

SJR 3, in support of the New England secondary school consortium. **OUGHT TO PASS.**

Rep. Charles B Yeaton for Education: This consortium of five New England states has been operating for three years. It demands no mandates or costs from its members. It allows for pooling of ideas, resources and information. It examines curricula of high schools, looks at results and makes recommendations for positive change. The resolution, already passed by Rhode Island, Connecticut, Maine and Vermont, strengthens the consortium's ability to receive private grant funding. Vote 9-5.

On a division vote, 175 members having voted in the affirmative and 108 in the negative, the committee report was adopted.

Ordered to third reading.

SB 426, relative to the classification of Pleasant Lake. **OUGHT TO PASS.**

Rep. Pamela J. Hubbard for Resources, Recreation and Development: This bill reclassifies the waters of Pleasant Lake in Deerfield and its tributaries to Class A. This reclassification is in accordance with the provisions of RSA 485-A:8. Vote 19-0.

On a division vote, 276 members having voted in the affirmative and 21 in the negative, the committee report was adopted.

Ordered to third reading.

SB 397-FN, relative to public utilities commission assessments for the expenses of the consumer advocate. **OUGHT TO PASS.**

Rep. Robin P. Read for Science, Technology and Energy: This bill gives the office of consumer advocate (OCA) in the public utilities commission (PUC) the ability to access resources to represent the interests of residential ratepayers at the PUC. Both the PUC and the OCA are funded by an assessment on utilities and do not receive any general funds. Under current law, the PUC can use a special assessment when necessary in large complex cases, but it is not available to the OCA. This bill allows the OCA to access funds through the PUC after approval by the fiscal committee and with approval by the governor and executive council. Vote 14-3.

On a division vote, 222 members having voted in the affirmative and 80 in the negative, the committee report was adopted.

Ordered to third reading.

(Speaker Norelli in the Chair)

SB 412, relative to the display of the POW-MIA flag. **OUGHT TO PASS.**

Rep. Frank R. Emiro for State-Federal Relations and Veterans Affairs: This bill is a very simple bill. It will clear up a number of misconceptions concerning the proper display of the POW flag. When the governor signed the law directing that the POW flag be flown over all state facilities, many people falsely believed that the state flag was senior to the POW flag. The POW flag is senior to all flags except the national flag and as a result when flown on the same pole the national flag is first, the POW second and the state flag third. If flown on two staffs it will be the national flag first and POW flag second with the state flag being flown separately. SB 412 should ensure that the POW flag is displayed properly throughout the state of New Hampshire, "Lest we forget." Vote 13-0.

On a division vote, 256 members having voted in the affirmative and 48 in the negative, the committee report was adopted.

Ordered to third reading.

SB 500-FN, implementing changes in the probation, parole, and sentencing of certain offenders in an effort to increase public safety, strengthen community supervision, and reduce recidivism. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen J. Shurtleff for Criminal Justice and Public Safety: This bill is the product of a study conducted by the Council of State Government's Justice Center under its Justice Reinvestment Project in cooperation with numerous New Hampshire stakeholders representing all three branches of government, including the governor, the speaker of the house, the president of the senate, the attorney general, the department of corrections and the judicial branch. The study was a twofold process consisting of roundtable discussions and interviews with judges, county attorneys, defense attorneys, law enforcement, victim advocates and county superintendents and analysis of data supplied by state and county agencies. The study determined that while New Hampshire's crime rate has remained low and stable over the past ten years, the prison population has increased 31% and spending on corrections has doubled from \$52 million to \$104 million. The study identified the problem as directly attributable to high recidivism rates and inefficiencies in the

