Creighton, Jim
DiSilvestro, Linda
Griffin, Gerald
Graham, John
Homola, Susan
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Plett, Fred
Rice, Kimberly
Lekas, Tony

Alexander, Joe
Blasek, Melissa
Cushman, Leah
Erf, Keith
Gagne, Larry
Greene, Bob
Hopper, Gary
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Post, Lisa
Rouillard, Claire
Tausch, Lindsay

Ammon, Keith
Boehm, Ralph
Kelley, Diane
Fedolfi, Jim
Gorski, Ted
Gunski, Michael
Infantine, William
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Prout, Andrew
Sheehan, Vanessa
Ulery, Jordan

Griffin, Barbara
Burt, John
Smith, Denise
Foster, William
Gould, Linda
Healey, Robert
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Somero, Paul
Warden, Mark

MERRIMACK

Allard, James
Hill, Gregory
McGuire, Carol
Boyd, Stephen
Wells, Natalie

Andrus, Louise
Kennedy, Margaret
Moffett, Michael
Seaworth, Brian
White, Nick

Cambrils, Jose
Klose, John
Pearl, Howard
Testerman, Dave
Yakubovich, Michael

Cross, Kenna
Mason, James
Pitaro, Matthew
Walsh, Thomas

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Bernardy, JD
Dodge, Dustin
Elliott, Robert
Green, Dennis
Hobson, Deborah
Kimball, Mary Ann
Lundgren, David
Melvin, Charles
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
Vose, Michael
Weyler, Kenneth

Abrami, Patrick
Baldasaro, Al
Bershtein, Alan
Dolan, Tom
Emerick, Tracy
Guthrie, Joseph
Janigian, John
Layon, Erica
Lynn, Bob
Milz, David
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Tudor, Paul
MacDonald, Wayne
Yokela, Josh

Abramson, Max
Baxter, Tim
Copp, Anne
Doucette, Fred
Ford, Oliver
Harb, Robert
Katsakiores, Phyllis
Litchfield, Melissa
Pearson, Mark
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Vandecasteele, Susan
Wallace, Scott

Acton, Dennis
Belanger, Cody
DeSimone, Debra
Edwards, Jess
Gay, Betty
Harley, Tina
Khan, Aboul
Love, David
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
Verville, Kevin
Welch, David

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Kittredge, Mac
Wuelper, Kurt

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

NAYS - 179**CARROLL**

Buco, Thomas
Woodcock, Stephen

Burroughs, Anita

Knirk, Jerry

McAleer, Chris

CHESHIRE

Abbott, Michael
Eaton, Daniel
Gomarolo, Jennie
Parshall, Lucius
Weber, Lucy

Ames, Richard
Faulkner, Barry
Harvey, Cathryn
Schapiro, Joe
Welkowitz, Lawrence

Berch, Paul
Fenton, Donovan
Ley, Douglas
Toll, Amanda

Bordenet, John
Fox, Dru
Mann, John
Von Plinsky, Sparky

COOS

Dostie, Donald
Theberge, Robert

Kelley, Eamon
Thompson, Dennis

Hatch, William
Tucker, Edith

Lafamme, Larry

GRAFTON

Abel, Richard	Adjutant, Joshua	Almy, Susan	Dontonville, Roger
Egan, Timothy	Fellows, Sallie	Gordon, Edward	Hakken-Phillips, Mary
Massimilla, Linda	Muirhead, Russell	Murphy, James	Stavis, Laurel
Smith, Suzanne	Sykes, George	Weston, Joyce	

HILLSBOROUGH

Bouldin, Amanda	Bouldin, Andrew	Baroody, Benjamin	Beaulieu, Jane
Bergeron, Paul	Booras, Efstathia	Bouchard, Donald	Bradley, Amy
Chretien, Jacqueline	Cohen, Bruce	Connors, Erika	Cornell, Patricia
Dutzy, Sherry	Espitia, Manny	Freitas, Mary	Goley, Jeffrey
Griffith, Willis	Hamer, Heidi	Harriott-Gathright, Linda	Heath, Mary
Herbert, Christopher	Schmidt, Janice	Jack, Martin	Judy, Jean
Klee, Patricia	Klein-Knight, Nicole	Labranche, Tony	Langley, Diane
Laughton, Stacie-Marie	Leishman, Peter	Long, Patrick	King, Mark
Murray, Megan	Mangipudi, Latha	McGhee, Kat	Moran, Melbourne
Mullen, Sue	Nutter-Upham, Frances	Nutting-Wong, Allison	O'Brien, Michael
Pedersen, Michael	Perez, Maria	Petrigno, Peter	Pickering, Daniel
Piedra, Israel	Porter, Marjorie	Query, Joshua	Newman, Ray
Rung, Rosemarie	Newman, Sue	Shaw, Barbara	Snow, Kendall
Stevens, Deb	Smith, Timothy	Telerski, Laura	Toomey, Dan
Vail, Suzanne	Van Houten, Constance	Vann, Ivy	Veilleux, Daniel
Wilhelm, Matthew			

MERRIMACK

Bartlett, Christy	Caplan, Tony	Ebel, Karen	Ellison, Arthur
Gallager, Eric	Lane, Connie	Luneau, David	MacKay, James
McWilliams, Rebecca	Pimentel, Roderick	Rogers, Katherine	Schamberg, Thomas
Schuett, Dianne	Schultz, Kristina	Shurtleff, Steve	Soucy, Timothy
Wallner, Mary Jane	Walz, Mary Beth	Wazir, Safiya	Wolf, Dan
Woods, Gary			

ROCKINGHAM

Altschiller, Debra	Bunker, Lisa	Cahill, Michael	Cali-Pitts, Jacqueline
Cushing, Robert Renny	DiLorenzo, Charlotte	Edgar, Michael	Gilman, Julie
Grossman, Gaby	Grote, Jaci	Hamblet, Joan	Murray, Kate
Loughman, Tom	Maggiore, Jim	Malloy, Dennis	McBeath, Rebecca
Meuse, David	Paige, Mark	Pantelakos, Laura	Read, Ellen
Simpson, Alexis	Somssich, Peter	Ward, Gerald	

STRAFFORD

Bixby, Peter	Cannon, Gerri	Chase, Wendy	Conley, Casey
Ellis, Donna	Fargo, Kristina	Fontneau, Timothy	Frost, Sherry
Gourgue, Amanda	Grassie, Chuck	Horrigan, Timothy	Kenney, Cam
Levesque, Cassandra	Smith, Marjorie	Oxaal, Ariel	Schmidt, Peter
Rich, Cecilia	Salloway, Jeffrey	Southworth, Thomas	Spang, Judith
Treleaven, Susan	Vincent, Kenneth	Wall, Janet	

SULLIVAN

Cloutier, John	Gottling, Suzanne	Merchant, Gary	Oxenham, Lee
Sullivan, Brian	Tanner, Linda		

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

MOTION TO PRINT DEBATE

Rep. Espitia moved that the debate on **HB 351**, relative to the system benefits charge, be printed in the Permanent Journal.

Without objection, the Speaker ordered.

DEBATE ON HB 351

Representative McGhee: Thank you, Mister Speaker. Thank you, House colleagues. I rise today to ask for your support in defeating the Ought to Pass motion for HB 351, restricting the system benefits charge. The system benefits charge was put into statute to do exactly what it says, provide system benefits. In fact, it is a regulatory requirement that the Public Utilities Commission or PUC ensures that energy efficiency programs like New Hampshire Saves provide a benefit to all ratepayers. These programs are proven to generate several times the money spent on them. They are a good deal and our constituents depend on them. So I ask you to stop a bill that seeks to fix a problem that isn't broken, but worse still, HB 351 goes on from there to break what is working. How does it do that? It says that the authority to set the system benefits charge and authority granted to the Public Utilities Commission by this body needs to be sent back to the House for

an up or down vote or sent to the Fiscal Committee. It doesn't really pick one. It just insists that the House must in some way be inserted into the PUC process, a process that already requires proof that proposed energy efficiency plans will benefit New Hampshire ratepayers. Does this sound like a case of if it ain't broke, don't fix it? The consumer advocate of the State of New Hampshire puts it this way in a recent article, "The legislature can set utility rates, including the systems benefit charge, all by itself or it can choose to delegate that authority to an administrative agency. In this case, the Public Utilities Commission, with instructions to guide the regulators. What the legislator can't do is delegate the authority, require supporters of energy efficiency to go through the regulatory process and then require them to come back to the legislature for the lawmakers blessing. That's inconsistent with the New Hampshire Constitution." This bill hurts our constituents because it puts a halt to the funding of New Hampshire Saves and other energy efficiency programs and energy efficiency is the single most cost effective investment the state can make. If you have constituents who depend on New Hampshire Saves or are on a waitlist, please vote against OTP so the pending 3-year energy efficiency plan in the PUC is not scuttled. The utility-led process that created that 3-year plan concluded that it would generate up to \$1.3 billion in economic stimulus for the State of New Hampshire as we are recovering in a post-COVID economy. There are very few bills you will vote for that can help our constituents, help our economy and help our environment as much as preventing HB 351 from passing here today. Thank you.

Speaker Packard: The Chair recognizes Rep. Harrington to speak for the committee report.

Representative Harrington: Thank you, Mister Speaker. I'm here to urge people to vote in favor of this bill so let's talk a little bit about what the bill doesn't do so we are clear on that. It doesn't reduce energy efficiency spending by a single dime and it doesn't change the amount of low income assistance spending that comes from that by a single dime either. What does it do? It reprioritizes the spending from the system benefit charge so it's more effective and it requires legislative approval in order to raise the system benefits charge, which is affectively a tax. Not only does the system benefit charge go towards energy efficiency projects, but it is somewhat of a welfare program in that it pays low income assistance to people who have trouble paying for their electric bill. I think those are things that the legislature should be involved in increasing. So we just heard the system benefit charge is exactly that. It's supposed to benefit the system. The theory is if you collect a little bit of money from a lot of people, put it together and use that money on energy efficiency programs, you'll reduce the overall cost of electricity in saving everybody money and it does work as long as you have good efficient programs. For example, if you were buying electricity at .07 per kilowatt hour and you were doing energy efficiency programs at .70 per kilowatt hour, that's not saving anybody any money and it's obviously not the way you want to go. So what this does is it turns around and says the energy efficiency money for the electric portion of that program should be used for funding purposes that are main purposes to reduce electric consumption. Now if you look at the way it is broken down right now on the electric side, you have about \$20 million that goes to residential and then there is another \$29 million that goes to commercial and industrial. The commercial and industrial one won't change because almost all that money is spent on projects whose main purpose is to reduce electric consumption. However, on the residential side, that's not the case. It used to be the case, but over the years it switched. As of 2020, 61% of the funds that were spent were mostly spent on projects that were made to reduce thermal energy, insulating houses, subsidizing the insulation of house, subsidizing new windows that were higher insulated for people's homes. That resulted in 14% of the total kilowatt hours savings. Let me hit that again, 61% of the funds resulted in 14% of the savings. So that means 39% of the funds resulted in 86% of the savings. Obviously, that's the direction we want to be heading in. We spend less and get a lot more. What this bill would do is simply say the money has to be used for projects whose main purpose is to reduce electric consumption. Now if you happen to have a house that had electric heat or electric heat pump that would qualify under this. Most people in New Hampshire don't. If you think of subsidizing insulating people's houses and reducing thermal energy is a good idea, that's fine, but it doesn't belong buried in the electric rates. It belongs as some type of a tax or charge on oil for example if you want to go that direction. Most people in New Hampshire have no idea when they see a house across the street being insulated and being that insulating cost is being subsidized that their paying for it in their electric rates. So all this does is say let's use the money where it is intended to benefit the system, the system benefit charge should benefit the system. Again, 61% of the funds account for only 14% of the savings. This would redirect the funding to where we are going to get the most bang for our buck. The second part basically says you want to increase this which is basically a tax everybody pays for electricity whether one way or the other and it also covers, as I said, low income housing assistance which is a welfare program that the legislature has to approve it. We've been doing that for a long time and it has worked out fine. The PUC, which I used to be a commissioner on, so I've seen both sides of this, have no problem doing a study and bringing it out to the legislature and saying here's a good reason we should increase this and it's happened in the past. It's not a big issue and as far as the overall being, energy efficiency being the panacea that's the greatest way to spend money for everything, it's not always the case. Energy efficiency has to be spent economically efficient as well. If you want a real practical example, all you have to do is look to our South. Massachusetts is spending energy efficiency dollars in the billions. They spend much, much more per ratepayer than we do

on energy efficiency. So what's the results in the electric rates? Eversource Massachusetts rates for Eastern Massachusetts are about 15%, a little bit more than that, but about 15% higher than the Eversource rates in New Hampshire. So just throwing money at energy efficiency is not the solution for lowering your electric bill. Let's use common sense. Let's spend our system benefit funds to benefit the system and let's make sure the legislature has the authority to say whether we are going to increase with effectively a tax. Please vote in favor of this bill.

Speaker Packard: Does the member yield to questions?

Representative Harrington: No, we've had enough time here. Sorry I'm not going to yield to any questions.

Speaker Packard: The member does not yield. The motion before us is Ought to Pass on HB 351. Are you ready for the question? Rep. Baldasaro has called for a roll call. Is that sufficiently seconded? It is sufficiently seconded. This will be a roll call vote. This will be a roll call vote on HB 351. The Chair recognizes Rep. Oxenham for a parliamentary inquiry.

Representative Oxenham: Thank you, Mister Speaker. If I know that energy efficiency pays off at a rate of 6 to 1. If I know that energy efficiency benefits enormously through weatherization and insulation because it reduces the cost not only of electric heat, but of air conditioning which is becoming a much more useful source of, much more expensive use of energy here even in New Hampshire. If I know the legislature granted rate making authority to the Public Utilities Commission and rate making is its primary function and that no rate making expertise resides within the legislature. If I know that passing HB 351 means that we would lose \$1.3 billion of economic stimulus and 3 years of the New Hampshire Saves program funding that our towns, schools, businesses and residents are lined up and counting on the waitlist, then would I now push the red button to stop this ITL of the New Hampshire Saves program so that a more appropriate motion can come forward? Thank you.

Speaker Packard: The Chair recognizes Rep. Vose for a parliamentary inquiry.

Representative Vose: Thank you, Mister Speaker. Mister Speaker, if I know that the price of electricity has been determined by the Public Utilities Commission through a sophisticated and complex process called rate setting contains many components. And if I also know that a per unit cost, typically referred to as the rate per kilowatt hour, is a vital part of the final price of that electricity and that electricity sales cannot happen without this unit cost. If I further understand that the system benefits charge is not part of the rate charged for electricity, but is an added charge used to pay for energy efficiency which makes it a de facto tax. If I also know that there's a proposal currently before the PUC to raise the amount of the system benefit charge from \$62 million a year to as much as \$280 million a year by 2023. And, finally Mister Speaker, if I know that the legislature must exercise its constitutional obligation to raise, lower or sanction such added charges like the systems benefit charge, would I now press the green button to affirm the general court's oversight of this de facto tax? Thank you, Mister Speaker.

Speaker Packard: The question is on the majority committee report of Ought to Pass on HB 351. This is a roll call vote. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Have all members present had an opportunity to vote? The House will attend to the state of the vote. 198 voting Yea, 179 voting Nay, the committee report is adopted.

REGULAR CALENDAR PART II CONT'D

HB 373, relative to state participation in low carbon fuel standards programs. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jeanine Notter for the Majority of Science, Technology and Energy. In 2012, the New Hampshire General Court passed a law requiring the state to seek legislative approval before entering any program that would implement a low carbon fuel standard or any cap and trade scheme for transportation fuels but allowed the Department of Environmental Services (DES) to continue to participate in the development of such plans. Those plans resulted in the Transportation Climate Initiative (TCI), a major back door gas and diesel tax increase that would tie future gas tax hikes to an unelected board. TCI is the Regional Greenhouse Gas Initiative (RGGI) for vehicles. This participation through the end of 2020 has cost the state nearly \$50,000 and utilized 811 staff hours that could have been spent giving better services to our residents and employers. After Governor Sununu made clear that New Hampshire would not participate in TCI, DES still spent 21 staff hours on the project in 2020. This bill, as amended, would require DES to get specific approval from the Governor in order to keep tabs on the TCI, so that we can ensure that valuable taxpayer resources are maximized, and not wasted. Vote 11-10.

Rep. Roderick Pimentel for the Minority of Science, Technology and Energy. The minority disagrees with the Ought to Pass recommendation of the majority. The authors of HB 373 are asking us to pass legislation that the minority believes will prevent DES from doing its job. Legislators and the executive branch rely on unbiased professional information from all state agencies. Whether intended or not, the minority is concerned that HB 373 will function as a gag rule. It seems to prevent the Department of Environmental Services (DES) from contacting and conversing with regional and national colleagues about the problems and solutions related to increased carbon in our atmosphere. The minority hopes to defeat this bill so that agencies will not be discouraged from working together for the betterment of our state.

Majority Amendment (0455h)

Amend the bill by replacing section 1 with the following:

1 Low Carbon Fuel Standards Programs; State Participation. Amend RSA 21-O:23, II to read as follows:

II. The department of environmental services [~~may engage in regional and national~~] ***shall not participate in discussions or planning*** of such programs ***unless specifically directed by the governor or designated representative on a case by case basis.***

AMENDED ANALYSIS

This bill prohibits the department of environmental services from participating in discussions of any state, regional, or national low carbon fuel standards program unless specifically directed by the governor. Majority committee amendment adopted.

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

Rep. Pimentel spoke against.

Rep. Notter spoke in favor.

Rep. DeLemus requested a roll call; sufficiently seconded.

YEAS 194 - NAYS 180**YEAS - 194****BELKNAP**

Aldrich, Glen
Harvey-Bolia, Juliet
Littlefield, Richard
Silber, Norman
Varney, Peter

Bean, Harry
Howard, Raymond
Mackie, Jonathan
Sylvia, Michael

Bordes, Mike
Johnson, Dawn
O'Hara, Travis
Terry, Paul

Comtois, Barbara
Lang, Timothy
Ploszaj, Tom
Trottier, Douglas

CARROLL

Avellani, Lino
MacDonald, John
Nelson, Bill

Cordelli, Glenn
Smith, Jonathan
Umberger, Karen

Crawford, Karel
Marsh, William

Deshaies, Brodie
McConkey, Mark

CHESHIRE

Hunt, John
Santonastaso, Matthew

Kilanski, Ben

Qualey, James

Rhodes, Jennifer

COOS

Craig, Kevin
Theberge, Robert

Davis, Arnold

Dostie, Donald

Merner, Troy

GRAFTON

Alliegro, Mark
Sanborn, Gail
Ladd, Rick

Berezhny, Lex
Gordon, Edward
Simon, Matthew

Binford, David
Greeson, Jeffrey

Folsom, Beth
Ham, Bonnie

HILLSBOROUGH

Lekas, Alicia
King, Bill
Creighton, Jim
Erf, Keith
Gagne, Larry
Greene, Bob
Hopper, Gary
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Post, Lisa
Rouillard, Claire
Tausch, Lindsay

Alexander, Joe
Blasek, Melissa
Cushman, Leah
Fedolfi, Jim
Gorski, Ted
Gunski, Michael
Infantine, William
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Prout, Andrew
Sheehan, Vanessa
Warden, Mark

Ammon, Keith
Boehm, Ralph
Kelley, Diane
Foster, William
Gould, Linda
Healey, Robert
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Somero, Paul

Griffin, Barbara
Burt, John
Smith, Denise
Griffin, Gerald
Graham, John
Homola, Susan
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Plett, Fred
Rice, Kimberly
Lekas, Tony

MERRIMACK

Andrus, Louise
Kennedy, Margaret
Moffett, Michael
Seaworth, Brian
White, Nick

Cambrils, Jose
Klose, John
Pearl, Howard
Testerman, Dave
Yakubovich, Michael

Cross, Kenna
Mason, James
Pitaro, Matthew
Walsh, Thomas

Hill, Gregory
McGuire, Carol
Boyd, Stephen
Wells, Natalie

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Bershtein, Alan

Abrami, Patrick
Baxter, Tim
Copp, Anne

Acton, Dennis
Belanger, Cody
DeSimone, Debra

Ayer, Paul
Bernardy, JD
Dodge, Dustin

Doucette, Fred
 Ford, Oliver
 Harb, Robert
 Katsakiores, Phyllis
 Litchfield, Melissa
 Pearson, Mark
 Osborne, Jason
 Prudhomme-O'Brien, Katherine
 Spillane, James
 Torosian, Peter
 Vandecasteele, Susan
 Wallace, Scott

Edwards, Jess
 Gay, Betty
 Harley, Tina
 Khan, Aboul
 Love, David
 McMahon, Charles
 Piemonte, Tony
 Roy, Terry
 Sweeney, Joe
 Tripp, Richard
 Verville, Kevin
 Welch, David

Elliott, Robert
 Green, Dennis
 Hobson, Deborah
 Kimball, Mary Ann
 Lundgren, David
 Melvin, Charles
 Potucek, John
 Pearson, Stephen
 Sytek, John
 True, Chris
 Vose, Michael
 Weyler, Kenneth

Emerick, Tracy
 Guthrie, Joseph
 Janigian, John
 Layon, Erica
 Lynn, Bob
 Milz, David
 Pratt, Kevin
 Soti, Julius
 Thomas, Douglas
 Tudor, Paul
 MacDonald, Wayne
 Yokela, Josh

STRAFFORD

Ankarberg, Aidan
 Harrington, Michael
 Kittredge, Mac
 Wuelper, Kurt

Bailey, Glenn
 Hayward, Peter
 Newton, Clifford

DeLemus, Susan
 Horgan, James
 Pitre, Joseph

Groen, Fenton
 Kaczynski, Thomas
 Turcotte, Leonard

SULLIVAN

Aron, Judy
 Stapleton, Walter

Callum, John
 Smith, Steven

Rollins, Skip

Spilsbury, Walter

NAYS - 180

CARROLL

Buco, Thomas
 Woodcock, Stephen

Burroughs, Anita

Knirk, Jerry

McAleer, Chris

CHESHIRE

Abbott, Michael
 Eaton, Daniel
 Gomarlo, Jennie
 Parshall, Lucius
 Weber, Lucy

Ames, Richard
 Faulkner, Barry
 Harvey, Cathryn
 Schapiro, Joe
 Welkowitz, Lawrence

Berch, Paul
 Fenton, Donovan
 Ley, Douglas
 Toll, Amanda

Bordenet, John
 Fox, Dru
 Mann, John
 Von Plinsky, Sparky

COOS

Kelley, Eamon
 Tucker, Edith

Hatch, William

Lafamme, Larry

Thompson, Dennis

GRAFTON

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

Adjutant, Joshua
 Egan, Timothy
 Muirhead, Russell
 Sykes, George

Almy, Susan
 Fellows, Sallie
 Murphy, James
 Weston, Joyce

Depalma IV, Joseph
 Hakken-Phillips, Mary
 Stavis, Laurel

HILLSBOROUGH

Bouldin, Amanda
 Bergeron, Paul
 Chretien, Jacqueline
 DiSilvestro, Linda
 Goley, Jeffrey
 Heath, Mary
 Jeudy, Jean
 Langley, Diane
 King, Mark
 Moran, Melbourne
 O'Brien, Michael
 Pickering, Daniel
 Newman, Ray
 Snow, Kendall
 Toomey, Dan
 Veilleux, Daniel

Bouldin, Andrew
 Booras, Efstathia
 Cohen, Bruce
 Dutzy, Sherry
 Griffith, Willis
 Herbert, Christopher
 Klee, Patricia
 Loughton, Stacie-Marie
 Murray, Megan
 Mullen, Sue
 Pedersen, Michael
 Piedra, Israel
 Rung, Rosemarie
 Stevens, Deb
 Vail, Suzanne
 Wilhelm, Matthew

Baroody, Benjamin
 Bouchard, Donald
 Connors, Erika
 Espitia, Manny
 Hamer, Heidi
 Schmidt, Janice
 Klein-Knight, Nicole
 Leishman, Peter
 Mangipudi, Latha
 Nutter-Upham, Frances
 Perez, Maria
 Porter, Marjorie
 Newman, Sue
 Smith, Timothy
 Van Houten, Constance

Beaulieu, Jane
 Bradley, Amy
 Cornell, Patricia
 Freitas, Mary
 Harriott-Gathright, Linda
 Jack, Martin
 Labranche, Tony
 Long, Patrick
 McGhee, Kat
 Nutting-Wong, Allison
 Petrigno, Peter
 Query, Joshua
 Shaw, Barbara
 Teterski, Laura
 Vann, Ivy

MERRIMACK

Allard, James
 Ellison, Arthur
 MacKay, James
 Schamberg, Thomas
 Soucy, Timothy
 Wolf, Dan

Bartlett, Christy
 Gallagher, Eric
 McWilliams, Rebecca
 Schuett, Dianne
 Wallner, Mary Jane
 Woods, Gary

Caplan, Tony
 Lane, Connie
 Pimentel, Roderick
 Schultz, Kristina
 Walz, Mary Beth

Ebel, Karen
 Luneau, David
 Rogers, Katherine
 Shurtleff, Steve
 Wazir, Safiya

ROCKINGHAM

Abramson, Max
Cali-Pitts, Jacqueline
Gilman, Julie
Murray, Kate
McBeath, Rebecca
Read, Ellen

Altschiller, Debra
Cushing, Robert Renny
Grossman, Gaby
Loughman, Tom
Meuse, David
Simpson, Alexis

Bunker, Lisa
DiLorenzo, Charlotte
Grote, Jaci
Maggiore, Jim
Paige, Mark
Somssich, Peter

Cahill, Michael
Edgar, Michael
Hamblet, Joan
Malloy, Dennis
Pantelakos, Laura
Ward, Gerald

STRAFFORD

Bixby, Peter
Ellis, Donna
Gourgue, Amanda
Levesque, Cassandra
Rich, Cecilia
Treleaven, Susan

Cannon, Gerri
Fargo, Kristina
Grassie, Chuck
Smith, Marjorie
Salloway, Jeffrey
Vincent, Kenneth

Chase, Wendy
Fontneau, Timothy
Horrigan, Timothy
Oxaal, Ariel
Southworth, Thomas
Wall, Janet

Conley, Casey
Frost, Sherry
Kenney, Cam
Schmidt, Peter
Spang, Judith

SULLIVAN

Cloutier, John
Sullivan, Brian

Gottling, Suzanne
Tanner, Linda

Merchant, Gary

Oxenham, Lee

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

HR 9, supporting the principles of federalism. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. David Binford for the Majority of State-Federal Relations and Veterans Affairs. A House Resolution for New Hampshire's commitment to all citizen's unalienable rights and all constitutional civil authority for the State of New Hampshire. We here in New Hampshire have a long history recognizing our citizens and our unalienable rights, let us resolve to continue this just tradition. This resolution supports and recognizes both state and federal authority and the relationship between the two with the powers not delegated to the united states by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people. Vote 11-10.

Rep. Lawrence Welkowitz for the Minority of State-Federal Relations and Veterans Affairs. The Constitution of the United States makes clear the separation of powers between the states and the Federal Government. As members of a state government, we continue to work hard for the interests of our state. We do not deem it necessary to pass a resolution in support of the principles of federalism since these matters are to be resolved elsewhere. Blindly supporting "principles of federalism" neglects the importance of both state and federal powers. There are times when national policy and actions are of the utmost importance, as in times of war and other crises. It also neglects to acknowledge amendments that followed the Civil War (13th, 14th, and 15th amendments) which freed the slaves and provided voting rights for Blacks. For all these reasons, including appealing to the lost cause, the minority recommends this resolution be found Inexpedient to Legislate. Majority committee report adopted and the bill was ordered to third reading.

HB 224, relative to tinted windows on motor vehicles. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Gregory Hill for the Majority of Transportation. The majority of the committee understands that the amendment would recognize the level of window tinting on the two windows either side of the driver, that is allowed by national standards directly from the manufacturer, to be equal to the level of window tinting that could be put on any NH car by after-market installers. The amount of light transference would be 70%. After passage, NH cars with tinting would be able to drive the same NH roads that out-of-state cars with that same level of tinting can currently drive legally in NH. The majority of the committee finds no disagreement with the benefits that window tinting provides to the motoring public which includes protection of the suns UVA rays which are a leading cause of skin cancer, the reduction in sun and headlight glare, the lowering of cabin temperatures for animals and occupants, and less UV damage to the interior components including seat belts. The majority heard the testimony of State Police who feel the tinting would be more dangerous performing traffic stops. Thus far, no research or studies have been provided to show increased risk to officers even though 46 other states already allow tinting of the same or greater darkness. For these reasons we find that HB 224 Ought to Pass. Vote 12-7.

Rep. George Sykes for the Minority of Transportation. This bill is the annual attempt to remove the prohibition on aftermarket window tint on driver and passenger side vehicle windows. The minority has concerns with the bill, particularly if aftermarket tint is applied to a vehicle that already has manufactured tint. Darker tint can obscure a driver's face and prevent eye contact between a driver and cyclists, pedestrians, and other drivers that could result in an accident. Finally, NH State Police and law enforcement were clear in their opposition to the bill due to their concerns when approaching a vehicle during a traffic stop when you are unable to see inside a vehicle, stating that tinted windows lead to a high risk traffic stop.

Majority Amendment (0446h)

Amend RSA 266:58-a, III as inserted by section 2 of the bill by replacing it with the following:

III. It shall be unlawful to drive on any way any motor vehicle registered in this state which has after market tinting on the windshield [~~or on the windows to the left and right of the driver~~]. Where after market tinting is applied to windows to the rear of the driver, outside rear view mirrors shall be required on both the left and right side of the vehicle for the use of the driver and a front seat passenger. The light transmittance of after-market tinted windows *to the left and right of the driver where they are allowed shall not be less than 70 percent, and the light transmittance of after-market tinted rear windows* where they are allowed shall not be less than 35 percent, except that the light transmittance of after market tinted rear windows of multipurpose passenger vehicles, as defined in 49 C.F.R. *section 571.3* and pickup trucks may be such percentage as is allowed by 49 C.F.R. *section 571.205* with respect to pre-market tinted rear windows. Majority committee amendment adopted.

