

HOUSE RECORD

Second Year of the 159th General Court Calendar and Journal of the 2006 Session

Vol. 28

Concord, N. H.

Thursday, February 1, 2006

No. 13

HOUSE JOURNAL No. 2 (cont.)

Wednesday, January 18, 2006

RECESS

(Rep. Easson in the Chair)

RESOLUTION

Rep. Dickinson offered the following: RESOLVED, that the late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bill numbered 1765, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 1765-FN-A-L, appropriating matching funds for disaster relief resulting from the October 2005 floods. (Gibson, Hills 19; Parkhurst, Ches 4; Phinizy, Sull 5; Essex, Hills 1; D. Eaton, Ches 2; Eaton, Dist 10; Burling, Dist 5: Finance)

RECESS

(Speaker Scamman in the Chair)

RESOLUTION

Rep. Wendelboe offered the following: RESOLVED, that the late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bill numbered 1766 shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 1766, relative to the duties of the state board of education concerning educating pupils on AIDS and venereal diseases. (Balboni, Hills 21; Hagan, Hills 17; Newton, Straf 1; Ingbretson, Graf 5: Education)

RECESS

(Speaker Scamman in the Chair)

RESOLUTION

Rep. Price offered the following: RESOLVED, that the late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bill numbered 1767 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committee. Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 1767-FN-A, authorizing the state acquisition of real estate destroyed in the October 2005 floods, establishing a commission to determine the appropriate use of the property, and making an appropriation therefor. (D. Eaton, Ches 2; Phinizy, Sull 5; Pratt, Ches 2; Hager, Merr 12; Hogancamp, Ches 4; Odell, Dist 8: Finance)

RECESS

(Rep. Reeves in the Chair)

RESOLUTION

Rep. Weyler offered the following: RESOLVED, that the late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bills numbered 1768 and 1769, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees. Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 1768-FN, relative to the corporate purposes of the New Hampshire Bar Association and the regulation of attorneys by the supreme court. (Mead, Hills 4; Rowe, Hills 6; O'Brien, Hills; Sorg, Graf 3; Elliott, Hills 19; Roberge, Dist 9; Boyce, Dist 4: Judiciary)

HB 1769, relative to insurance records required for market conduct purposes. (Rodeschin, Sull 2; Infantine, Hills 13; McRae, Hills 7; Odell, Dist 8: Commerce)

RECESS

Rep. O'Neil moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 3

Wednesday, February 1, 2006

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

His Excellency, Governor John H. Lynch, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Jared A. Rardin, Pastor of the South Congregational Church in Concord.

God of transcendence, and God of the particulars, we pause at the beginning of this day to

ask Your presence in our midst. More truthfully, we ask Your help in opening our minds and our work to Your presence. Shape our agendas to match Your agenda. Help us to discern, even in the midst of engaging discussions around education funding, sex education, voter issues and speed limits, that You are as much in the details as in the generalities. We pray for a spirit of teamwork, but if wrestling is needed of us, let it be authentic, charitable, and an experience which leaves all feeling that we were truly heard and honestly blessed. As we work away in this chamber, we lift up to Your care those here in our midst who are suffering or are troubled by life challenges. We offer up those of our friends and family members whose joys and concerns we carry in our hearts. And we lift up those whose stories of homelessness, addiction, poverty and illness would be far more to bear than we can imagine. All this we pray in gratitude for our many blessings. Amen.

Rep. Ronald J. Nowe, member from Epping, led the Pledge of Allegiance.

The National Anthem was sung by Cynthia Downs, a 12th grade student from Spaulding High School in Rochester.

LEAVES OF ABSENCE

Reps. Barker, Carlson, Gillick, Hunter, Palangas, Phinizy, Putnam, Reardon, Snyder, Weldy and Wiley, the day, illness.

Reps. Bleyler, Callaghan, Egbers, Goodwin, Introne, Manning, Rochette, Ross, and Zolla, the day, important business.

Rep. MaryAnn Blanchard, the day, illness in the family.

INTRODUCTION OF GUESTS

The sixth grade class from Plainfield, guests of the Plainfield delegation. Judith Houde-Quimby and Cooper Hardy, daughter and grandson of Rep. Houde-Quimby. Michael Hoefer, guest of Rep. Richardson. Jeanne Stapleton, guest of Rep. Tholl. Students of the 4th grade class from Peter Woodbury School in Bedford, guests of the Bedford delegation.

SENATE MESSAGE

NONCONCURS WITH AMENDMENTS

REQUESTS COMMITTEE OF CONFERENCE

SB 206-FN, relative to the state code of ethics and establishing an executive ethics commission.

The President appointed Sens. Clegg, Boyce and Larsen.

Rep. Whalley moved that the House accede.

Adopted.

The Speaker appointed Reps. Whalley, O'Brien, O'Neil and Craig.

COMMITTEE REPORTS

CONSENT CALENDAR

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

HB 1557, establishing guidelines for leaving children home alone and establishing babysitter age guidelines, removed by Rep. L. Christiansen.

HB 1238-FN, relative to centralized voter registration database information, removed by Rep. Kurk.

CACR 31, relating to the attorney general. Providing that the attorney general be elected for the same term as the governor, removed by Rep. DiFruscia.

HB 1183, relative to the terms of office for state department commissioners, removed by Rep.

Hellwig.

HB 1456-FN, relative to licensure of septic system inspectors, removed by Rep. Bergin.

HB 1108, relative to the transfer of funds among PAU's within a department, removed by Rep. Hellwig.

HB 1269, relative to the taking of red deer or elk, removed by Rep. R. L'Heureux.

HB 1294, relative to antique snowmobiles, removed by Rep. R. L'Heureux.

HB 1160, establishing a committee to study the effects of willful, habitual misconduct by individuals on their subsequent well-being which may impose a burden on public funds, removed by Rep. Hellwig.

HB 1230-FN, relative to clinical trials for pharmaceuticals, removed by Rep. DeJoie.

HB 1318, relative to prohibiting services for illegal immigrants, removed by Rep. Buhlman.

HB 1409-FN, relative to organ and tissue donation, removed by Rep. Kurk.

HB 1654, relative to the probate court mediation fund and fee, removed by Rep. Mirski.

HB 1321, relative to qualifications for police chiefs in towns with populations of more than 3,000, removed by Rep. Solomon.

HB 1255, establishing a committee to study improvements to the Amoskeag Street interchange at exit 6 of the F.E. Everett Turnpike, removed by Rep. Hirschmann.

HB 1619-FN, relative to a certain toll plaza in Merrimack, removed by Rep. Mooney.

CACR 38, relating to funding for education. Providing that revenue from lotteries and games of chance may only be used for educational purposes, removed by Rep. DiFruscia.

HB 1473-FN-A, temporarily reducing the road toll, removed by Rep. Hagan.

HB 1599, reducing the rate of the business profits tax and repealing the business enterprise tax, removed by Rep. Hellwig.

Consent Calendar adopted.

CONSENT CALENDAR

HB 1135, making a technical correction to the Uniform Interstate Family Support Act.

OUGHT TO PASS

Rep. Harriet E. Cady for Children and Family Law: The bill corrects 2 clerical errors in the Uniform Interstate Family Support Act. RSA 546-B:47-52. Since the statutory references to the procedure for registering and modifying a child support order in another state were now corrected, the committee voted ought to pass. Vote 13-0.

HB 1202, relative to the minimum age required for marriage. **REFER FOR INTERIM STUDY**

Rep. Mary Stuart Gile for Children and Family Law: This bill proposes to increase the minimum age required for marriage to 16. Current NH law allows males of 14 years and females of 13 years to marry with parental consent. A review of data for 2000-2004 indicated 6 teenagers married in that five year period. The committee felt the bill needs more work and following a review of marriage laws in the U.S.A by age, voted to refer to Interim Study. Vote 14-1.

HB 1214, establishing a task force to identify and assess community-based, educational and social/human services programs that serve families with children 8 years of age and younger.

OUGHT TO PASS WITH AMENDMENT

Rep. Eileen C. Flockhart for Children and Family Law: Up to date and accurate data on these programs is essential to the committee in developing policies. Vote 12-0.

Amendment (0555h)

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

AN ACT establishing a study committee to identify and assess community-based, educational and social/human services programs that serve families with children 8 years old and younger.

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

1 Study Committee Established. There is established a study committee to identify and assess community-based, educational and social/human services programs that serve families with children 8 years old and younger.

2 Membership and Compensation.

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

(a) Four members of the house of representatives, appointed by the speaker of the house of representatives, 2 of whom shall be members of the children and family law committee, one of whom shall be a member of the education committee, and one of whom shall be a member of the health, human services and elderly affairs committee.

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

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

3 Duties. The study committee shall identify and assess all community-based, educational and social/human services programs that serve families with children 8 years old and younger.

I. For each program, the study committee shall identify:

(a) The entity responsible for administering and funding the program, such as a mental health center, hospital, church, school, or state or local government agency, and an indication of whether the responsible entity is private or public, and its source of governance or statutory authority, if any.

(b) The program's stated mission and whether the program's focus is primarily education, prevention, intervention, or therapy.

(c) Funding sources, and an indication of whether the program is a for-profit program or a nonprofit program.

(d) Eligibility criteria for the program.

(e) The number of parent and child participants in the program.

(f) The program's location and catchment area.

(g) The program's methods of evaluation and accountability.

(h) Any additional data that the committee deems necessary.

II. The study committee shall use the information identified to assess the degree to which existing programs are able to meet the needs of families with children 8 years old and younger and to increase awareness and understanding of existing programs.

III. The committee shall solicit information and testimony from such organizations and individuals as may assist the committee in the performance of its duties, including but not limited to the following:

(a) The division for children, youth, and families, department of health and human services.

(b) The division of family assistance, department of health and human services.

(c) The division of public health services, department of health and human services.

(d) The department of education.