parole/probation process. SB 500 seeks to correct these issues, while still preserving public safety, in a number of meaningful ways. First, every inmate subject to probation or parole will undergo an individual risk assessment to determine his or her level of supervision after they leave prison; all will be subject to a minimum of 9 months of active supervision and then will transition to administrative supervision. This system of supervision will allow probation and parole officers to manage their caseloads more efficiently by directing their attention to those individuals who require the most supervision. Additionally, those individuals on probation may be subject to a 1 to 5 day swift, certain jail sanction instead of facing revocation of probation; this quick, corrective action will subject the violator to punishment without requiring a much longer stay in a county facility which they would face while awaiting a revocation hearing. The parole system will also undergo a number of reforms, but two very important facts will not change: violent offenders will still be subject to the jurisdiction and discretion of the parole board and New Hampshire's truth in sentencing law will remain intact. Nonviolent offenders will be subject to release after serving 120% of their minimum sentence, including the disciplinary period required by law. This reform retains truth in sentencing as the inmate must serve his entire minimum sentence. The amendment to SB 500 addresses the concerns expressed by domestic violence advocates by exempting crimes related to domestic violence from the nonviolent crime category. Additionally, all inmates subject to parole will undergo 9 months of supervision prior to expiration of their maximum sentence, allowing for a transition from incarceration to release from prison. SB 500 also allows the DOC to adopt an intermediate sanction in lieu of parole revocation; however, if parole is revoked, the individual will face an automatic 90 day prison sentence. The DOC and the Attorney General testified that over \$1 million in federal grants are available to fund the implementation of SB 500. The DOC indicates that SB 500 will decrease state expenditures by \$22,862 in FY 2011, \$779,838 in FY 2012, \$2,513,061 in FY 2013 and \$3,210,247 in FY 2014 and these savings will then be reinvested back into the programs established under SB 500 to keep the new system self-sustaining. Furthermore, the Justice Center will continue to monitor the implementation of SB 500 and will assist the state in ensuring its success. The committee believes that the reforms contained in SB 500 are based on proven data and evidence from other states which have successfully implemented similar programs and represents a necessary solution to many of the issues which face our prison population. For these reasons, a bipartisan majority of the committee strongly urges passage of SB 500. Vote 16-2.

Amendment (1245h)

Amend RSA 651-A:2, VI as inserted by section 5 of the bill by replacing it with the following:

VI. "Nonviolent offense" shall include all criminal offenses, except those defined as violent crimes in RSA 651:5, XIII and the following:

- (a) RSA 173-B:9, violation of protective order.
- (b) RSA 631:2, second degree assault.
- (c) RSA 631:3, felony reckless conduct.
- (d) RSA 631:4, criminal threatening involving the use of a deadly weapon.
- (e) RSA 633:3-a, stalking.
- (f) RSA 635:1, burglary.
- (g) RSA 641:5, tampering with witnesses and informants.
- (h) RSA 650-A:1, felonious use of firearms.

Amendment adopted.

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

Rep. Pepino spoke against.

Rep. Robertson spoke against and yielded to questions.

Rep. Charron spoke in favor.

Rep. William O'Brien requested a roll call; sufficiently seconded.

YEAS 256 NAYS 57

YEAS 256

BELKNAP

Fields, Dennis
Miller, Kate
Russell, David
Wendelboe, Fran

Flanders, Donald
Millham, Alida
St. Cyr, Jeffrey

Johnson, William
Nedeau, Stephen
Stuart, Richard

Merry, Liz
Pilliod, James
Swinford, Elaine

CARROLL

Bridgham, Robert
McConkey, Mark
Wiley, Susan

Buco, Thomas
Patten, Betsey

Butler, Edward
Stevens, Stanley

Knox, J. David
Umberger, Karen

CHESHIRE

Butcher, Suzanne
Eaton, Daniel
Meader, David
Roberts, Kris

Butterworth, Timothy
Johnson, Jane
Mitchell, Bonnie
Sad, Tara

Butynski, William
Lerandean, Alfred
Parkhurst, Henry
Weber, Lucy

Carr, Daniel
Lindsey, Steven
Richardson, Barbara
Weed, Charles

COOS

Merrick, Evalyn

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Aguiar, James
Cooney, Mary
Harding, Laurie
Matheson, Robert
Preston, Philip
Ward, Brien

Almy, Susan
Ford, Susan
Ingbretson, Paul
Nordgren, Sharon
Smith, Suzanne
Williams, Burton

Benn, Bernard
Gionet, Edmond
Ladd, Rick Jr
Pastor, Beatriz
Taylor, Kathleen

Bulis, Lyle
Gould, Franklin
Laliberte, Suzanne
Pierce, David
Townsend, Charles

HILLSBOROUGH

Barody, Benjamin
Beck, Catriona
Campbell, David
Christiansen, Lars
Day, Russell
Flurey, Joan
Gidge, Kenneth
Graham, John
Hardy, Valerie
Hodges, Kevin
Knowles, John
Kurk, Neal
Levesque, Melanie
Matarazzo, Anthony Sr
O'Brien, Michael Sr
Pratt, Calvin
Ryder, Donald
Soucy, Connie
Walsh, Robert Jr