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

YEAS 200 - NAYS 167**YEAS - 200****BELKNAP**

Aldrich, Glen
Harvey-Bolia, Juliet
Lang, Timothy
Ploszaj, Tom
Trottier, Douglas

Bean, Harry
Hough, Gregg
Littlefield, Richard
Silber, Norman
Varney, Peter

Bordes, Mike
Howard, Raymond
Mackie, Jonathan
Sylvia, Michael

Comtois, Barbara
Johnson, Dawn
O'Hara, Travis
Terry, Paul

CARROLL

Avellani, Lino
MacDonald, John
Nelson, Bill

Cordelli, Glenn
Smith, Jonathan
Umberger, Karen

Crawford, Karel
Marsh, William

Deshaies, Brodie
McConkey, Mark

CHESHIRE

Qualey, James

Santonastaso, Matthew

Von Plinsky, Sparky

COOS

Craig, Kevin
Thompson, Dennis

Davis, Arnold

Dostie, Donald

Merner, Troy

GRAFTON

Alliegro, Mark
Egan, Timothy
Ladd, Rick

Berezhny, Lex
Folsom, Beth
Simon, Matthew

Binford, David
Sanborn, Gail

Depalma IV, Joseph
Greeson, Jeffrey

HILLSBOROUGH

Lekas, Alicia
Bouldin, Andrew
Boehm, Ralph
Kelley, Diane
Foster, William
Gould, Linda
Gunski, Michael
Infantine, William
Labranche, Tony
Mayville, Mary
Notter, Jeanine
Post, Lisa
Rice, Kimberly
Lekas, Tony

Alexander, Joe
Griffin, Barbara
Burt, John
Smith, Denise
Griffin, Gerald
Graham, John
Harriott-Gathright, Linda
Kelsey, Niki
Lanzara, Tom
McLean, Mark
Nunez, Hershel
Prout, Andrew
Rouillard, Claire
Smith, Timothy

Bouldin, Amanda
King, Bill
Creighton, Jim
Erf, Keith
Gagne, Larry
Greene, Bob
Healey, Robert
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Pauer, Diane
Query, Joshua
Sheehan, Vanessa
Tausch, Lindsay

Ammon, Keith
Blasek, Melissa
Cushman, Leah
Fedolfi, Jim
Gorski, Ted
Griffith, Willis
Hopper, Gary
Sanborn, Laurie
Marston, Dick
Moran, Melbourne
Plett, Fred
Renzullo, Andrew
Somero, Paul
Warden, Mark

MERRIMACK

Andrus, Louise
Hill, Gregory
McGuire, Carol
Boyd, Stephen
Testerman, Dave
Yakubovich, Michael

Cambrils, Jose
Kennedy, Margaret
Moffett, Michael
Schamberg, Thomas
Walsh, Thomas

Cross, Kenna
Klose, John
Pearl, Howard
Schultz, Kristina
Wells, Natalie

Gallager, Eric
Mason, James
Pitaro, Matthew
Seaworth, Brian
White, Nick

ROCKINGHAM

Abrami, Patrick
Baldasaro, Al

Abramson, Max
Baxter, Tim

Acton, Dennis
Belanger, Cody

Ayer, Paul
Bernardy, JD

Bershtein, Alan
Dolan, Tom
Emerick, Tracy
Harb, Robert
Katsakiores, Phyllis
Litchfield, Melissa
McMahon, Charles
Piemonte, Tony
Pearson, Stephen
Sytek, John
True, Chris
Vose, Michael
Yokela, Josh

Copp, Anne
Doucette, Fred
Ford, Oliver
Harley, Tina
Khan, Aboul
Love, David
Melvin, Charles
Potucek, John
Soti, Julius
Thomas, Douglas
Tudor, Paul
MacDonald, Wayne

DeSimone, Debra
Edwards, Jess
Green, Dennis
Hobson, Deborah
Kimball, Mary Ann
Lynn, Bob
Milz, David
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Vandecasteele, Susan
Wallace, Scott

Dodge, Dustin
Elliott, Robert
Guthrie, Joseph
Janigian, John
Layon, Erica
Pearson, Mark
Osborne, Jason
Roy, Terry
Sweeney, Joe
Tripp, Richard
Verville, Kevin
Weyler, Kenneth

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Kittredge, Mac
Vincent, Kenneth

Bailey, Glenn
Hayward, Peter
Newton, Clifford
Wuelper, Kurt

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

SULLIVAN

Aron, Judy
Spilsbury, Walter

Callum, John
Smith, Steven

Merchant, Gary

Rollins, Skip

NAYS - 167

CARROLL

Buco, Thomas
Woodcock, Stephen

Burroughs, Anita

Knirk, Jerry

McAleer, Chris

CHESHIRE

Abbott, Michael
Eaton, Daniel
Gomarlo, Jennie
Mann, John
Toll, Amanda

Ames, Richard
Faulkner, Barry
Harvey, Cathryn
Parshall, Lucius
Weber, Lucy

Berch, Paul
Fenton, Donovan
Kilanski, Ben
Rhodes, Jennifer
Welkowitz, Lawrence

Bordenet, John
Fox, Dru
Ley, Douglas
Schapiro, Joe

COOS

Kelley, Eamon

Lafamme, Larry

Theberge, Robert

Tucker, Edith

GRAFTON

Abel, Richard
Fellows, Sallie
Massimilla, Linda
Smith, Suzanne

Adjutant, Joshua
Gordon, Edward
Muirhead, Russell
Sykes, George

Almy, Susan
Hakken-Phillips, Mary
Murphy, James
Weston, Joyce

Dontonville, Roger
Ham, Bonnie
Stavis, Laurel

HILLSBOROUGH

Baroody, Benjamin
Bouchard, Donald
Connors, Erika
Espitia, Manny
Heath, Mary
Jack, Martin
Langley, Diane
Mangipudi, Latha
Nutting-Wong, Allison
Pickering, Daniel
Rung, Rosemarie
Stevens, Deb
Van Houten, Constance

Beaulieu, Jane
Bradley, Amy
Cornell, Patricia
Freitas, Mary
Herbert, Christopher
Judy, Jean
Laughton, Stacie-Marie
McGhee, Kat
O'Brien, Michael
Piedra, Israel
Newman, Sue
Telerski, Laura
Vann, Ivy

Bergeron, Paul
Chretien, Jacqueline
DiSilvestro, Linda
Goley, Jeffrey
Homola, Susan
Klee, Patricia
Leishman, Peter
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Shaw, Barbara
Toomey, Dan
Veilleux, Daniel

Booras, Efstathia
Cohen, Bruce
Dutzy, Sherry
Hamer, Heidi
Schmidt, Janice
Klein-Knight, Nicole
King, Mark
Nutter-Upham, Frances
Petrigno, Peter
Newman, Ray
Snow, Kendall
Vail, Suzanne
Wilhelm, Matthew

MERRIMACK

Allard, James
Ellison, Arthur
McWilliams, Rebecca
Shurtleff, Steve
Wazir, Safiya

Bartlett, Christy
Lane, Connie
Pimentel, Roderick
Soucy, Timothy
Wolf, Dan

Caplan, Tony
Luneau, David
Rogers, Katherine
Wallner, Mary Jane
Woods, Gary

Ebel, Karen
MacKay, James
Schuett, Dianne
Walz, Mary Beth

ROCKINGHAM

Altschiller, Debra
DiLorenzo, Charlotte
Grossman, Gaby

Bunker, Lisa
Edgar, Michael
Grote, Jaci

Cahill, Michael
Gay, Betty
Hamblet, Joan

Cushing, Robert Renny
Gilman, Julie
Murray, Kate

Loughman, Tom
McBeath, Rebecca
Pratt, Kevin
Ward, Gerald

Lundgren, David
Meuse, David
Read, Ellen
Welch, David

Maggiore, Jim
Paige, Mark
Simpson, Alexis

Malloy, Dennis
Pantelakos, Laura
Somssich, Peter

STRAFFORD

Bixby, Peter
Fargo, Kristina
Grassie, Chuck
Smith, Marjorie
Salloway, Jeffrey
Wall, Janet

Cannon, Gerri
Fontneau, Timothy
Horrigan, Timothy
Oxaal, Ariel
Southworth, Thomas

Chase, Wendy
Frost, Sherry
Kenney, Cam
Schmidt, Peter
Spang, Judith

Ellis, Donna
Gourgue, Amanda
Levesque, Cassandra
Rich, Cecilia
Treleaven, Susan

SULLIVAN

Cloutier, John
Sullivan, Brian

Gottling, Suzanne
Tanner, Linda

Oxenham, Lee

Stapleton, Walter

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

HB 251-FN, requiring children under the age of 2 years to be restrained in a motor vehicle. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Donovan Fenton for the Majority of Transportation. This bill will require children to be properly restrained in a rear facing car seat until the age of two. The American Academy of Pediatrics has expanded their car seat recommendations to keep children rear facing for as long as possible. The majority supports Ought to Pass with Amendment on this bill because the experts were behind it. This bill will help close an identified gap in child passenger safety law in New Hampshire. A rear facing car seat cradles the child's entire body. During a crash the forces are spread throughout the body instead of thrusting the child's head, neck and spine violently forward. It only takes a quarter of an inch of stretch for a child's spinal cord to rupture. Vehicular crashes are the top cause of deaths for children between the ages of one and thirteen. NH Chiefs of Police, AAA, the Office of Highway Safety, NHADA, Drivers Educators Association, Concord Pediatric Hospital and Children's Hospital at Dartmouth Hitchcock all have endorsed this bill. Vote 13-6.

Rep. Judy Aron for the Minority of Transportation. This bill mandates that children under the age of 2 years old must be restrained in a vehicle in a rear facing car seat. The minority felt that we already have sufficient laws regarding use of restraint systems for children in vehicles (RSA 265:107a). We believe in safety, but we also believe in parental rights and a parent's right to choose appropriate child restraint systems along with the advice of their pediatrician. Some kids get car sick in rear facing car seats, or cannot fit properly in them for months before their 2nd birthday. There has been no problem with kids under the age of 2 dying or becoming injured as a result of not using rear facing car seats in NH. Current US Department of Transportation guidelines show overlap between rear facing car seat use for 1-3 year old's, forward facing seats for 18 months to 7 year old's, and booster seat use for children 4-12 year old's. We should not have an inflexible state mandate on rear facing car seat usage. We should instead continue to allow parents, along with their pediatricians advice, to decide which restraints work best, since their number one priority and concern is their child's safety and wellbeing.

Majority Amendment (0652h)

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

1 Rules of the Road; Child Passenger Restraints Required. Amend RSA 265:107-a, I-b to read as follows:

*I-b. No person shall drive a motor vehicle on any way while carrying as a passenger a person less than 7 years of age unless such passenger is properly fastened and secured by a child restraint system which is in accordance with the safety standards approved by the United States Department of Transportation in 49 C.F.R. section 571.213. If the passenger is 57 inches or more in height, the provisions of this paragraph shall not apply. **Each child restraint system must be used in accordance with its manufacturer instructions, including manufacturer height and weight limits, proper attachment to the vehicle, correct securement of the child, and expiry dates.***

I-c. No person shall drive a motor vehicle on any way while carrying as a passenger a person less than 2 years of age unless such passenger is properly fastened and secured by a rear facing child restraint system which is in accordance with safety standards.

2 Effective Date. This act shall take effect January 1, 2022.

MOTION TO LAY ON THE TABLE

Rep. Osborne moved that **HB 251-FN**, requiring children under the age of 2 years to be restrained in a motor vehicle, be laid on the table.

On a division vote, with 181 members having voted in the affirmative, and 188 in the negative, the motion failed.

The question now being adoption of majority committee amendment (0652h).

On a division vote, with 232 members having voted in the affirmative, and 137 in the negative, the majority committee amendment was adopted.

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

MOTION TO LAY ON THE TABLE

Rep. Spillane moved that **HB 251-FN**, requiring children under the age of 2 years to be restrained in a motor vehicle, be laid on the table.

Rep. Prout requested a roll call; sufficiently seconded.

YEAS 179 - NAYS 197**YEAS - 179****BELKNAP**

Aldrich, Glen
Harvey-Bolia, Juliet
Lang, Timothy
Ploszaj, Tom
Trottier, Douglas

Bean, Harry
Hough, Gregg
Littlefield, Richard
Silber, Norman
Varney, Peter

Bordes, Mike
Howard, Raymond
Mackie, Jonathan
Sylvia, Michael

Comtois, Barbara
Johnson, Dawn
O'Hara, Travis
Terry, Paul

CARROLL

Avellani, Lino
Nelson, Bill

Cordelli, Glenn

Smith, Jonathan

McConkey, Mark

CHESHIRE

Hunt, John
Santonastaso, Matthew

Kilanski, Ben

Qualey, James

Rhodes, Jennifer

COOS

Craig, Kevin
Theberge, Robert

Davis, Arnold

Dostie, Donald

Merner, Troy

GRAFTON

Alliegro, Mark
Sanborn, Gail

Berezhny, Lex
Greeson, Jeffrey

Binford, David
Ladd, Rick

Folsom, Beth
Simon, Matthew

HILLSBOROUGH

Lekas, Alicia
Blasek, Melissa
Cushman, Leah
Fedolfi, Jim
Graham, John
Homola, Susan
Kofalt, Jim
Lewicke, John
Notter, Jeanine
Post, Lisa
Rouillard, Claire
Warden, Mark

Ammon, Keith
Boehm, Ralph
Kelley, Diane
Foster, William
Greene, Bob
Hopper, Gary
Sanborn, Laurie
Marston, Dick
Nunez, Hershel
Prout, Andrew
Sheehan, Vanessa

Griffin, Barbara
Burt, John
Smith, Denise
Griffin, Gerald
Gunski, Michael
Infantine, William
Lanzara, Tom
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Tausch, Lindsay

King, Bill
Creighton, Jim
Erf, Keith
Gould, Linda
Healey, Robert
Kelsey, Niki
Lascelles, Richard
Mooney, Maureen
Plett, Fred
Rice, Kimberly
Ulery, Jordan

MERRIMACK

Allard, James
Hill, Gregory
McGuire, Carol
Boyd, Stephen
White, Nick

Andrus, Louise
Kennedy, Margaret
Moffett, Michael
Seaworth, Brian
Yakubovich, Michael

Cambrils, Jose
Klose, John
Pearl, Howard
Testerman, Dave

Cross, Kenna
Mason, James
Pitaro, Matthew
Wells, Natalie

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Bernardy, JD
Dodge, Dustin
Emerick, Tracy
Harb, Robert
Katsakiores, Phyllis
Litchfield, Melissa
Melvin, Charles
Potucek, John
Soti, Julius
Thomas, Douglas
Tudor, Paul
MacDonald, Wayne
Yokela, Josh

Abrami, Patrick
Baldasaro, Al
Bershtein, Alan
Dolan, Tom
Ford, Oliver
Harley, Tina
Khan, Aboul
Love, David
Milz, David
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Vandecasteele, Susan
Wallace, Scott

Abramson, Max
Baxter, Tim
Copp, Anne
Doucette, Fred
Green, Dennis
Hobson, Deborah
Kimball, Mary Ann
Lynn, Bob
Osborne, Jason
Roy, Terry
Sweeney, Joe
Tripp, Richard
Verville, Kevin
Welch, David

Acton, Dennis
Belanger, Cody
DeSimone, Debra
Edwards, Jess
Guthrie, Joseph
Janigian, John
Layon, Erica
Pearson, Mark
Piemonte, Tony
Pearson, Stephen
Sytek, John
True, Chris
Vose, Michael
Weyler, Kenneth

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Kittredge, Mac
Wuelper, Kurt

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

SULLIVAN

Aron, Judy
Smith, Steven

Callum, John

Rollins, Skip

Spilsbury, Walter

NAYS - 197**CARROLL**

Buco, Thomas
MacDonald, John
Umberger, Karen

Burroughs, Anita
Knirk, Jerry
Woodcock, Stephen

Crawford, Karel
Marsh, William

Deshaies, Brodie
McAleer, Chris

CHESHIRE

Abbott, Michael
Eaton, Daniel
Gomarlo, Jennie
Schapiro, Joe
Welkowitz, Lawrence

Ames, Richard
Faulkner, Barry
Harvey, Cathryn
Toll, Amanda

Berch, Paul
Fenton, Donovan
Ley, Douglas
Von Plinsky, Sparky

Bordenet, John
Fox, Dru
Parshall, Lucius
Weber, Lucy

COOS

Kelley, Eamon
Tucker, Edith

Hatch, William

Lafamme, Larry

Thompson, Dennis

GRAFTON

Abel, Richard
Dontonville, Roger
Hakken-Phillips, Mary
Murphy, James
Weston, Joyce

Adjutant, Joshua
Egan, Timothy
Ham, Bonnie
Stavis, Laurel

Almy, Susan
Fellows, Sallie
Massimilla, Linda
Smith, Suzanne

Depalma IV, Joseph
Gordon, Edward
Muirhead, Russell
Sykes, George

HILLSBOROUGH

Alexander, Joe
Beaulieu, Jane
Bradley, Amy
Cornell, Patricia
Freitas, Mary
Griffith, Willis
Herbert, Christopher
Klee, Patricia
Laughton, Stacie-Marie
Murray, Megan
Moran, Melbourne
O'Brien, Michael
Pickering, Daniel
Newman, Ray
Snow, Kendall
Telerski, Laura
Vann, Ivy

Bouldin, Amanda
Bergeron, Paul
Chretien, Jacqueline
DiSilvestro, Linda
Gagne, Larry
Hamer, Heidi
Schmidt, Janice
Klein-Knight, Nicole
Leishman, Peter
Mangipudi, Latha
Mullen, Sue
Pedersen, Michael
Piedra, Israel
Rung, Rosemarie
Somero, Paul
Toomey, Dan
Veilleux, Daniel

Bouldin, Andrew
Booras, Efstathia
Cohen, Bruce
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Jack, Martin
Labranche, Tony
Long, Patrick
Mayville, Mary
Nutter-Upham, Frances
Perez, Maria
Porter, Marjorie
Newman, Sue
Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

Baroody, Benjamin
Bouchard, Donald
Connors, Erika
Espitia, Manny
Gorski, Ted
Heath, Mary
Judy, Jean
Langley, Diane
King, Mark
McGhee, Kat
Nutting-Wong, Allison
Petrigno, Peter
Query, Joshua
Shaw, Barbara
Smith, Timothy
Van Houten, Constance

MERRIMACK

Bartlett, Christy
Gallager, Eric
McWilliams, Rebecca
Schuett, Dianne
Wallner, Mary Jane
Wolf, Dan

Caplan, Tony
Lane, Connie
Pimentel, Roderick
Schultz, Kristina
Walsh, Thomas
Woods, Gary

Ebel, Karen
Luneau, David
Rogers, Katherine
Shurtleff, Steve
Walz, Mary Beth

Ellison, Arthur
MacKay, James
Schamberg, Thomas
Soucy, Timothy
Wazir, Safiya

ROCKINGHAM

Altschiller, Debra
Cushing, Robert Renny
Gay, Betty
Hamblet, Joan
Maggiore, Jim
McMahon, Charles
Pratt, Kevin
Ward, Gerald

Bunker, Lisa
DiLorenzo, Charlotte
Gilman, Julie
Murray, Kate
Malloy, Dennis
Meuse, David
Read, Ellen

Cahill, Michael
Edgar, Michael
Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Paige, Mark
Simpson, Alexis

Cali-Pitts, Jacqueline
Elliott, Robert
Grote, Jaci
Lundgren, David
McBride, Everett
Pantelakos, Laura
Somssich, Peter

STRAFFORD

Bixby, Peter
Ellis, Donna
Gourgue, Amanda
Levesque, Cassandra
Rich, Cecilia
Treleaven, Susan

Cannon, Gerri
Fargo, Kristina
Grassie, Chuck
Smith, Marjorie
Salloway, Jeffrey
Vincent, Kenneth

Chase, Wendy
Fontneau, Timothy
Horrigan, Timothy
Oxaal, Ariel
Southworth, Thomas
Wall, Janet

Conley, Casey
Frost, Sherry
Kenney, Cam
Schmidt, Peter
Spang, Judith

SULLIVAN

Cloutier, John
Stapleton, Walter

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary
Tanner, Linda

Oxenham, Lee

and the motion failed.

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

MOTON TO INDEFINITELY POSTPONE

Rep. Belanger moved that **HB 251-FN**, requiring children under the age of 2 years to be restrained in a motor vehicle, be Indefinitely Postponed.

On a division vote, with 180 members having voted in the affirmative, and 195 in the negative, the motion failed.

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

Rep. Marjorie Smith moved the previous question.

The question being shall debate be limited?

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 213 - NAYS 161**YEAS - 213****BELKNAP**

Littlefield, Richard

CARROLL

Buco, Thomas
MacDonald, John
Nelson, Bill

Burroughs, Anita
Knirk, Jerry
Umberger, Karen

Crawford, Karel
Marsh, William
Woodcock, Stephen

Deshaies, Brodie
McAleer, Chris

CHESHIRE

Abbott, Michael
Faulkner, Barry
Harvey, Cathryn
Toll, Amanda

Ames, Richard
Fenton, Donovan
Ley, Douglas
Von Plinsky, Sparky

Berch, Paul
Fox, Dru
Parshall, Lucius
Welkowitz, Lawrence

Bordenet, John
Gomarlo, Jennie
Schapiro, Joe

COOS

Dostie, Donald
Theberge, Robert

Kelley, Eamon

Hatch, William

Laflamme, Larry

GRAFTON

Abel, Richard
Dontonville, Roger
Hakken-Phillips, Mary
Murphy, James
Sykes, George

Adjutant, Joshua
Egan, Timothy
Ham, Bonnie
Simon, Matthew
Weston, Joyce

Almy, Susan
Fellows, Sallie
Massimilla, Linda
Stavis, Laurel

Depalma IV, Joseph
Gordon, Edward
Muirhead, Russell
Smith, Suzanne

HILLSBOROUGH

Bouldin, Amanda
Bergeron, Paul
Chretien, Jacqueline
DiSilvestro, Linda
Goley, Jeffrey
Griffith, Willis
Heath, Mary
Jack, Martin
Labranche, Tony
Leishman, Peter
Mangipudi, Latha
Nutter-Upham, Frances
Petrigno, Peter
Query, Joshua
Shaw, Barbara
Telerski, Laura
Vann, Ivy

Bouldin, Andrew
Booras, Efstathia
Cohen, Bruce
Dutzy, Sherry
Gorski, Ted
Hamer, Heidi
Herbert, Christopher
Judy, Jean
Langley, Diane
Long, Patrick
McGhee, Kat
O'Brien, Michael
Pickering, Daniel
Newman, Ray
Snow, Kendall
Toomey, Dan
Veilleux, Daniel

Baroody, Benjamin
Bouchard, Donald
Connors, Erika
Espitia, Manny
Gould, Linda
Harriott-Gathright, Linda
Infantine, William
Klee, Patricia
Lanzara, Tom
King, Mark
Moran, Melbourne
Pedersen, Michael
Piedra, Israel
Rung, Rosemarie
Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

Beaulieu, Jane
Bradley, Amy
Cornell, Patricia
Freitas, Mary
Graham, John
Healey, Robert
Schmidt, Janice
Klein-Knight, Nicole
Laughton, Stacie-Marie
Murray, Megan
Mullen, Sue
Perez, Maria
Porter, Marjorie
Newman, Sue
Smith, Timothy
Van Houten, Constance

MERRIMACK

Allard, James
Ellison, Arthur
MacKay, James
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth

Bartlett, Christy
Gallager, Eric
Mason, James
Boyd, Stephen
Shurtleff, Steve
Wazir, Safiya

Caplan, Tony
Lane, Connie
McWilliams, Rebecca
Schamberg, Thomas
Soucy, Timothy
Wolf, Dan

Ebel, Karen
Luneau, David
Pimentel, Roderick
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

ROCKINGHAM

Abrami, Patrick	Acton, Dennis	Altschiller, Debra	Bunker, Lisa
Cahill, Michael	Cali-Pitts, Jacqueline	Cushing, Robert Renny	DiLorenzo, Charlotte
Edgar, Michael	Elliott, Robert	Gay, Betty	Gilman, Julie
Grossman, Gaby	Guthrie, Joseph	Hamblet, Joan	Harb, Robert
Murray, Kate	Katsakiores, Phyllis	Loughman, Tom	Lundgren, David
Pearson, Mark	Maggiore, Jim	Malloy, Dennis	McBeath, Rebecca
McBride, Everett	Meuse, David	Milz, David	Osborne, Jason
Paige, Mark	Pantelakos, Laura	Pratt, Kevin	Read, Ellen
Simpson, Alexis	Somssich, Peter	Sytek, John	MacDonald, Wayne
Ward, Gerald	Welch, David	Weyler, Kenneth	

STRAFFORD

Bixby, Peter	Cannon, Gerri	Chase, Wendy	Conley, Casey
Ellis, Donna	Fargo, Kristina	Fontneau, Timothy	Frost, Sherry
Gourgue, Amanda	Grassie, Chuck	Groen, Fenton	Harrington, Michael
Hayward, Peter	Kennedy, Cam	Levesque, Cassandra	Smith, Marjorie
Oxaal, Ariel	Schmidt, Peter	Rich, Cecilia	Salloway, Jeffrey
Southworth, Thomas	Treleaven, Susan	Vincent, Kenneth	Wall, Janet

SULLIVAN

Cloutier, John	Gottling, Suzanne	Merchant, Gary	Oxenham, Lee
Spilsbury, Walter	Stapleton, Walter	Smith, Steven	Sullivan, Brian
Tanner, Linda			

NAYS - 161**BELKNAP**

Aldrich, Glen	Bean, Harry	Bordes, Mike	Comtois, Barbara
Harvey-Bolia, Juliet	Hough, Gregg	Howard, Raymond	Johnson, Dawn
Lang, Timothy	Mackie, Jonathan	O'Hara, Travis	Ploszaj, Tom
Silber, Norman	Sylvia, Michael	Terry, Paul	Trottier, Douglas
Varney, Peter			

CARROLL

Avellani, Lino	Cordelli, Glenn	Smith, Jonathan	McConkey, Mark
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CHESHIRE

Hunt, John	Kilanski, Ben	Qualey, James	Rhodes, Jennifer
Santonastaso, Matthew	Weber, Lucy		

COOS

Craig, Kevin	Davis, Arnold	Merner, Troy	Thompson, Dennis
Tucker, Edith			

GRAFTON

Alliegro, Mark	Berezhny, Lex	Binford, David	Folsom, Beth
Sanborn, Gail	Greeson, Jeffrey	Ladd, Rick	

HILLSBOROUGH

Lekas, Alicia	Alexander, Joe	Ammon, Keith	Griffin, Barbara
King, Bill	Blasek, Melissa	Boehm, Ralph	Burt, John
Creighton, Jim	Cushman, Leah	Kelley, Diane	Smith, Denise
Erf, Keith	Fedolfi, Jim	Foster, William	Griffin, Gerald
Gagne, Larry	Greene, Bob	Gunski, Michael	Homola, Susan
Hopper, Gary	Kelsey, Niki	Kofalt, Jim	Sanborn, Laurie
Lascelles, Richard	Lewicke, John	Marston, Dick	Mayville, Mary
McLean, Mark	Mooney, Maureen	Notter, Jeanine	Nunez, Hershel
Nutting-Wong, Allison	Pauer, Diane	Post, Lisa	Prout, Andrew
Renzullo, Andrew	Rice, Kimberly	Rouillard, Claire	Sheehan, Vanessa
Somero, Paul	Lekas, Tony	Tausch, Lindsay	Ulery, Jordan
Warden, Mark			

MERRIMACK

Andrus, Louise	Cambrils, Jose	Cross, Kenna	Hill, Gregory
Kennedy, Margaret	Klose, John	McGuire, Carol	Moffett, Michael
Pearl, Howard	Pitaro, Matthew	Seaworth, Brian	Testerman, Dave
Walsh, Thomas	Wells, Natalie	White, Nick	Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl	Abramson, Max	Ayer, Paul	Baldasaro, Al
Baxter, Tim	Belanger, Cody	Bernardy, JD	Bershtein, Alan
Copp, Anne	DeSimone, Debra	Dodge, Dustin	Dolan, Tom

Doucette, Fred
Green, Dennis
Khan, Aboul
Love, David
Piemonte, Tony
Pearson, Stephen
Thomas, Douglas
Tudor, Paul
Wallace, Scott

Edwards, Jess
Harley, Tina
Kimball, Mary Ann
Lynn, Bob
Potucek, John
Soti, Julius
Torosian, Peter
Vandecasteele, Susan
Yokela, Josh

Emerick, Tracy
Hobson, Deborah
Layon, Erica
McMahon, Charles
Prudhomme-O'Brien, Katherine
Spillane, James
Tripp, Richard
Verville, Kevin

Ford, Oliver
Janigian, John
Litchfield, Melissa
Melvin, Charles
Roy, Terry
Sweeney, Joe
True, Chris
Vose, Michael

Ankarberg, Aidan
Horrigan, Timothy
Pitre, Joseph

Bailey, Glenn
Kaczynski, Thomas
Spang, Judith

DeLemus, Susan
Kittredge, Mac
Turcotte, Leonard

Horgan, James
Newton, Clifford
Wuelper, Kurt

STRAFFORD

SULLIVAN

Aron, Judy

Callum, John

Rollins, Skip

and the motion was adopted.

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

Reps. Layon, Aron, Warden, Comtois and Cushman spoke against.

Rep. Prout spoke against and yielded to questions.

Rep. Fenton spoke in favor.

Rep. Potucek requested a roll call; sufficiently seconded.