(e) Family Support NH.

(f) Early Learning NH.

(g) The New Hampshire Association for the Education of Young Children.

(h) Child and Family Services.

(i) Community Bridges.

(j) The New Hampshire Council of Churches.

(k) The university system of New Hampshire.

(l) The New Hampshire Children's Trust Fund.

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

5 Report. The study committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library. The committee shall file an interim report on or before November 1, 2006 and a final report on or before November 1, 2007.

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

AMENDED ANALYSIS

This bill establishes a study committee to identify and assess community-based, educational and social/human services programs that serve families with children 8 years old and younger.

HB 1285, making certain technical corrections to the adoption statute. **OUGHT TO PASS WITH AMENDMENT**

Rep. Karen K. McRae for Children and Family Law: This bill makes certain technical changes to the language in the adoption statute. For example, "consent" instead of "agree." The bill also clarifies inheritance rights and privileges. The amendment removes language from the putative father registry. Vote 11-1.

Amendment (0379h)

Amend the bill by replacing RSA 170-B:6, I(c)(2) as inserted by section 2 of the bill with the following:

(2) In New Hampshire, the registration form shall be supplied by the office of child support services.

HB 1363, relative to financial statements used to determine child support obligations.

INEXPEDIENT TO LEGISLATE

Rep. Karen K. McRae for Children and Family Law: The committee felt that the bill raised too many questions, which in turn led to a discussion of the unintended consequences of a three year look back. The bill was fraught with problems of inequities in its intended implementation. Vote 12-0.

HB 1396, relative to competency of juvenile offenders. **INEXPEDIENT TO LEGISLATE**

Rep. David J. Bettencourt for Children and Family Law: The committee unanimously found this legislation inexpedient to legislate per the request of the sponsor. The sponsor cited several flaws within the bill that were brought to his attention by the Department of Justice. The sponsor was told that concerns would be addressed only by extensive rewording by those who desired the legislation. Vote 14-0.

HB 1545, requiring mediation as part of participation in a juvenile diversion program.

INEXPEDIENT TO LEGISLATE

Rep. Karen K. McRae for Children and Family Law: The committee felt that mediation has to be voluntary and therefore, juveniles cannot be required to participate in mandatory mediation. There was also testimony that mediation was regularly being used where appropriate. Vote 12-0.

HB 1252, authorizing the use of a credit freeze as a means of deterring identity theft.

INEXPEDIENT TO LEGISLATE

Rep. Stephen B. Stepanek for Commerce: The prime sponsor requested that this bill be withdrawn because an identical bill has been introduced in the Senate. The committee agreed to that and will wait for the Senate bill to study the issue. Vote 17-0.

HB 1413-FN, relative to daylight saving time. **INEXPEDIENT TO LEGISLATE**

Rep. Kathleen N. Taylor for Commerce: This bill would declare that daylight saving time in New Hampshire shall be two hours in advance of United States Standard Eastern Time, rather than one hour in advance of EST. The committee feels that changing the hours of daylight savings time by two hours rather than one hour would have to be done on a regional or national level. It would not be feasible to have a separate time zone just for New Hampshire. Vote 15-1.

HB 1607-FN, relative to reckless endangerment of roadway workers. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill was introduced as the result of one cited instance in which a D. O. T. road crew was doing routine maintenance beside the interstate. It was a "rolling work zone" so called, meaning no signs or other warning devices were in use. As the workers completed a task, which in this instance, consisted of painting an arrow on pavement to locate storm drains, they would drive a short distance to the next drain, exit the truck and paint the next drain. A vehicle coming down the road veered into the breakdown lane. As was the accepted practice, one of the workers was over the guardrail watching for just such an occurrence and gave timely warning to his co-worker enabling him to get over the guardrail. The vehicle struck the highway vehicle in the rear. It was determined that the driver had been confused. As written, this bill would not have made any difference in reducing the risk as the driver of the car was not driving recklessly. Further, the highway workers were in violation of RSA 265:6-a by not posting signs at the work zone. Because current laws provide penalties for reckless operation, the committee feels this law is unnecessary. Vote 16-1.

HB 1623-FN, relative to harm or threats to public officials. **INEXPEDIENT TO LEGISLATE**

Rep. James H. Oliver for Criminal Justice and Public Safety: This bill is the result of a N.H. Supreme Court Committee on Court Security. This bill amends a paragraph to RSA 640:3. The Senate has submitted a similar bill adding Section 631:4-a to RSA 631:4. The sponsor has agreed with the recommendation of ITL. Vote 14-0.

HB 1669-FN, increasing the penalties for littering. **INEXPEDIENT TO LEGISLATE**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill was introduced to solve a problem that is currently addressed in RSA 265:102 and RSA 163-B:3. A violator can be charged under either. The bill called for an increase in the fines and linked non-payment of the fine to suspension of either the violator's driving license and hunting or fishing licenses. The committee felt that the additional penalties were either not needed or not generally effective considering that not all violators might have either license. Vote 17-0.

HB 1680-FN, requiring law enforcement and corrections officers to complete training in appropriate techniques for dealing with persons with mental health conditions. **REFER FOR INTERIM STUDY**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill is a much-needed bill. The majority of the committee agreed, as did those few who did not totally support the bill, yet they still expressed a genuine need for some type of training in this ever increasingly difficult and often time dangerous encounter of Law Enforcement and the person that has a mental health condition. Many questions have arisen from this public hearing; is this 28a mandate? Is forty hours of training too much? Is 4 hours enough? Should the Probate Courts advise the police in the communities and/or sheriffs and the family members when a person is well enough, on meds, to be placed back into society? All of these and more must be brought to the fore so we can determine a possible solution; hence the committee recommends this bill for interim study. Vote 16-1.

HB 1732-FN-A, repealing the fund for the domestic violence grant program and relative to marriage license fees. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: At the request of the sponsor, this bill was voted Inexpedient to Legislate. Vote 15-0.

HB 1203-FN-L, relative to school building costs for athletic fields. **INEXPEDIENT TO LEGISLATE**

Rep. Timothy E. Easson for Education: The committee learned that since this bill was filed, Bedford was granted a waiver for artificial turf by the Department of Education. Thus, this bill is not necessary. Vote 14-0.

HB 1368, requiring elementary school instruction in proverbs. **INEXPEDIENT TO LEGISLATE**

Rep. Emma L. Rous for Education: This bill proposes curriculum already covered by state frameworks and currently taught throughout the state. Vote 14-0.

HB 1408-FN, allowing reserve and national guard members returning to New Hampshire after full-time active duty to take courses tuition free at any community-technical institute or college. **INEXPEDIENT TO LEGISLATE**

Rep. John L. Ward for Education: The committee believes that the bill was laudable. However, after a subcommittee review, there were too many unanswered questions. Those interested parties agreed and also recommended inexpedient to legislate. Vote 15-0.

HB 1489, relative to school emergency response plans. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen R. L'Heureux for Education: The committee unanimously believes in the adoption of this bill which will serve to develop an "all hazards" approach to emergency planning in our New Hampshire schools. An amendment was offered that required plans to be forwarded to the NH Bureau of Emergency Management and that the Bureau be available to conduct the training and provide support to the school districts to aid in any plan implementation, established a 2-year development process, and made the drills part of what is currently in law mirroring the Life Safety Code on school evaluation drills. Vote 13-0.

Amendment (0589h)

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Emergency Response Plans. Amend RSA 189 by inserting after section 63 the following new subdivision:

Emergency Response Plans

189:64 Emergency Response Plans.

I. Within 2 years of the effective date of this section, every public and nonpublic school shall develop a site-specific school emergency response plan which is based on and conforms to the Incident Command System of the National Incident Management System. A copy of the plan shall be forwarded to the bureau of emergency management, division of emergency services, communication, and management, department of safety. The plan shall provide that at least 2 of the required number of fire evacuation drills shall be emergency response drills. The plan shall address hazards including acts of violence, threats, earthquakes, floods, tornadoes, structural fire, wildfire, internal and external hazardous materials releases, and any other hazard deemed necessary by school officials. The first emergency response drill shall be conducted within one year of the completion of the plan.

II. The plan shall be coordinated with local emergency authorities and with the emergency response plan in the municipality in which the school is located. A school shall review its plan at least annually, and shall update the plan, if necessary. The bureau of emergency management, division of emergency services, communication, and management,

department of safety shall assist school districts in conducting training for and providing support to school districts in the development, implementation, and review of an emergency response plan, as may be needed.

HB 1539, establishing a committee to study the shortage in speech language services and the criteria for certification as a speech language specialist. **OUGHT TO PASS WITH AMENDMENT**

Rep. Claire D. Clarke for Education: The committee feels a study committee is warranted to study the shortage of qualified speech language pathologists. Testimony heard indicated that there were hundreds of speech language pathologists available but a “critical shortage” declaration was being made so a district could hire the lesser-trained speech language specialist. It is the committee’s feeling that this study committee will define what a critical shortage is, when it is declared, who declares it, and determines the need for speech language specialists and speech language pathologists. Vote 12-0.

Amendment (0414h)

Amend section 2 of the bill by replacing paragraph III with the following:

III. Members of the committee shall consult with the commissioner of the department of education, speech language pathologists, speech language specialists, and any other individual with relevant information or expertise as deemed necessary.

HB 1118, requiring paper ballots at all elections. **OUGHT TO PASS**

Rep. Jane A. Clemons for Election Law: This bill would codify the continued use of paper ballots for purposes of recounts, which New Hampshire has always required. Should new electronic ballot machines be used in the future, any such machine would be required to have the ability to produce paper ballots of some sort so visual inspection would show the intent of the individual voter. Vote 17-0.