Batula, Peter
Belvin, William
Caron, June
Clemons, Jane
Dokmo, Cynthia
Foster, Linda
Ginsburg, Ruth
Hackel, Paul
Harvey, Philip
Holden, Rip
Knowles, Mary Ann
L'Heureux, Robert
Lisle, Carolyn
Messier, Irene
O'Neil, James
Price, Pamela
Schulze, Joan
Spaulding, Jayne
Willette, Robert

Beauchamp, Roger
Bergin, Peter
Chandley, Shannon
Cote, David
Drisko, Richard
Gagne, Larry
Goley, Jeffrey
Haefner, Robert
Harvey, Suzanne
Jasper, Shawn
Komi, Richard
Leishman, Peter
Mack, Ron
Moran, Edward
Pellegrino, Tony
Rokas, Theodoros
Shattuck, Gilman
Thompson, Robert
Winters, Joel

Beaulieu, Jane
Boisvert, Ronald
Chase, Claudia
Craig, James
Farley, Michael
Gargas, Carolyn
Gorman, Mary
Hammond, Jill
Hawkins, Ken
Kelley, John
Kopka, Angeline
Levasseur, Nickolas
Marshall, Seth
Movsesian, Lori
Poznanski, Brian
Rosenwald, Cindy
Shaw, Barbara
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
Coffey, Jennifer
Gile, Mary
McMahon, Patricia
Potter, Frances
Shurtleff, Stephen
Wallner, Mary Jane
Yeaton, Charles

Bouchard, Candace
Davis, Frank
Hamm, Christine
Osborne, Jessie
Richardson, Gary
Stetson, William
Walz, Mary Beth

Brown, Carole
Foose, Robert
Kelly, Sally
Palfrey, David
Rodd, Beth
Tilton, Joy
Watrous, Rick

Clarke, Claire
French, Barbara
Lockwood, Priscilla
Porter, Margaret
Schuett, Dianne
Tupper, Frank
Webb, Leigh

ROCKINGHAM

Abbott, Dennis
Brown, C. Pennington
Comerford, Timothy
DiFruscia, Anthony
Emiro, Frank

Allen, Mary
Case, Frank
Crisler, Margaret
DiPentima, Rich

Belanger, Ronald
Casey, Kimberley
Day, Judith
Dowling, Patricia

Borden, David
Charron, Gene
Devine, James
Elliott, Robert

Gleason, John	Ferrante, Beverly	Fesh, Robert	Flanders, John Sr
Hoelzel, Kathleen	Gould, Kenneth	Hagan, Joseph	Henson, John
Lyons, Melissa	Kappler, L. Mike	Katsakiores, Phyllis	Kepner, Susan
McEachern, Paul	Major, Norman	Mann, Maureen	McCarthy, Barbara
Nord, Susi	McMahon, Charles	Moody, Marcia	Nevins, Chris
Quandt, Matt	Packard, Sherman	Pantelakos, Laura	Petterson, Don
Russell, Trinka	Rausch, James	Read, Robin Jr	Russell, Joseph
Sedensky, John	Sanders, Elisabeth	Scamman, Stella	Schlachman, Donna
Weare, Everett	Splaine, James	Stiles, Nancy	Tucker, Pamela
	Webber, Carolyn	Welch, David	Weyler, Kenneth

STRAFFORD

Berube, Roger	Brown, Julie	Brown, Larry	Browne, Brendon
Burke, Rachel	Cyr, James	Grassie, Anne	Horrigan, Timothy
Hutz, Sarah	Kaen, Naida	Keans, Sandra	Lauterborn, Elaine
Price, Susan	Rogers, Rose Marie	Rollo, Deanna	Rous, Emma
Ryder, Mark	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Sprague, Dale	Vachon, Dennis	Wall, Janet	Watters, David

SULLIVAN

Cloutier, John	Donovan, Thomas Jr	Gagnon, Raymond	Gottling, Suzanne
Harris, Sandra	Houde-Quimby, Charlotte	McClammer, Jim	Skinder, Carla

NAYS 57**BELKNAP**

Boyce, Laurie

CARROLL

Ahlgren, Christopher	Chandler, Gene	Fleck, Joseph
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CHESHIRE

Emerson, Susan	Hunt, John	Laurent, John	Robertson, Timothy
Sterling, Franklin Jr			

COOS

Mears, Lucy	Remick, William	Stohl, Eric	Thomas, Yvonne
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GRAFTON