YEAS 198 - NAYS 176

YEAS - 198

CARROLL

Buco, Thomas
MacDonald, John
Nelson, Bill

Burroughs, Anita
Knirk, Jerry
Umberger, Karen

Crawford, Karel
Marsh, William
Woodcock, Stephen

Deshaies, Brodie
McAleer, Chris

CHESHIRE

Abbott, Michael
Eaton, Daniel
Gomarlo, Jennie
Parshall, Lucius
Weber, Lucy

Ames, Richard
Faulkner, Barry
Harvey, Cathryn
Schapiro, Joe
Welkowitz, Lawrence

Berch, Paul
Fenton, Donovan
Ley, Douglas
Toll, Amanda

Bordenet, John
Fox, Dru
Mann, John
Von Plinsky, Sparky

COOS

Kelley, Eamon
Thompson, Dennis

Hatch, William
Tucker, Edith

Lafamme, Larry

Theberge, Robert

GRAFTON

Abel, Richard
Dontonville, Roger
Ham, Bonnie
Stavis, Laurel

Adjutant, Joshua
Egan, Timothy
Massimilla, Linda
Smith, Suzanne

Almy, Susan
Fellows, Sallie
Muirhead, Russell
Sykes, George

Depalma IV, Joseph
Gordon, Edward
Murphy, James
Weston, Joyce

HILLSBOROUGH

Alexander, Joe
Beaulieu, Jane
Bradley, Amy
Cornell, Patricia
Gagne, Larry
Harriott-Gathright, Linda
Schmidt, Janice
Klein-Knight, Nicole
Leishman, Peter
Mangipudi, Latha
Mullen, Sue
Pedersen, Michael
Piedra, Israel
Rung, Rosemarie
Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

Bouldin, Amanda
Bergeron, Paul
Chretien, Jacqueline
DiSilvestro, Linda
Goley, Jeffrey
Healey, Robert
Jack, Martin
Labranche, Tony
Long, Patrick
Mayville, Mary
Nutter-Upham, Frances
Perez, Maria
Porter, Marjorie
Newman, Sue
Smith, Timothy
Van Houten, Constance

Bouldin, Andrew
Booras, Efstathia
Cohen, Bruce
Dutzy, Sherry
Griffith, Willis
Heath, Mary
Jeu, Jean
Langley, Diane
King, Mark
McGhee, Kat
Nutting-Wong, Allison
Petrigno, Peter
Query, Joshua
Shaw, Barbara
Telerski, Laura
Vann, Ivy

Baroody, Benjamin
Bouchard, Donald
Connors, Erika
Espitia, Manny
Hamer, Heidi
Herbert, Christopher
Klee, Patricia
Loughton, Stacie-Marie
Murray, Megan
Moran, Melbourne
O'Brien, Michael
Pickering, Daniel
Newman, Ray
Snow, Kendall
Toomey, Dan
Veilleux, Daniel

MERRIMACK

Bartlett, Christy
Gallager, Eric

Caplan, Tony
Lane, Connie

Ebel, Karen
Luneau, David

Ellison, Arthur
MacKay, James

McWilliams, Rebecca
Schuett, Dianne
Wallner, Mary Jane
Wolf, Dan

Pimentel, Roderick
Schultz, Kristina
Walsh, Thomas
Woods, Gary

Rogers, Katherine
Shurtleff, Steve
Walz, Mary Beth

Schamberg, Thomas
Soucy, Timothy
Wazir, Safiya

ROCKINGHAM

Abrami, Patrick
Cali-Pitts, Jacqueline
Edgar, Michael
Grote, Jaci
Katsakiores, Phyllis
Malloy, Dennis
Paige, Mark
Somssich, Peter

Altschiller, Debra
Cushing, Robert Renny
Gay, Betty
Hamblet, Joan
Khan, Aboul
McBeath, Rebecca
Pantelakos, Laura
Ward, Gerald

Bunker, Lisa
DiLorenzo, Charlotte
Gilman, Julie
Janigian, John
Lundgren, David
McBride, Everett
Read, Ellen

Cahill, Michael
Dolan, Tom
Grossman, Gaby
Murray, Kate
Maggiore, Jim
Meuse, David
Simpson, Alexis

STRAFFORD

Bixby, Peter
Ellis, Donna
Gourgue, Amanda
Levesque, Cassandra
Rich, Cecilia
Treleaven, Susan

Cannon, Gerri
Fargo, Kristina
Grassie, Chuck
Smith, Marjorie
Salloway, Jeffrey
Vincent, Kenneth

Chase, Wendy
Fontneau, Timothy
Horrigan, Timothy
Oxaal, Ariel
Southworth, Thomas
Wall, Janet

Conley, Casey
Frost, Sherry
Kenney, Cam
Schmidt, Peter
Spang, Judith

SULLIVAN

Cloutier, John
Smith, Steven

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary
Tanner, Linda

Oxenham, Lee

NAYS - 176

BELKNAP

Aldrich, Glen
Harvey-Bolia, Juliet
Lang, Timothy
Ploszaj, Tom
Trottier, Douglas

Bean, Harry
Hough, Gregg
Littlefield, Richard
Silber, Norman
Varney, Peter

Bordes, Mike
Howard, Raymond
Mackie, Jonathan
Sylvia, Michael

Comtois, Barbara
Johnson, Dawn
O'Hara, Travis
Terry, Paul

CARROLL

Avellani, Lino

Cordelli, Glenn

Smith, Jonathan

McConkey, Mark

CHESHIRE

Hunt, John
Santonastaso, Matthew

Kilanski, Ben

Qualey, James

Rhodes, Jennifer

COOS

Craig, Kevin

Davis, Arnold

Dostie, Donald

Merner, Troy

GRAFTON

Alliegro, Mark
Sanborn, Gail

Berezhny, Lex
Greeson, Jeffrey

Binford, David
Ladd, Rick

Folsom, Beth
Simon, Matthew

HILLSBOROUGH

Lekas, Alicia
Blasek, Melissa
Cushman, Leah
Fedolfi, Jim
Gould, Linda
Homola, Susan
Kofalt, Jim
Lewicke, John
Notter, Jeanine
Post, Lisa
Rouillard, Claire
Tausch, Lindsay

Ammon, Keith
Boehm, Ralph
Kelley, Diane
Foster, William
Graham, John
Hopper, Gary
Sanborn, Laurie
Marston, Dick
Nunez, Hershel
Prout, Andrew
Sheehan, Vanessa
Ulery, Jordan

Griffin, Barbara
Burt, John
Smith, Denise
Griffin, Gerald
Greene, Bob
Infantine, William
Lanzara, Tom
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Somero, Paul
Warden, Mark

King, Bill
Creighton, Jim
Erf, Keith
Gorski, Ted
Gunski, Michael
Kelsey, Niki
Lascelles, Richard
Mooney, Maureen
Plett, Fred
Rice, Kimberly
Lekas, Tony

MERRIMACK

Allard, James
Hill, Gregory
McGuire, Carol
Boyd, Stephen
White, Nick

Andrus, Louise
Kennedy, Margaret
Moffett, Michael
Seaworth, Brian
Yakubovich, Michael

Cambrils, Jose
Klose, John
Pearl, Howard
Testerman, Dave

Cross, Kenna
Mason, James
Pitaro, Matthew
Wells, Natalie

ROCKINGHAM

Abbas, Daryl
 Baldasaro, Al
 Bershtein, Alan
 Doucette, Fred
 Green, Dennis
 Hobson, Deborah
 Love, David
 Melvin, Charles
 Potucek, John
 Pearson, Stephen
 Sytek, John
 True, Chris
 Vose, Michael
 Weyler, Kenneth

Abramson, Max
 Baxter, Tim
 Copp, Anne
 Edwards, Jess
 Guthrie, Joseph
 Kimball, Mary Ann
 Lynn, Bob
 Milz, David
 Pratt, Kevin
 Soti, Julius
 Thomas, Douglas
 Tudor, Paul
 MacDonald, Wayne
 Yokela, Josh

Acton, Dennis
 Belanger, Cody
 DeSimone, Debra
 Emerick, Tracy
 Harb, Robert
 Layon, Erica
 Pearson, Mark
 Osborne, Jason
 Prudhomme-O'Brien, Katherine
 Spillane, James
 Torosian, Peter
 Vandecasteele, Susan
 Wallace, Scott

Ayer, Paul
 Bernardy, JD
 Dodge, Dustin
 Ford, Oliver
 Harley, Tina
 Litchfield, Melissa
 McMahon, Charles
 Piemonte, Tony
 Roy, Terry
 Sweeney, Joe
 Tripp, Richard
 Verville, Kevin
 Welch, David

STRAFFORD

Ankarberg, Aidan
 Harrington, Michael
 Kittredge, Mac
 Wuelper, Kurt

Bailey, Glenn
 Hayward, Peter
 Newton, Clifford

DeLemus, Susan
 Horgan, James
 Pitre, Joseph

Groen, Fenton
 Kaczynski, Thomas
 Turcotte, Leonard

SULLIVAN

Aron, Judy
 Stapleton, Walter

Callum, John

Rollins, Skip

Spilsbury, Walter

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

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Timothy Smith moved that the House reconsider its action whereby, on a roll call vote of 198-176, the House adopted the majority committee report of Ought to Pass with Amendment on **HB 251-FN**, requiring children under the age of 2 years to be restrained in a motor vehicle. On a division vote, with 143 members having voted in the affirmative, and 227 in the negative, the motion failed.

REGULAR CALENDAR - PART II CONT'D

HB 260-FN, relative to number plates for motor vehicles. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Judy Aron for the Majority of Transportation. The amendment, which replaces the original bill, updates the current statute (RSA:261:75 II) to require that antique, custom, and street rod vehicles, as defined in our statutes, be allowed to display only one rear license plate. Current plate requirements will remain in effect for all other vehicles. This change is a compromise for those automobile owners who have expressed the problem two plates pose with regard to esthetics, investment value, and technical issues for their vintage or special vehicle(s). There is minimal impact on tolling revenue for New Hampshire. Vote 10-9.

Rep. George Sykes for the Minority of Transportation. The concern is that multiple state agencies, including the Department of Safety, the Highway Safety Bureau, the NH Police Chief's Association, the NH Department of Transportation, and the NH Division of Motor Vehicles all testified in opposition to the original bill and did not update their testimony based upon this amendment. Further, we received no testimony as to the new fiscal impact, no testimony on how many vehicles are involved, and how this change would affect public safety agencies being able to identify vehicles for an AMBER Alert.

Majority Amendment (0208h)

Amend RSA 261:75, II as inserted by section 1 of the bill by replacing it with the following:

II. Every vehicle driven in or on any way in this state, if required to be registered hereunder, shall have displayed conspicuously thereon a number plate or plates to be furnished by the department, together with any current validation sticker issued by the department and which has a changeable designation of their effective period. The director may make special rules relative to the number of plates, the location of said plate or plates on the vehicle, and the material and design thereof, provided, however, that number plates for passenger vehicles shall have the state motto "Live Free or Die" written thereon, **and further provided that an antique vehicle, as defined in RSA 259:4, a custom vehicle, as defined in RSA 259:17-a, or a street rod, as defined in RSA 259:106-a, shall only be required to display one number plate on the rear of the vehicle.** The plate shall be kept clean.

AMENDED ANALYSIS

This bill provides that certain vehicles shall only be required to display one number plate on the rear of the vehicle.

Majority committee amendment adopted.

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

YEAS 210 - NAYS 163**YEAS - 210****BELKNAP**

Aldrich, Glen
Harvey-Bolia, Juliet
Lang, Timothy
Ploszaj, Tom
Trottier, Douglas

Bean, Harry
Hough, Gregg
Littlefield, Richard
Silber, Norman
Varney, Peter

Bordes, Mike
Howard, Raymond
Mackie, Jonathan
Sylvia, Michael

Comtois, Barbara
Johnson, Dawn
O'Hara, Travis
Terry, Paul

CARROLL

Avellani, Lino
MacDonald, John
McConkey, Mark

Cordelli, Glenn
Smith, Jonathan
Umberger, Karen

Crawford, Karel
Marsh, William
Woodcock, Stephen

Deshaies, Brodie
McAleer, Chris

CHESHIRE

Eaton, Daniel
Qualey, James

Hunt, John
Rhodes, Jennifer

Kilanski, Ben
Santonastaso, Matthew

Parshall, Lucius
Von Plinsky, Sparky

COOS

Craig, Kevin
Theberge, Robert

Davis, Arnold
Thompson, Dennis

Dostie, Donald

Merner, Troy

GRAFTON

Alliegro, Mark
Folsom, Beth
Ham, Bonnie

Berezhny, Lex
Sanborn, Gail
Ladd, Rick

Binford, David
Gordon, Edward
Simon, Matthew

Depalma IV, Joseph
Greeson, Jeffrey

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Burt, John
Smith, Denise
Gagne, Larry
Griffith, Willis
Infantine, William
Labranche, Tony
Marston, Dick
Moran, Melbourne
Plett, Fred
Rice, Kimberly
Somero, Paul
Ulery, Jordan

Bouldin, Amanda
King, Bill
Creighton, Jim
Erf, Keith
Gorski, Ted
Gunski, Michael
Kelsey, Niki
Lanzara, Tom
Mayville, Mary
Notter, Jeanine
Post, Lisa
Rouillard, Claire
Lekas, Tony
Veilleux, Daniel

Ammon, Keith
Blasek, Melissa
Cushman, Leah
Foster, William
Gould, Linda
Healey, Robert
Kofalt, Jim
Lascelles, Richard
McLean, Mark
Nunez, Hershel
Prout, Andrew
Shaw, Barbara
Smith, Timothy
Warden, Mark

Bouldin, Andrew
Boehm, Ralph
Kelley, Diane
Griffin, Gerald
Greene, Bob
Hopper, Gary
Sanborn, Laurie
Lewicke, John
Mooney, Maureen
Pauer, Diane
Renzullo, Andrew
Sheehan, Vanessa
Tausch, Lindsay

MERRIMACK

Andrus, Louise
Kennedy, Margaret
McWilliams, Rebecca
Boyd, Stephen
Wells, Natalie

Cambrils, Jose
Klose, John
Moffett, Michael
Seaworth, Brian
White, Nick

Cross, Kenna
Mason, James
Pearl, Howard
Testerman, Dave
Yakovovich, Michael

Hill, Gregory
McGuire, Carol
Pitaro, Matthew
Walsh, Thomas

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Bernardy, JD
Dodge, Dustin
Emerick, Tracy
Guthrie, Joseph
Katsakiores, Phyllis
Litchfield, Melissa
McBride, Everett
Osborne, Jason
Roy, Terry
Sweeney, Joe
Tripp, Richard
Verville, Kevin
Welch, David

Abrami, Patrick
Baldasaro, Al
Bershtein, Alan
Dolan, Tom
Ford, Oliver
Harb, Robert
Khan, Aboul
Love, David
McMahon, Charles
Piemonte, Tony
Pearson, Stephen
Sytek, John
True, Chris
Vose, Michael
Weyler, Kenneth

Abramson, Max
Baxter, Tim
Copp, Anne
Doucette, Fred
Gay, Betty
Harley, Tina
Kimball, Mary Ann
Lynn, Bob
Melvin, Charles
Potucek, John
Soti, Julius
Thomas, Douglas
Tudor, Paul
MacDonald, Wayne
Yokela, Josh

Acton, Dennis
Belanger, Cody
DeSimone, Debra
Edwards, Jess
Green, Dennis
Hobson, Deborah
Layon, Erica
Pearson, Mark
Milz, David
Pratt, Kevin
Spillane, James
Torosian, Peter
Vandecasteele, Susan
Wallace, Scott

STRAFFORD

Ankarberg, Aidan
DeLemus, Susan

Bailey, Glenn
Fontneau, Timothy

Cannon, Gerri
Groen, Fenton

Conley, Casey
Harrington, Michael

Hayward, Peter
Kittredge, Mac
Turcotte, Leonard

Horgan, James
Newton, Clifford
Wuelper, Kurt

Kaczynski, Thomas
Pitre, Joseph

Kenney, Cam
Salloway, Jeffrey

SULLIVAN

Aron, Judy
Smith, Steven

Callum, John

Rollins, Skip

Spilsbury, Walter

NAYS - 163

CARROLL

Buco, Thomas

Burroughs, Anita

Knirk, Jerry

Nelson, Bill

CHESHIRE

Abbott, Michael
Faulkner, Barry
Harvey, Cathryn
Toll, Amanda

Ames, Richard
Fenton, Donovan
Ley, Douglas
Weber, Lucy

Berch, Paul
Fox, Dru
Mann, John
Welkowitz, Lawrence

Bordenet, John
Gomarlo, Jennie
Schapiro, Joe

COOS

Kelley, Eamon

Hatch, William

Lafamme, Larry

Tucker, Edith

GRAFTON

Abel, Richard
Egan, Timothy
Muirhead, Russell
Sykes, George

Adjutant, Joshua
Fellows, Sallie
Murphy, James
Weston, Joyce

Almy, Susan
Hakken-Phillips, Mary
Stavis, Laurel

Dontonville, Roger
Massimilla, Linda
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Bouchard, Donald
Connors, Erika
Espitia, Manny
Hamer, Heidi
Homola, Susan
Klee, Patricia
Leishman, Peter
Mangipudi, Latha
Nutting-Wong, Allison
Petrigno, Peter
Query, Joshua
Snow, Kendall
Vail, Suzanne

Beaulieu, Jane
Bradley, Amy
Cornell, Patricia
Fedolfi, Jim
Harriott-Gathright, Linda
Schmidt, Janice
Klein-Knight, Nicole
Long, Patrick
McGhee, Kat
O'Brien, Michael
Pickering, Daniel
Newman, Ray
Stevens, Deb
Van Houten, Constance

Bergeron, Paul
Chretien, Jacqueline
DiSilvestro, Linda
Goley, Jeffrey
Heath, Mary
Jack, Martin
Langley, Diane
King, Mark
Mullen, Sue
Pedersen, Michael
Piedra, Israel
Rung, Rosemarie
Telerski, Laura
Vann, Ivy

Booras, Efstathia
Cohen, Bruce
Dutzy, Sherry
Graham, John
Herbert, Christopher
Judy, Jean
Laughton, Stacie-Marie
Murray, Megan
Nutter-Upham, Frances
Perez, Maria
Porter, Marjorie
Newman, Sue
Toomey, Dan
Wilhelm, Matthew

MERRIMACK

Allard, James
Ellison, Arthur
MacKay, James
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

Bartlett, Christy
Gallager, Eric
Pimentel, Roderick
Schultz, Kristina
Walz, Mary Beth

Caplan, Tony
Lane, Connie
Rogers, Katherine
Shurtleff, Steve
Wazir, Safiya

Ebel, Karen
Luneau, David
Schamberg, Thomas
Soucy, Timothy
Wolf, Dan

ROCKINGHAM

Altschiller, Debra
Cushing, Robert Renny
Grossman, Gaby
Murray, Kate
Meuse, David
Read, Ellen

Bunker, Lisa
DiLorenzo, Charlotte
Grote, Jaci
Maggiore, Jim
Paige, Mark
Simpson, Alexis

Cahill, Michael
Edgar, Michael
Hamblet, Joan
Malloy, Dennis
Pantelakos, Laura
Somssich, Peter

Cali-Pitts, Jacqueline
Gilman, Julie
Janigian, John
McBeath, Rebecca
Prudhomme-O'Brien, Katherine
Ward, Gerald

STRAFFORD

Bixby, Peter
Frost, Sherry
Levesque, Cassandra
Rich, Cecilia
Vincent, Kenneth

Chase, Wendy
Gourgue, Amanda
Smith, Marjorie
Southworth, Thomas
Wall, Janet

Ellis, Donna
Grassie, Chuck
Oxaal, Ariel
Spang, Judith

Fargo, Kristina
Horrigan, Timothy
Schmidt, Peter
Treleaven, Susan

SULLIVAN

Cloutier, John
Stapleton, Walter

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary
Tanner, Linda

Oxenham, Lee

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

HB 279, relative to the maximum allowable vehicle gross weight for a combination of truck-tractor and single semi-trailer with 4 or more axles. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judy Aron for Transportation. As amended this bill increases the maximum gross weight allowed on any truck/trailer combination that carries raw forestry products, such as unprocessed logs and wood chips loaded on the log landing. This bill is a big benefit for the forest product industry because the tandem drive axle weight limit being requested in this bill is consistent with our neighboring states and other truck configuration axle limits. This bill is supported by the Department of Safety, the Timberland Owners Association, NH Farm Bureau, and the NH Motor Transport Association. The forest harvesting industry has spent a significant amount of time and resources trying to comply with the current statute and this change will allow them to continue to operate safely without being subjected to onerous regulations. Vote 13-6.

Amendment (0319h)

Amend the bill by replacing section 1 with the following:

1 Motor Vehicles; Maximum Gross Weight. Amend RSA 266:18-b, III(g) to read as follows:

(g) For a combination of truck-tractor and single semi-trailer with 4 or more axles, the weight on any single axle shall not exceed 22,400 pounds and the weight on any tandem axle shall not exceed 36,000 pounds, and the weight of any tri-axle shall not exceed 54,000 pounds. ***For a combination of truck-tractor and single semi-trailer with 4 or more axles that is carrying raw forestry products, the weight on any tandem axle shall not exceed 40,000 pounds. For purposes of this subparagraph, "raw forestry products" means unprocessed logs and wood chips harvested from forestland, as defined in RSA 227-G:2, VIII, that have not previously been moved off site.***

AMENDED ANALYSIS

This bill increases the maximum gross weight allowed on any tandem axle for a combination of truck-tractor and single semi-trailer with 4 or more axles that carries raw forestry products. The bill also defines "raw forestry products" for purposes of calculating maximum gross weight.

Committee amendment adopted.

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

On a division vote, with 181 members having voted in the affirmative, and 188 in the negative, the committee report failed.

Rep. Sykes moved Inexpedient to Legislate.

MOTION TO LAY ON THE TABLE

Rep. Aron moved that **HB 279**, relative to the maximum allowable vehicle gross weight for a combination of truck-tractor and single semi-trailer with 4 or more axles, be laid on the table.

Rep. Edwards requested a roll call; sufficiently seconded.

YEAS 200 - NAYS 173

**YEAS - 200
BELKNAP**

Aldrich, Glen	Bean, Harry	Bordes, Mike	Comtois, Barbara
Harvey-Bolia, Juliet	Hough, Gregg	Howard, Raymond	Johnson, Dawn
Lang, Timothy	Littlefield, Richard	Mackie, Jonathan	O'Hara, Travis
Ploszaj, Tom	Sylvia, Michael	Terry, Paul	Trottier, Douglas
Varney, Peter			

CARROLL

Avellani, Lino	Cordelli, Glenn	Crawford, Karel	Deshaies, Brodie
MacDonald, John	Smith, Jonathan	Marsh, William	McConkey, Mark

CHESHIRE

Hunt, John	Kilanski, Ben	Qualey, James	Rhodes, Jennifer
Santonastaso, Matthew			

COOS

Craig, Kevin	Davis, Arnold	Dostie, Donald	Merner, Troy
Theberge, Robert	Tucker, Edith		

GRAFTON

Alliegro, Mark	Berezhny, Lex	Binford, David	Depalma IV, Joseph
Egan, Timothy	Folsom, Beth	Sanborn, Gail	Gordon, Edward
Greeson, Jeffrey	Ladd, Rick	Simon, Matthew	Smith, Suzanne

HILLSBOROUGH

Lekas, Alicia	Alexander, Joe	Ammon, Keith	Griffin, Barbara
King, Bill	Blasek, Melissa	Boehm, Ralph	Burt, John

Creighton, Jim
Erf, Keith
Gorski, Ted
Gunski, Michael
Infantine, William
Lanzara, Tom
Marston, Dick
Notter, Jeanine
Plett, Fred
Rice, Kimberly
Lekas, Tony
Warden, Mark

Cushman, Leah
Foster, William
Gould, Linda
Healey, Robert
Kelsey, Niki
Lascelles, Richard
Mayville, Mary
Nunez, Hershel
Post, Lisa
Rouillard, Claire
Tausch, Lindsay

Kelley, Diane
Griffin, Gerald
Graham, John
Homola, Susan
Kofalt, Jim
Leishman, Peter
McLean, Mark
Pauer, Diane
Prout, Andrew
Sheehan, Vanessa
Ulery, Jordan

Smith, Denise
Gagne, Larry
Greene, Bob
Hopper, Gary
Sanborn, Laurie
Lewicke, John
Mooney, Maureen
Pickering, Daniel
Renzullo, Andrew
Somero, Paul
Veilleux, Daniel

Andrus, Louise
Kennedy, Margaret
Moffett, Michael
Schamberg, Thomas
Wells, Natalie

Cambrils, Jose
Klose, John
Pearl, Howard
Seaworth, Brian
White, Nick

MERRIMACK

Cross, Kenna
Mason, James
Pitaro, Matthew
Testerman, Dave
Wolf, Dan

Hill, Gregory
McGuire, Carol
Boyd, Stephen
Walsh, Thomas
Yakubovich, Michael

Abbas, Daryl
Ayer, Paul
Bernardy, JD
Dodge, Dustin
Emerick, Tracy
Guthrie, Joseph
Janigian, John
Layon, Erica
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
Verville, Kevin
Yokela, Josh

Abrami, Patrick
Baldasaro, Al
Bershtein, Alan
Dolan, Tom
Ford, Oliver
Harb, Robert
Katsakiores, Phyllis
Love, David
Melvin, Charles
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
Wallace, Scott

ROCKINGHAM

Abramson, Max
Baxter, Tim
Copp, Anne
Doucette, Fred
Gay, Betty
Harley, Tina
Khan, Aboul
Lynn, Bob
Milz, David
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Tudor, Paul
Welch, David

Acton, Dennis
Belanger, Cody
DeSimone, Debra
Edwards, Jess
Green, Dennis
Hobson, Deborah
Kimball, Mary Ann
Pearson, Mark
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Vandecasteele, Susan
Weyler, Kenneth

Ankarberg, Aidan
Fontneau, Timothy
Horrigan, Timothy
Pitre, Joseph

Bailey, Glenn
Groen, Fenton
Kaczynski, Thomas
Rich, Cecilia

STRAFFORD

Bixby, Peter
Hayward, Peter
Kittredge, Mac
Turcotte, Leonard

DeLemus, Susan
Horgan, James
Newton, Clifford
Wuelper, Kurt

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

SULLIVAN

Rollins, Skip

Spilsbury, Walter

NAYS - 173 BELKNAP

Silber, Norman

CARROLL

Knirk, Jerry
Woodcock, Stephen

McAleer, Chris

Buco, Thomas
Nelson, Bill

Burroughs, Anita
Umberger, Karen

CHESHIRE

Berch, Paul
Fenton, Donovan
Ley, Douglas
Toll, Amanda

Bordenet, John
Fox, Dru
Mann, John
Von Plinsky, Sparky

Abbott, Michael
Eaton, Daniel
Gomarlo, Jennie
Parshall, Lucius
Weber, Lucy

Ames, Richard
Faulkner, Barry
Harvey, Cathryn
Schapiro, Joe
Welkowitz, Lawrence

COOS

Lafamme, Larry

Thompson, Dennis

Kelley, Eamon

Hatch, William

GRAFTON

Almy, Susan
Ham, Bonnie
Stavis, Laurel

Dontonville, Roger
Massimilla, Linda
Sykes, George

Abel, Richard
Fellows, Sallie
Muirhead, Russell
Weston, Joyce

Adjutant, Joshua
Hakken-Phillips, Mary
Murphy, James

HILLSBOROUGH

Bouldin, Amanda	Bouldin, Andrew	Baroody, Benjamin	Beaulieu, Jane
Bergeron, Paul	Booras, Efstathia	Bouchard, Donald	Bradley, Amy
Chretien, Jacqueline	Cohen, Bruce	Connors, Erika	Cornell, Patricia
DiSilvestro, Linda	Dutzy, Sherry	Espitia, Manny	Fedolfi, Jim
Goley, Jeffrey	Griffith, Willis	Hamer, Heidi	Harriott-Gathright, Linda
Heath, Mary	Herbert, Christopher	Schmidt, Janice	Jack, Martin
Jeady, Jean	Klee, Patricia	Klein-Knight, Nicole	Labranche, Tony
Langley, Diane	Laughton, Stacie-Marie	Long, Patrick	King, Mark
Murray, Megan	Mangipudi, Latha	McGhee, Kat	Moran, Melbourne
Mullen, Sue	Nutter-Upham, Frances	Nutting-Wong, Allison	O'Brien, Michael
Pedersen, Michael	Perez, Maria	Petrigno, Peter	Piedra, Israel
Porter, Marjorie	Query, Joshua	Newman, Ray	Rung, Rosemarie
Newman, Sue	Shaw, Barbara	Snow, Kendall	Stevens, Deb
Smith, Timothy	Telerski, Laura	Toomey, Dan	Vail, Suzanne
Van Houten, Constance	Vann, Ivy	Wilhelm, Matthew	

MERRIMACK

Allard, James	Bartlett, Christy	Caplan, Tony	Ebel, Karen
Ellison, Arthur	Gallager, Eric	Lane, Connie	Luneau, David
MacKay, James	McWilliams, Rebecca	Pimentel, Roderick	Rogers, Katherine
Schuett, Dianne	Schultz, Kristina	Shurtleff, Steve	Soucy, Timothy
Wallner, Mary Jane	Walz, Mary Beth	Wazir, Safiya	Woods, Gary

ROCKINGHAM

Altschiller, Debra	Bunker, Lisa	Cahill, Michael	Cali-Pitts, Jacqueline
Cushing, Robert Renny	DiLorenzo, Charlotte	Edgar, Michael	Gilman, Julie
Grossman, Gaby	Grote, Jaci	Hamblet, Joan	Murray, Kate
Litchfield, Melissa	Maggiore, Jim	Malloy, Dennis	McBeath, Rebecca
McBride, Everett	Meuse, David	Paige, Mark	Pantelakos, Laura
Read, Ellen	Simpson, Alexis	Somssich, Peter	Vose, Michael
MacDonald, Wayne	Ward, Gerald		

STRAFFORD

Cannon, Gerri	Chase, Wendy	Conley, Casey	Ellis, Donna
Fargo, Kristina	Frost, Sherry	Gourgue, Amanda	Grassie, Chuck
Harrington, Michael	Kenney, Cam	Levesque, Cassandra	Smith, Marjorie
Oxaal, Ariel	Schmidt, Peter	Salloway, Jeffrey	Southworth, Thomas
Spang, Judith	Vincent, Kenneth	Wall, Janet	

SULLIVAN

Cloutier, John	Gottling, Suzanne	Merchant, Gary	Oxenham, Lee
Sullivan, Brian	Tanner, Linda		

and the motion was adopted.