HB 1122, relative to special elections. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard B. Drisko for Election Law: The intent of this bill is to clarify the process for the establishment of a date for a special election. The language specifies that a special election, when possible, will coincide with a regularly scheduled election in the towns or wards as represented by the city. In the event the towns or wards can not agree on a date, the governor and council shall declare that the election be held on a Tuesday not less than 80 nor more than 87 days following the declaration by the governor and council. This procedure minimizes the financial impact on the district. Vote 16-1.

Amendment (0573h)

Amend the bill by replacing section 1 with the following:

1 Nominations for Special State Elections; Coincidence with Regular Election. Amend RSA 655:81, I to read as follows:

I. The special election shall be held on the Tuesday not less than 80 nor more than 87 days following the day that the governor and council declare that there shall be a special election; ***provided, however, that if one or more municipalities where a special election for state representative will be held have a regularly-scheduled election occurring between 80 and 180 days following the day that the governor and council declare that there shall be a special election, the governor and council shall set the date of the election to coincide with the regularly-scheduled election if a majority of the towns or wards, as represented by the city, jointly request that day; if towns or wards, as represented by the city, request that the special election coincide with regularly-scheduled elections occurring on different dates, the election shall be held on the Tuesday not less than 80 nor more than 87 days following the day that the governor and council declare that there shall be a special election; and***

HB 1147, relative to the conduct of recounts. **OUGHT TO PASS**

Rep. Suzanne Harvey for Election Law: This bill would require visual inspection of ballots during recounts and prohibits the use of any mechanical, optical or electronics device to recount ballots. It would codify current practice, protect our tradition of paper ballots and strengthen creditability among voters in our election process. While machines can count ballots, they cannot discern intent of the voter when the markings may not be absolutely clear. Rather than have some ballots discounted in their entirety by machines which may happen on election night, these ballots would be fully considered in a recount by the secretary of state and his/her assistants and the candidates. Vote 17-0.

HB 1166, relative to electronic ballot counting machines. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard B. Drisko for Election Law: The intent of this bill is to provide that if electronic ballot counting machines are used at the polling place, they will be tested within five days preceding the election. The testing shall be open to public observation and examination at a date and a time duly posted by the moderator. Vote 14-1.

Amendment (0594h)

Amend the bill by replacing section 1 with the following:

1 New Section; Preparation of Voting Materials; Electronic Ballot Counting Machines.

Amend RSA 656 by inserting after section 44 the following new section:

656:45 Electronic Ballot Counting Machines. If an electronic ballot counting machine is used at the polling place, the machine shall be tested within the 5 days preceding each election and the testing shall be open to public observation and examination at a date and time posted by the moderator. The moderator shall run test ballots through the machine to verify its accuracy.

HB 1283, relative to sheep and goat identification requirements. **OUGHT TO PASS**

Rep. Betty B. Hall for Environment and Agriculture: It is necessary to bring our state laws into compliance with federal requirements. Our livestock owners need to be able to operate in compliance with both state and federal regulations. Vote 12-0.

HB 1296, relative to the voluntary scrapie flock certification program. **OUGHT TO PASS**

Rep. James F. Powers for Environment and Agriculture: This bill will assist in preventing spread of scrapie, which is a fatal degenerative disease affecting the central nervous system of sheep and goats. Like HB 1283, it is required to bring New Hampshire law regarding sheep and goats into compliance with federal regulations. Vote 13-0.

HB 1142, establishing a committee to study whether a general business license should replace the licensure of trades and professions. **INEXPEDIENT TO LEGISLATE**

Rep. Judson K. Dexter for Executive Departments and Administration: While the committee felt that this was an interesting approach to deal with the trades and professions, it was nearly unanimously agreed that unforeseen consequences could cause chaos. This would require the detailed review of 130 plus trades and professions. Additionally, many of our laws are directly attached to other state and federal agencies such as health and human services, insurance, environmental services and others. Finally, the bill offers no recommendations to replace the current system to protect peoples' safety, administration or costs. Vote 11-3.

HB 1144, allowing dental hygienists to engage in independent practice. **INEXPEDIENT TO LEGISLATE**

Rep. Anne-Marie Irwin for Executive Departments and Administration: This bill would

remove the requirement that dental hygienists practice only under the supervision of licensed dentists and would allow for independent practice. After extensive testimony and subsequent subcommittee work, the committee concluded that the concept of independent practice had merit but was premature. Presently, only Colorado allows independent practice, however, there is a national movement to establish standards and expanded scope of practice. When over the next few years, additional education, development of standards and cooperation with dentists occurs, the Executive Department and Administration Committee anticipates working again with the dental hygienist. Vote 17-2.

HB 1185, relative to Volunteer NH. **OUGHT TO PASS**

Rep. Donald F. Ryder for Executive Departments and Administration: Volunteer NH is an established committee that coordinates volunteer organizations with the state. This bill allows the board of directors to appoint an executive director who will serve at the pleasure of the board. Members appointed by the governor and council shall serve renewable three (3) year terms. All others serve coterminous with their term of office. The bill removes a restriction of no compensation for the executive director. Vote 16-1.

HB 1358, establishing an investigatory commission for unethical conduct in state government. **INEXPEDIENT TO LEGISLATE**

Rep. Alida I. Millham for Executive Departments and Administration: This bill as written would establish a legislatively driven investigation committee to act on allegations of unethical or improper conduct within a state agency. The committee agreed that investigating commissions, if established, should be in response to a specific and clearly articulated abuse of authority or blatant violation of rules and regulation. There already exist laws and rules that offer avenues for citizens, lawmakers, and state employees to seek redress for unethical and improper conduct. There is access to the attorney general's office; there are ombudsmen in many areas charged with handling abuse claims. There also exists, the Elder Abuse Advisory Council that seeks to improve the protection of New Hampshire seniors from abuse, neglect, and exploitation. Vote 19-0.

HB 1498, establishing a risk management unit within the department of administrative services. **OUGHT TO PASS WITH AMENDMENT**

Rep. James B. Coburn for Executive Departments and Administration: The first part of this bill changes RSA 21-I:4 to match the agency's current reporting relationship for the bureau of risk management. An administrative audit recommended that the commissioner should make the appropriate changes to the statute to match the current state. This bill moves the bureau of risk management unit. The second part of the bill cleans up some rule making requirements that are no longer necessary. Vote 13-0.

Amendment (0495h)

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

AN ACT establishing a risk management unit within the department of administrative services and relative to the rulemaking authority of the department of administrative services.

Amend the bill by replacing all after section 10 with the following:

11 Department of Administrative Services; Rulemaking Authority. Amend the introductory paragraph of RSA 21-I:14 to read as follows:

21-I:14 Rulemaking Authority. The commissioner of administrative services shall adopt rules, pursuant to RSA 541-A, relative to ***the following matters, if such matters require statements of general applicability within the definition of "rule" set forth in RSA 541-A:1, XV:***

12 New Paragraph; Duties of Commissioner of Administrative Services; Insurance Requirements for Certain State Contractors. Amend RSA 21-I:13 by inserting after paragraph XIII the following new paragraph:

IV. Establish a general liability insurance provision for standard state contracts that requires any contractor who qualifies for nonprofit status under section 501(c)(3) of the Internal Revenue Code and whose annual gross amount of contract work with the state does not exceed \$500,000 to provide insurance in amounts of not less than \$1,000,000 per claim or occurrence and \$2,000,000 in the aggregate.

13 Repeal. RSA 21-I:14, III, XIV, and XV, relative to the rulemaking authority of the department of administrative services, are repealed.

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

AMENDED ANALYSIS

This bill establishes a risk management unit within the department of administrative services. The unit has the same responsibilities as the bureau of risk management but is not part of the division of accounting services.

The bill also repeals 3 areas of rulemaking authority by the department of administrative services, 2 of which have become obsolete and one of which is addressed in statute.

HB 1503, relative to financial programs administered by the postsecondary education commission. **OUGHT TO PASS**

Rep. Anne-Marie Irwin for Executive Departments and Administration: This bill allows for all funds to be distributed to students and not revert to the general fund. The amount of money, between six and ten thousand dollars, is hugely significant to worthy applicants (such as the orphans of veterans programs) and makes miniscule difference to the general fund. In addition, the bill provides for some housekeeping details. Vote 20-0.

HB 1559, relative to training requirements for barbers, cosmetologists, manicurists, and estheticians. **INEXPEDIENT TO LEGISLATE**

Rep. Hector M. Velez for Executive Departments and Administration: This bill would reduce the training requirements for licensure as barbers, cosmetologists, manicurists and estheticians. This bill also requires topics of training adopted in rules of the board of barbering and cosmetology and esthetics to relate to the protection of public health. These changes will greatly reduce the level of education of salon professionals in New Hampshire and more importantly, will put consumers at risk by having under-educated, inadequately trained professionals in salons and spas. There was an overwhelming number of professionally licensed barbers, cosmetologists, manicurists, and estheticians who opposed this legislation. Vote 18-0.

HB 1735-FN, relative to awarding the state employees' health insurance plan. **OUGHT TO PASS**

Rep. Peter F. Bergin for Executive Departments and Administration: This bill was requested by the committee studying the Department of Insurance and awarding of the bids for health insurance for state employees as established by 2005, 103 (HB 195). The bill repeals the law requiring a self-insured health plan for state employees. It gives the commissioner the flexibility to self insure or to get bids from insurance companies. The bill creates a legislative committee to make recommendations and advise the commissioner of administrative services on the state employee group insurance program. It also allows the inclusion of the university system, if it so chooses, into the state employees health insurance program. Vote 16-0.
Referred to Finance.

HB 688-FN, relative to the regulation of mental health practitioners and the procedures of

the board of mental health. **OUGHT TO PASS**

Rep. Elizabeth S. Hager for Finance: This bill came to the Finance Committee to ascertain whether there were financial ramifications. The committee learned there is sufficient money in the fund for the changes in this bill. Vote 16-0.