Maybeck, Margie

HILLSBOROUGH

Boehm, Ralph	Cebrowski, John	Christensen, Chris	Daniels, Gary
Doherty, Shaun	Emerton, Larry	Hikel, John	Hinkle, Peyton
Hogan, Edith	Holden, Frank	Hopper, Gary	Infantine, William
McCarthy, Michael	Mead, Robert	O'Brien, William	Ober, Lynne
Palmer, Stephen	Pepino, Leo	Renzullo, Andrew	Rowe, Robert
Seidel, Carl	Ulery, Jordan	Villeneuve, Moe	

MERRIMACK

Blankenbeker, Lynne	McGuire, Carol	Reed, Dennis
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ROCKINGHAM

Baldasaro, Alfred	Bates, David	Bettencourt, David	Garrity, James
Griffin, Mary	Headd, James	Howard, Doreen	Itse, Daniel
Kolodziej, Walter	McKinney, Betsy	Priestley, Anne	Reagan, John
Smith, William	Sullivan, James		

Groen, Warren

Vita, Carol

SULLIVAN

Cunningham, Steven

and the committee report was adopted.

Ordered to third reading.

SB 411, relative to permitting of large groundwater withdrawals. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Judith T. Spang for the Majority of Resources, Recreation and Development: As amended, this bill makes it clear that the state has jurisdiction over large groundwater withdrawal permits (over 57,600 gallons per day.) It also emphasizes that municipalities still have the authority to enact local regulations protecting water quality and land use including construction of a water withdrawal facility. It reinforces that the issuance of a state groundwater withdrawal permit does not relieve applicants of the need to comply with local regulations. Vote 16-3.

Rep. Andrew Renzullo for the Minority of Resources, Recreation and Development: This bill tries to better define the role of the state versus the municipality when it comes to large ground water withdrawal.

Unfortunately, the bill actually complicates clarification of the roles. The wordings can be interpreted in different ways which can lead to unnecessary litigation.

Majority Amendment (1348h)

Amend the bill by replacing section 2 with the following:

2 Preemption. RSA 485-C:20 is repealed and reenacted to read as follows:

485-C:20 Preemption.

I. The regulation of large groundwater withdrawals prescribed under RSA 485-C:21 and associated rules adopted under RSA 485-C:4; XII are delegated and reserved exclusively to the department, and municipalities and any other local authorities are expressly preempted from enacting regulation with the same effect under this or any other statute.

II. Except as prohibited by paragraph I, municipalities may exercise any authority under this or other statutes to enact local ordinances or regulations affecting groundwater, provided, however, that any requirements imposed under this chapter shall be considered as minimum.

III. Any regulatory decision made by the department under RSA 485-C:21 or any associated rule adopted under RSA 485-C:4, XII shall not abrogate or affect any applicant's obligation to comply with or obtain all applicable and lawful local ordinances, codes, regulations, and approvals not otherwise prohibited by this chapter.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 6:

3 Definitions. Amend RSA 485-C:2, IX-a to read as follows:

IX-a. "Large groundwater withdrawal" means any withdrawal from groundwater of 57,600 gallons or more of water in any 24-hour period at a single property or place of business ***except withdrawals associated with short-term use.***

4 New Paragraph; Definitions. Amend RSA 485-C:2 by inserting after paragraph XIII-a the following new paragraph:

XIII-b. "Short-term use" means the temporary, non-seasonal withdrawal of groundwater at a specific geographical location over a period of one year or less, and withdrawal of groundwater for contaminated site remediation where the duration of the withdrawal may exceed one year and corresponds with the objectives of the remediation.

5 New Sections; Temporary Exemptions for Large Groundwater Withdrawals Required for Emergency Purposes; Short-Term Use Groundwater Withdrawals; Exemptions for Certain Large Groundwater Withdrawals Associated with Geothermal Processes. Amend RSA 485-C by inserting after section 22 the following new sections:

485-C:23 Temporary Exemptions for Large Groundwater Withdrawals Required for Emergency Purposes.

I. The department may approve a new large groundwater withdrawal without compliance with RSA 485-C:14, RSA 485-C:21, or RSA 485-C:22 to protect human health and the environment in the event that circumstances beyond the control of the person requesting the withdrawal occurs, such as fire, flood, drought, other acts of God, or infrastructure failure.

II. A large groundwater withdrawal approved for emergency purposes under paragraph I shall only be