(Rep. Steven Smith in the Chair)

REGULAR CALENDAR PART II CONT'D

CACR 1, taxes. Providing that an income tax on earned personal income shall be prohibited. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Patrick Abrami for the Majority of Ways and Means. This constitutional amendment concurrent resolution (CACR) prohibits the adoption of a tax on earned personal income in New Hampshire. The majority felt that it was important that this CACR be passed by the legislature, so that the question of whether this state should ever be allowed to enact an income tax be brought before all of the voters of the state. A similar CACR was passed a decade ago and the people did weigh-in on this topic, but the vote did fall short of the two thirds required for the constitution to be changed. The majority feels that it is important to ask the voters to once again weigh-in on this question. Vote 13-10.

Rep. Richard Ames for the Minority of Ways and Means. This proposed categorical prohibition on one ill-defined object of taxation – does “earned personal income” include, for example, the earned income of a sole proprietor or the salaries of business employees that are both currently taxed under our business profits tax and our business enterprise tax? – would forever bind future legislatures and governors regardless of fiscal and socio-economic circumstances that cannot now be foreseen. Three existing provisions of the New Hampshire Constitution are sufficient to ensure, without amendment, fairness and responsibility in taxation. First, Part I, Article 12, establishes that “[e]very member of the community has a right to be protected by it, in the enjoyment of his life, liberty, and property; he is therefore bound to contribute his share in the expense of such protection,” and the Supreme Court in *Rollins v. City of Dover* declared that “taxes must be not merely proportional, but in due proportion, so that each individual’s just share, and no more, shall fall on him.” Second, Part II, Article 5, grants the legislature authority “to impose and levy proportional and reasonable assessments, rates and taxes, upon

all the inhabitants of, and residents within” the state. Our New Hampshire Supreme Court has affirmed that these two constitutional provisions “establish equality and justice as the basis of all constitutional taxation.” The third constitutional provision, Part II, Article 6, authorizes the legislature to “classify” property for purposes of taxation, a provision that conveys to the legislature, in the words of a 2008 Supreme Court decision, “broad power to declare property to be taxable or non-taxable based upon a classification of the property’s kind of use, but not based upon a classification of the property’s owners.” These existing constitutional limits on taxation set sound, sufficient, and enforceable standards for all New Hampshire taxes. The poorly defined categorical prohibition proposed by CACR 1 does not belong in our constitution. It should be rejected.

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

Rep. Ames spoke against.

Rep. Abrami spoke in favor.

Rep. Turcotte requested a roll call; sufficiently seconded.

YEAS 202 - NAYS 171

YEAS - 202

BELKNAP

Aldrich, Glen
Harvey-Bolia, Juliet
Lang, Timothy
Ploszaj, Tom
Trottier, Douglas

Bean, Harry
Hough, Gregg
Littlefield, Richard
Silber, Norman
Varney, Peter

Bordes, Mike
Howard, Raymond
Mackie, Jonathan
Sylvia, Michael

Comtois, Barbara
Johnson, Dawn
O'Hara, Travis
Terry, Paul

CARROLL

Avellani, Lino
MacDonald, John
Nelson, Bill

Cordelli, Glenn
Smith, Jonathan
Umberger, Karen

Crawford, Karel
Marsh, William

Deshaiies, Brodie
McConkey, Mark

CHESHIRE

Hunt, John
Santonastaso, Matthew

Kilanski, Ben

Qualey, James

Rhodes, Jennifer

COOS

Craig, Kevin
Thompson, Dennis

Davis, Arnold

Dostie, Donald

Merner, Troy

GRAFTON

Adjutant, Joshua
Depalma IV, Joseph
Greeson, Jeffrey

Alliegro, Mark
Folsom, Beth
Ham, Bonnie

Berezhny, Lex
Sanborn, Gail
Ladd, Rick

Binford, David
Gordon, Edward
Simon, Matthew

HILLSBOROUGH

Lekas, Alicia
King, Bill
Creighton, Jim
Erf, Keith
Gagne, Larry
Greene, Bob
Hopper, Gary
Sanborn, Laurie
Marston, Dick
Moran, Melbourne
Plett, Fred
Rice, Kimberly
Somero, Paul
Veilleux, Daniel

Alexander, Joe
Blasek, Melissa
Cushman, Leah
Fedolfi, Jim
Gorski, Ted
Gunski, Michael
Infantine, William
Lanzara, Tom
Mayville, Mary
Notter, Jeanine
Post, Lisa
Rouillard, Claire
Lekas, Tony
Warden, Mark

Ammon, Keith
Boehm, Ralph
Kelley, Diane
Foster, William
Gould, Linda
Healey, Robert
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Nunez, Hershel
Prout, Andrew
Shaw, Barbara
Tausch, Lindsay

Griffin, Barbara
Burt, John
Smith, Denise
Griffin, Gerald
Graham, John
Homola, Susan
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Pauer, Diane
Renzullo, Andrew
Sheehan, Vanessa
Ulery, Jordan

MERRIMACK

Allard, James
Hill, Gregory
McGuire, Carol
Boyd, Stephen
Wells, Natalie

Andrus, Louise
Kennedy, Margaret
Moffett, Michael
Seaworth, Brian
White, Nick

Cambriels, Jose
Klose, John
Pearl, Howard
Testerman, Dave
Yakubovich, Michael

Cross, Kenna
Mason, James
Pitaro, Matthew
Walsh, Thomas

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Bernardy, JD
Dodge, Dustin
Emerick, Tracy

Abrami, Patrick
Baldasaro, Al
Bershtein, Alan
Dolan, Tom
Ford, Oliver

Abramson, Max
Baxter, Tim
Copp, Anne
Doucette, Fred
Gay, Betty

Acton, Dennis
Belanger, Cody
DeSimone, Debra
Edwards, Jess
Green, Dennis

Guthrie, Joseph
Janigian, John
Layon, Erica
Pearson, Mark
Milz, David
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
Vose, Michael
Weyler, Kenneth

Harb, Robert
Katsakiores, Phyllis
Litchfield, Melissa
McBride, Everett
Osborne, Jason
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Tudor, Paul
MacDonald, Wayne
Yokela, Josh

Harley, Tina
Khan, Aboul
Love, David
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Vandecasteele, Susan
Wallace, Scott

Hobson, Deborah
Kimball, Mary Ann
Lynn, Bob
Melvin, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
Verville, Kevin
Welch, David

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Kittredge, Mac

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Wuelper, Kurt

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John

Rollins, Skip

Spilsbury, Walter

NAYS - 171**CARROLL**

Buco, Thomas
Woodcock, Stephen

Burroughs, Anita

Knirk, Jerry

McAleer, Chris

CHESHIRE

Abbott, Michael
Eaton, Daniel
Gomarlo, Jennie
Parshall, Lucius
Weber, Lucy

Ames, Richard
Faulkner, Barry
Harvey, Cathryn
Schapiro, Joe
Welkowitz, Lawrence

Berch, Paul
Fenton, Donovan
Ley, Douglas
Toll, Amanda

Bordenet, John
Fox, Dru
Mann, John
Von Plinsky, Sparky

COOS

Kelley, Eamon
Tucker, Edith

Hatch, William

Lafamme, Larry

Theberge, Robert

GRAFTON

Abel, Richard
Fellows, Sallie
Murphy, James
Weston, Joyce

Almy, Susan
Hakken-Phillips, Mary
Stavis, Laurel

Dontonville, Roger
Massimilla, Linda
Smith, Suzanne

Egan, Timothy
Muirhead, Russell
Sykes, George

HILLSBOROUGH

Bouldin, Amanda
Bergeron, Paul
Chretien, Jacqueline
DiSilvestro, Linda
Griffith, Willis
Herbert, Christopher
Klee, Patricia
Laughton, Stacie-Marie
Murray, Megan
Nutter-Upham, Frances
Perez, Maria
Porter, Marjorie
Newman, Sue
Telerski, Laura
Vann, Ivy

Bouldin, Andrew
Booras, Efstathia
Cohen, Bruce
Dutzy, Sherry
Hamer, Heidi
Schmidt, Janice
Klein-Knight, Nicole
Leishman, Peter
Mangipudi, Latha
Nutting-Wong, Allison
Petrigno, Peter
Query, Joshua
Snow, Kendall
Toomey, Dan
Wilhelm, Matthew

Baroody, Benjamin
Bouchard, Donald
Connors, Erika
Espitia, Manny
Harriott-Gathright, Linda
Jack, Martin
Labranche, Tony
Long, Patrick
McGhee, Kat
O'Brien, Michael
Pickering, Daniel
Newman, Ray
Stevens, Deb
Vail, Suzanne

Beaulieu, Jane
Bradley, Amy
Cornell, Patricia
Goley, Jeffrey
Heath, Mary
Judy, Jean
Langley, Diane
King, Mark
Mullen, Sue
Pedersen, Michael
Piedra, Israel
Rung, Rosemarie
Smith, Timothy
Van Houten, Constance

MERRIMACK

Bartlett, Christy
Gallager, Eric
McWilliams, Rebecca
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

Caplan, Tony
Lane, Connie
Pimentel, Roderick
Schultz, Kristina
Walz, Mary Beth

Ebel, Karen
Luneau, David
Rogers, Katherine
Shurtleff, Steve
Wazir, Safiya

Ellison, Arthur
MacKay, James
Schamberg, Thomas
Soucy, Timothy
Wolf, Dan

ROCKINGHAM

Altschiller, Debra
Cushing, Robert Renny

Bunker, Lisa
DiLorenzo, Charlotte

Cahill, Michael
Edgar, Michael

Cali-Pitts, Jacqueline
Gilman, Julie

Grossman, Gaby
Maggiore, Jim
Pantelakos, Laura
Ward, Gerald

Grote, Jaci
McBeath, Rebecca
Read, Ellen

Hamblet, Joan
Meuse, David
Simpson, Alexis

Murray, Kate
Paige, Mark
Somssich, Peter

STRAFFORD

Bixby, Peter
Ellis, Donna
Gourgue, Amanda
Levesque, Cassandra
Rich, Cecilia
Treleaven, Susan

Cannon, Gerri
Fargo, Kristina
Grassie, Chuck
Smith, Marjorie
Salloway, Jeffrey
Turcotte, Leonard

Chase, Wendy
Fontneau, Timothy
Horrigan, Timothy
Oxaal, Ariel
Southworth, Thomas
Vincent, Kenneth

Conley, Casey
Frost, Sherry
Kenney, Cam
Schmidt, Peter
Spang, Judith
Wall, Janet

SULLIVAN

Cloutier, John
Sullivan, Brian

Gottling, Suzanne
Tanner, Linda

Merchant, Gary

Oxenham, Lee

and the majority committee report failed lacking the necessary three-fifths vote.
Rep. Turcotte voted Nay and intended to vote Yea.

CACR 2, taxes. Providing that any broad-based sales tax shall be prohibited. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Alan Bershtein for the Majority of Ways and Means. Passage of this constitutional amendment concurrent resolution (CACR) would afford New Hampshire voters the opportunity to decide for themselves on Election Day if New Hampshire should prohibit the adoption of any broad-based sales tax that was not in effect as of January 1, 2021. A majority of the committee affirmed their belief that voters should have a voice as to whether a broad-based sales tax is appropriate for the Granite State. The absence of a broad-based sales tax enables New Hampshire businesses, and the families they support, to enjoy an important competitive advantage over neighboring states. This CACR would allow voters to decide at the ballot box if this vital element of the New Hampshire advantage should be enshrined in our state's constitution. Vote 13-10.

Rep. Richard Ames for the Minority of Ways and Means. This constitutional amendment concurrent resolution (CACR) would prohibit adoption of "any broad-based sales tax not in effect as of January 1, 2021." But there is ambiguity in this proposed prohibition. What exactly is a "broad-based sales tax?" A 2017 Tax Foundation report suggested, for example, that the typical state sales tax with exemptions for groceries or services or clothing is not "broad-based" so would not be covered by the CACR prohibition. Do we really want to foster litigation over such a threshold issue? Do we really want such a poorly defined categorical prohibition to forever bind future legislatures and governors regardless of fiscal and socio-economic circumstances that cannot now be foreseen? Three existing provisions of the New Hampshire Constitution are sufficient to ensure, without amendment, fairness and responsibility in taxation. First, Part I, Article 12, establishes that "[e]very member of the community has a right to be protected by it, in the enjoyment of his life, liberty, and property; he is therefore bound to contribute his share in the expense of such protection," and the Supreme Court in *Rollins v. City of Dover* declared that "taxes must be not merely proportional, but in due proportion, so that each individual's just share, and no more, shall fall on him." Second, Part II, Article 5, grants the legislature authority "to impose and levy proportional and reasonable assessments, rates and taxes, upon all the inhabitants of, and residents within" the state. Our New Hampshire Supreme Court has affirmed that these two constitutional provisions "establish equality and justice as the basis of all constitutional taxation." The third constitutional provision, Part II, Article 6, authorizes the legislature to "classify" property for purposes of taxation, a provision that conveys to the legislature, in the words of a 2008 Supreme Court decision, "broad power to declare property to be taxable or non-taxable based upon a classification of the property's kind of use, but not based upon a classification of the property's owners." These existing constitutional limits on taxation set sound, sufficient, and enforceable standards for all New Hampshire taxes. The poorly defined categorical prohibition proposed by this CACR does not belong in our constitution. It should be rejected.

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

Reps. Abramson and Bershtein spoke in favor.

Rep. Ames spoke against.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 201 - NAYS 170

YEAS - 201

BELKNAP

Aldrich, Glen
Harvey-Bolia, Juliet
Lang, Timothy
Ploszaj, Tom
Trottier, Douglas

Bean, Harry
Hough, Gregg
Littlefield, Richard
Silber, Norman
Varney, Peter

Bordes, Mike
Howard, Raymond
Mackie, Jonathan
Sylvia, Michael

Comtois, Barbara
Johnson, Dawn
O'Hara, Travis
Terry, Paul

CARROLL

Avellani, Lino
MacDonald, John
Nelson, Bill

Cordelli, Glenn
Smith, Jonathan
Umberger, Karen

Crawford, Karel
Marsh, William

Deshaias, Brodie
McConkey, Mark

CHESHIRE

Hunt, John
Santonastaso, Matthew

Kilanski, Ben

Qualey, James

Rhodes, Jennifer

COOS

Craig, Kevin
Thompson, Dennis

Davis, Arnold

Dostie, Donald

Merner, Troy

GRAFTON

Alliegro, Mark
Folsom, Beth
Ham, Bonnie

Berezhny, Lex
Sanborn, Gail
Ladd, Rick

Binford, David
Gordon, Edward
Simon, Matthew

Depalma IV, Joseph
Greeson, Jeffrey

HILLSBOROUGH

Lekas, Alicia
King, Bill
Creighton, Jim
DiSilvestro, Linda
Griffin, Gerald
Graham, John
Homola, Susan
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Pauer, Diane
Renzullo, Andrew
Somero, Paul
Veilleux, Daniel

Alexander, Joe
Blasek, Melissa
Cushman, Leah
Erf, Keith
Gagne, Larry
Greene, Bob
Hopper, Gary
Sanborn, Laurie
Marston, Dick
Moran, Melbourne
Plett, Fred
Rice, Kimberly
Lekas, Tony
Warden, Mark

Ammon, Keith
Boehm, Ralph
Kelley, Diane
Fedolff, Jim
Gorski, Ted
Gunski, Michael
Infantine, William
Lanzara, Tom
Mayville, Mary
Notter, Jeanine
Post, Lisa
Rouillard, Claire
Tausch, Lindsay

Griffin, Barbara
Burt, John
Smith, Denise
Foster, William
Gould, Linda
Healey, Robert
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Nunez, Hershel
Prout, Andrew
Sheehan, Vanessa
Ulery, Jordan

MERRIMACK

Allard, James
Hill, Gregory
McGuire, Carol
Boyd, Stephen
Walsh, Thomas

Andrus, Louise
Kennedy, Margaret
Moffett, Michael
Schultz, Kristina
Wells, Natalie

Cambrils, Jose
Klose, John
Pearl, Howard
Seaworth, Brian
White, Nick

Cross, Kenna
Mason, James
Pitaro, Matthew
Testerman, Dave
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Bernardy, JD
Dodge, Dustin
Emerick, Tracy
Guthrie, Joseph
Janigian, John
Layon, Erica
Pearson, Mark
Milz, David
Potucek, John
Pearson, Stephen
Thomas, Douglas
Tudor, Paul
MacDonald, Wayne

Abrami, Patrick
Baldasaro, Al
Bershtein, Alan
Dolan, Tom
Ford, Oliver
Harb, Robert
Katsakiores, Phyllis
Litchfield, Melissa
McBride, Everett
Osborne, Jason
Pratt, Kevin
Soti, Julius
Torosian, Peter
Vandecasteele, Susan
Wallace, Scott

Abramson, Max
Baxter, Tim
Copp, Anne
Doucette, Fred
Gay, Betty
Harley, Tina
Khan, Aboul
Love, David
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Spillane, James
Tripp, Richard
Verville, Kevin
Welch, David

Acton, Dennis
Belanger, Cody
DeSimone, Debra
Edwards, Jess
Green, Dennis
Hobson, Deborah
Kimball, Mary Ann
Lynn, Bob
Melvin, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
True, Chris
Vose, Michael
Weyler, Kenneth

STRAFFORD

Ankarberg, Aidan
Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

Bailey, Glenn
Harrington, Michael
Kittredge, Mac
Wuelper, Kurt

DeLemus, Susan
Hayward, Peter
Newton, Clifford

Ellis, Donna
Horgan, James
Pitre, Joseph

SULLIVAN

Aron, Judy

Rollins, Skip

Spilsbury, Walter

Stapleton, Walter

NAYS - 170**CARROLL**

Buco, Thomas
Woodcock, Stephen

Burroughs, Anita

Knirk, Jerry

McAlear, Chris

CHESHIRE

Abbott, Michael
Eaton, Daniel
Gomarlo, Jennie
Parshall, Lucius
Weber, Lucy

Ames, Richard
Faulkner, Barry
Harvey, Cathryn
Schapiro, Joe
Welkowitz, Lawrence

Berch, Paul
Fenton, Donovan
Ley, Douglas
Toll, Amanda

Bordenet, John
Fox, Dru
Mann, John
Von Plinsky, Sparky

COOS

Kelley, Eamon
Tucker, Edith

Hatch, William

Laflamme, Larry

Theberge, Robert

GRAFTON

Abel, Richard
Egan, Timothy
Muirhead, Russell
Sykes, George

Adjutant, Joshua
Fellows, Sallie
Murphy, James
Weston, Joyce

Almy, Susan
Hakken-Phillips, Mary
Stavis, Laurel

Dontonville, Roger
Massimilla, Linda
Smith, Suzanne

HILLSBOROUGH

Bouldin, Amanda
Bergeron, Paul
Chretien, Jacqueline
Dutzy, Sherry
Hamer, Heidi
Schmidt, Janice
Labranche, Tony
Long, Patrick
McGhee, Kat
O'Brien, Michael
Pickering, Daniel
Newman, Ray
Snow, Kendall
Vail, Suzanne

Bouldin, Andrew
Booras, Efstathia
Cohen, Bruce
Espitia, Manny
Harriott-Gathright, Linda
Jack, Martin
Langley, Diane
King, Mark
Mullen, Sue
Pedersen, Michael
Piedra, Israel
Rung, Rosemarie
Smith, Timothy
Van Houten, Constance

Baroody, Benjamin
Bouchard, Donald
Connors, Erika
Goley, Jeffrey
Heath, Mary
Judy, Jean
Laughton, Stacie-Marie
Murray, Megan
Nutter-Upham, Frances
Perez, Maria
Porter, Marjorie
Newman, Sue
Telerski, Laura
Vann, Ivy

Beaulieu, Jane
Bradley, Amy
Cornell, Patricia
Griffith, Willis
Herbert, Christopher
Klee, Patricia
Leishman, Peter
Mangipudi, Latha
Nutting-Wong, Allison
Petrigno, Peter
Query, Joshua
Shaw, Barbara
Toomey, Dan
Wilhelm, Matthew

MERRIMACK

Bartlett, Christy
Gallager, Eric
McWilliams, Rebecca
Schuett, Dianne
Walz, Mary Beth

Caplan, Tony
Lane, Connie
Pimentel, Roderick
Shurtleff, Steve
Wazir, Safiya

Ebel, Karen
Luneau, David
Rogers, Katherine
Soucy, Timothy
Wolf, Dan

Ellison, Arthur
MacKay, James
Schamberg, Thomas
Wallner, Mary Jane
Woods, Gary

ROCKINGHAM

Altschiller, Debra
Cushing, Robert Renny
Grossman, Gaby
Maggiore, Jim
Pantelakos, Laura
Sytek, John

Bunker, Lisa
DiLorenzo, Charlotte
Grote, Jaci
McBeath, Rebecca
Read, Ellen
Ward, Gerald

Cahill, Michael
Edgar, Michael
Hamblet, Joan
Meuse, David
Simpson, Alexis
Yokela, Josh

Cali-Pitts, Jacqueline
Gilman, Julie
Murray, Kate
Paige, Mark
Somssich, Peter

STRAFFORD

Bixby, Peter
Fargo, Kristina
Grassie, Chuck
Smith, Marjorie
Salloway, Jeffrey
Vincent, Kenneth

Cannon, Gerri
Fontneau, Timothy
Horrigan, Timothy
Oxaal, Ariel
Southworth, Thomas
Wall, Janet

Chase, Wendy
Frost, Sherry
Kenney, Cam
Schmidt, Peter
Spang, Judith

Conley, Casey
Gourgue, Amanda
Levesque, Cassandra
Rich, Cecilia
Treleven, Susan

SULLIVAN

Callum, John
Oxenham, Lee

Cloutier, John
Sullivan, Brian

Gottling, Suzanne
Tanner, Linda

Merchant, Gary

and the majority committee report failed lacking the necessary three-fifths vote.
Rep. Yokela voted Nay and intended to vote Yea.

MOTION TO PRINT DEBATE

Rep. Spillane moved that the debate on **CACR 1**, taxes. Providing that an income tax on earned personal income shall be prohibited, and **CACR 2**, taxes. Providing that any broad-based sales tax shall be prohibited, be printed in the Permanent Journal.
Without objection, the Speaker ordered.

DEBATE ON CACR 1

Representative Ames: Thank you, Mister Speaker. So I rise to speak in opposition to the Ought to Pass recommendation on CACR 1. CACR 1 proposes to amend the New Hampshire Constitution to prohibit, "A tax on earned personal income." Its adoption would probably render unconstitutional major components of our current business profits tax, which is today levied, for example, on the profit or net income earned by sole proprietors. Our business enterprise tax, which is levied in part on salaries, would also face constitutional challenge were this amendment to be adopted. The proposed constitutional prohibition on one ill-defined object of taxation, "Earned personal income," would forever bind future legislators and governors regardless of fiscal and socioeconomic circumstances that cannot now be foreseen. The amendment is not needed. Three existing provisions of the New Hampshire Constitution are sufficient to ensure fairness and responsibility in taxation. First, Part I, Article 12 establishes that, "Every member of the community has a right to be protected by it in the enjoyment of his life, liberty and property. He is therefore bound to contribute his share in the expense of such protection." In the supreme court in *Rollins vs. City of Dover* declared that, "Taxes must be not merely proportional but in due proportion, so that each individual's just share and no more shall fall on him." Second, the second of those three provisions that I mentioned. Second, Part II, Article 5 grants the legislature the authority, "To impose and levy proportional and reasonable assessments rates and taxes upon all the inhabitants of and residents within the state." Our New Hampshire Supreme Court has affirmed that these first two constitutional provisions, "Establish equality and justice as the basis of all constitutional taxation." The third constitutional provision, Part II, Article 6 authorizes the legislature to classify, to classify and that's a quote from the constitution, property for purposes of taxation, a provision that conveys to the legislature in the words of a 2008 supreme court decision, "Broad power to declare property to be taxable or non-taxable based upon a classification of the property's kind of use, but not based upon a classification of the property's owners." These existing constitutional limits on taxation set sound sufficient and enforceable standards for all New Hampshire taxes. The poorly defined categorical prohibition proposed by CACR 1 does not belong in our constitution. It should be rejected. Thank you.

Speaker Steven Smith: Thank you. The member from Stratham, Rep. Abrami, is recognized to speak in support of the committee report.

Representative Abrami: Thank you, Mister Speaker. I rise in support of CACR 1. This Constitutional Amendment Concurrent Resolution calls for a New Hampshire Constitutional change. As my friend from Jaffrey pointed out, that says, "The general court is prohibited from adopting a tax on personal income." This bill requires 60% vote to make it out of this chamber. If it makes it out to the full legislative process it will appear on a ballot question in every city, town and unincorporated place for the voters of New Hampshire to decide. Two-thirds of the voters must vote for this constitutional, for the constitution to be changed. Back in 2012, there was a CACR 13. The CACR nearly identical to this CACR, which made it through the whole legislative process and then the New Hampshire voters did have a chance to weigh in on this issue. The vote was 57% yes and 43% no. I'll repeat, the voters said 57% yes and 43% no. Even though a substantial majority voted yes, the required 66.7% threshold was missed. However, my takeaway nine years ago was that the voters of New Hampshire by a wide margin did not want a personal income tax. This was the ultimate poll on this question with a sample size of 621,936 voters. Again, the sample size was 621,936 voters weighed in on this issue back then. With CACR 1 we will once again be giving the voters a chance to express their views on this question. Please push the green button and vote yes on this measure. Thank you.

Speaker Steven Smith: The question before the House is the majority committee report of Ought to Pass on CACR 1. Who is that? Rep. Turcotte requests a roll call vote. Is that sufficiently seconded? Oh sure, that's sufficiently seconded. This will be a roll call vote. Members please take your seats. The question before the House is the majority committee report of Ought to Pass on CACR 1. This is a roll call vote. Rep. Almy is recognized for a parliamentary inquiry.

Representative Almy: Thank you, Mister Speaker. If I recognize that this CACR simply diverts the public's attention away from the continual reduction of state revenues and state services in order to provide tax cuts to the wealthiest businesses in the country and abroad. And, if I know that the last income tax proposal with serious support was 2 decades ago and that this is bad tax policy in general. And, finally if I further know that the real result of this diversion is ever increasing property taxes and less and less chance for a better life for the majority of workers, families and business owners in this state, then will I press the red button to direct our attention to the real issues in taxation in New Hampshire?

Speaker Steven Smith: Thank you. The House will be in order. Rep. Doucette is recognized for a parliamentary inquiry.

Representative Doucette: Thank you, Mister Speaker. Mister Speaker, if I know that CACR 1 simply gives a voice to the voters of New Hampshire. If I also believe this gives the people who put us in office the opportunity to decide if they want to change the New Hampshire Constitution. It allows them that choice to allow the general court to prohibit an income tax on earned personal income. If I agree with that, would I then join the majority of Ways and Means Committee's report of Ought to Pass by pressing the green button and let the taxpayers decide? Thank you, Mister Speaker.

Speaker Steven Smith: Thank you. This is a roll call vote. If you are in favor of the committee report, you'll be pressing the green, 1A button. If you are opposed, you'll press the red, 2-B button. Voting stations are open for 30 seconds. Have all members present had an opportunity to vote? The House will attend to the state of the vote. 202 having voted in the affirmative, 171 in the negative. Not reaching the threshold the motion fails.

DEBATE ON CACR 2

Representative Abramson: Thank you, Mister Speaker. Mister Speaker, I stand in support of Ought to Pass on CACR 2 which would prohibit, if the voters approve of this, a state sales tax throughout the state. We know and have been told many times that more than 40% of all of our retail sales volume comes from out of state shoppers. I know because I live right on the border. I represent Seabrook and most of the seacoast retail sales comes from out of state shoppers and a lot of that are people coming up to avoid the sales tax in Maine or Massachusetts. Many high ticket retail item stores, big box stores and electronic stores and even car dealerships need this. They need this measure to pass for the certainty to make a long term investment here and open stores, service stations and service offices here. We will likely pick up over the long run more business tax revenue from simply passing this measure and showing our intent never to enact a state sales tax, never to enact any broad-based sales tax in New Hampshire, more revenue probably than some actual tax rate increases or new taxes because of the influx of new high end retail businesses. We need this for the jobs. We need this for the additional out of state and international investment. We need this in order to help improve local and state revenues. Please press the green button.

Speaker Steven Smith: Thank you. The member from Jaffrey, Rep. Ames, is recognized to speak against the committee report.

Representative Ames: Thank you, Mister Speaker. So I rise to speak in opposition to the Ought to Pass recommendation on CACR 2. This CACR would prohibit adoption of any, "Any broad-base sales tax not in effect as of January 1, 2021." Well there is ambiguity again in this proposed prohibition. What exactly is a broad-based sales tax? A 2017 tax foundation report suggested, for example, that the typical state sales tax with various kinds of exceptions for groceries or various kinds of categories of services or for clothing, is not broad-based so would not be covered by the CACR prohibition. Do we really want to foster litigation over such a threshold? Do we really want such a poorly defined categorical prohibition to forever bind future legislators and governors regardless of fiscal and socioeconomic circumstances that cannot now be foreseen? Again, as I said with CACR 1, this amendment is not needed. As I said and I'm not going to repeat everything I said and that statement on CACR 1, there are existing provisions in the New Hampshire Constitution that are sufficient to ensure fairness and responsibility in taxation. Our supreme court has interpreted these provisions to characterize them as establishing equality and justice as the basis of all constitutional taxation. These existing constitutional limitations are limits on taxation set sound, sufficient and enforceable standards for all New Hampshire taxes. The poorly defined categorical prohibition proposed by CACR 2 does not belong in our constitution. It should be rejected. Thank you.

Speaker Steven Smith: Does the member yield for a question? The member does not yield. The member from Nottingham, Rep. Bershtein, is recognized to speak in support of the committee report.