HB 1131, increasing the payment in lieu of taxes paid to the city of Portsmouth by the Pease development authority. **INEXPEDIENT TO LEGISLATE**

Rep. Peter E. Franklin for Finance: There is no impediment to negotiations between Pease Development Authority – Port Authority and the city of Portsmouth at the present time. Both parties are amenable to discussions to assure a more equitable payment for services to Portsmouth for its support of Port Authority related activities which impact Portsmouth tax payers. Portsmouth and the Pease Development Authority have an inclusive municipal services agreement and the port should be part of that agreement. Vote 19-0.

HB 1148-FN-A, making an appropriation to the Seacoast Shipyard Association. **INEXPEDIENT TO LEGISLATE**

Rep. Robert L. Wheeler for Finance: Avenues to fund the requested appropriation of \$7,500 already exist in DRED in their Economic Development Fund (Seacoast Shipyard Association, SSA, did receive \$30,000 from the fund in the Fall of 2004) and the Economic Development Matching Grant program. Further, these application programs would be more timely and responsive to SSA needs than this worthy proposed legislative remedy. Accountability and reporting criteria exist in these programs and that path furthers the system and order of government in the funding of projects utilizing public funds. Vote 23-0.

HB 1226-FN, relative to the New Hampshire Humanities Council. **OUGHT TO PASS**

Rep. Christopher C. Pappas for Finance: New Hampshire provides no state funding to its Humanities Council unlike 41 other states and U.S. Territories. However, our state has a longstanding informal arrangement with the New Hampshire Humanities Council, whereby the state houses the Council in state office space rent-free. This bill simply formalizes that arrangement, begun by Governor Sununu and continued by each successive governor. The Department of Administrative Services supports this legislation, and will be able to work out any new terms with the Council or draft a lease agreement. The committee was satisfied that DAS is sufficiently, if necessary, protected by the bill and that the important work of the Council will be supported into the future. Vote 20-0.

HB 1267, establishing a committee to study the use of money in dedicated funds.

INEXPEDIENT TO LEGISLATE

Rep. Joseph E. Stone for Finance: In 2003, HB 368, Chapter 174 was signed into law. The bill was heard by the House Ways and Means Committee and the committee report stated, "This bill makes technical corrections to the list of dedicated funds that are now subject to reporting requirements through the State Treasurer to the relevant policy committee of the legislature. The committee supports continued interest in the issue of disclosure and oversight of dedicated funds". The issue has been addressed, thus the Finance Committee feels this bill is unnecessary. Vote 22-0.

HB 1280, establishing a committee to study all sources of grant funding received by the state. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph E. Stone for Finance: The committee felt that with all the layers of review involved in grants; that is financial audits, performance audits, and committees specified to review grants by assignment, that further study appears to be redundant. Vote 22-0.

HB 1504-L, establishing a committee to study reimbursing towns for emergency services on interstate highways. **INEXPEDIENT TO LEGISLATE**

Rep. Linda T. Foster for Finance: The committee understands that this complicated issue affects every town and city in our state and agrees that the issue may warrant a comprehensive study that involves all state maintained roads and not just interstate highways. The committee believes that one of the policy committees should look at this type of legislation and hopes that a more inclusive bill will be constructed and filed for the January 2007 session. Vote 20-2.

HB 1617-FN-L, relative to the Franklin school district. **INEXPEDIENT TO LEGISLATE**
Rep. Kenneth H. Gould for Finance: This bill would require the Franklin School District to forfeit education grant funds of more than \$7,000,000. There is probably a valuable message here, but passage of this bill would be punitive in the extreme. Vote 22-0.

HB 1644-FN, relative to funding the fuel assistance program in the office of energy and planning and requiring a one-time reduction in the rate of the statewide enhanced education tax and making appropriations therefor. **INEXPEDIENT TO LEGISLATE**
Rep. Elizabeth Hager for Finance: This bill is duplicative of other bills before the committee. We intend to deal with the two issues in those other bills. Vote 22-0.

HB 1115, relative to the definition of resident for purposes of fish and game laws. **OUGHT TO PASS WITH AMENDMENT**

Rep. David L. Smith for Fish and Game: The bill changes the residency requirement from six months to 60 days for the purpose of purchasing Fish and Game Licenses and also for registering snowmobiles. This is in conformity with the 60 day requirement to register a motor vehicle. The bill had full committee support. Vote 10-0.

Amendment (0442h)

Amend the bill by inserting after section 1 the following and renumbering the original sections 2 and 3 to read as 4 and 5, respectively:

2 Fish and Game; OHRVs; Definition of Resident. RSA 215-A:1, XII is repealed and reenacted to read as follows:

XII. "Resident" means a resident of the state as defined in RSA 21:6, except that no person shall be deemed to be a resident who claims residence in any other state for any purpose.

3 Fish and Game; Snowmobiles; Definition of Resident. RSA 215-C:1, XIV is repealed and reenacted to read as follows:

XIV. "Resident" means a resident of the state as defined in RSA 21:6, except that no person shall be deemed to be a resident who claims residence in any other state for any purpose.

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect July 1, 2006.

AMENDED ANALYSIS

This bill clarifies the definition of resident for persons receiving a fish and game license, permit, or stamp, or registering an OHRV or snowmobile.

HB 1348, requiring hunters to wear hunter orange. **INEXPEDIENT TO LEGISLATE**
Rep. Howard C. Dickinson for Fish and Game: This bill requires only hunters to wear "hunter" orange during the hunting season although far more non-hunters are in the woods hiking, bird-watching, cutting firewood or simply taking a Sunday afternoon walk. During the 10 year period between 1993 and 2003 only one hunting accident was reported in New Hampshire. This was because we have an excellent hunter safety course which stresses the importance of clearly identifying your target, because not everyone will be wearing orange, nor would they be required to wear it according to HB 1348. Both the Department of Fish and Game and the New Hampshire Wildlife Federation oppose this legislation, as does a

majority of the House Fish and Game Committee. Vote 9-1.

HB 1420-FN, prohibiting remote control and Internet hunting. **OUGHT TO PASS WITH AMENDMENT**

Rep. Howard C. Dickinson for Fish and Game: This bill, as amended, defines remote control internet hunting and makes any person operating such a program subject to a Class A misdemeanor and a civil fine of not less than \$10,000. A number of states have banned or are in the process of banning this type of activity. The committee unanimously agreed that New Hampshire should be included. Vote 10-0.

Amendment (0559h)

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

1 New Section; Remote Control and Internet Hunting. Amend RSA 207 by inserting after section 8 the following new section:

207:8-a Remote Control or Internet Hunting Prohibited.

I. No person shall offer for sale, take, or assist in the taking of wildlife by use of remote control or Internet hunting. Any person, firm, corporation, partnership, limited liability company, association, or other business entity who violates this section shall be guilty of a class A misdemeanor. In addition, the executive director may impose a civil penalty of not less than \$10,000 for each violation of this section, with the moneys received from imposition of such civil penalty to be deposited in the fish and game fund.

II. For the purpose of this section "remote control or Internet hunting" shall mean the use of a computer or other electronic device, equipment, or software, to remotely control the aiming or discharge of a firearm or other weapon, that allows a person, not physically present, to take wildlife.

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

AMENDED ANALYSIS

This bill prohibits remote control or Internet hunting and establishes criminal and civil penalties for violations.

Referred to Criminal Justice and Public Safety.

HB 1524, relative to regulation of dog training by the fish and game department.

INEXPEDIENT TO LEGISLATE

Rep. Howard C. Dickinson for Fish and Game: This bill would allow the Fish and Game Department to adopt rules governing the period for the training of bird dogs as well as bear dogs. Current law allows for the department to regulate the period of training for bear dogs. The committee unanimously believes that HB 1524 is unnecessary. Vote 10-0.

HB 1605-FN, relative to transfers from prepaid fish and game license fund. **OUGHT TO PASS**

Rep. David L. Smith for Fish and Game: Last year a Fish and Game Subcommittee discovered that the lifetime license fund was being reduced annually at an over aggressive rate. This was as a result of the significant decline in interest rates from when the existing formula was enacted. The new formula should hold the fund balance steady, and provide a relatively stable annual income flow. Vote 10-0.

HB 1657, relative to uses of charitable donations for fish and wildlife conservation programs. **OUGHT TO PASS WITH AMENDMENT**

Rep. David L. Smith for Fish and Game: This bill enables and encourages the Fish and Game Department to become more actively involved with other groups and individuals who use our New Hampshire out-of-doors. Bird watchers, mountain bikers, hikers, etc., and the organizations that support these activities will all be targeted. Special licenses may be sold indicating various levels of donations. Special conservation decals may be given for a

donation. Groups may be recognized for work done on behalf of Fish and Game (i.e. a Boy Scout project). This bill repeals the super sporting account fund acts, and transfers the small existing balances into the new Wildlife Legacy Initiative Account. These super sporting programs have not been successful. This bill is a part of a plan, with other legislation to be acted upon this year, that will help the Fish and Game Department address the financial problems that it is facing. Vote 10-0.

Amendment (0593h)

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

AN ACT establishing a wildlife legacy initiative for gifts and donations for fish and wildlife conservation programs.

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

1 New Section; Fish and Game; Wildlife Legacy Initiative Amend RSA 206 by inserting after section 33-b the following new section:

206:33-a Wildlife Legacy Initiative; Account Established.

I. The executive director may establish a wildlife legacy initiative that encourages gifts and donations to support fish, wildlife, and marine resource conservation projects, conservation education activities, and opportunities to use, access, and appreciate these public resources by promoting the benefits of the initiative and recognizing individuals or organizations for their voluntary participation. The executive director in establishing any relationship with such persons shall use care to deal with persons who are supportive of the full mission of the fish and game department and not persons opposing the legal taking of game or fish.

II. The executive director may establish levels of giving and offer incentives for various levels of donations, enter into agreements and partnerships with the public or private sector as necessary to develop, market, promote, solicit for, and conduct the wildlife legacy initiative. The executive director may issue certificates, documentation, and other gifts to identify and recognize participants.