Representative Bershtein: Thank you, Mister Speaker. Mister Speaker and fellow representatives. First of all I'd like to thank the Representative from Jaffrey for his thoughtful comments regarding CACR 2. Having served three years on the Ways and Means Committee with the gentleman from Jaffrey, I've learned to pay close attention when he speaks as the representative is a wise and skilled legislator. Actually, the word statesman seems entirely appropriate. And, Mister Speaker, it certainly is possible the representative, statesman, is correct that this CACR should be rejected for the reasons cited. On the other hand, the Granite State has fared quite well and has even managed to flourish and thrive without a broad-based sales tax for over 230 years. No sales tax has become a vital part of New Hampshire's brand. It's literally half the New Hampshire advantage. I don't think it is an overstatement to say that no sales tax has become part of our state's DNA. CACR 2 is about empowering the voters of our great state to directly decide for themselves if a prohibition of a regressive broad-based sales tax should be enshrined in our state's constitution. Right now so much of the national conversation is focused on the enfranchisement of voters. CACR 2 empowers New Hampshire voters to use their own voice regarding a topic that is so very foundational to the economics of our state. In a moment when we go into voting mode, please recall we are not voting on a sales tax or its prohibition. We are voting on if the voters will get the opportunity to vote. Here's how I see it. I'm pretty sure everyone in this room is sort of familiar with Zoom, the telecommunications platform. As I see it as you look at your voting device, the red button is the mute button. The green button is the unmute button. The button that says to voters I'd love to hear what you have to say. I invite you to join me to empower voters and unmute voters and taxpayers by smashing the green unmute button. Thank you.

Speaker Steven Smith: For what reason does the member rise? The member does not yield. Rep. Baldasaro requested a roll call vote. Is that sufficiently seconded? It is sufficiently seconded. This will be a roll call vote. Members please take your seats. The question before the House is the majority committee report of Ought to Pass. Rep. Almy is recognized for a parliamentary inquiry.

Representative Almy: Thank you, Mister Speaker. I believe in recycling. If I recognize that this CACR simply diverts the public's attention away from the continual reduction of state revenues and state services in order to provide tax cuts to the wealthiest businesses in the country and abroad. And, if I know that the last sales tax proposal with serious support was 4 decades ago. And, finally if I further know that the real result of this diversion is ever increasing property taxes and less and less chance for a better life for the majority of workers, families and business owners in this state, then will I press the red button to direct our attention to the real issues in taxation whether on the ballot or here? Thank you.

Speaker Steven Smith: Thank you. Rep. Abrami is recognized for a parliamentary inquiry.

Representative Abrami: Thank you, Mister Speaker. Mister Speaker if I know that CACR 2 simply give the voice to the voters. It lets the people be heard. This gives power to the people to decide if they want to change the New Hampshire Constitution that would prevent the general court from ever imposing a sales tax. Mister Speaker, if the members agree, would they then join the majority of the Ways and Means Committee that voted 13-10 Ought to Pass by pressing the green button and let the people decide? Thank you, Mister Speaker.

Speaker Steven Smith: Thank you. This is a roll call vote. If you are in favor of the committee report, you'll be pressing the green, 1-A button. If you are opposed, you'll be pressing the red, 2-B button. Voting stations are open for 30 seconds. Have all members present had an opportunity to vote? The House will attend to the state of the vote. 201 having voted in the affirmative, 170 in the negative, the vote fails to meet the threshold.

REGULAR CALENDAR PART II CONT'D

HB 15-FN, relative to including under the meals and rooms tax facilitators of Internet transactions of motor vehicle rentals and facilitators of Internet transactions of room occupancies. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Tim Baxter for the Majority of Ways and Means. The underlying bill intended to apply the existing tax law fairly to any business operating within New Hampshire. This bill levels the playing field between internet-based facilitators of both car and room rentals with traditional car rental establishments and traditional hotel type facilities when it comes to the meals and rooms tax under RSA 78-A. This bill strives to close this language and apply the tax fairly to all operators within New Hampshire. As written, some stakeholders and members of the committee were concerned that this legislation closes this gap too aggressively and traps commissions and compensation for services rendered by travel agents during the transaction; this is not the intended application of the meals and rooms tax and would effectively create a new tax on services rendered by travel agents. The existing meals and rooms tax, as defined in RSA 78-A, specifically applies to the rent of a unit or the gross rental receipts of a unit. To avoid creating a new tax on travel agent services, the amendment provided by the committee enhances the definition of "gross rental receipts" by excluding amounts paid by an operator to a travel agent as commission or compensation for the travel agent's services. This amended bill addresses the enforcement of only existing taxes on operators within New Hampshire. It does not expand existing taxes to include travel agencies' services, commissions, vacation packages, and other potential salable items. Most of the committee took into consideration and dismissed, on fairness grounds, the testimony from those with a vested interest in preventing tax parity between traditional brick and mortar businesses and the more current internet facilitator platforms. The Department of Revenue Administration has examined the language of this amendment carefully and has no objections to the committee's amendment. This legislation, as amended, now fairly applies the existing meals and rooms taxes to all operators within New Hampshire. Vote 22-2.

Rep. Thomas Schamberg for the Minority of Ways and Means. The minority believes this bill should be found Inexpedient to Legislate based upon significant testimony in opposition. These testimonials submitted by Net Choice, The Internet Association, Tech Net, Turo, and ALEC imply by amending the meals and room tax to include online platforms within the definitions of "gross rental receipts," "operator," "the consideration received," and the "rental agreement" will increase regulatory and tax burdens. Net Choice testified that this bill "creates a new tax on services provided by online travel companies for researching, comparing, and booking rooms for travelers and for New Hampshire residents who share their cars and trucks." The Internet Association agreed, explaining that this bill "imposes a new tax on online travel companies (OTCs) and includes peer-to-peer car sharing on digital platforms under the definition of taxable motor vehicle rentals in the state meals and rooms tax." Tech Net testified that this bill "would create additional financial burdens for innovative platforms [currently] providing a boost to New Hampshire's travel and tourism." Tech Net highlighted that this bill "seeks to treat these platforms the same way as companies that own and operate vehicle fleets, rental desks and offices throughout the state." Turo, a peer-to-peer car sharing platform, testified "HB 15 creates a new tax on New Hampshire citizens who choose to share their car under the definitions of 'gross rental receipts' and 'rental agreements'." ALEC shared opposition to this bill stating, "HB 15, is a net tax increase that would levy the state meals and rooms tax collected by online room facilitators because tax liabilities would be calculated to include services unrelated to the furnishing of hotel rooms." Based upon testimony submitted, the minority feels that this bill is anti-tourism, anti-entrepreneurial, and anti-innovation for small business creation.

Majority Amendment (0599h)

Amend the bill by replacing section 1 with the following:

1 Meals and Rooms Tax; Definition; Gross Rental Receipts; Motor Vehicle Rentals. Amend RSA 78-A:3, VI to read as follows:

VI. "Gross rental receipts" means value received or promised as consideration to the owner of a motor vehicle **and any rental facilitator** for ~~[rental of the vehicle, but]~~ **a rental agreement, including any fee, service, or other charge or amount required to be paid by the renter as a condition for the rental agreement. The term** shall not include:

- (a) Separately stated charges for insurance;
- (b) Charges for damages to the motor vehicle occurring during the rental agreement period;
- (c) Separately stated charges for motor fuel sold by the owner of the motor vehicle[-];

(d) Amounts paid by an operator to a travel agent as commission or compensation for the travel agent's services.

Amend the bill by replacing section 3 with the following:

3 Definition; Rent; Room Facilitators Added. Amend RSA 78-A:3, XVII(a) to read as follows:

(a) The ~~[consideration received]~~ **full retail price charged** for occupancy valued in money, whether received in money or otherwise, including all receipts, cash, credits, and property, or services of any kind or nature, and also any amount for which the occupant is liable for the occupancy without any deduction of any kind, **including any fee, service, or other charge required to be paid by the occupant to a room facilitator, except that the term rent shall not include amounts paid by an operator to a travel agent as commission or compensation for the travel agent's services;** and

On a division vote, with 184 members having voted in the affirmative, and 175 in the negative, the majority committee amendment was adopted.

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

Rep. Schamberg spoke against.

Rep. Baxter spoke in favor.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 289 - NAYS 78**YEAS - 289****BELKNAP**

Harvey-Bolia, Juliet
Varney, Peter

Lang, Timothy

Littlefield, Richard

Terry, Paul

CARROLL

Buco, Thomas
Deshaies, Brodie
McAleer, Chris
Woodcock, Stephen

Burroughs, Anita
MacDonald, John
McConkey, Mark

Cordelli, Glenn
Knirk, Jerry
Nelson, Bill

Crawford, Karel
Marsh, William
Umberger, Karen

CHESHIRE

Abbott, Michael
Eaton, Daniel
Gomarlo, Jennie
Mann, John
Weber, Lucy

Ames, Richard
Faulkner, Barry
Harvey, Cathryn
Rhodes, Jennifer
Welkowitz, Lawrence

Berch, Paul
Fenton, Donovan
Kilanski, Ben
Schapiro, Joe

Bordenet, John
Fox, Dru
Ley, Douglas
Von Plinsky, Sparky

COOS

Davis, Arnold
Theberge, Robert

Dostie, Donald
Tucker, Edith

Kelley, Eamon

Merner, Troy

GRAFTON

Abel, Richard
Depalma IV, Joseph
Folsom, Beth
Hakken-Phillips, Mary
Muirhead, Russell
Sykes, George

Adjutant, Joshua
Dontonville, Roger
Sanborn, Gail
Ham, Bonnie
Murphy, James
Weston, Joyce

Alliegro, Mark
Egan, Timothy
Gordon, Edward
Ladd, Rick
Simon, Matthew

Almy, Susan
Fellows, Sallie
Greeson, Jeffrey
Massimilla, Linda
Smith, Suzanne

HILLSBOROUGH

Bouldin, Amanda
Baroody, Benjamin
Booras, Efstathia
Cohen, Bruce
Smith, Denise

Bouldin, Andrew
Beaulieu, Jane
Bouchard, Donald
Connors, Erika
DiSilvestro, Linda

Griffin, Barbara
Bergeron, Paul
Bradley, Amy
Cornell, Patricia
Dutzy, Sherry

King, Bill
Boehm, Ralph
Chretien, Jacqueline
Creighton, Jim
Erf, Keith

Espitia, Manny
Gorski, Ted
Griffith, Willis
Heath, Mary
Infantine, William
Klee, Patricia
Lascelles, Richard
Long, Patrick
Marston, Dick
Moran, Melbourne
Nutter-Upham, Frances
Pedersen, Michael
Piedra, Israel
Query, Joshua
Rouillard, Claire
Snow, Kendall
Toomey, Dan
Vann, Ivy

Fedolfi, Jim
Gould, Linda
Hamer, Heidi
Herbert, Christopher
Schmidt, Janice
Klein-Knight, Nicole
Laughton, Stacie-Marie
King, Mark
Mayville, Mary
Mullen, Sue
Nutting-Wong, Allison
Perez, Maria
Porter, Marjorie
Newman, Ray
Rung, Rosemarie
Stevens, Deb
Ulery, Jordan
Veilleux, Daniel

Gagne, Larry
Graham, John
Harriott-Gathright, Linda
Homola, Susan
Jack, Martin
Labranche, Tony
Leishman, Peter
Murray, Megan
McGhee, Kat
Notter, Jeanine
O'Brien, Michael
Petugno, Peter
Post, Lisa
Renzullo, Andrew
Shaw, Barbara
Smith, Timothy
Vail, Suzanne
Wilhelm, Matthew

Goley, Jeffrey
Greene, Bob
Healey, Robert
Hopper, Gary
Judy, Jean
Lanzara, Tom
Lewicke, John
Mangipudi, Latha
Mooney, Maureen
Nunez, Hershel
Pauer, Diane
Pickering, Daniel
Prout, Andrew
Rice, Kimberly
Sheehan, Vanessa
Telerski, Laura
Van Houten, Constance

MERRIMACK

Allard, James
Ebel, Karen
Kennedy, Margaret
McWilliams, Rebecca
Boyd, Stephen
Wallner, Mary Jane
Wells, Natalie

Bartlett, Christy
Ellison, Arthur
Klose, John
Moffett, Michael
Seaworth, Brian
Walsh, Thomas
Wolf, Dan

Caplan, Tony
Gallager, Eric
Lane, Connie
Pearl, Howard
Shurtleff, Steve
Walz, Mary Beth
Woods, Gary

Cross, Kenna
Hill, Gregory
MacKay, James
Pitaro, Matthew
Soucy, Timothy
Wazir, Safiya
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Cali-Pitts, Jacqueline
Dolan, Tom
Emerick, Tracy
Green, Dennis
Hamblet, Joan
Janigian, John
Layon, Erica
Maggiore, Jim
McMahon, Charles
Osborne, Jason
Potucek, John
Pearson, Stephen
Sytek, John
Tudor, Paul
Ward, Gerald

Abrami, Patrick
Baxter, Tim
Cushing, Robert Renny
Doucette, Fred
Ford, Oliver
Grossman, Gaby
Harb, Robert
Murray, Kate
Litchfield, Melissa
Malloy, Dennis
Melvin, Charles
Packard, Sherman
Pratt, Kevin
Simpson, Alexis
Thomas, Douglas
Vandecasteele, Susan
Welch, David

Acton, Dennis
Bershtein, Alan
DeSimone, Debra
Edgar, Michael
Gay, Betty
Grote, Jaci
Harley, Tina
Katsakiores, Phyllis
Lynn, Bob
McBeath, Rebecca
Meuse, David
Pantelakos, Laura
Prudhomme-O'Brien, Katherine
Somssich, Peter
Tripp, Richard
Vose, Michael

Altschiller, Debra
Cahill, Michael
DiLorenzo, Charlotte
Edwards, Jess
Gilman, Julie
Guthrie, Joseph
Hobson, Deborah
Khan, Aboul
Pearson, Mark
McBride, Everett
Milz, David
Piemonte, Tony
Read, Ellen
Sweeney, Joe
True, Chris
MacDonald, Wayne

STRAFFORD

Bailey, Glenn
Conley, Casey
Frost, Sherry
Hayward, Peter
Levesque, Cassandra
Schmidt, Peter
Southworth, Thomas
Vincent, Kenneth

Bixby, Peter
Ellis, Donna
Gourgue, Amanda
Horgan, James
Smith, Marjorie
Pitre, Joseph
Spang, Judith
Wall, Janet

Cannon, Gerri
Fargo, Kristina
Grassie, Chuck
Kaczynski, Thomas
Newton, Clifford
Rich, Cecilia
Treleaven, Susan
Wuelper, Kurt

Chase, Wendy
Fontneau, Timothy
Groen, Fenton
Kenney, Cam
Oxaal, Ariel
Salloway, Jeffrey
Turcotte, Leonard

SULLIVAN

Callum, John
Oxenham, Lee
Tanner, Linda

Cloutier, John
Rollins, Skip

Gottling, Suzanne
Spilsbury, Walter

Merchant, Gary
Sullivan, Brian

NAYS - 78

BELKNAP

Aldrich, Glen
Hough, Gregg
Ploszaj, Tom

Bean, Harry
Howard, Raymond
Silber, Norman

Bordes, Mike
Johnson, Dawn
Sylvia, Michael

Comtois, Barbara
Mackie, Jonathan
Trottier, Douglas

CARROLL

Avellani, Lino

Smith, Jonathan

CHESHIRE

Hunt, John	Parshall, Lucius	Qualey, James	Santonastaso, Matthew
Toll, Amanda			

COOS

Craig, Kevin	Hatch, William	Thompson, Dennis	
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GRAFTON

Berezhny, Lex	Binford, David	Stavis, Laurel	
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HILLSBOROUGH

Lekas, Alicia	Alexander, Joe	Ammon, Keith	Blasek, Melissa
Burt, John	Cushman, Leah	Kelley, Diane	Foster, William
Griffin, Gerald	Gunski, Michael	Kelsey, Niki	Kofalt, Jim
McLean, Mark	Plett, Fred	Newman, Sue	Somero, Paul
Lekas, Tony	Tausch, Lindsay	Warden, Mark	

MERRIMACK

Andrus, Louise	Cambrils, Jose	Mason, James	McGuire, Carol
Pimentel, Roderick	Rogers, Katherine	Schamberg, Thomas	Schuett, Dianne
Schultz, Kristina	Testerman, Dave	White, Nick	

ROCKINGHAM

Abramson, Max	Baldasaro, Al	Belanger, Cody	Bernardy, JD
Bunker, Lisa	Copp, Anne	Dodge, Dustin	Kimball, Mary Ann
Love, David	Roy, Terry	Soti, Julius	Spillane, James
Torosian, Peter	Verville, Kevin	Wallace, Scott	Weyler, Kenneth
Yokela, Josh			

STRAFFORD

Ankarberg, Aidan	DeLemus, Susan	Harrington, Michael	Horrigan, Timothy
Kittredge, Mac			

SULLIVAN

Aron, Judy

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

BILLS REMOVED FROM THE CONSENT CALENDAR

HB 155, renaming Columbus Day as Indigenous People's Day. **OUGHT TO PASS WITH AMENDMENT.** Rep. Michael Yakubovich for Executive Departments and Administration. As introduced, this bill replaced Columbus Day in the NH statute that lists state holidays with Indigenous People's Day. The amendment simply adds a new holiday to this section, making August 9 Indigenous People's Day in NH. As we know, humans originated in Africa 200,000 years ago and gradually migrated all over the world. Over time people have settled everywhere, traveled into Arabia, Southern Europe, Eurasia, Asia. Some tribes traveled through the Siberian tundra to Beringia and eventually progressed further over the Bering Straits into Alaska, Northern America, Central America and all the way to the south of the continent. We know them now as the Indigenous people. By resolution 49/214 of December 23, 1994, with the help of the Sub-Commission on the Promotion and Protection of Human Rights, the United Nations General Assembly designated August 9th as the International Day of the World's Indigenous Peoples. Thus we celebrate those original migrants to the Western Hemisphere, the travelers, who 14 thousand years ago made this long, arduous and fascinating journey, over many generations, on foot to the Americas; with Indigenous People's Day. Vote 18-1.

Amendment (0396h)

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

AN ACT establishing a holiday commemorating Indigenous People's Day.

Amend the bill by replacing section 2 with the following:

2 Holidays. Amend RSA 288:1 to read as follows:

288:1 Holidays. January 1; the third Monday in January, known as Martin Luther King, Jr. Civil Rights Day; the third Monday in February, known as Washington's Birthday; the last Monday in May, known as Memorial Day or, on a date to coincide with the federal observance if it is held on a different day; July 4, known as Independence Day; **August 9, known as Indigenous People's Day**; the first Monday in September, known as Labor Day; the second Monday in October, known as Columbus Day; the day on which the biennial election is held; November 11, known as Veterans Day; Thanksgiving Day, whenever appointed; and Christmas Day are legal holidays.

AMENDED ANALYSIS

This bill establishes a holiday commemorating Indigenous People's Day.

MOTION TO LAY ON THE TABLE

Rep. Horrigan moved that **HB 155**, renaming Columbus Day as Indigenous People’s Day, be laid on the table. On a division vote, with 242 members having voted in the affirmative, and 124 in the negative, the motion was adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR CONT’D

HB 111, establishing a cause of action against the state to protect individual rights. **OUGHT TO PASS.** Rep. Paul Berch for Judiciary. This bill would allow a citizen to sue in state court for an injury caused by an agent of the State of NH or a subdivision thereof, if it involved a violation of state or federal law. It waives immunity of the state so that such a suit can occur. If the agent of the state is found liable, any financial liability will only be assessed against the state or the subdivision that employed the agent, and not the individual employee. This bi-partisan bill assures that the doors of our courts will be open to our citizens for redress of harm; will promote better training of police, correctional officers and other governmental employees; and encourages the state and its political subdivisions to be vigilant in making hiring decisions. Vote 19-2.

MOTION TO LAY ON THE TABLE

Rep. Barbara Griffin moved that **HB 111**, establishing a cause of action against the state to protect individual right., be laid on the table.
Rep. Prout requested a roll call; sufficiently seconded.

YEAS 180 - NAYS 188

YEAS - 180

BELKNAP

Bordes, Mike	Harvey-Bolia, Juliet	Hough, Gregg	Johnson, Dawn
Lang, Timothy	Littlefield, Richard	O’Hara, Travis	Ploszaj, Tom
Trottier, Douglas	Varney, Peter		

CARROLL

Avellani, Lino	Buco, Thomas	Cordelli, Glenn	Crawford, Karel
Deshaies, Brodie	MacDonald, John	Marsh, William	McAleer, Chris
Nelson, Bill	Umberger, Karen		

CHESHIRE

Ames, Richard	Bordenet, John	Fenton, Donovan	Hunt, John
Kilanski, Ben	Ley, Douglas	Parshall, Lucius	Qualey, James
Rhodes, Jennifer			

COOS

Davis, Arnold	Dostie, Donald	Kelley, Eamon	Merner, Troy
Theberge, Robert	Thompson, Dennis	Tucker, Edith	

GRAFTON

Abel, Richard	Almy, Susan	Binford, David	Depalma IV, Joseph
Egan, Timothy	Fellows, Sallie	Gordon, Edward	Ham, Bonnie
Ladd, Rick	Murphy, James	Simon, Matthew	Sykes, George

HILLSBOROUGH

Alexander, Joe	Griffin, Barbara	King, Bill	Baroody, Benjamin
Bergeron, Paul	Boehm, Ralph	Bouchard, Donald	Cohen, Bruce
Cornell, Patricia	Creighton, Jim	Smith, Denise	Fedolfi, Jim
Griffin, Gerald	Goley, Jeffrey	Gorski, Ted	Gould, Linda
Graham, John	Gunski, Michael	Healey, Robert	Homola, Susan
Infantine, William	Schmidt, Janice	Jack, Martin	Klee, Patricia
Sanborn, Laurie	Langley, Diane	Lanzara, Tom	Lascelles, Richard
Long, Patrick	Marston, Dick	Mayville, Mary	McGhee, Kat
Mooney, Maureen	Mullen, Sue	Notter, Jeanine	Pauer, Diane
Pickering, Daniel	Plett, Fred	Post, Lisa	Renzullo, Andrew
Rice, Kimberly	Rouillard, Claire	Sheehan, Vanessa	Somero, Paul
Telerski, Laura	Ulery, Jordan	Wilhelm, Matthew	

MERRIMACK

Allard, James	Cross, Kenna	Kennedy, Margaret	Klose, John
Mason, James	Moffett, Michael	Pearl, Howard	Pimentel, Roderick
Pitaro, Matthew	Schuetz, Dianne	Seaworth, Brian	Testerman, Dave
Wells, Natalie	Wolf, Dan	Yakubovich, Michael	

ROCKINGHAM

Abbas, Daryl	Abrami, Patrick	Acton, Dennis	Ayer, Paul
Baldasaro, Al	Baxter, Tim	Belanger, Cody	Bernardy, JD

DeSimone, Debra
 Edwards, Jess
 Harb, Robert
 Katsakiores, Phyllis
 Lynn, Bob
 McBeath, Rebecca
 Milz, David
 Pratt, Kevin
 Sweeney, Joe
 Tripp, Richard
 MacDonald, Wayne

Dolan, Tom
 Ford, Oliver
 Harley, Tina
 Khan, Aboul
 Pearson, Mark
 McBride, Everett
 Packard, Sherman
 Prudhomme-O'Brien, Katherine
 Sytek, John
 Tudor, Paul
 Welch, David

Doucette, Fred
 Gilman, Julie
 Hobson, Deborah
 Litchfield, Melissa
 Maggiore, Jim
 McMahon, Charles
 Piemonte, Tony
 Roy, Terry
 Thomas, Douglas
 Vandecasteele, Susan
 Weyler, Kenneth

Edgar, Michael
 Guthrie, Joseph
 Janigian, John
 Love, David
 Malloy, Dennis
 Melvin, Charles
 Potucek, John
 Pearson, Stephen
 Torosian, Peter
 Vose, Michael

Ankarberg, Aidan
 Grassie, Chuck
 Kaczynski, Thomas

DeLemus, Susan
 Harrington, Michael
 Kittredge, Mac

Fontneau, Timothy
 Hayward, Peter
 Newton, Clifford

Gourgue, Amanda
 Horgan, James
 Rich, Cecilia

Aron, Judy
 Spilsbury, Walter

Callum, John
 Stapleton, Walter

Gottling, Suzanne
 Sullivan, Brian

Merchant, Gary

STRAFFORD

SULLIVAN

NAYS - 188

BELKNAP

Aldrich, Glen
 Mackie, Jonathan

Bean, Harry
 Silber, Norman

Comtois, Barbara
 Sylvia, Michael

Howard, Raymond
 Terry, Paul

CARROLL

Burroughs, Anita

Smith, Jonathan

Knirk, Jerry

Woodcock, Stephen

CHESHIRE

Abbott, Michael
 Fox, Dru
 Santonastaso, Matthew
 Weber, Lucy

Berch, Paul
 Gomarlo, Jennie
 Schapiro, Joe
 Welkowitz, Lawrence

Eaton, Daniel
 Harvey, Cathryn
 Toll, Amanda

Faulkner, Barry
 Mann, John
 Von Plinsky, Sparky

COOS

Craig, Kevin

Hatch, William

Lafamme, Larry

GRAFTON

Adjutant, Joshua
 Folsom, Beth
 Massimilla, Linda
 Weston, Joyce

Alliegro, Mark
 Sanborn, Gail
 Muirhead, Russell

Berezhny, Lex
 Greeson, Jeffrey
 Stavis, Laurel

Dontonville, Roger
 Hakken-Phillips, Mary
 Smith, Suzanne

HILLSBOROUGH

Lekas, Alicia
 Beaulieu, Jane
 Burt, John
 Kelley, Diane
 Espitia, Manny
 Griffith, Willis
 Hopper, Gary
 Kofalt, Jim
 Lewicke, John
 McLean, Mark
 Nutting-Wong, Allison
 Petrigno, Peter
 Query, Joshua
 Shaw, Barbara
 Tausch, Lindsay
 Vann, Ivy

Bouldin, Amanda
 Blasek, Melissa
 Chretien, Jacqueline
 DiSilvestro, Linda
 Foster, William
 Hamer, Heidi
 Judy, Jean
 Labranche, Tony
 King, Mark
 Moran, Melbourne
 O'Brien, Michael
 Piedra, Israel
 Newman, Ray
 Snow, Kendall
 Toomey, Dan
 Veilleux, Daniel

Ammon, Keith
 Booras, Efstathia
 Connors, Erika
 Dutzy, Sherry
 Gagne, Larry
 Harriott-Gathright, Linda
 Kelsey, Niki
 Laughton, Stacie-Marie
 Murray, Megan
 Nunez, Hershel
 Pedersen, Michael
 Porter, Marjorie
 Rung, Rosemarie
 Lekas, Tony
 Vail, Suzanne
 Warden, Mark

Bouldin, Andrew
 Bradley, Amy
 Cushman, Leah
 Erf, Keith
 Greene, Bob
 Heath, Mary
 Klein-Knight, Nicole
 Leishman, Peter
 Mangipudi, Latha
 Nutter-Upham, Frances
 Perez, Maria
 Prout, Andrew
 Newman, Sue
 Smith, Timothy
 Van Houten, Constance

Andrus, Louise
 Ebel, Karen
 Lane, Connie
 Rogers, Katherine
 Soucy, Timothy
 Wazir, Safiya

Bartlett, Christy
 Ellison, Arthur
 MacKay, James
 Boyd, Stephen
 Wallner, Mary Jane
 White, Nick

Cambrils, Jose
 Gallager, Eric
 McGuire, Carol
 Schamberg, Thomas
 Walsh, Thomas
 Woods, Gary

Caplan, Tony
 Hill, Gregory
 McWilliams, Rebecca
 Shurtleff, Steve
 Walz, Mary Beth

MERRIMACK

ROCKINGHAM

Abramson, Max
 Cahill, Michael

Altschiller, Debra
 Cali-Pitts, Jacqueline

Bershtein, Alan
 Copp, Anne

Bunker, Lisa
 Cushing, Robert Renny

DiLorenzo, Charlotte
Grossman, Gaby
Kimball, Mary Ann
Paige, Mark
Somssich, Peter
Verville, Kevin

Dodge, Dustin
Grote, Jaci
Layon, Erica
Pantelakos, Laura
Soti, Julius
Wallace, Scott

Gay, Betty
Hamblet, Joan
Meuse, David
Read, Ellen
Spillane, James
Ward, Gerald

Green, Dennis
Murray, Kate
Osborne, Jason
Simpson, Alexis
True, Chris
Yokela, Josh

STRAFFORD

Bailey, Glenn
Conley, Casey
Groen, Fenton
Smith, Marjorie
Salloway, Jeffrey
Turcotte, Leonard

Bixby, Peter
Ellis, Donna
Horrigan, Timothy
Oxaal, Ariel
Southworth, Thomas
Vincent, Kenneth

Cannon, Gerri
Fargo, Kristina
Kenney, Cam
Schmidt, Peter
Spang, Judith
Wall, Janet

Chase, Wendy
Frost, Sherry
Levesque, Cassandra
Pitre, Joseph
Treleaven, Susan
Wuelper, Kurt

SULLIVAN

Cloutier, John

Oxenham, Lee

Rollins, Skip

Tanner, Linda

and the motion failed.

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

Reps. Alexander and Deshaies spoke against.

Rep. Lynn spoke against and yielded to questions.

Reps. Silber and Berch spoke in favor.

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

YEAS 178 - NAYS 184**YEAS - 178****BELKNAP**

Aldrich, Glen
Silber, Norman

Bean, Harry
Sylvia, Michael

Hough, Gregg

Howard, Raymond

CARROLL

Burroughs, Anita
Woodcock, Stephen

Smith, Jonathan

Knirk, Jerry

McAleer, Chris

CHESHIRE

Abbott, Michael
Faulkner, Barry
Harvey, Cathryn
Toll, Amanda

Ames, Richard
Fenton, Donovan
Mann, John
Von Plinsky, Sparky

Berch, Paul
Fox, Dru
Santonastaso, Matthew
Weber, Lucy

Eaton, Daniel
Gomarlo, Jennie
Schapiro, Joe
Welkowitz, Lawrence

COOS

Craig, Kevin

Hatch, William

Thompson, Dennis

GRAFTON

Abel, Richard
Dontonville, Roger

Adjutant, Joshua
Hakken-Phillips, Mary

Berezhny, Lex
Weston, Joyce

Binford, David

HILLSBOROUGH

Lekas, Alicia
Beaulieu, Jane
Burt, John
DiSilvestro, Linda
Foster, William
Greene, Bob
Judy, Jean
Langley, Diane
King, Mark
Nunez, Hershel
Perez, Maria
Prout, Andrew
Lekas, Tony
Van Houten, Constance

Bouldin, Amanda
Blasek, Melissa
Chretien, Jacqueline
Dutzy, Sherry
Freitas, Mary
Griffith, Willis
Klein-Knight, Nicole
Laughton, Stacie-Marie
Mangipudi, Latha
Nutter-Upham, Frances
Petrigno, Peter
Query, Joshua
Smith, Timothy
Vann, Ivy

Ammon, Keith
Booras, Efstathia
Cushman, Leah
Erf, Keith
Griffin, Gerald
Harriott-Gathright, Linda
Kofalt, Jim
Leishman, Peter
McLean, Mark
Nutting-Wong, Allison
Piedra, Israel
Rung, Rosemarie
Tausch, Lindsay
Veilleux, Daniel

Bouldin, Andrew
Bradley, Amy
Kelley, Diane
Espitia, Manny
Gagne, Larry
Hopper, Gary
Labranche, Tony
Lewicke, John
Moran, Melbourne
Pedersen, Michael
Porter, Marjorie
Stevens, Deb
Vail, Suzanne
Warden, Mark

MERRIMACK

Andrus, Louise
Ebel, Karen
Klose, John
McWilliams, Rebecca
Walsh, Thomas
Woods, Gary

Bartlett, Christy
Ellison, Arthur
Lane, Connie
Boyd, Stephen
Walz, Mary Beth

Cambrijs, Jose
Gallager, Eric
MacKay, James
Schultz, Kristina
Wazir, Safiya

Caplan, Tony
Hill, Gregory
McGuire, Carol
Wallner, Mary Jane
White, Nick

ROCKINGHAM

Abramson, Max
Bershtein, Alan
Cushing, Robert Renny
Grossman, Gaby
Murray, Kate
Meuse, David
Pantelakos, Laura
Soti, Julius
Verville, Kevin
Yokela, Josh

Altschiller, Debra
Bunker, Lisa
DiLorenzo, Charlotte
Grote, Jaci
Kimball, Mary Ann
Osborne, Jason
Read, Ellen
Torosian, Peter
Wallace, Scott

Belanger, Cody
Cahill, Michael
Dodge, Dustin
Hamblet, Joan
McMahon, Charles
Packard, Sherman
Simpson, Alexis
Tripp, Richard
Ward, Gerald

Bernardy, JD
Copp, Anne
Gay, Betty
Harley, Tina
Melvin, Charles
Paige, Mark
Somssich, Peter
True, Chris
Welch, David

STRAFFORD

Bailey, Glenn
Conley, Casey
Hayward, Peter
Levesque, Cassandra
Schmidt, Peter
Spang, Judith
Wuelper, Kurt

Bixby, Peter
Fargo, Kristina
Kaczynski, Thomas
Smith, Marjorie
Pitre, Joseph
Treleaven, Susan

Cannon, Gerri
Frost, Sherry
Kenney, Cam
Newton, Clifford
Rich, Cecilia
Turcotte, Leonard

Chase, Wendy
Groen, Fenton
Kittredge, Mac
Oxaal, Ariel
Salloway, Jeffrey
Wall, Janet

SULLIVAN

Oxenham, Lee

Sullivan, Brian

NAYS - 184**BELKNAP**

Bordes, Mike
Littlefield, Richard
Terry, Paul

Harvey-Bolia, Juliet
Mackie, Jonathan
Trottier, Douglas

Johnson, Dawn
O'Hara, Travis
Varney, Peter

Lang, Timothy
Ploszaj, Tom

CARROLL

Buco, Thomas
MacDonald, John

Cordelli, Glenn
Marsh, William

Crawford, Karel
Nelson, Bill

Deshaies, Brodie
Umberger, Karen

CHESHIRE

Bordenet, John
Parshall, Lucius

Hunt, John
Qualey, James

Kilanski, Ben
Rhodes, Jennifer

Ley, Douglas

COOS

Davis, Arnold
Merner, Troy

Dostie, Donald
Theberge, Robert

Kelley, Eamon
Tucker, Edith

Lafamme, Larry

GRAFTON

Alliegro, Mark
Fellows, Sallie
Greesson, Jeffrey
Muirhead, Russell
Smith, Suzanne

Almy, Susan
Folsom, Beth
Ham, Bonnie
Murphy, James
Sykes, George

Depalma IV, Joseph
Sanborn, Gail
Ladd, Rick
Simon, Matthew

Egan, Timothy
Gordon, Edward
Massimilla, Linda
Stavis, Laurel

HILLSBOROUGH

Alexander, Joe
Bergeron, Paul
Connors, Erika
Fedolfi, Jim
Graham, John
Heath, Mary
Jack, Martin
Lanzara, Tom
Mayville, Mary
Notter, Jeanine
Plett, Fred
Rice, Kimberly
Sheehan, Vanessa
Toomey, Dan

Griffin, Barbara
Boehm, Ralph
Cornell, Patricia
Goley, Jeffrey
Gunski, Michael
Homola, Susan
Kelsey, Niki
Lascelles, Richard
McGhee, Kat
O'Brien, Michael
Post, Lisa
Rouillard, Claire
Snow, Kendall
Ulery, Jordan

King, Bill
Bouchard, Donald
Creighton, Jim
Gorski, Ted
Hamer, Heidi
Infantine, William
Klee, Patricia
Long, Patrick
Mooney, Maureen
Pauer, Diane
Newman, Ray
Newman, Sue
Somero, Paul
Wilhelm, Matthew

Baroody, Benjamin
Cohen, Bruce
Smith, Denise
Gould, Linda
Healey, Robert
Schmidt, Janice
Sanborn, Laurie
Marston, Dick
Mullen, Sue
Pickering, Daniel
Renzullo, Andrew
Shaw, Barbara
Telerski, Laura

MERRIMACK

Allard, James
Moffett, Michael
Rogers, Katherine
Shurtleff, Steve
Wolf, Dan

Cross, Kenna
Pearl, Howard
Schamberg, Thomas
Soucy, Timothy

Kennedy, Margaret
Pimentel, Roderick
Schuett, Dianne
Testerman, Dave

Mason, James
Pitaro, Matthew
Seaworth, Brian
Wells, Natalie

ROCKINGHAM

Abbas, Daryl	Abrami, Patrick	Acton, Dennis	Baldasaro, Al
Baxter, Tim	Cali-Pitts, Jacqueline	DeSimone, Debra	Dolan, Tom
Doucette, Fred	Edgar, Michael	Ford, Oliver	Gilman, Julie
Green, Dennis	Guthrie, Joseph	Harb, Robert	Hobson, Deborah
Janigian, John	Katsakiores, Phyllis	Khan, Aboul	Layon, Erica
Litchfield, Melissa	Lynn, Bob	Pearson, Mark	Maggiore, Jim
Malloy, Dennis	McBeath, Rebecca	McBride, Everett	Milz, David
Piemonte, Tony	Potucek, John	Pratt, Kevin	Prudhomme-O'Brien, Katherine
Roy, Terry	Pearson, Stephen	Spillane, James	Sweeney, Joe
Sytek, John	Thomas, Douglas	Tudor, Paul	Vandecasteele, Susan
Vose, Michael	MacDonald, Wayne	Weyler, Kenneth	

STRAFFORD

Ankarberg, Aidan	DeLemus, Susan	Ellis, Donna	Fontneau, Timothy
Grassie, Chuck	Harrington, Michael	Horgan, James	Horrigan, Timothy
Vincent, Kenneth			

SULLIVAN

Aron, Judy	Callum, John	Cloutier, John	Gottling, Suzanne
Merchant, Gary	Rollins, Skip	Spilsbury, Walter	Stapleton, Walter
Tanner, Linda			

and the committee report failed.

MOTION TO LAY ON THE TABLE

Rep. Alexander moved that **HB 111**, establishing a cause of action against the state to protect individual rights, be laid on the table.

Motion adopted.

MOTION TO PRINT DEBATE

Rep. Gallagher moved that the debate on **HB 111**, establishing a cause of action against the state to protect individual rights, be printed in the Permanent Journal.

Without objection, the Speaker ordered.

DEBATE ON HB 111

Representative Barbara Griffin: Mister Speaker, I rise to make a motion to table HB 111.

Speaker Steven Smith: Rep. Griffin moves that HB 111 be laid on the table. The motion is lay HB 111 on the table. Are you ready for the question? Who requested a roll call? Rep. Prout requests a roll call. Is that sufficiently seconded? It is sufficiently seconded. This is a roll call vote. Members please take your seats. The question is whether to lay HB 111 on the table. Rep. Griffin is recognized for a parliamentary inquiry.

Representative Barbara Griffin: Thank you, Mister Speaker. If I know that HB 111 is not simply establishing a new New Hampshire State cause of action for violation of state or federal law rights, but it's also a bill that turns on its head the current carefully crafted statutory qualified immunity for state and municipal actors employed by and in our communities. And, if I know that it does this by eliminating multiple provisions in law which we now have that provide qualified immunity which gives agents, employees, persons such as ourselves by the way, immunity for decisions, acts or emissions that are made within the scope of official duties, but the bill doesn't even bother to specify all the statutes that are effected so this bill needs work before it creates confusion in application. And, if I know this is not just duplicating federal law in our state courts because this law differs in that it requires the individual, act or defendant to be named in part of the litigation from start to finish, regardless of who pays and thus it is always on that persons' legal record. And, if I also know that this bill never references the laws we currently have which limit damages that might be recovered in litigation paid by our taxpayers through our municipalities and that some members of persons are not even aware of such statutes exist, creating an area of confusion in the courts in applications so this bill needs work. And, if I also know that this bill applies retroactively so for example, if a moderator makes a decision in the election place in regards.

Speaker Steven Smith: The member will suspend for a moment please. We are getting to that last if I know, right? Pretty quick?

Representative Barbara Griffin: And, finally Mister Speaker, if I also know that many municipalities throughout this state think this bill poses a significant threat to New Hampshire citizens and our constituents and that the Mayors of Concord, Berlin, Claremont, Dover, Franklin, Laconia, Lebanon, Portsmouth, Manchester, Nashua, Rochester, Somersworth and Keene just yesterday voiced their opposition to this bill to the House in writing, would I now press the green button and table this bill? Thank you.

Speaker Steven Smith: Thank you. Rep. Marjorie Smith is recognized for a parliamentary inquiry.

Representative Marjorie Smith: Thank you, Mister Speaker. If I know that the Judiciary Committee using its usual, careful due diligence voted 19 to 2 to support this bill. And, if I know the language of this bill makes clear that if our public officials are careful in their hiring and careful in their training and careful in

their supervision and careful in their accountability, they don't have a blessed thing to worry about. And, if I know that the concept of qualified immunity was added on the federal level as recently as 1983 and has been opposed since then because of the problems that have come from saying that public officials are protected from responsibility for their inappropriate actions and the public has no right for redress of grievances, would I now oppose the tabling motion so that we can hear thoughtful and factually based debate and then for this body to be able to vote? Thank you.

Speaker Steven Smith: Thank you. The question before the House is whether to lay HB 111 on the table. This is a roll call vote. If you are in favor, you'll be pressing the green, 1-A button. If you are opposed, you'll be pressing the red, 2-B button. Voting stations are open for 30 seconds. Have all members present had an opportunity to vote? The House will attend to the state of the vote. 180 having voted in the affirmative, 188 in the negative, the motion to table fails. The question now before the House is the majority committee report of Ought to Pass. The member from Goffstown, Rep. Alexander, is recognized to speak against the committee report.

Representative Alexander: Thank you, Mister Speaker. Mister Speaker, I rise today as a member of the Judiciary Committee to oppose the 19-2 recommendation of OTP for HB 111. To be clear, HB 111 ends qualified immunity. Qualified immunity is the protection in place for municipalities, elected officials and municipal and government employees against a cause of action that violates a law or a constitutional right. Groups have testified that HB 111 eliminates any defense or immunity in any lawsuit against a municipal or state official or employee, whether brought under federal or state law. It expressly states that it will be no defense in such cases that the official or employee acted in good faith or that the official or employee reasonably believed that his or her conduct was lawful. In essence it imposes strict liability on local officials and employees for any injury that results from their conduct, no matter how reasonable the conduct was. If we pass HB 111, we will open up municipalities to a myriad of lawsuits for violations of law. This effects all towns, town boards and town employees. HB 111 will raise taxes on property taxpayers. Insurance companies love HB 111 because they know their premiums can go up for municipalities because hundreds of lawsuits will result. In fact, because of many of these reasons, the mayors of all 13 New Hampshire cities have sent a letter to the Speaker of the House in opposition to this bill. Finally, HB 111 is anti-law enforcement. I know and many of my friends, I campaigned on supporting police officers. I stand with my local police department who in the vast majority of cases act in good faith and with the best intentions. I urge my colleagues please vote no on HB 111. Thank you.

Speaker Steven Smith: Thank you. The member from Hudson, Rep. Tony Lekas, is recognized to speak for the committee report.

Representative Tony Lekas: Thank you, I believe Rep. Berch was going to speak first. That is what we sent in.

Speaker Steven Smith: I don't have an order. Does it matter? Rep. Berch will be going last.

Representative Tony Lekas: Thank you. I'm rising to speak in support of HB 111. As we heard, one of the most common.

Speaker Steven Smith: Why does the member rise? All good. I apologize. Please continue.

Representative Tony Lekas: Thank you, Mister Speaker. As I said I am rising to speak in support of HB 111. I think the most common concern that I have heard about this bill and its one of the major ones we just heard is that it will cost government and thus the taxpayer more. I can see two possible reasons for this concern. One is that government employees are believed to be frequently violating people's constitutional rights. I do not believe this is a valid concern. The vast majority of government employees in New Hampshire do their jobs appropriately. If that belief were correct, this bill would certainly be needed. Any cost to compensate people for their rights being violated would provide an incentive to fixing the underlying problems that resulted in the rights violations which I believe actually are not that common. This would benefit both the citizens and the government. Another possible concern is the expectation of frivolous lawsuits that would cost the taxpayers. Again, I believe this concern is unfounded. Lawyers are unlikely to take cases and most of these would be taken on contingency, that they don't expect to win and they would earn nothing in those suits. Lawyers could also be sanctioned by the court for filing frivolous suits. We swore an oath to uphold the Constitution of the State of New Hampshire. The first part of that constitution lists the rights of the people of New Hampshire that this government was instituted to protect. How can we uphold this constitution if we don't provide effective remedies when rights are violated? This bill would provide that remedy. We are not elected as representatives of the people in order to protect the government from them. We were elected to protect their rights from threats from the government as well as other threats, criminals and external threats. And, Mister Speaker, I request a roll call vote.

Speaker Steven Smith: Thank you. The member from Wolfeboro, Rep. Deshaies, is recognized to speak against the committee report.

Representative Deshaies: Thank you, Mister Speaker. HB 111 will make it only so all cases must go through discovery and possibly to trial. It will force small local governments to make a tough decision, fight these expensive court battles to deter future litigation and prevent an appearance of weakness or constantly settle out of court and hope this will mitigate the cost and overwhelming burden placed on our communities. We should not place our local governments or our counties and state in such a precarious dilemma. This would be

irresponsible. Some will say yes, but currently we cannot hold our government or its employees liable when they violate our constitutional or statutory rights. This is a misunderstanding. The legal doctrine of qualified immunity allows anyone to bring a suit against the government or its agents. The courts then only permit suits where officials violated a clearly established statutory or constitutional right. In 2009, the 10th circuit court of appeals wrote in *Pearson vs. Callahan*, “Qualified immunity balances two important interests. The need to hold public officials accountable when they exercise power irresponsibly and the need to shield officials from harassment, distraction and liability when they perform their duties responsibly.” The perceived issue we have in New Hampshire lies within our statutory laws. We need to be debating what changes and expansions to our statutory laws that might be necessary to ensure civil liberties are protected. Granite Staters could then use these new laws to show parallels with existing case law in the complimentary statutory laws and demonstrate how their rights may have been violated. This alternative solution could even limit the scope of qualified immunity but in a reasonable way. Ending qualified immunity does not guarantee a building up of case law. It only guarantees an increase in costly lawsuits. In summary, this bill poses an existential threat to our municipal, county and state governments. It will create extreme fiscal cost for taxpayers. HB 111 will not lead to more guilty verdicts for bad actors who work for the government. The problem is with our statutory laws, not qualified immunity. We shouldn’t throw the baby out with the bathwater. The majority of Granite Staters will lose if this bill is passed, increasing their cost of living and gutting their local municipal budgets. I encourage everyone to vote against the OTP motion and to then vote for the ITL motion. Thank you for your consideration.

Speaker Steven Smith: Thank you. Does the member yield to a question? The member does not yield. The member from Gilford, Rep. Silber, is recognized to speak for the committee report.

Representative Silber: Thank you, Mister Speaker. Mister Speaker and colleagues, you may find it somewhat strange that I am supporting this bill. Normally I’m on the side of the police and fire and I am still on the side of the police and fire, but I think back to my days in law school when I learned about sovereign immunity and qualified immunity is nothing more than a variety of sovereign immunity. Sovereign immunity is a concept we inherited from England in 1776 and it arises from the concept in English law that the King can do no wrong. Over 200 years ago, we fought and won a revolutionary war to make sure we didn’t have Kings and we still don’t have Kings. So we shouldn’t be able to hide behind sovereign immunity to shield bad actors. In every other area of civil life in America when an employee causes damages, the employer is responsible under the legal concept called respondeat superior. Why should we permit the bad acts of employees to go unpunished when their employers are not careful in recruitment, hiring, training and supervision? What this bill does is make sure that the individual bad actor is not personally liable for financial damages, but if they do cause, by their bad acts, damages to citizens through damages to constitutional, legal, our legal rights, their employers, the municipalities or agencies that employ them may be held legally liable. It’s designed, as I’ve said in some of my communications with constituents and lobbyists who are opposing this, I view this bill as designed to put the fear of God into the government agencies so that they are sure and are very careful in their recruitment and training and hiring and supervision of their agents. We should not allow them to hide behind sovereign immunity when our citizens have been damaged. This is a sort of thing that could be covered by insurance, by their liability insurance. The liability insurance premiums may go up, but it won’t go up if they are careful. So I urge that this be passed because it needs to protect our citizens from abuse.

Speaker Steven Smith: Thank you. The member from Windham, Rep. Lynn, is recognized to speak against the committee report.

Representative Lynn: Thank you, Mister Chairman. I’ve tried to think of maybe the best way to sort of explain my view on this and I think it is this. This is a small problem, a serious one, I don’t mean to suggest that it’s not a serious problem, but it’s a relatively small problem and this creates, this bill creates a huge overblown solution that will create more problems than it is worth. There is a problem in the area of qualified immunity which as a number of the prior speakers have indicated. Qualified immunity basically says that a state actor, a police officer in particular, is protected from liability if the law is not clear if the law is not clearly established. A number of the speakers who have talked before have said well constitutional rights, the 4th Amendment, it says protects against unreasonable searches and seizures. Well certainly you can read the 4th Amendment and that’s exactly what it says, but the problem is if you’re a police officer, applying it in the maybe 30 seconds or less that you have to make a decision, how does it apply in this particular circumstance? That’s what qualified immunity is designed to protect. It is designed to say that unless a reasonable person in the position of the police officer and the law takes it account that the police officer is expected to have a reasonable amount of training, but if a reasonable person in the position of the police officer would not have known that the law was clear about what they should or should not do, then we will not hold them personally liable because we don’t want police officers thinking that they have to look over their shoulder constantly before they take action. Are they going to get sued? That’s what qualified immunity is about. The problem has developed that some courts and I don’t frankly think that this has been true in New Hampshire, but some courts around the country and frankly even the supreme court I think in at least one case or two, has applied qualified immunity unreasonably broadly. Literally, unless there is a court decision that’s like right on point,

the officer is excused from liability and many people, myself included, have said that's just going too far. You shouldn't do that. That problem can be corrected without eliminating qualified immunity all together. I'll just give you an example. As I first heard about this bill moving through the process which was pretty late in the process that I actually realized it was going through and maybe that might be my fault, but any rate, I happen to speak to one of the proponents of the bill, two gentlemen, who are from the Institute for Justice. I had this conference call with them and told them my concerns and they came up with some language that was sort of designed to address my concerns. As it turned out I thought the language was helpful but didn't go far enough. What it demonstrated to me is this problem to the extent that qualified immunity has been applied improperly, it can be corrected without eliminating qualified immunity completely. The only other thing I would say is that there are other problems with this bill which suggest to me it's really not ready for prime time. One of them for example is the bill says that the court shall make findings of fact and conclusions of law in every case. Well, okay there is only one problem with that. Juries don't make findings of fact and conclusions of law. They certainly don't make conclusions of law and they generally don't make findings of fact either. So does that mean that it is the intent of this bill to eliminate jury trials in all of these cases that would now be subject to qualified immunity? I don't think that was the proponents intent but that is certainly an argument that could be made from the language of the bill because juries don't do those kinds of things. In short, there are a number of problems with this bill. It's overly broad. It can, the problem can be cured so to speak in a much more nuanced way that will I think address the problem without creating all these dangers that a number of the prior speakers who have spoken against the bill have said. So for those reasons I hope you will vote it ITL and hopefully next year we can bring something back that will address the problem. Thank you, Mister Speaker.

Speaker Steven Smith: Thank you. Does the member yield for a question? The member yields. You may inquire.

Representative Dolan: Thank you, Mister Speaker and thank you, Representative for taking my question. If we are to assume that this bill, HB 111, is terribly flawed. Is there a better way to solve this problem?

Representative Lynn: I think there is. I think that some language could, that some language could be crafted for qualified immunity that would basically say to courts, look yes you want to have to have police officers and other municipal officials or state officials protected when the law is not reasonably clear, but reasonably clear doesn't mean that there has to be a case like right on point. You could develop some language that would deal with that and signal to courts look you have been applying or at least some courts have been applying this doctrine so broadly that it protects actions by officers that really are unreasonable and they should have known it was unreasonable.

Representative Dolan: Thank you.

Speaker Steven Smith: Thank you. We are up to our last speaker. A roll call. We are up to our last speaker and a roll call has been requested so spread the word that we should be getting back to our seats. Does the member yield for a further question? You may inquire.

Representative Abramson: Thank you, Mister Speaker. So in a trial by jury, the judge makes determinations of law and the jury makes determinations of fact. So for example in the case where an officer has used allegedly excessive force. The civil trial and the criminal trial are separated. Are you saying that with this bill once it goes to a civil trial, doesn't the officer if he is going to be sued personally or even if the individual or group of individuals are sued, do they have a constitutional right under the New Hampshire Constitution to a trial by jury and have the facts examined by a jury in a civil case?

Representative Lynn: That's a very excellent question. I don't think a municipality necessarily would, but an individual officer might well have that right and that raises the question. If this bill proports to eliminate that right and it could be construed that way. As I said I don't know that the proponents intent, but it certainly could be construed that way. Then there is a constitutional question there. If that's what the bill means and it's inconsistent with the constitution then the bill is going to fail, I mean the law would fail for that reason. So that's just another. I guess all I'm saying is that's something that needs to be thought out more carefully than I think it was in this context, which is another reason to have, to ITL this and have it taken up next year.

Speaker Steven Smith: Will the member yield for one more?

Representative Abramson: Wasn't it in the language of this bill that the state actor, the officer themselves is not included in this? It's just the municipality itself?

Representative Lynn: Well no that's. The bill says that the officer cannot be held personally liable but he is entitled to be, but he is to be named as a defendant which presumably means he gets his own counsel separate from the municipality so the state's going to be paying or the municipality is going to be paying for two lawyers, not just the municipality's lawyer, but the officer's lawyer because he is a named defendant and his interests are not the same as the state, the municipality's interest because the law specifically says that if the municipality is found liable the officer can be disciplined. So presumably because his interests are different, he has a right to his own lawyer, which again presumably that means the municipality is going to pay for that lawyer too.

Speaker Steven Smith: Thank you. The member from Westmoreland, Rep. Berch, is recognized to speak in support of the committee report.

Representative Berch: Thank you, Mister Speaker. Mister Speaker and colleagues, I rise in support of HB 111 voted Ought to Pass by a 19 to 2 vote of the House Judiciary Committee. I speak for that bipartisan majority. I'd also like to thank the Representative from Hudson for his comments. He's been a true co-prime sponsor from day one on this proposed legislation. I also want to say at the outset that I was a government employee from 1975 to 2009, from before there was qualified immunity until after there was qualified immunity and I've always been a strong supporter of state, county and municipal workers. I was one. I've also been a strong supporter of government accountability and transparency. The citizens paid my salary and they always knew that I worked for them. HB 111 is a victim's rights bill. HB 111 is a government accountability bill. HB 111 is a bill that guarantees that the citizens of our state have a right to go to state court for redress of harms done to them by the government, promptly and without delay. This bill is certainly not as complicated as some would make it. An activist supreme court tried an experiment in 1982 to provide qualified immunity to protect some government actors. That experiment has been widely considered a failure. Now the US Congress and many states are seeking to end this failure. In fact on Wednesday while we were here considering the budget, New Mexico's Governor signed a bill ending qualified immunity for all government workers in New Mexico called the New Mexico Civil Rights Act. HB 111 does 3 things. By eliminating qualified immunity it returns the law to how it was in 1982. It provides a path to state court in addition to a currently existing route to federal court to remedy denial of constitutional and statutory rights and it shifts the burden of any financial penalty and costs from the individual bad actor to his or her governmental employer. I think it helps to return at times to basic principles. The first is something every person in this room probably subscribes to. The citizen is in a higher position than the government. The government works for the citizen, not the other way around. This is a bedrock conservative principle, a bedrock libertarian principle and a bedrock liberal principle. Basic principle number two. When the government harms a citizen, the government cannot decide that the citizen has no redress, that the citizen is out of luck, that the government gives itself immunity from the citizen. Our founders in New Hampshire had it exactly right in 1784 when they wrote Part I, Article 14 of our constitution, legal remedies to be free, complete and prompt. Every subject of this state is entitled to a certain remedy by having recourse to the laws for all injuries he may receive in his person, property or character to obtain right and justice freely without being obliged to purchase it completely and without any denial, promptly and without delay conformably to the laws. You have heard the argument against HB 111 basically that the sky will fall in if we return to how it was in 1982. That argument was heard and rejected by the House Judiciary Committee by a 19 to 2 vote. It was not supported by facts. It was not supported by evidence. It was not supported by any history in New Hampshire or elsewhere. Keep in mind, our municipalities, our counties, our state existed for 200 years without qualified immunity, without the sky falling in and there is no evidence that it will fall in if we return to how it was in 1982. I would like to clarify the issue of good faith and reasonableness. They are not the same. Anyone can claim that they acted in good faith and frankly the less trained they are, the more valid that point may be. It also produces the game that was referred to by an earlier speaker that is being played out that the exact same facts have never been litigated before so the conduct is given a pass. That's been one of the big failures of qualified immunity. The idea that if a plaintiff can't show that the exact same harm was litigated before, the bad actor walks free. What the law requires and HB 111 does not change is that the officer must act reasonably. If he or she does then they are not liable. This is current law both from the supreme court and the New Hampshire Supreme Court and it would stay the law. When evaluating whether the conduct of a government employee is unreasonable, a court will determine the reasonableness from the perspective of a reasonable employee and not through hindsight. Not every mistake by an employee is unreasonable. The determination of reasonableness must embody an allowance for the fact that employees are sometimes forced to make judgements in circumstances that are unclear about what is necessary in a particular situation. The reasonableness inquiries are an objective one. The question is whether the employee's actions are objectively unreasonable in light of the facts and circumstances confronting the employee without regard to underlying intent or motivation. That language is from the United States Supreme Court. Now I have no quarrel with those that have focused on the potential liability of county and local and state entities who employ or continue to employ people who violate the constitutional rights of citizens. Our county executive committee does our budget in Cheshire County. You are all familiar with how that goes. I've served on the executive committee for 9 years. I currently chair the executive committee. I know much of what there is to know about county budgets and I know two things. This bill will not cost local governments money. Bad behaving employees will cost government entities money. If you want to avoid those costs, hire well and train well. We self-insure in Cheshire County and we put our focus on hiring and training well. A few years ago, I cosponsored a CACR, a successful effort, to amend the New Hampshire Constitution to allow taxpayer suits against the government. I worked with some of the same representatives and the same organizations I worked with on this bill and we heard the exact same argument. If we allow taxpayers to sue the government, the courts and municipalities will be flooded with lawsuits. The sky will fall in and you know what, there's been no flood of lawsuits since the constitution was amended to allow taxpayer suits. There have been no stream of lawsuits, no trickles of lawsuits, barely a drop. But we do know, what

we do know is citizens are being harmed by bad acting government employees and those employees in the government agency that hired them are far too often walking away scot-free because of a judicially invented immunity. That offends not only the New Hampshire Constitution but it offends who we are as Granite Staters. The doors of our courts must be kept open to redress wrongs done to our citizens. Please support our citizens by pressing the green button. Thank you.

Speaker Steven Smith: Thank you. Does the member yield to a question? The member does not yield. The question before the House is the majority committee report of Ought to Pass on HB 111. Rep. Tony Lekas requests a roll call vote. Is that sufficiently seconded? It is sufficiently seconded. This will be a roll call vote. Members will take their seats. The question before the House is the majority committee report of Ought to Pass on HB 111. Rep. Griffin is recognized for a parliamentary inquiry.

Representative Barbara Griffin: Thank you, Mister Speaker. If I know that HB 111 is based on statutory language drafted out of state, implemented in a number of states and does not take into account current New Hampshire law. And if I know that an October 2020 review of this law in Virginia concluded that the cost of litigation as the result of the lawsuit of qualified immunity will require reevaluations of policy and funding or risk management for the communities that operating in a system with a greater chance of litigation will have an adverse effect on the wellbeing of employees and that there is the possibility of the lack of response or the use or force being delayed on emergency calls by our citizenry. And if I know that this law can be applied retroactively so that if at the time a state actor or municipal actor makes an action it is considered reasonable but is subsequently found to be unconstitutional, your community would be liable for damages. If I know all that and having heard the previous discussion, would I now press the red button to defeat the OTP motion so another motion can be made? Thank you.