III. There is established an account within the fish and game fund to be known as the wildlife legacy initiative account. All gifts and donations received through the wildlife legacy initiative shall be deposited in this account. Notwithstanding any other provision of law to the contrary, donations made to the wildlife legacy initiative shall not require acceptance by the commission or the governor and council. Moneys deposited in the wildlife legacy initiative account are non-lapsing and continually appropriated to the fish and game department and may be used with approval of the fish and game commission for the purposes stated in paragraphs I and II.

2 Transfer of Super Sporting Account Funds. Any sums in the super sporting license account for wildlife and the super sporting license account for fisheries on the effective date of the repeal of RSA 214:7-c by section 4 of this act shall be transferred and are hereby appropriated to the wildlife legacy initiative account under RSA 206:33-c established in section 1 of this act.

3 New Subparagraph; Treasury; Application of Receipts. Amend RSA 6:12, I(b) by inserting after subparagraph (242) the following new subparagraph:

(243) Moneys deposited in the fish and game department wildlife legacy initiative account under RSA 206:33-c.

4 Repeal. The following are repealed:

I. RSA 6:12, I(b)(188) and (189), relative to the super sporting license accounts.

II. RSA 214:7-c, relative to the super sporting license.

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

AMENDED ANALYSIS

This bill allows the fish and game department to establish a wildlife legacy initiative for gifts and donations from individuals and organizations for the purpose of encouraging,

supporting, and funding fish and wildlife conservation programs. The bill also repeals the super sporting license provisions.

Reps. Baroody and Mirski declared a conflict of interest and did not participate.

HB 1658, relative to the use by the fish and game department of charitable donations for the general administration of the department. **OUGHT TO PASS WITH AMENDMENT**

Rep. David L. Smith for Fish and Game: This bill is enabling the Fish and Game Department to interact with a private foundation that shall be formed to help solve the long-term major funding needs of the department. The states of Florida, Colorado, Arkansas, and Wyoming have this source of support. This bill will give the forthcoming program public recognition, and will show that the State of New Hampshire supports this action. All aspects of the legislation have been reviewed and approved by the Attorney General's Office. Vote 10-0.

Amendment (0570h)

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

AN ACT relative to authorizing agreements by the fish and game department with nonprofit partners for the purpose of accepting gifts, grants, bequests, or donations to further department goals.

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

1 New Paragraph; Gifts and Donation; Exception Added. Amend RSA 206:33-a by inserting after paragraph II the following new paragraph:

III. This section shall not apply to gifts, grants, bequests, or donations received pursuant to RSA 206:33-c.

2 New Section; Agreements With Nonprofit Partners. Amend RSA 206 by inserting after section 33-b the following new section:

206:33-c Agreements With Nonprofit Partners.

I. The commission, in consultation with the executive director, may designate one or more nonprofit foundations as an official nonprofit partner of the department for the purpose of accepting gifts, grants, bequests, and donations to further department goals.

II. An official nonprofit partner shall be a nonpolitical legal entity that:

(a) Is incorporated under the laws of this state;

(b) Has been granted an exemption from federal income tax under Section 501(c) of the Internal Revenue Code of 1986, as amended; and

(c) Works with the department to further department goals.

III. The executive director shall have the power and authority to enter into agreements on behalf of the fish and game department with an official nonprofit partner. Any such agreement shall be subject to review and approval by the attorney general.

IV. The executive director is authorized to assign staff, use department facilities and pay necessary and reasonable expenses associated with executing and implementing agreements and facilitating a successful partnership between the department and an official nonprofit partner.

V. Any moneys received pursuant to this section shall be accounted for and expended in accordance with RSA 206:33.

3 Effective Date. This act shall take effect July 1, 2006.

AMENDED ANALYSIS

This bill allows the fish and game department to designate a nonprofit foundation as a nonprofit partner and enter into agreements for the purpose of accepting gifts, grants, bequests, or donations to further department goals.

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

HB 1659, relative to the use of certain small caliber firearms in taking wildlife. **OUGHT TO PASS WITH AMENDMENT**

Rep. David L. Smith for Fish and Game: This bill is to clarify existing law. At the time the existing law was enacted, no firearms under .22 caliber were being marketed. We now have .17 caliber firearms. This legislation will change existing law to read as “.22 or smaller caliber rim fire firearms.” An effective date of 60 days after passage is called for, so it can be law by the fall 2006 hunting season. Vote 10-0.

Amendment (0567h)

Amend RSA 207:3, III as inserted by section 1 of the bill by replacing it with the following:

III. ~~[This section]~~ **Paragraph II** shall not apply to the use of .22 **or smaller** caliber rimfire ~~[rifles, or to the use of pistols or revolvers]~~ **firearms.**

Amend the bill by replacing section 4 with the following:

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

HB 1104-FN-A, making an appropriation to the Good Neighbor Health Clinic.

INEXPEDIENT TO LEGISLATE

Rep. April H. Mason for Health, Human Services and Elderly Affairs: This bill would make an appropriation to the Dept. of Health and Human Services for the purposes of making a payment to the Good Neighbor Health Clinic in White River Junction, Vermont. The committee heard compelling testimony from the Director of the Good Neighbor Health Clinic which provides services to an increasing percentage of New Hampshire residents who reside in towns that border Vermont. The clinic does not bill Medicare and Medicaid and serves the uninsured “working poor” in both Vermont and New Hampshire. It provides free medical care. While clearly the clinic is providing much needed services to this population, currently 56% are from New Hampshire, the committee was concerned about sending New Hampshire funds to support a clinic based in Vermont. New Hampshire has many citizens whose current health care needs are not being met and supporting legislation to appropriate funds to Vermont while we have unmet needs here in New Hampshire seemed counterproductive. Secondly, committee members suggested the Good Neighbor Health Clinic approach the border towns, whose residents they are serving, for funding. Many cities and towns will, via a warrant article, provide a mechanism to fund agencies such as the Good Neighbor Health Clinic. To date, the clinic has not pursued that option to secure funding. Lastly, New Hampshire physicians are donating a significant amount of their time as volunteers in the clinic. This “in kind” donation is a valuable contribution that New Hampshire is making through these wonderful volunteers. The committee agreed that the Good Neighbor Health Clinic is doing excellent work and providing valuable and necessary services. However, we felt other funding options, such as town warrant articles, should be attempted before approaching State funds. Vote 17-1.

HB 1121-L, relative to licensure levels of care in residential care facilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill for purposes of administrative rules combined “residential care” and “supported residential care” together which are currently viewed as two levels of care. This bill primarily authorizes administrative rulemaking authority for DHHS. Testimony on this bill indicated that there is a significant concern, in general, about the clarity of administrative rules and their adaptation to the current system of the delivery of health care in New Hampshire. Therefore, the bill was amended to require a thorough study of RSA 151 and any other statutes that pertain to residential care and assisted level. The general consensus was that a legislative committee should review the overall administrative rule authority of DHHS before proceeding with specific changes in rules impacting on the continuum of health care services. Vote 16-0.

Amendment (0431h)

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

AN ACT establishing a committee to study rulemaking and licensure issues relative to assisted living and residential care.

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

1 Committee Established. There is established a committee to study matters relative to rulemaking and licensure by the department of health and human services in regards to assisted living and residential care.

2 Membership and Compensation.

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

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

(b) Three members of the senate, appointed by the president of the senate.

II. The committee shall solicit information from any resource the committee deems relevant to its study.

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

3 Duties. The committee's study shall include, but not be limited to, the following:

I. Whether the definitions and description of residential care facilities and assisted living facilities under RSA 151:2, I(e) and elsewhere should be amended to add clarity and better reflect the current delivery of services of such care in New Hampshire.

II. Whether the commissioner's rulemaking authority under RSA 151:9 should be amended to give the commissioner different or specific instruction regarding the licensure of such facilities relative to levels of license classification.

III. Whether any additional changes can be made to RSA 151 or any other statute relative to assisted living and residential care that would make the law more effective in providing clarity to consumers and providers relative to such care and the regulation of such care.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2006.

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

AMENDED ANALYSIS

This bill establishes a committee to study rulemaking and licensure issues relative to assisted living and residential care.

HB 1204, relative to human immunodeficiency virus education, prevention and control.

OUGHT TO PASS

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill deletes RSA 141 F, b, c, and d. Those sections of the statute required the Department of Health and Human Services to review applications from health care workers in the state who have HIV or Hepatitis B and who wish to perform or participate in any exposure-prone invasive procedures. In fact, DHHS has never received any application for the process nor did the department convene the required expert panel since the legislation went into effect in 1993. OSHA directives provide guidance for health care workers and defines universal precautions. OSHA monitors health care entities for compliance with these regulations. Therefore, the state requirements listed above are all redundant and unnecessary. The committee unanimously agreed to delete the redundant sections. Vote 15-0.

HB 1208, establishing a committee to study transferring case management responsibilities for home and community based care programs from the department of health and human services to the counties. **INEXPEDIENT TO LEGISLATE**

Rep. J. Gail Barry for Health, Human Services and Elderly Affairs: This bill is already covered in HB 691-FN which establishes that an oversight committee on Health and Human Services shall monitor the ongoing Medicaid modernization plan. This addition, under Section 175:13(I) allows the DHHS to establish “one or more pilot programs for the provisions of case management services through a program operated by or under contract with a county government” for individuals receiving services under the Medicaid home and community-based case waiver program. This is a well intentioned concept but legislation as indicated above already is available. Therefore, the legislation is not needed and would just be legislative duplication of existing law. Vote 17-0.

HB 1220, establishing a committee to study a statewide review of all unanticipated fatalities and serious injury involving incapacitated adults and individuals 60 years of age or older.