Speaker Steven Smith: Thank you. Rep. Simpson is recognized for a parliamentary inquiry.

Representative Simpson: Thank you, Mister Speaker. Mister Speaker, if I know HB 111 is a victim's rights bill and a government accountability bill. And if I know that our New Hampshire Constitution declared in 1784 that every citizen is entitled to remedy by having recourse to the law for all injuries received completely and without denial. And if I know that governmental bodies in New Hampshire operated for centuries without qualified immunity, without the sky falling in. And if I believe that conservatives, libertarians, liberals and Granite Staters all hold dear the principle that government is here to serve the people and that the government must not evade responsibility for its actions by claiming immunity from the citizens of this state, then would I press the green button to support the 19 to 2 bipartisan vote of the House Judiciary Committee? Thank you.

Speaker Steven Smith: Thank you. This is a roll call vote. If you're in favor of the committee report, you'll be pressing the green, 1-A button. If you are opposed, you'll press the red, 2-B button. Voting stations are open for 30 seconds. Have all members present had an opportunity to vote? The House will attend to the state of the vote. 178 having voted in the affirmative, 184 in the negative, the motion fails. For what reason does the member rise?

Representative Alexander: Because there has been intervening business, I move to lay HB 111 on the table.

Speaker Steven Smith: Rep. Alexander moves to lay HB 111 on the table. Are you ready for the question? All those in favor, will say Aye. All those opposed, Nay. Well the Ayes certainly have it and HB 111 is laid on the table.

PERSONAL PRIVILEGE

Speaker Packard requested Personal Privilege and addressed the House.

REGULAR CALENDAR - PART III

HB 62-FN, relative to continued in-network access to certain health care providers. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeffrey Greeson for the Majority of Commerce and Consumer Affairs. This bill requires access by a covered person to a provider in the insurer's provider directory at in-network rates for the duration of the contract for health care services. The majority of the committee recommends this bill be found Inexpedient to Legislate because it would be extremely difficult to implement considering that plans and provider contracts start at various times throughout the year and not at any one time. Also, there is already a statutory requirement allowing the Insurance Commissioner to grant up to 60 days of continued coverage for patients and carriers to find alternative providers. Vote 10-9.

Rep. Joyce Weston for the Minority of Commerce and Consumer Affairs. This is simply a truth in advertising issue. If an insurer includes a provider in its published directory, which a prospective insured then used in selecting their health plan, the insurer must maintain access to that provider until the renewal date. Exceptions are made if a provider loses their license or unilaterally terminates participation. The intent of the bill is to protect those patients with rare diseases about which few doctors have experience from losing access to the doctor who has value to them. The amendment replaces language requiring a 60-day extension of access to a provider with a reference to the current law authorizing the Insurance Commission to grant an extension of up to 60 days.

MOTION TO LAY ON THE TABLE

Rep. Hunt moved that **HB 62-FN**, relative to continued in-network access to certain health care providers, be laid on the table.

On a division vote, with 193 members having voted in the affirmative, and 158 in the negative, the motion was adopted.

REGULAR CALENDAR PART III CONT'D

HB 165, relative to noncompete agreements for certain mental health professionals. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jeffrey Greeson for the Majority of Commerce and Consumer Affairs. The purpose of this bill is to mandate that certain non-compete provisions in employment contracts for pastoral psychotherapists, clinical social workers, clinical mental health counselors, and marriage and family therapists licensed by the Board of Mental Health Practice and psychologists licensed by the Board of Psychologists, are not enforceable. The majority of the committee has recommended that this bill be found Inexpedient to Legislate because the testimony provided during the hearing seemed to pertain only to employees that did not read the agreement before signing and became dissatisfied with the terms after the fact. There was no evidence that this issue needs government intervention in a business contract. The assumption is that therapist is compensated in some manner for agreeing to the clause in the contract. Vote 10-9.

Rep. Anita Burroughs for the Minority of Commerce and Consumer Affairs. The minority believes that the use non-compete agreements only serves to exacerbate the shortage of mental health professionals in New Hampshire. There is currently a severe shortage of such professionals in the state, with some reports estimating that only 45% of the Granite State's need for such professionals is being met (Kaiser Foundation). A non-compete agreement needs to be reasonable to be enforceable. NH has moved towards deeming non-compete provisions to be void and unenforceable as they pertain to low earning workers. States across the country are also moving away from accepting non-compete agreements. Additionally, non-compete agreements can be disruptive to community mental health services and may disrupt the therapeutic relationship should a provider leave a mental health practice and be forced to leave the area.

MOTION TO LAY ON THE TABLE

Rep. Ammon moved that **HB 165**, relative to noncompete agreements for certain mental health professionals, be laid on the table.

On a division vote, with 204 members having voted in the affirmative, and 152 in the negative, the motion was adopted.

REGULAR CALENDAR PART III CONT'D**MOTION TO SPECIAL ORDER**

Reps. Osborne and Cushing moved that **HB 177**, prohibiting the siting of a landfill near a state park, be made a Special Order as the next order of business.

On a division vote, with 282 members having voted in the affirmative, and 72 in the negative, the motion was adopted.

SPECIAL ORDER

HB 177, prohibiting the siting of a landfill near a state park. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Kevin Verville for the Majority of Environment and Agriculture. This bill would prohibit the siting of a landfill within two miles of a state park. The committee received a significant amount of testimony relating to the proposed project in Dalton, NH. The majority felt the bill violates land owners rights, has equal protections issues, and is using the legislative process as a means to stop a project near Forest Lake State Park. This is a local zoning issue and should not receive special treatment via RSA. This bill does nothing to protect surface, groundwater, private property, or business owners. This issue should be addressed by local zoning, and Department of Environmental Services siting rules. Vote 10-9.

Rep. Andrew Bouldin for the Minority of Environment and Agriculture. This bill as amended would prohibit the siting of new solid waste landfills within two miles of state parks. We heard many concerns about a landfill being considered within a quarter mile of Forest Lake State Park and the impact that it would have on the attractiveness of the park to visitors. The minority of the committee believes that all state parks should be protected from solid waste landfills. State parks are a critical part of NH tourism infrastructure and are funded only by visitor fees. As such, a nearby landfill could result in the eventual closure of a state park due to a drop in visitors.

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

Rep. Andrew Bouldin spoke against.

Rep. Verville spoke in favor.

MOTION TO LAY ON THE TABLE

Rep. Stapleton moved that **HB 177**, prohibiting the siting of a landfill near a state park, be laid on the table. On a division vote, with 174 members having voted in the affirmative, and 183 in the negative, the motion failed.

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

Rep. Pearl requested a roll call; sufficiently seconded.

YEAS 171 - NAYS 187**YEAS - 171****BELKNAP**

Aldrich, Glen	Bean, Harry	Comtois, Barbara	Harvey-Bolia, Juliet
Hough, Gregg	Howard, Raymond	Johnson, Dawn	Lang, Timothy
Mackie, Jonathan	O'Hara, Travis	Ploszaj, Tom	Silber, Norman
Sylvia, Michael	Terry, Paul	Trottier, Douglas	Varney, Peter

CARROLL

Avellani, Lino	Cordelli, Glenn	Smith, Jonathan	Marsh, William
Nelson, Bill	Umberger, Karen		

CHESHIRE

Faulkner, Barry	Hunt, John	Kilanski, Ben	Qualey, James
Rhodes, Jennifer	Santonastaso, Matthew		

COOS

Craig, Kevin	Davis, Arnold
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GRAFTON

Alliegro, Mark	Berezhny, Lex	Binford, David	Depalma IV, Joseph
Folsom, Beth	Sanborn, Gail	Gordon, Edward	Greeson, Jeffrey
Ladd, Rick			

HILLSBOROUGH

Lekas, Alicia	Alexander, Joe	Ammon, Keith	Griffin, Barbara
Blasek, Melissa	Boehm, Ralph	Burt, John	Creighton, Jim
Cushman, Leah	Kelley, Diane	Smith, Denise	Erf, Keith
Foster, William	Griffin, Gerald	Gagne, Larry	Goley, Jeffrey
Gorski, Ted	Gould, Linda	Graham, John	Greene, Bob
Gunski, Michael	Homola, Susan	Hopper, Gary	Infantine, William
Kelsey, Niki	Kofalt, Jim	Sanborn, Laurie	Lascelles, Richard
Lewicke, John	Marston, Dick	Mayville, Mary	McLean, Mark
Mooney, Maureen	Notter, Jeanine	Nunez, Hershel	Pauer, Diane
Post, Lisa	Prout, Andrew	Renzullo, Andrew	Rice, Kimberly
Rouillard, Claire	Sheehan, Vanessa	Somero, Paul	Lekas, Tony
Tausch, Lindsay	Ulery, Jordan	Warden, Mark	

MERRIMACK

Allard, James	Andrus, Louise	Cambrils, Jose	Cross, Kenna
Hill, Gregory	Kennedy, Margaret	Klose, John	Mason, James
McGuire, Carol	Moffett, Michael	Pearl, Howard	Pitaro, Matthew
Rogers, Katherine	Boyd, Stephen	Seaworth, Brian	Testerman, Dave
Walsh, Thomas	Wells, Natalie	White, Nick	Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl	Abrami, Patrick	Ayer, Paul	Baldasaro, Al
Baxter, Tim	Belanger, Cody	Bernardy, JD	Bershtein, Alan
DeSimone, Debra	Dodge, Dustin	Dolan, Tom	Doucette, Fred
Edwards, Jess	Ford, Oliver	Green, Dennis	Harb, Robert
Harley, Tina	Hobson, Deborah	Janigian, John	Katsakiores, Phyllis
Khan, Aboul	Layon, Erica	Litchfield, Melissa	Love, David
Lynn, Bob	McMahon, Charles	Melvin, Charles	Milz, David
Osborne, Jason	Piemonte, Tony	Potucek, John	Prudhomme-O'Brien, Katherine
Soti, Julius	Spillane, James	Sweeney, Joe	Sytek, John
Thomas, Douglas	Torosian, Peter	Tripp, Richard	True, Chris
Tudor, Paul	Vandecasteele, Susan	Verville, Kevin	Vose, Michael
MacDonald, Wayne	Wallace, Scott	Welch, David	Weyler, Kenneth
Yokela, Josh			

STRAFFORD

Ankarberg, Aidan	Bailey, Glenn	DeLemus, Susan	Groen, Fenton
Horgan, James	Kaczynski, Thomas	Kittredge, Mac	Pitre, Joseph
Turcotte, Leonard	Vincent, Kenneth	Wuelper, Kurt	

SULLIVANAron, Judy
Smith, Steven

Callum, John

Spilsbury, Walter

Stapleton, Walter

NAYS - 187**BELKNAP**

Bordes, Mike

Littlefield, Richard

CARROLLBuco, Thomas
MacDonald, JohnBurroughs, Anita
Knirk, JerryCrawford, Karel
McAleer, ChrisDeshaies, Brodie
Woodcock, Stephen**CHESHIRE**Abbott, Michael
Eaton, Daniel
Harvey, Cathryn
Schapiro, Joe
Welkowitz, LawrenceAmes, Richard
Fenton, Donovan
Ley, Douglas
Toll, AmandaBerch, Paul
Fox, Dru
Mann, John
Von Plinsky, SparkyBordenet, John
Gomarlo, Jennie
Parshall, Lucius
Weber, Lucy**COOS**Kelley, Eamon
Thompson, DennisHatch, William
Tucker, Edith

Laflamme, Larry

Merner, Troy

GRAFTONAbel, Richard
Egan, Timothy
Massimilla, Linda
Stavis, LaurelAdjutant, Joshua
Fellows, Sallie
Muirhead, Russell
Smith, SuzanneAlmy, Susan
Hakken-Phillips, Mary
Murphy, James
Sykes, GeorgeDontonville, Roger
Ham, Bonnie
Simon, Matthew
Weston, Joyce**HILLSBOROUGH**Bouldin, Amanda
Beaulieu, Jane
Bradley, Amy
Cornell, Patricia
Freitas, Mary
Healey, Robert
Klee, Patricia
Lanzara, Tom
King, Mark
Moran, Melbourne
O'Brien, Michael
Pickering, Daniel
Newman, Ray
Snow, Kendall
Toomey, Dan
Veilleux, DanielBouldin, Andrew
Bergeron, Paul
Chretien, Jacqueline
DiSilvestro, Linda
Griffith, Willis
Heath, Mary
Klein-Knight, Nicole
Laughton, Stacie-Marie
Murray, Megan
Mullen, Sue
Pedersen, Michael
Piedra, Israel
Rung, Rosemarie
Stevens, Deb
Vail, Suzanne
Wilhelm, MatthewKing, Bill
Booras, Efstathia
Cohen, Bruce
Dutzy, Sherry
Hamer, Heidi
Schmidt, Janice
Labranche, Tony
Leishman, Peter
Mangipudi, Latha
Nutter-Upham, Frances
Perez, Maria
Porter, Marjorie
Newman, Sue
Smith, Timothy
Van Houten, ConstanceBaroody, Benjamin
Bouchard, Donald
Connors, Erika
Espitia, Manny
Harriott-Gathright, Linda
Jack, Martin
Langley, Diane
Long, Patrick
McGhee, Kat
Nutting-Wong, Allison
Petrigno, Peter
Query, Joshua
Shaw, Barbara
Telerski, Laura
Vann, Ivy**MERRIMACK**Bartlett, Christy
Gallager, Eric
Pimentel, Roderick
Shurtleff, Steve
Wazir, SafiyaCaplan, Tony
Lane, Connie
Schamberg, Thomas
Soucy, Timothy
Wolf, DanEbel, Karen
MacKay, James
Schuett, Dianne
Wallner, Mary Jane
Woods, GaryEllison, Arthur
McWilliams, Rebecca
Schultz, Kristina
Walz, Mary Beth**ROCKINGHAM**Abramson, Max
Cahill, Michael
Edgar, Michael
Grote, Jaci
Pearson, Mark
McBride, Everett
Pratt, Kevin
Simpson, AlexisActon, Dennis
Cali-Pitts, Jacqueline
Gay, Betty
Guthrie, Joseph
Maggiore, Jim
Meuse, David
Read, Ellen
Somssich, PeterAltschiller, Debra
Cushing, Robert Renny
Gilman, Julie
Hamblet, Joan
Malloy, Dennis
Paige, Mark
Roy, Terry
Ward, GeraldBunker, Lisa
DiLorenzo, Charlotte
Grossman, Gaby
Murray, Kate
McBeath, Rebecca
Pantelakos, Laura
Pearson, Stephen**STRAFFORD**Bixby, Peter
Ellis, Donna
Hayward, Peter
Newton, Clifford
Southworth, ThomasCannon, Gerri
Fargo, Kristina
Horrigan, Timothy
Oxaal, Ariel
Spang, JudithChase, Wendy
Frost, Sherry
Kenney, Cam
Schmidt, Peter
Treleaven, SusanConley, Casey
Grassie, Chuck
Levesque, Cassandra
Rich, Cecilia
Wall, Janet

SULLIVANCloutier, John
Sullivan, BrianGottling, Suzanne
Tanner, Linda

Oxenham, Lee

Rollins, Skip

and the majority committee report failed.

Rep. Andrew Bouldin moved the minority committee report of Ought to Pass with Amendment and offered minority committee amendment (0353h).

Minority Amendment (0353h)

Amend RSA 149-M:9 as inserted by section 1 of the bill by replacing it with the following:

XV. No permit shall be issued by the department for the siting of a new landfill if any part of the actual solid waste disposal area is proposed to be located within 2 miles of the boundary of any state park. For purposes of this paragraph, "state park" means any state park managed by the state director of the division of parks and recreation pursuant to RSA 216-A:2. "State park" shall not include the state historic sites and recreational rail trails. Nothing in this paragraph shall be construed to prohibit the expansion of any existing landfills.

Rep. Andrew Bouldin spoke in favor.

On a division vote, with 251 members having voted in the affirmative, and 104 in the negative, the minority committee amendment was adopted.

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

MOTON TO INDEFINITELY POSTPONE

Rep. Dolan moved that **HB 177**, prohibiting the siting of a landfill near a state park, be Indefinitely Postponed. On a division vote, with 156 members having voted in the affirmative, and 201 in the negative, the motion failed.

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

Rep. Pearl requested a roll call; sufficiently seconded.

YEAS 197 - NAYS 159**YEAS - 197****BELKNAP**

Bordes, Mike

Littlefield, Richard

Terry, Paul

CARROLLBuco, Thomas
MacDonald, JohnBurroughs, Anita
Knirk, JerryCrawford, Karel
McAleer, ChrisDeshaies, Brodie
Woodcock, Stephen**CHESHIRE**Abbott, Michael
Eaton, Daniel
Gomarlo, Jennie
Parshall, Lucius
Weber, LucyAmes, Richard
Faulkner, Barry
Harvey, Cathryn
Schapiro, Joe
Welkowitz, LawrenceBerch, Paul
Fenton, Donovan
Ley, Douglas
Toll, AmandaBordenet, John
Fox, Dru
Mann, John
Von Plinsky, Sparky**COOS**Kelley, Eamon
Thompson, DennisHatch, William
Tucker, Edith

Laflamme, Larry

Merner, Troy

GRAFTONAbel, Richard
Egan, Timothy
Massimilla, Linda
Stavis, LaurelAdjutant, Joshua
Fellows, Sallie
Muirhead, Russell
Smith, SuzanneAlmy, Susan
Hakken-Phillips, Mary
Murphy, James
Sykes, GeorgeDontonville, Roger
Ham, Bonnie
Simon, Matthew
Weston, Joyce**HILLSBOROUGH**Bouldin, Amanda
Beaulieu, Jane
Bradley, Amy
Cornell, Patricia
Freitas, Mary
Healey, Robert
Klee, Patricia
Lanzara, Tom
King, Mark
McGhee, Kat
Nutting-Wong, Allison
Petrigno, Peter
Query, Joshua
Newman, Sue
Smith, Timothy
Van Houten, ConstanceBouldin, Andrew
Bergeron, Paul
Chretien, Jacqueline
DiSilvestro, Linda
Griffith, Willis
Heath, Mary
Klein-Knight, Nicole
Laughton, Stacie-Marie
Murray, Megan
Moran, Melbourne
O'Brien, Michael
Pickering, Daniel
Newman, Ray
Shaw, Barbara
Telerski, Laura
Vann, IvyKing, Bill
Booras, Efstathia
Cohen, Bruce
Dutzy, Sherry
Hamer, Heidi
Schmidt, Janice
Labranche, Tony
Leishman, Peter
Mangipudi, Latha
Mullen, Sue
Pedersen, Michael
Piedra, Israel
Rice, Kimberly
Snow, Kendall
Toomey, Dan
Veilleux, DanielBaroody, Benjamin
Bouchard, Donald
Connors, Erika
Espitia, Manny
Harriott-Gathright, Linda
Jack, Martin
Langley, Diane
Long, Patrick
Mayville, Mary
Nutter-Upham, Frances
Perez, Maria
Porter, Marjorie
Rung, Rosemarie
Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

MERRIMACK

Allard, James
Ellison, Arthur
McWilliams, Rebecca
Schultz, Kristina
Walz, Mary Beth
Woods, Gary

Bartlett, Christy
Gallager, Eric
Pimentel, Roderick
Shurtleff, Steve
Wazir, Safiya

Caplan, Tony
Lane, Connie
Schamberg, Thomas
Soucy, Timothy
Wells, Natalie

Ebel, Karen
MacKay, James
Schuett, Dianne
Wallner, Mary Jane
Wolf, Dan

ROCKINGHAM

Acton, Dennis
Cahill, Michael
Edgar, Michael
Grote, Jaci
Murray, Kate
Maggiore, Jim
Meuse, David
Read, Ellen
Somssich, Peter

Altschiller, Debra
Cali-Pitts, Jacqueline
Gay, Betty
Guthrie, Joseph
Khan, Aboul
Malloy, Dennis
Paige, Mark
Roy, Terry
Ward, Gerald

Ayer, Paul
Cushing, Robert Renny
Gilman, Julie
Hamblet, Joan
Litchfield, Melissa
McBeath, Rebecca
Pantelakos, Laura
Pearson, Stephen
Welch, David

Bunker, Lisa
DiLorenzo, Charlotte
Grossman, Gaby
Harb, Robert
Pearson, Mark
McMahon, Charles
Pratt, Kevin
Simpson, Alexis

STRAFFORD

Bixby, Peter
Ellis, Donna
Hayward, Peter
Newton, Clifford
Southworth, Thomas

Cannon, Gerri
Fargo, Kristina
Horrigan, Timothy
Oxaal, Ariel
Treleaven, Susan

Chase, Wendy
Frost, Sherry
Kenney, Cam
Schmidt, Peter
Vincent, Kenneth

Conley, Casey
Grassie, Chuck
Levesque, Cassandra
Rich, Cecilia
Wall, Janet

SULLIVAN

Cloutier, John
Sullivan, Brian

Gottling, Suzanne
Tanner, Linda

Oxenham, Lee

Rollins, Skip

NAYS - 159**BELKNAP**

Aldrich, Glen
Hough, Gregg
Mackie, Jonathan
Sylvia, Michael

Bean, Harry
Howard, Raymond
O'Hara, Travis
Trottier, Douglas

Comtois, Barbara
Johnson, Dawn
Ploszaj, Tom
Varney, Peter

Harvey-Bolia, Juliet
Lang, Timothy
Silber, Norman

CARROLL

Avellani, Lino
Nelson, Bill

Cordelli, Glenn
Umberger, Karen

Smith, Jonathan

Marsh, William

CHESHIRE

Hunt, John
Santonastaso, Matthew

Kilanski, Ben

Qualey, James

Rhodes, Jennifer

COOS

Craig, Kevin

Davis, Arnold

GRAFTON

Alliegro, Mark
Folsom, Beth
Ladd, Rick

Berezhny, Lex
Sanborn, Gail

Binford, David
Gordon, Edward

Depalma IV, Joseph
Greeson, Jeffrey

HILLSBOROUGH

Lekas, Alicia
Blasek, Melissa
Cushman, Leah
Foster, William
Gorski, Ted
Homola, Susan
Kofalt, Jim
Marston, Dick
Nunez, Hershel
Renzullo, Andrew
Lekas, Tony

Alexander, Joe
Boehm, Ralph
Kelley, Diane
Griffin, Gerald
Graham, John
Hopper, Gary
Sanborn, Laurie
McLean, Mark
Pauer, Diane
Rouillard, Claire
Ulery, Jordan

Ammon, Keith
Burt, John
Smith, Denise
Gagne, Larry
Greene, Bob
Infantine, William
Lascelles, Richard
Mooney, Maureen
Post, Lisa
Sheehan, Vanessa
Warden, Mark

Griffin, Barbara
Creighton, Jim
Erf, Keith
Goley, Jeffrey
Gunski, Michael
Kelsey, Niki
Lewicke, John
Notter, Jeanine
Prout, Andrew
Somero, Paul

MERRIMACK

Andrus, Louise
Kennedy, Margaret
Moffett, Michael
Boyd, Stephen
White, Nick

Cambrils, Jose
Klose, John
Pearl, Howard
Seaworth, Brian
Yakubovich, Michael

Cross, Kenna
Mason, James
Pitaro, Matthew
Testerman, Dave

Hill, Gregory
McGuire, Carol
Rogers, Katherine
Walsh, Thomas

ROCKINGHAM

Abbas, Daryl
Baxter, Tim
DeSimone, Debra
Edwards, Jess
Hobson, Deborah
Love, David
Milz, David
Prudhomme-O'Brien, Katherine
Sytek, John
True, Chris
Vose, Michael
Yokela, Josh

Abrami, Patrick
Belanger, Cody
Dodge, Dustin
Ford, Oliver
Janigian, John
Lynn, Bob
Osborne, Jason
Soti, Julius
Thomas, Douglas
Tudor, Paul
MacDonald, Wayne

Abramson, Max
Bernardy, JD
Dolan, Tom
Green, Dennis
Katsakiores, Phyllis
McBride, Everett
Piemonte, Tony
Spillane, James
Torosian, Peter
Vandecasteele, Susan
Wallace, Scott

Baldasaro, Al
Bershtein, Alan
Doucette, Fred
Harley, Tina
Layon, Erica
Melvin, Charles
Potucek, John
Sweeney, Joe
Tripp, Richard
Verville, Kevin
Weyler, Kenneth

STRAFFORD

Ankarberg, Aidan
Horgan, James
Spang, Judith

Bailey, Glenn
Kaczynski, Thomas
Turcotte, Leonard

DeLemus, Susan
Kittredge, Mac
Wuelper, Kurt

Groen, Fenton
Pitre, Joseph

SULLIVAN

Aron, Judy
Smith, Steven

Callum, John

Spilsbury, Walter

Stapleton, Walter

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

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Cushing moved that the House reconsider its action whereby, on a roll call vote of 197-159, the House adopted the minority committee report of Ought to Pass with Amendment on **HB 177**, prohibiting the siting of a landfill near a state park.

On a division vote, with 144 members having voted in the affirmative, and 209 in the negative, the motion failed.

MOTION TO REFER TO COMMITTEE

Rep. Altschiller moved that six Members of the House be referred to the Committee on Legislative Administration regarding the "termination of the state" document filed with the Secretary of State's Office.

MOTION TO LAY ON THE TABLE

Rep. Abbas moved that the motion to Refer to Committee, be laid on the table.

Rep. Abbas requested a roll call; sufficiently seconded.

YEAS 191 - NAYS 160**YEAS - 191****BELKNAP**

Aldrich, Glen
Harvey-Bolia, Juliet
Littlefield, Richard
Silber, Norman
Varney, Peter

Bean, Harry
Hough, Gregg
Mackie, Jonathan
Sylvia, Michael

Bordes, Mike
Johnson, Dawn
O'Hara, Travis
Terry, Paul

Comtois, Barbara
Lang, Timothy
Ploszaj, Tom
Trottier, Douglas

CARROLL

Avellani, Lino
MacDonald, John

Cordelli, Glenn
Smith, Jonathan

Crawford, Karel
Marsh, William

Deshaies, Brodie
Umberger, Karen

CHESHIRE

Bordenet, John
Rhodes, Jennifer

Hunt, John
Santonastaso, Matthew

Kilanski, Ben

Qualey, James

COOS

Craig, Kevin

Davis, Arnold

Hatch, William

Merner, Troy

GRAFTON

Alliegro, Mark
Folsom, Beth
Ladd, Rick

Berezhny, Lex
Sanborn, Gail
Simon, Matthew

Binford, David
Gordon, Edward

Depalma IV, Joseph
Greenson, Jeffrey

HILLSBOROUGH

Lekas, Alicia
King, Bill
Burt, John
Smith, Denise
Gagne, Larry

Alexander, Joe
Bergeron, Paul
Creighton, Jim
Erf, Keith
Gorski, Ted

Ammon, Keith
Blasek, Melissa
Cushman, Leah
Foster, William
Gould, Linda

Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Griffin, Gerald
Graham, John

Greene, Bob
Hopper, Gary
Sanborn, Laurie
Lewicke, John
Mooney, Maureen
Post, Lisa
Rouillard, Claire
Lekas, Tony

Gunski, Michael
Infantine, William
Lanzara, Tom
Marston, Dick
Notter, Jeanine
Prout, Andrew
Shaw, Barbara
Ulery, Jordan

Healey, Robert
Kelsey, Niki
Lascelles, Richard
Mayville, Mary
Nunez, Hershel
Renzullo, Andrew
Sheehan, Vanessa
Vail, Suzanne

Homola, Susan
Kofalt, Jim
Leishman, Peter
McLean, Mark
Pauer, Diane
Rice, Kimberly
Somero, Paul
Warden, Mark

Andrus, Louise
Kennedy, Margaret
Moffett, Michael
Seaworth, Brian
White, Nick

Cambriels, Jose
Klose, John
Pearl, Howard
Testerman, Dave
Wolf, Dan

Cross, Kenna
Mason, James
Pitaro, Matthew
Walsh, Thomas
Yakubovich, Michael

Hill, Gregory
McGuire, Carol
Boyd, Stephen
Wells, Natalie

MERRIMACK

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Bernardy, JD
Dodge, Dustin
Ford, Oliver
Harb, Robert
Katsakiores, Phyllis
Love, David
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
Verville, Kevin
Weyler, Kenneth

Abrami, Patrick
Baldasaro, Al
Bershtein, Alan
Dolan, Tom
Gay, Betty
Harley, Tina
Khan, Aboul
Lynn, Bob
Melvin, Charles
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
Vose, Michael
Yokela, Josh

Abramson, Max
Baxter, Tim
Cali-Pitts, Jacqueline
Doucette, Fred
Green, Dennis
Hobson, Deborah
Layon, Erica
Pearson, Mark
Milz, David
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Tudor, Paul
MacDonald, Wayne

Acton, Dennis
Belanger, Cody
DeSimone, Debra
Edwards, Jess
Guthrie, Joseph
Janigian, John
Litchfield, Melissa
McBride, Everett
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Vandecasteele, Susan
Welch, David

Ankarberg, Aidan
Hayward, Peter
Newton, Clifford

Bailey, Glenn
Horgan, James
Pitre, Joseph

DeLemus, Susan
Kaczynski, Thomas
Turcotte, Leonard

Groen, Fenton
Kittredge, Mac
Wuelper, Kurt

STRAFFORD

SULLIVAN

Aron, Judy
Smith, Steven

Callum, John

Spilsbury, Walter

Stapleton, Walter

NAYS - 160 BELKNAP

CARROLL

Howard, Raymond

Buco, Thomas
Woodcock, Stephen

Burroughs, Anita

Knirk, Jerry

McAleer, Chris

CHESHIRE

Abbott, Michael
Faulkner, Barry
Ley, Douglas
Toll, Amanda

Ames, Richard
Fenton, Donovan
Mann, John
Von Plinsky, Sparky

Berch, Paul
Fox, Dru
Parshall, Lucius
Weber, Lucy

Eaton, Daniel
Harvey, Cathryn
Schapiro, Joe
Welkowitz, Lawrence

COOS

Kelley, Eamon

Lafamme, Larry

Tucker, Edith

GRAFTON

Abel, Richard
Egan, Timothy
Massimilla, Linda
Smith, Suzanne

Adjutant, Joshua
Fellows, Sallie
Muirhead, Russell
Sykes, George

Almy, Susan
Hakken-Phillips, Mary
Murphy, James
Weston, Joyce

Dontonville, Roger
Ham, Bonnie
Stavis, Laurel

HILLSBOROUGH

Bouldin, Amanda
Booras, Efstathia
Cohen, Bruce
Dutzy, Sherry
Griffith, Willis
Schmidt, Janice

Bouldin, Andrew
Bouchard, Donald
Connors, Erika
Espitia, Manny
Hamer, Heidi
Jack, Martin

Baroody, Benjamin
Bradley, Amy
Cornell, Patricia
Freitas, Mary
Harriott-Gathright, Linda
Klee, Patricia

Beaulieu, Jane
Chretien, Jacqueline
DiSilvestro, Linda
Goley, Jeffrey
Heath, Mary
Klein-Knight, Nicole

Labranche, Tony
King, Mark
Moran, Melbourne
O'Brien, Michael
Piedra, Israel
Rung, Rosemarie
Smith, Timothy
Vann, Ivy

Langley, Diane
Murray, Megan
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Newman, Sue
Telerski, Laura
Veilleux, Daniel

Laughton, Stacie-Marie
Mangipudi, Latha
Nutter-Upham, Frances
Petrigno, Peter
Query, Joshua
Snow, Kendall
Toomey, Dan
Wilhelm, Matthew

Long, Patrick
McGhee, Kat
Nutting-Wong, Allison
Pickering, Daniel
Newman, Ray
Stevens, Deb
Van Houten, Constance

MERRIMACK

Allard, James
Ellison, Arthur
McWilliams, Rebecca
Schuett, Dianne
Wallner, Mary Jane

Bartlett, Christy
Gallager, Eric
Pimentel, Roderick
Schultz, Kristina
Walz, Mary Beth

Caplan, Tony
Lane, Connie
Rogers, Katherine
Shurtleff, Steve
Wazir, Safiya

Ebel, Karen
MacKay, James
Schamberg, Thomas
Soucy, Timothy
Woods, Gary

ROCKINGHAM

Altschiller, Debra
DiLorenzo, Charlotte
Grote, Jaci
Malloy, Dennis
Pantelakos, Laura
Ward, Gerald

Bunker, Lisa
Edgar, Michael
Hamblet, Joan
McBeath, Rebecca
Read, Ellen

Cahill, Michael
Gilman, Julie
Murray, Kate
Meuse, David
Simpson, Alexis

Cushing, Robert Renny
Grossman, Gaby
Maggiore, Jim
Paige, Mark
Somssich, Peter

STRAFFORD

Bixby, Peter
Ellis, Donna
Horrigan, Timothy
Schmidt, Peter
Vincent, Kenneth

Cannon, Gerri
Fargo, Kristina
Kenney, Cam
Rich, Cecilia
Wall, Janet

Chase, Wendy
Frost, Sherry
Levesque, Cassandra
Spang, Judith

Conley, Casey
Grassie, Chuck
Oxaal, Ariel
Treleaven, Susan

SULLIVAN

Cloutier, John
Sullivan, Brian

Gottling, Suzanne
Tanner, Linda

Oxenham, Lee

Rollins, Skip

and the motion was adopted.

PERSONAL PRIVILEGE

Rep. Timothy Smith requested Personal Privilege and addressed the House.

RESOLUTION

Rep. Osborne 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 at the Call of the Chair.

Rep. Read requested a roll call; sufficiently seconded.

YEAS 329 - NAYS 15

YEAS - 329

BELKNAP

Aldrich, Glen
Harvey-Bolia, Juliet
Lang, Timothy
Ploszaj, Tom
Trottier, Douglas

Bean, Harry
Hough, Gregg
Littlefield, Richard
Silber, Norman
Varney, Peter

Bordes, Mike
Howard, Raymond
Mackie, Jonathan
Sylvia, Michael

Comtois, Barbara
Johnson, Dawn
O'Hara, Travis
Terry, Paul

CARROLL

Avellani, Lino
Crawford, Karel
Knirk, Jerry
Woodcock, Stephen

Buco, Thomas
Deshaies, Brodie
Marsh, William

Burroughs, Anita
MacDonald, John
McAleer, Chris

Cordelli, Glenn
Smith, Jonathan
Umberger, Karen

CHESHIRE

Ames, Richard
Faulkner, Barry
Hunt, John
Parshall, Lucius
Toll, Amanda

Berch, Paul
Fenton, Donovan
Kilanski, Ben
Qualey, James
Weber, Lucy

Bordenet, John
Fox, Dru
Ley, Douglas
Rhodes, Jennifer
Welkowitz, Lawrence

Eaton, Daniel
Harvey, Cathryn
Mann, John
Santonastaso, Matthew

COOS

Craig, Kevin
Lafamme, Larry

Davis, Arnold
Merner, Troy

Kelley, Eamon
Tucker, Edith

Hatch, William

GRAFTON

Alliegro, Mark
Depalma IV, Joseph
Folsom, Beth
Hakken-Phillips, Mary
Simon, Matthew
Weston, Joyce

Almy, Susan
Dontonville, Roger
Sanborn, Gail
Ladd, Rick
Stavis, Laurel

Berezhny, Lex
Egan, Timothy
Gordon, Edward
Massimilla, Linda
Smith, Suzanne

Binford, David
Fellows, Sallie
Greeson, Jeffrey
Muirhead, Russell
Sykes, George

HILLSBOROUGH

Lekas, Alicia
Bouldin, Andrew
Beaulieu, Jane
Booras, Efstathia
Cohen, Bruce
Cushman, Leah
Dutzy, Sherry
Freitas, Mary
Gorski, Ted
Gunski, Michael
Homola, Susan
Jack, Martin
Kofalt, Jim
Lanzara, Tom
Lewicke, John
Mangipudi, Latha
McLean, Mark
Notter, Jeanine
Pedersen, Michael
Piedra, Israel
Query, Joshua
Rouillard, Claire
Somero, Paul
Telerski, Laura
Veilleux, Daniel

Alexander, Joe
Griffin, Barbara
Bergeron, Paul
Bouchard, Donald
Connors, Erika
Kelley, Diane
Erf, Keith
Griffin, Gerald
Gould, Linda
Hamer, Heidi
Hopper, Gary
Kelsey, Niki
Sanborn, Laurie
Lascelles, Richard
Long, Patrick
Marston, Dick
Mooney, Maureen
Nunez, Hershel
Perez, Maria
Porter, Marjorie
Newman, Ray
Rung, Rosemarie
Stevens, Deb
Ulery, Jordan
Warden, Mark

Bouldin, Amanda
King, Bill
Blasek, Melissa
Bradley, Amy
Cornell, Patricia
Smith, Denise
Espitia, Manny
Gagne, Larry
Graham, John
Healey, Robert
Infantine, William
Klee, Patricia
Labranche, Tony
Laughton, Stacie-Marie
King, Mark
Mayville, Mary
Moran, Melbourne
Nutter-Upham, Frances
Petrigno, Peter
Post, Lisa
Renzullo, Andrew
Sheehan, Vanessa
Lekas, Tony
Vail, Suzanne
Wilhelm, Matthew

Ammon, Keith
Baroody, Benjamin
Boehm, Ralph
Burt, John
Creighton, Jim
DiSilvestro, Linda
Foster, William
Goley, Jeffrey
Greene, Bob
Heath, Mary
Schmidt, Janice
Klein-Knight, Nicole
Langley, Diane
Leishman, Peter
Murray, Megan
McGhee, Kat
Mullen, Sue
Pauer, Diane
Pickering, Daniel
Prout, Andrew
Rice, Kimberly
Snow, Kendall
Smith, Timothy
Van Houten, Constance

MERRIMACK

Allard, James
Caplan, Tony
Gallager, Eric
MacKay, James
Moffett, Michael
Rogers, Katherine
Schultz, Kristina
Testerman, Dave
Wazir, Safiya
Woods, Gary

Andrus, Louise
Cross, Kenna
Hill, Gregory
Mason, James
Pearl, Howard
Boyd, Stephen
Seaworth, Brian
Wallner, Mary Jane
Wells, Natalie
Yakubovich, Michael

Bartlett, Christy
Ebel, Karen
Klose, John
McGuire, Carol
Pimentel, Roderick
Schamberg, Thomas
Shurtleff, Steve
Walsh, Thomas
White, Nick

Cambrils, Jose
Ellison, Arthur
Lane, Connie
McWilliams, Rebecca
Pitaro, Matthew
Schuett, Dianne
Soucy, Timothy
Walz, Mary Beth
Wolf, Dan

ROCKINGHAM

Abbas, Daryl
Altschiller, Debra
Belanger, Cody
Cahill, Michael
DiLorenzo, Charlotte
Edgar, Michael
Gilman, Julie
Guthrie, Joseph
Hobson, Deborah
Khan, Aboul
Lynn, Bob
McBeath, Rebecca
Meuse, David
Pantelakos, Laura
Prudhomme-O'Brien, Katherine
Somssich, Peter
Sytek, John
True, Chris
Vose, Michael
Yokela, Josh

Abrami, Patrick
Ayer, Paul
Bernardy, JD
Cali-Pitts, Jacqueline
Dodge, Dustin
Edwards, Jess
Green, Dennis
Hamblet, Joan
Janigian, John
Layon, Erica
Pearson, Mark
McBride, Everett
Milz, David
Piemonte, Tony
Roy, Terry
Soti, Julius
Thomas, Douglas
Tudor, Paul
MacDonald, Wayne

Abramson, Max
Baldasaro, Al
Bershtein, Alan
Cushing, Robert Renny
Dolan, Tom
Ford, Oliver
Grossman, Gaby
Harb, Robert
Murray, Kate
Litchfield, Melissa
Maggiore, Jim
McMahon, Charles
Osborne, Jason
Potucek, John
Pearson, Stephen
Spillane, James
Torosian, Peter
Vandecasteele, Susan
Ward, Gerald

Acton, Dennis
Baxter, Tim
Bunker, Lisa
DeSimone, Debra
Doucette, Fred
Gay, Betty
Grote, Jaci
Harley, Tina
Katsakiores, Phyllis
Love, David
Malloy, Dennis
Melvin, Charles
Paige, Mark
Pratt, Kevin
Simpson, Alexis
Sweeney, Joe
Tripp, Richard
Verville, Kevin
Welch, David

STRAFFORD

Ankarberg, Aidan
Chase, Wendy
Frost, Sherry
Horgan, James
Kittredge, Mac
Pitre, Joseph
Vincent, Kenneth

Bailey, Glenn
Conley, Casey
Grassie, Chuck
Horrigan, Timothy
Levesque, Cassandra
Rich, Cecilia
Wall, Janet

Bixby, Peter
DeLemus, Susan
Groen, Fenton
Kaczynski, Thomas
Oxaal, Ariel
Treleaven, Susan
Wuelper, Kurt

Cannon, Gerri
Fargo, Kristina
Hayward, Peter
Kenney, Cam
Schmidt, Peter
Turcotte, Leonard

SULLIVAN

Aron, Judy
Rollins, Skip
Sullivan, Brian

Callum, John
Spilsbury, Walter
Tanner, Linda

Cloutier, John
Stapleton, Walter

Gottling, Suzanne
Smith, Steven

NAYS - 15**CHESHIRE**

Von Plinsky, Sparky

GRAFTON

Abel, Richard

Adjutant, Joshua

Ham, Bonnie

HILLSBOROUGH

Chretien, Jacqueline
O'Brien, Michael

Griffith, Willis
Shaw, Barbara

Harriott-Gathright, Linda
Vann, Ivy

Nutting-Wong, Allison

ROCKINGHAM

Read, Ellen

Weyler, Kenneth

STRAFFORD

Spang, Judith

SULLIVAN

Oxenham, Lee

and the Third Reading Motion was adopted.

LATE SESSION**Third Reading and Final Passage**

HB 440, prohibiting the suspension of civil liberties during a state of emergency.

HB 542, relative to the protection of religious liberty.

HB 566, relative to the discussion and disclosure of minutes from a nonpublic session under the right-to-know law.

HB 385-FN, relative to workers' compensation for heart and lung disease in firefighters.

HB 448, establishing a committee to study and compare federal Occupational Safety and Health Act standards with the safety and health standards the New Hampshire department of labor uses for public sector employees.

HB 67-L, relative to warrant articles in official ballot town, school district, or village district meetings.

HB 183, prohibiting municipalities from requiring a license for a soft drink stand operated by a person under the age of 18.

HB 243, relative to the form of municipal budgets, relative to municipal estimates of expenditures and revenues, and relative to the requirement that certain governing bodies submit recommendations to the budget committee.

HB 332, relative to deadlines for consideration of developments of regional impact by planning boards.

HB 374, relative to the official ballot referendum form of town meetings.

HB 484, relative to budget committee recommendations on warrant articles.

HB 315, relative to the aggregation of electric customers.

HB 351, relative to the system benefits charge.

HB 373, relative to state participation in low carbon fuel standards programs.

HR 9, supporting the principles of federalism.

HB 224, relative to tinted windows on motor vehicles.

HB 251-FN, requiring children under the age of 2 years to be restrained in a motor vehicle.

HB 260-FN, relative to number plates for motor vehicles.

HB 15-FN, relative to including under the meals and rooms tax facilitators of Internet transactions of motor vehicle rentals and facilitators of Internet transactions of room occupancies.

HB 177, prohibiting the siting of a landfill near a state park.

UNANIMOUS CONSENT

Reps. Belanger and Love requested Unanimous Consent of the House regarding appreciation for donations to Representative Hough and addressed the House.

UNANIMOUS CONSENT

Rep. Hough requested Unanimous Consent of the House regarding thanks for the donation and addressed the House.

UNANIMOUS CONSENT

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

RECESS MOTION

Rep. Osborne moved that the House stand in recess for the purposes of the introduction of bills, vacate motions, enrolled bill amendments, enrolled bill reports and receiving messages.
Motion adopted.

The House recessed at 6:40 p.m.

RECESS

(Speaker Packard in the Chair)

SENATE MESSAGES**CONCURRENCE**

HB 73, relative to public notice requirements for certain permits issued by the department of environmental services.

HB 117, relative to the use of force at New Hampshire national guard facilities.

HB 194, relative to the release of student assessment information and data.

HB 256, adding members from Londonderry to the commission to investigate and analyze the environmental and public health impacts relating to releases of perfluorinated chemicals into the air, soil, and groundwater in Merrimack, Bedford, and Litchfield.

HB 318, proclaiming the daring jumping spider to be the state spider of New Hampshire.

HB 344, relative to temporary docks.

HB 356, relative to the city of Manchester employees' contributory retirement system.

HB 377, relative to the authority of the state fire marshal to grant an exemption from fire code requirements to recovery houses.

HB 442, relative to penalties for a school's failure to file department of education reports.

HB 609-FN-L, relative to innovation schools.

REREFERRED TO COMMITTEE

HB 110, relative to the distribution of adequate education grants.

CONCURRENCE WITH AMENDMENTS

SB 43, authorizing an audit of the Rockingham County district 7 state representative race.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 70, 94, 150, 173, 192, 193, 208, 258, 301, 304, 342, 354, 380, 383, 513 and 529 and Senate Bill numbered 43.

Rep. Shurtleff, Sen. Avard for the Committee

RECESS

(Speaker Packard in the Chair)

RESOLUTION

Rep. Steven Smith offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 74, 94, 96, 112, 113, 133, 137, 138, 141, 142, 149, 154 and 162 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.
Motion adopted.

INTRODUCTION OF SENATE BILLS**First, second reading and referral**

SB 74, relative to advance directives for health care decisions. (Health, Human Services and Elderly Affairs)

SB 94, relative to juvenile diversion programs. (Children and Family Law)

SB 96-FN-A, relative to implicit bias training for judges; establishing a body-worn and in-car camera fund and making an appropriation therefor; amending juvenile delinquency proceedings and transfers to superior court; and establishing committees to study the role and scope of authority of school resource officers and the collection of race and ethnicity data on state identification cards. (Judiciary)

SB 112, relative to historical racing. (Ways and Means)

SB 113, relative to the alternative compliance payments for renewable energy obligations not met through the purchase of renewable energy credits. (Science, Technology and Energy)

SB 133-FN, adopting omnibus legislation relative to occupational licensure. (Executive Departments and Administration)

SB 137, relative to the minimum hourly rate for tipped employees. (Labor, Industrial and Rehabilitative Services)

SB 138, relative to the definition of an "investment metal contract". (Commerce and Consumer Affairs)

SB 141-FN, relative to the procedure for conducting firearm background checks. (Criminal Justice and Public Safety)

SB 142-FN, adopting omnibus legislation relative to certain study commissions. (Legislative Administration)

SB 149-FN, adopting omnibus legislation on health and human services. (Health, Human Services and Elderly Affairs)

SB 154, prohibiting the state from enforcing a Presidential Executive Order that restricts or regulates the right of the people to keep and bear arms. (Criminal Justice and Public Safety)

SB 162-FN, relative to the department of health and human services, the New Hampshire granite advantage health care trust fund, and health facility licensure. (Health, Human Services and Elderly Affairs)

RECESS

(Speaker Packard in the Chair)

MOTION TO VACATE

Rep. Steven Smith moved that the House vacate the reference of **SB 102**, adopting omnibus legislation on property taxation, to the Committee on Ways and Means.

Motion adopted.

The Speaker referred **SB 102** to the Committee on Municipal and County Government.

RECESS

(Speaker Packard in the Chair)

ENROLLED BILL AMENDMENT

HB 609-FN-L, relative to innovation schools.

Amendment 2021-1125EBA

Amend RSA 194-E:7, I as inserted by section 1 of the bill by replacing lines 3 and 4 with the following: the chairpersons of the senate and house committees with jurisdiction over education, and the state board of education.

Motion adopted.

RECESS

(Rep. Rice in the Chair)

ENROLLED BILL AMENDMENTS

HB 356, relative to the city of Manchester employees' contributory retirement system.

Amendment 2021-1140EBA

Amend section 2 of the bill by replacing line 1 with the following:

2 Definition; Earnings. Amend 1973, 218:4, VIII as amended by 2002, 194:1 to read as follows:

Amend section 8 of the bill by replacing lines 1-2 with the following:

8 Medical Insurance Coverage. Amend 1973, 218:28, II, as amended by 2005, 41:1, to read as follows:

Motion adopted.

HB 442, relative to penalties for a school's failure to file department of education reports.

Amendment 2021-1168EBA

Amend section 2 of the bill by replacing line 10 with the following:

of education on or before ~~[October 15. Private schools shall submit average daily membership in attendance, fall enrollment, and teacher staff census]~~ ***the deadline established by the department.***

Motion adopted.

SENATE MESSAGES

CONCURRENCE

HB 64-L, relative to renewable generation facility property subject to a voluntary payment in lieu of taxes agreement.

- HB 79**, relative to town health officers.
HB 88, relative to the city of Claremont police commission.
HB 126, relative to notice of execution of tax lien to mortgagees.
HB 128, adding notification requirements to the weather modification statute.
HB 171, relative to food in cigar shops.
HB 184, relative to the operation of personal water craft around the marshlands or flats of the Rye estuary and the New Castle back channel.
HB 190, relative to financial disclosures by legislators.
HB 240, relative to identification of cannabis strain for therapeutic cannabis.
HB 261, relative to apprenticeship programs in trade and industry.
HB 286, establishing a committee to study the response of law enforcement and the criminal justice system to homelessness in New Hampshire.
HB 369-FN, relative to the use of physical agent modalities by occupational therapists.
HB 409, relative to filling certain vacancies among members of school boards and other school district offices.
HB 421, relative to organ donation on a driver's license.
HB 437, establishing a committee to study the shortage of animal slaughter and meat processing facilities in New Hampshire and the implementation of the meat inspection program.
HB 451-FN, relative to organizations authorized to issue decals for multi-use decal number plates and relative to gold star family decals for motor vehicles.
HB 456, relative to the disclosure of information from vital records.
HB 496-FN, relative to license plate covers.
HB 500, relative to reducing school food waste and addressing child hunger.
HB 530, relative to candidate background checks for law enforcement officers.

REREFERRED TO COMMITTEE

- HB 110**, relative to the distribution of adequate education grants.
HB 272, relative to the labeling and sale of hemp products containing CBD.

LAIID ON THE TABLE

- HB 565**, establishing a committee to study charitable gaming.

RECESS

(Speaker Packard in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 73, 117, 134, 194, 226, 256, 303, 318, 324, 344, 377 and 609 and Senate Bills numbered 20, 21 and 24.

Rep. Osborne, Sen. Avard for the Committee

SENATE MESSAGES

CONCURRENCE

- HB 89-FN**, adding qualifying medical conditions to the therapeutic use of cannabis law.
HB 157, relative to the state health improvement plan and the state health assessment and state health improvement plan advisory council.
HB 163-FN, relative to cannabis use during pregnancy.
HB 178-FN, relative to the parole of prisoners and the procedures of the adult parole board.
HB 270-FN, relative to post-conviction DNA testing.
HB 299, relative to responsibilities of the insurance department.
HB 312, relative to deadlines in consumer credit applications, licensing requirements for mortgage loan originators, examinations of family trust companies, delegation by credit union boards to committees, qualifications of the banking commissioner, and authorizing depository banks to elect benefit corporation status.
HB 360, relative to the rental of shared living facilities.
HB 378, repealing the therapeutic use of cannabis advisory council.
HB 519, relative to technical changes in the laws administered by the insurance department.
HB 520, relative to e-delivery of insurance documents and commercial lines renewal notices.
HB 582, relative to prescriptions for the treatment of attention deficit disorder, attention deficit disorder with hyperactivity, or narcolepsy.
HB 626-FN, relative to historic horse racing.
HB 630, authorizing certain procedures for rulemaking.

REREFERRED TO COMMITTEE

HB 72, relative to ratification of amendments to the state building code and state fire code.
HB 540, relative to supported decision-making as an alternative to guardianship.

LAI D ON THE TABLE

HB 485, requiring law enforcement officers to inform a person of their right to refuse a consensual search.

NONCONCURRENCE

HB 83, prohibiting non-disparagement clauses in settlement agreements involving a governmental unit.
HB 331-FN, relative to a forfeiture of personal property.

COMMITTEE ASSIGNMENTS

The Speaker made the following changes to committee assignments:
 Rep. Vandecasteele on the Committee on Legislative Administration.
 Rep. Packard off the Committee on Legislative Administration.

COMMITTEE ASSIGNMENTS

The Speaker made the following changes to committee assignments:
 Rep. Bill Boyd on the Committee on Public Works and Highways.
 Rep. Vandecasteele off the Committee on Public Works and Highways.

RECESS

(Rep. Steven Smith in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 64, 88, 126, 128, 157, 171, 190, 261, 286, 356, 369, 409, 437, 442 and 500.

Rep. Osborne, Sen. Bradley for the Committee

COMMITTEE ASSIGNMENTS

The Speaker made the following changes to committee assignments:
 Reps. Merner and Notter on the Committee on Judiciary.

RECESS

(Speaker Packard in the Chair)

ENROLLED BILL AMENDMENT

HB 270-FN, relative to post-conviction DNA testing.

Amendment 2021-1285EBA

Amend RSA 651-D:2, IV(c) as inserted by section 1 of the bill by replacing line 6 with the following:
required by the Federal Bureau of Investigation, and to forensic-specific requirements, and is
 Motion adopted.

SENATE MESSAGES**CONCURRENCE**

HB 273, relative to the 50th anniversary of the passage of the 26th amendment, granting the right to vote to 18-21 year olds and celebrating youth voting and office holding.

HB 302, relative to the creation and use of electronic records by government agencies.

HB 305, relative to motorist service signs on limited access highways.

HB 332, relative to deadlines for consideration of developments of regional impact by planning boards.

HB 345, establishing a license for mushroom harvesters.

HB 401, relative to the duty of school superintendents regarding criminal history records checks.

HB 425-FN, establishing technical committees and a cybersecurity advisory committee in the department of information technology.

HB 461, relative to motorcycle auxiliary lamping, and adding the New Hampshire Motorcyclists' Rights Organization to the traffic safety commission.

HB 464, relative to the commission to study school funding.

HB 545, relative to the use of certain out-of-state banks by the state treasurer and municipal and county treasurers or trustees.

HB 631, relative to regulation of interpreters for the deaf, deaf blind, and hard of hearing.

LAI ON THE TABLE

HB 141-FN, allowing a county to exempt its chief administrative officer from compulsory participation in the retirement system.

HB 605-FN, relative to the therapeutic cannabis program.

NONCONCURRENCE

HB 67-L, relative to warrant articles in official ballot town, school district, or village district meetings.

HB 85, relative to using Atlantic Standard Time in New Hampshire.

HB 137, relative to the rulemaking authority of the department of information technology.

HB 260-FN, relative to number plates for motor vehicles.

HB 374, relative to the official ballot referendum form of town meetings.

RECESS

(Speaker Packard in the Chair)

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 273.

Rep. Hill, Sen. Daniels for the Committee

RECESS

(Speaker Packard in the Chair)

ENROLLED BILL AMENDMENTS

HB 79, relative to town health officers.

Amendment 2021-1336EBA

Amend RSA 128:9 as inserted by section 6 of the bill by replacing line 5 with the following:
may disqualify such person or interfere with the performance of his or her duties.

Motion adopted.

HB 626-FN, relative to historic horse racing.

Amendment 2021-1354EBA

Amend section 7 of the bill by replacing line 1 with the following:

7 New Paragraph; Authorization; Sale of Tickets; Advertising. Amend RSA 284:21-h by inserting
Motion adopted.

SENATE MESSAGES**CONCURRENCE**

HB 71, relative to school district emergency special meetings.

HB 123-FN, granting immunity from prosecution for prostitution for reporting a sexual assault.

HB 152, relative to the apportionment of costs in cooperative school districts.

HB 182, relative to approval of coursework completed at other approved schools

HB 282, relative to a private school that is approved as a tuition program.

HB 388, relative to changing a pupil's school or assignment because of a manifest educational hardship.

HB 546-FN, relative to 911 immunity for reporting that a person has been the victim of a violent crime.

HB 581, relative to the burden of proof in special education hearings and establishing a committee to study special education IEP and dispute resolution processes.

REREFERRED TO COMMITTEE

HB 197, relative to the use of deadly force in defense of another.

HB 227, relative to termination of tenancy at the expiration of the tenancy or lease term.

HB 319, requiring students in the university and community college systems of New Hampshire to pass the United States Citizenship and Immigration Services civics naturalization test.

HB 347-FN, relative to driving with a suspended license.

HB 427, prohibiting corporal punishment of children in state agency programs.

HB 436, relative to eyewitness identification procedures.

LAI ON THE TABLE

HB 350, permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use.

HB 615-FN, reducing the penalty for certain first offense drug possession charges.

NONCONCURRENCE

HB 129-FN, prohibiting the installation or use of electronic tracking software.

HB 200-FN, increasing the penalty for certain invasions of privacy.

HB 351, relative to the system benefits charge.
HB 384-FN, prohibiting the sharing of location data.

RECESS

(Speaker Packard in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 89, 163, 178, 184, 270, 299, 312, 378, 421, 451, 456, 496, 519, 520, 530, 582 and 630.

Rep. Osborne, Sen. Avard for the Committee

SENATE MESSAGES

CONCURRENCE

HB 131, relative to reporting of health care associated infections.
HB 154-L, relative to community revitalization tax relief incentives.
HB 249, relative to animal shelter facilities.
HB 289, relative to including electrical storage facilities in the definition of energy facility.
HB 298, adding a member to the aviation users advisory board.
HB 385-FN, relative to workers' compensation for heart and lung disease in firefighters.
HB 486-FN, relative to eligibility for the low and moderate income homeowners property tax relief.
HB 555, relative to prisoners' voting rights.

REREFERRED TO COMMITTEE

HB 135, requiring parties responsible for pollution of a drinking water supply to be financially responsible for certain consequences of that pollution.
HB 146, requiring health care providers to furnish upon request a list of ingredients contained in an injectable medication that is recommended or administered.
HB 292, relative to the absentee ballot application process.
HB 349, relative to certification requirements for school nurses.
HB 381-FN, relative to laboratory testing.
HB 503, codifying the council on housing stability.

NONCONCURRENCE

HB 177, prohibiting the siting of a landfill near a state park.
HB 484, relative to budget committee recommendations on warrant articles.

RECESS

(Speaker Packard in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 79, 240, 360, 464, 545 and 626.

Rep. Hill, Sen. Avard for the Committee

SENATE MESSAGES

CONCURRENCE

HB 567, permitting certain military personnel, emergency medical technicians, and paramedics to apply for licensure as a nursing assistant.
HB 606, exempting services provided without remuneration from license requirements for barbering, cosmetology, and esthetics.
HCR 5, supporting democracy and human rights in Hungary, Poland, and Hong Kong and supporting democracy in Taiwan.

REREFERRED TO COMMITTEE

HB 125, relative to post-arrest photo distribution by law enforcement officers.
HB 196, adding trespass as an exception to the charge of criminal threatening.
HB 218, repealing RSA 320 relative to hawkers and peddlers and RSA 321 relative to itinerant vendors.
HB 232, relative to nonpublic sessions under the right to know law.
HB 233-FN, relative to the right of any infant born alive to medically appropriate and reasonable care and treatment.
HB 293, relative to the procedure for adoption of a minor child.
HB 307, relative to the state preemption of the regulation of firearms and ammunition.
HB 440, prohibiting the suspension of civil liberties during a state of emergency.

LAID ON THE TABLE

HB 625-FN, relative to the protection of fetal life.

NONCONCURRENCE

HB 130, relative to administration by the retirement system of certain health care premium deductions.

HB 139, relative to the submission of evidence in divorce proceedings.

HB 142, relative to causes for divorce.

HB 161, relative to the calculation of child support.

HB 222-FN, relative to official cover plates.

HB 474, prohibiting surveillance by the state on public ways or sidewalks.

HB 494, relative to temporary relief and permanent restraining orders issued in a divorce proceeding.

HB 495, relative to restraining orders issued in a parenting case.

HB 499, relative to the use of face recognition technology.

HB 539, relative to records of communications common carriers.

HB 575, relative to licensure of applicants for cosmetology, esthetics, and manicuring through apprenticeship programs.

RECESS