OUGHT TO PASS

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill was a request of the Dept. of Health and Human Services. Over the past two to three years there has been extensive review of elderly abuse and exploitation. Several bills were generated by the Elder Abuse Council of DHHS and this is one of those bills. It establishes a legislative committee to consider whether there is evidence that could lead to the formation of a statewide review of unanticipated deaths and serious injury, particularly among the elderly. If it is felt that a review is needed, then this legislative committee would recommend a methodology to be used in such a study. This bill was unanimously supported by the committee and testimony in support of the bill included DHHS, and the Disability Rights Center. No one spoke in opposition. Vote 15-0.

HB 1279, establishing a commission to study state medicaid reimbursement. **OUGHT TO PASS WITH AMENDMENT**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The committee unanimously supported the concepts that focused on the study of Medicaid reimbursement rates in New Hampshire. The study should include the adequacy of the current rates and if there is harm resulting from low rates, the study would provide suggestions as to possible remedies. The commission was reduced in size to include 5 legislative members and 4 representatives of pertinent constituencies: Medicaid Office, Home Care Association of NH, NH Health Care Association and the NH Hospital Association. The commission can consult with other experts as needed. The commission will report its findings on or before December 1, 2006. Vote 15-0.

Amendment (0369h)

Amend the bill by replacing section 2 with the following:

2 Membership and Compensation.

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

- (a) Three members of the house of representatives, appointed by the speaker of the house of representatives.
- (b) Two members of the senate, appointed by the president of the senate.
- (c) The director of the office of medicaid business and policy, department of health and human services.
- (d) A representative of the Home Care Association of New Hampshire, appointed by that association.
- (e) A representative of the New Hampshire Health Care Association, appointed by the association.

(f) A representative of the New Hampshire Hospital Association, appointed by the association.

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

Amend the bill by replacing section 5 with the following:

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 2006.

HB 1281, establishing a committee to study the effectiveness of the department of health and human services. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas E. Donovan for Health, Human Services and Elderly Affairs: This bill was an attempt to establish a committee to assess the overall effectiveness of the Department of Health and Human Services using appropriate survey tools. The presentation before the committee though dealt primarily with the sponsor's hope to have an investigation into certain practices of the department in the area of elder abuse using a survey tool the sponsor developed. The committee offered appropriate suggestions to the sponsor as to where an investigation might be undertaken. The committee felt that this bill was too broadly written and also that the department was assessing many of its programs and practices presently. Currently, the Statutory Oversight Committee on Health and Human Services has the authority and responsibility to conduct the studies outlined in this bill. Formation of another committee is not needed. Vote 17-0.

HB 1332, establishing a commission to study health care in New Hampshire prisons. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan Emerson for Health, Human Services and Elderly Affairs: The commission shall study the adequacy of health care services in N.H. correctional facilities, including state prisons, county correctional facilities and youth correctional facilities and make such recommendations as the commission deems appropriate. The commission shall solicit information and testimony from such organizations and individuals as may assist the commission in the performance of its duties. It appears that there are mental health and drug problems in our correctional facilities where 85% of the population have medical conditions that can affect psychiatric conditions. 75% of the juveniles in the Youth Development Center have mental illness. Testimony indicated that Los Angeles, CA County Jail is the largest mental health facility in the United States. In New Hampshire some folks get arrested in the fall so they can stay in jail over the winter to receive medical attention and then are homeless the rest of the time. Vote 16-0.

Amendment (0400h)

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

AN ACT establishing a commission to study health care in New Hampshire correctional facilities.

Amend the bill by replacing section 1 with the following:

1 Commission Established. There is established a commission to study health care in New Hampshire correctional facilities.

Amend the bill by replacing section 3 with the following:

3 Duties. The commission shall study the adequacy of health care services in New Hampshire correctional facilities, including state prisons, county correctional facilities, and youth correctional facilities, and make such recommendations as the commission deems appropriate. The commission shall solicit information and testimony from such agencies, organizations, and individuals as may assist the commission in the performance of its duties.

AMENDED ANALYSIS

This bill establishes a commission to study health care in New Hampshire correctional facilities.

HB 1359-FN, establishing a committee to study case management responsibility for certain elderly and adult services. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas E. Donovan for Health, Human Services and Elderly Affairs: The committee, along with the sponsor, agreed that this bill is no longer needed and acted accordingly. Vote 15-0.

HB 1461, establishing a task force to study Temporary Assistance to Needy Families (TANF) benefits. **OUGHT TO PASS**

Rep. Joan H. Schulze for Health, Human Services and Elderly Affairs: The committee heard a great deal of testimony regarding the Temporary Assistance to Needy Families (TANF) program. This program is the Welfare to Work program which provides training to individuals so they can become self-sufficient. This particular bill establishes a task force to study if the funding awarded to participants is sufficient to cover the costs of necessities, such as utilities and rent. Duties of the task force include: 1. Are the current grant levels supportive of moving the TANF parents toward economic self-sufficiency while providing a safe, secure and healthy family life for children in the TANF families. 2. If the current grant levels are insufficient to support the desired objectives, what level is needed and what is the total budgetary cost. 3. Should the state retain the current flat TANF grant structure or adopt a structure which reflects regional differences in costs of housing, transportation, and other essentials or some other cost effective system. 4. Consider methods of future smooth transfer of state funds to cover changes in costs of essential services. Look at tying the TANF grant structure to the TANF standard of need. 5. Hold any public hearings the task force deems necessary to the successful discharge of the duties established. 6. Consider the alternatives to the private rental market in order to save state funds when providing affordable housing. 7. Recommend identified changes in the levels and structure of the TANF grant to the Governor, the Commissioner of HHS, the Speaker of the House and the President of the Senate. The information gathered can be used to establish guidelines and protocols to update the NH TANF programs. The Legislative Caucus for Young Children strongly supports passage of this bill. Vote 17-0.

HB 1464-FN-A-L, relative to mosquito control, establishing a mosquito control fund and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill creates the mosquito control fund which has the purpose of assisting cities and towns in a variety of ways to control mosquitoes and encourage abatement activities. One of the major reasons for this activity is to provide a variety of ways to address the threat of eastern equine encephalitis. This is a serious illness, for some, who have an infection of the central nervous system. This can include high fever (103 to 106 degrees), serious headaches and stiffness. These symptoms can be followed by seizures and comas. Of those who have these symptoms, about one-third die. Others have permanent brain damage and can require lifelong custodial care. The committee heard testimony from a New Hampshire mother whose four-year old son had the terrible symptoms described above. The good news is that her son is making excellent progress. Mosquito control needs to be a joint effort of state and local officials. Mosquitoes do not recognize town lines. In addition to creating the mosquito control fund, the bill requires statewide community planning. Also, it calls for a comprehensive public awareness program. It outlines procedures by the Department of Health and Human Services to determine a threat to the public health. It also describes the process DHHS will utilize to determine how a city or town becomes eligible to receive funds. DHHS will provide technical assistance to help in the development of local plans. Vote 20-0.

Amendment (0313h)

Amend RSA 141-C:24, II as inserted by section 1 of the bill by inserting after subparagraph (c) the following new subparagraph:

(d) Appropriate abatement measures.

Referred to Finance.

HB 1472-FN-A, establishing a home energy assistance program in the department of health and human services and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The sponsors of this bill requested that the bill be inexpedient to legislate. The legislature earlier took action to establish a home energy assistance program to assist low-income families and individuals with the payment of home heating costs. It is the unanimous opinion of the committee that this legislation is not needed due to the previous initiative of the legislature enacted after this bill was put into Legislative Services. Vote 19-0.

HB 1499, relative to the oversight committee on health and human services.

INEXPEDIENT TO LEGISLATE

Rep. Barbara C. French for Health, Human Services and Elderly Affairs: The Health and Human Services Oversight Committee, as presently constituted, has expertise in the field of health and human services with supportive help of financial experts. There did not appear to be any compelling need or argument to expand. Presently anyone can request to bring forth an item for the agenda and all are welcome to participate in all meetings. Vote 16-0.

HB 1728 FN-L, relative to time limits on eligibility for Temporary Assistance for Needy Families (TANF). **INEXPEDIENT TO LEGISLATE**

Rep. Deborah J. Hogancamp for Health, Human Services and Elderly Affairs: This bill seeks to change the time limit of eligibility for Temporary Assistance for Needy Families (TANF). Current TANF financial benefits are available for a lifetime maximum of 60 months. This bill would allow assistance for 24 months during any 60-month period. The federal government is in the process of reauthorizing the TANF program, and the committee overwhelmingly felt to make changes in our state program at this time would be a waste of time. The committee heard testimony from the department regarding their success with this program. Concerns of border crossing to receive New Hampshire benefits were raised; statistics from the department did not support this concern. In fact some surrounding states have similar TANF requirements, and the program is a state and federal one with a once in a lifetime cumulative of 60-month benefit, no matter where the recipient lives. The committee believed this bill sought to fix a problem that we did not have. Vote 16-0.

HB 1730-FN-L, relative to long-term care program management and cost controls.

INEXPEDIENT TO LEGISLATE

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill would have amended certain sections of Chapter 151-E Long-Term Care. This chapter was significantly revised in 2005 and those changes are now in effect. In general, the committee felt that time is needed to review the effectiveness of the changes before rushing to make further changes with no evidence to support the need for new changes. The committee was unanimous in voting to ITL this bill. This is a highly technical bill. Under the section dealing with Program Management and Cost Control: 151-E:11, the existing legislation placed significant controls into place. The Department (DHHS) shall not increase expenditures in approved budgets for these class lines (nursing facility, mid level, and home health care) or the number of persons to receive mid-level or home care services without the approval of the legislative fiscal committee, and the prior review of the county – state finance commission.” This bill would have changed this section to read: “Notwithstanding any

provision of law to the contrary and except as provided in paragraph III, the department shall not increase expenditures in approved budgets for, or the number of persons to receive, mid-level or home care services, nor shall there be any transfer of funds into such class lines.” This eliminates the oversight protections built into any unanticipated need to transfer within the budget for the continuum of health care services and stops any transfers into these (budget) class lines. However, a new section III further addresses final transfers pertaining to nursing homes. “The department shall increase nursing home rates in accordance with nursing home funding increases in the state operating budget and the projection of the average number of persons to receive services which is included in the state operating budget.” The department is required to perform a semi-annual rate adjustment. Under this bill (HB 1730), the department is required to make rate adjustments which are based on changes in acuity levels “and shall make increases or decreases in payment which are directly related to actual increases or decreases in acuity.” If there is a decrease in the number of nursing home residents which results in a number below that contained in the budget, then a savings occurs. In this instance, the department is allowed to go to the fiscal committee and the governor and executive council. 50% of the savings would be used to increase nursing home reimbursement rates and 50% would go to the department. It appears that none of the savings would be used to increase the rates of the other levels of health services including mid-level and home health care. The department vigorously opposed this bill and outlined a number of unintended consequences. The bill was supported by nursing home representatives but was opposed by all of the other constituencies that would be impacted. However, the committee in opposing this bill strongly supports section 151-E:11 that requires the department to seek a review by the county-state finance commission and to seek approval by the legislative fiscal committee before increasing expenditures or the number of people who will be served in mid-level or home care services. Vote 16-0.

HB 1742-FN, relative to disclosing infections in hospitals and nursing homes.

INEXPEDIENT TO LEGISLATE

Rep. Susan Emerson for Health, Human Services and Elderly Affairs: This bill would require hospitals and nursing homes to make quarterly reports to the Department of Health and Human Services on infections acquired in such facilities. This bill requires the DHHS to develop methodology for collecting and analyzing the infection rate data. The committee heard from: the Board of Infection Control, the New Hampshire Hospital Association, medical doctors, quality improvement, NHCQF, Board in Infection Disease. This bill was too broad. The reporting within the hospital and nursing homes are not standardized, so until this is done on a federal and state level, this bill could not be enforced. Now hospitals and nursing homes are reporting on surgical site infection, ventilator- associated pneumonia, central line related blood stream infections and urinary tract infections for their joint commission survey. The Health & Human Services and Elderly Affairs Committee will be incorporating the good ideas in this bill into HB 1741, which covers the same topic. Vote 15-0.

HB 1746-FN-L, relative to eligibility for Temporary Assistance to Needy Families (TANF).

INEXPEDIENT TO LEGISLATE

Rep. Deborah J. Hogancamp for Health, Human Services and Elderly Affairs: This bill seeks to amend the state plan for Temporary Assistance to Needy Families (TANF). This bill would have imposed a cap on benefits to a TANF recipient who had an additional child while receiving program benefits. During testimony this raised concerns. Under the current program the birth of an additional child provides an additional \$63.00 per month to the recipient. Currently 1.6% of TANF recipients have an additional child while receiving program benefits. This bill also would have eliminated education programs from countable work activities – the current plan allows this. The bill also stiffened penalties for non-

compliance with program requirements. The bill did retain the 60-month lifetime benefit, but required a 36 month period of ineligibility after receiving 24 months of benefits. Testimony heard expressed a concern about these interruptions and the ability of an individual to make progress toward gainful employment. The primary goal of the TANF program is to provide needy families assistance to break the cycle of dependence on public aid and support through financial assistance and education training opportunities provided through the New Hampshire Employment Program (NHEP). In each of the past 5 years this program has received awards for high performance resulting in 30 million dollars in federal aid to support the program. In addition, the federal government is in the process of reauthorizing the TANF program, and changes in the program are anticipated, according to testimony. The majority of the committee felt it prudent to not make changes in the state program until the federal changes were known. Also, the committee voted unanimously to support HB 1461 which establishes a task force to study TANF benefits, and believes this bill's recommendations would be best studied further by the task force established in that bill. Vote 16-1.

HB 1205, relative to service of process by New Hampshire plaintiffs on foreign corporations.
INEXPEDIENT TO LEGISLATE

Rep. Gregory M. Sorg for Judiciary: The New Hampshire Business Corporation Act was completely reviewed and re-enacted at RSA 293-A in 1992. Sections 15-10 of that act comprehensively addressed the subject of service of process, and the committee was unconvinced that that section, in conjunction with the "long-arm" statute, RSA 510:14, were no longer sufficient in scope and clarity to enable efficient and fair service for process. Vote 14-0.

HB 1411-FN, reducing certain fines for motor vehicle violations and repealing the surcharge on entry fees for small claims actions and the district court mediation fund.

INEXPEDIENT TO LEGISLATE

Rep. Bette R. Lasky for Judiciary: This bill would repeal RSA 6:12 I(b)(235) establishing the court mediation fund which was passed a year ago. The reduction of fines for motor vehicle violations is the subject matter of HB 1243, which was referred to Way & Means. Vote 13-4.

HB 1721, Relative to changes in the use of weighted caseload statistics in the calculation of the salaries of part-time district court justices. **REFER FOR INTERIM STUDY**

Rep. Gregory M. Sorg for Judiciary: Presently, part-time district and probate court judges are paid on the basis of weighted values assigned to each type of case. Units are assigned related to the average judicial time that has been deemed to be required for each type of case. This bill would revise the weight among the various case types. The committee concluded that the entire concept of a case-type basis of payment requires an in-depth study so that justice may be rendered in the most financially efficient way. A possible alternative might be a case out-come basis, which would weight a case of a particular type that is settled by a plea differently from one that goes to trial, or that ends with an oral ruling from the bench differently from one that requires a detailed written opinion. Vote 17-0.

HB 1103, relative to creating county commissioner districts in Strafford County.

INEXPEDIENT TO LEGISLATE

Rep. Nancy K. Johnson for Municipal and County Government: The bill as presented to the committee would have established three separate county commissioner districts in Strafford County. The committee heard no compelling evidence as to why things should change. The argument was made that the nine other counties do this, why shouldn't Strafford? Strafford County is unique in that it is the smallest county in land mass and is serviced by only one daily paper. The end result is the concerns of all citizens are heard no matter where they reside. As chance may have it, the current commissioners now are from different regions of

the county. This committee is uncomfortable changing the law without just cause. Vote 15-0.

HB 1212-FN, relative to the relocation of manufactured housing having delinquent property taxes. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Municipal and County Government: Currently no building or structure that is taxed as real estate can be moved or relocated unless the owner of the building or structure delivers to the person moving the same a receipted tax bill that gives evidence that taxes assessed as of April 1 have been paid in full or a statement signed by a majority of the board of selectmen or assessors that the same may be moved without payment of assessed taxes. The committee heard the original bill on January 5, 2006 without the prime sponsor in attendance due to an injury. We heard testimony that opposed the bill from tax collectors and selectmen. There was one person that spoke in favor of the original bill. When asked what was good in the bill, the reply was that nothing could be found. The hearing was continued to January 17, 2006 to allow time for the prime sponsor to be in attendance. At this time, the prime sponsor submitted an amendment that made many major changes to the bill. What the amendment would do is allow for certain manufactured housing to be removed from a municipality without having documentation that the delinquent taxes were paid. The committee feels that this is not fair to all other property taxpayers who are required to pay their taxes. Vote 12-0.

HB 1245 FN-L, allowing municipalities to be paid usage fees for services provided to county government. **INEXPEDIENT TO LEGISLATE**

Rep. Jessie L. Osborne for Municipal and County Government: This bill was introduced to allow municipalities that provide services to county government to adopt a county government usage fee program and be paid fees for such services. The municipality would set reasonable costs for these services and the bill further mandated that the municipality shall bill the commissioners all fees due. The passage of this bill would start to erode the property exemption granted for all political subdivisions granted by the General Court. This is a local issue regarding a host municipality and a governmental entity that requires the governing bodies of both entities to sit down and resolve their differences. There are benefits and costs associated with having a governmental entity within a municipality's boundaries. Although this bill was introduced with one municipality's issue, if passed it would have negatively affected the relationship between all host municipalities and their governmental entities. Vote 13-2.

HB 1251-FN, relative to receipt by counties of federal funds for public assistance. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Municipal and County Government: This bill allows counties to directly receive federal funds designated for public assistance programs for which the counties are responsible for payment. The intent has merit, but the bill does not lend itself to the intent. Much of the federal funding is received by the state in the form of Block Grants which also have generalized restrictions. So to do as this bill wishes, the federal government would need to change the process to allow the counties to receive the payment directly. Vote 14-1.

HB 1371, relative to requiring approval for extended absences for elected county officers. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill requires an elected county officer who wishes to take an absence from the position for more than two weeks, except for the case of illness, to get prior approval from the county commissioners. All elected county officers are independently elected and therefore they are responsible to the electorate for their actions. There is no recall for county officers. Therefore informing the

voters of the individual's actions will give the electorate the opportunity to determine if they want the individual involved to continue serving them or not. Vote 15-0.

HB 1434, establishing a study committee to investigate municipal tax exemptions for nursing homes. **INEXPEDIENT TO LEGISLATE**

Rep. Nancy K. Johnson for Municipal and County Government: The bill's sponsor was not present for the public hearing and none of the co-sponsors could explain the issue that justified this bill. The committee did not have any just cause to pass this bill. Vote 15-0.

HB 1119, relative to naming the Richard Monahan Bridge in the town of Carroll. **OUGHT TO PASS**

Rep. Candace C. W. Bouchard for Public Works and Highways: This bill names the bridge that spans the Ammonoosuc River on Route 302 in the town of Carroll, the Richard Monahan Bridge. The naming of the bridge recognizes Vietnam Veteran Richard Monahan, who died from complications of Agent Orange exposed to while serving his country in Vietnam. Richard Monahan grew up in Twin Mountain which is part of Carroll. After his service in Vietnam, Richard Monahan returned to Carroll and served as Chief of Police. The Carroll selectmen voted to support the naming of the bridge. No state funds will be used to pay for the design, construction, maintenance, or installation of the sign. Vote 15-0.

HB 1169-L, relative to highway construction safety. **INEXPEDIENT TO LEGISLATE**

Rep. James W. Danforth for Public Works and Highways: This bill would establish a new statute requirement for the wearing of reflective highly visible clothing by persons working on state highways. Public testimony to the committee was that both current state policy and federal regulations required a higher standard than was outlined and that this bill would not improve safety for construction workers as written. Worker safety standards are currently set by Occupational Health and Safety Administration in Federal statutes. Currently all persons working on a state highway are required to wear highly reflective clothing, not just the one requested in this bill. Vote 18-0.

HB 1198, establishing a committee to study highway rest areas. **OUGHT TO PASS WITH AMENDMENT**

Rep. James B. Rausch for Public Works and Highways: This bill establishes a committee to study highway rest areas to better serve tourists and other motorists. Testimony indicated a need to improve the state rest areas. The Department of Transportation and the Department of Resources and Economic Development have concerns that the rest areas are not fully integrating all of the resources of the state. Both departments want to enhance the rest areas to benefit our citizens, tourists and motorists. The Department of Transportation recognizes that the rest areas are valuable resources and hopes the study will find ways to utilize them so tourists and motorists will have access to all of the products and services New Hampshire has to offer. The amendment adds the Department of Agriculture to the list of agencies giving assistance to the study committee. Vote 12-3.

Amendment (0394h)

Amend paragraph II of section 3 of the bill by replacing it with the following:

II. The committee shall seek assistance from the liquor commission and the departments of transportation, resources and economic development, revenue administration, safety, and agriculture, markets, and food.

HB 1228-FN, relative to the sale or lease of state-owned real estate. **OUGHT TO PASS WITH AMENDMENT**

Rep. James B. Rausch for Public Works and Highways: This legislation is relative to the disposal of real property owned by the state. The Long Range Capital Planning and

Utilization Committee requested this bill to require all state agencies to charge a fee that covers all administrative expenses incurred to dispose of the property. Currently some agencies do while others do not. Research by the Long Range Capital Planning and Utilization Committee, with the cooperation of the agencies, has determined the cost basis for the fee is \$1,100. The amendment requires the revenue from the administrative fee be deposited into the state fund from which the property was initially purchased, or into the general fund. This administrative fee is still subject to the approval of the Long Range Capital Planning and Utilization Committee. Vote 15-0.

Amendment (0402h)

Amend RSA 4:40, III-a as inserted by section 1 of the bill by replacing it with the following:

III-a. All state agencies shall charge an administrative fee for the disposal of real property under this section. The administrative fee shall be at least \$1,100 and shall be subject to the approval of the long range capital planning and utilization committee. The revenue from the administrative fees shall be deposited into the general, highway, turnpike, or fish and game fund, depending on which fund initially purchased the property.

HB 1268-FN-A, making a capital appropriation for air conditioning in the house of representatives chamber in the state house. **INEXPEDIENT TO LEGISLATE**
Rep. Franklin T. Tilton for Public Works and Highways: A bid package has been issued for improvements to the ventilation system in the House of Representatives Chamber to be accomplished with previously appropriated funds. A bid option to add the additional elements that would complete the air conditioning is part of the package. Bids are expected to be in by mid-March and it is anticipated that existing funds will be sufficient to cover the cost of installing the air system in the Chamber. Further, the committee is very reluctant to support a request for a capital appropriation during the second year of the biennial budget cycle. Vote 13-0.

HB 1364, establishing a commission to study the best use and possible transfer of certain state-owned land in the town of Brentwood. **INEXPEDIENT TO LEGISLATE**
Rep. Bernard L. Benn for Public Works and Highways: This bill called for a study committee to determine the best use and possible transfer of certain state-owned land in the Town of Brentwood. The land in question is a 35 acre reserve owned by the NH Fish and Game Department. It contains several buildings near the road; a house, single car garage, two car garage used for storage/workshop and several chicken coop type structures all of which are in some level of disrepair. The remainder of the parcel is an open space reserve. The Fish and Game Department testified that they intend to maintain the property as open space with public access and have no plans to sell the property. The committee determined that a study was not needed since the town's concern regarding any negative impact resulting from the future use of the property is not justified at this time. If the Fish and Game Department should, in the future, decide to sell the property it would have to go through the CORD process and the town would not only have input into that process, but would be first in line to acquire the property if it so chose. Vote 13-0.

HB 1468-FN-L, relative to Reservoir Road in the town of Deering. **OUGHT TO PASS WITH AMENDMENT**

Rep. Bernard L. Benn for Public Works and Highways: At the request of the Town of Deering, this bill reclassifies a portion of a Class II state road to a Class V local road. In addition, the bill was amended to include a similar request from the Town of Hanover to extend the Urban Compact Area by reclassifying a portion of a Class I state highway to a Class IV road. In both cases, the New Hampshire Department of Transportation agreed to the changes. Vote 15-0.

Amendment (0391h)

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

AN ACT relative to Reservoir Road in the town of Deering and Lyme Road in the town of Hanover.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Lyme Road in the Town of Hanover; Classification Changed to Class IV. The class I portion of Lyme Road in the town of Hanover, from the compact line at station 123+55 of New Hampshire project number 45-99, dated 1962, to approximately station 132+00, shall be reclassified as a class IV highway, with the compact line reestablished at that point.

AMENDED ANALYSIS

This bill reclassifies a portion of Reservoir Road in the town of Deering as a class V highway. The bill also reclassifies a portion of Lyme Road in the town of Hanover as a class IV highway.

HB 1471-FN, repealing the statutes relative to regional highway conferences. **OUGHT TO PASS**

Rep. James B. Rausch for Public Works and Highways: This bill repeals the statutes relative to regional highway conferences. The legislation is at the request of the Department of Transportation, as a housekeeping measure. The issues and public hearings are currently being held and discussed as part of the 10-Year Highway planning process. These conferences are redundant and not necessary. Vote 12-0.

HB 1540, establishing a committee to study implementation of the regional electronic toll collection system. **INEXPEDIENT TO LEGISLATE**

Rep. David B. Campbell for Public Works and Highways: There are already two committees directly overseeing the implementation of the E-Z Pass System. The two committees presently overseeing E-Z Pass are the Capital Budget Overview Committee and the House and Senate E-Z Pass Task Force, which consists of five Senators, five Representatives, two Councilors and two Gubernatorial appointees. Vote 14-0.

HB 1573, establishing a committee to study the scheduling and conduct of state construction projects. **INEXPEDIENT TO LEGISLATE**

Rep. Franklin T. Tilton for Public Works and Highways: The committee proposed by this bill would be largely redundant to procedures and forums that currently are used to determine scheduling and conduct of state construction projects. The 10-Year Transportation Improvement Plan (TIP) is established and updated every two years using a well defined process. Improvements to this process can be considered as part of the process. Any member wishing to learn more about the 10-Year Highway Plan planning process may stop by Room 201 in the LOB to pick up a pamphlet describing this process. Vote 15-0.

HB 1712-FN-A, making an appropriation for design and engineering costs for the expansion of the northern New Hampshire correctional facility and for the design, engineering, and construction of a minimum security building at the northern New Hampshire correctional facility. **INEXPEDIENT TO LEGISLATE**

Rep. John A. Graham for Public Works and Highways: This bill would have appropriated \$300,000 for designing an expansion of the Berlin Prison and an additional \$100,000 for the construction of a minimum security building. While the committee is supportive of the expansion of the Berlin facility, this bill is not the vehicle to accomplish this project. The Berlin Prison was built on a design/build concept to accommodate one thousand prisoners. However, the prison was constructed with 500 beds. The committee recommends that the Department of Corrections review the original plans and immediately institute a design build project for the expansion in order to be ready for the next capital budget. The

committee is ready to work with the Department, if necessary, to bring this project forward. Vote 15-1.

HB 1210, restricting the speed of remote controlled model boats. **INEXPEDIENT TO LEGISLATE**

Rep. David H. Russell for Resources, Recreation and Development: This bill was introduced at the request of a constituent whose property had sustained substantial damage by a remote controlled boat. While the committee is certainly sympathetic to the case, the general consensus was that these cases are best handled locally. If that fails, certainly the civil courts could solve any litigation. For purposes of this bill, "headway speed" is not applicable. Vote 14-1.

HB 1688, prohibiting the use of gasoline-powered watercraft on Head's Pond in Hooksett. **OUGHT TO PASS**

Rep. D. L. Chris Christensen for Resources, Recreation and Development: Head's Pond is a 120 acre shallow pond surrounded by a 100 foot buffer and with the shore land owned by one corporate owner. The shore land owner allows access although there is not a road or launch ramp, carry-in boats could be used. This bill is supported by the Hooksett Planning Board and the Hooksett Conservation Commission. Vote 14-0.

HB 1120-FN-L, relative to Internet access in public libraries. **INEXPEDIENT TO LEGISLATE**

Rep. James M. Garrity for Science, Technology and Energy: Although the original intent of this bill is laudable, the committee found that most local libraries already have reasonable Internet access policies in place to address web access by children or minors. These policies include, but are not limited to: parental permission to use computers; parental accompaniment and direct supervision; separated filtered computers in children's areas; and visual supervision by library staff. The sponsor has agreed that this bill was not ready for prime time, and has started a dialogue within the New Hampshire Library Association to discuss on-going policy improvements or recommendations in this area. Vote 14-1

HB 1163, establishing a commission to study the feasibility of developing a conversion system for motor vehicles to operate on multiple fuels. **INEXPEDIENT TO LEGISLATE**

Rep. James H. Lawrence for Science, Technology and Energy: Although the majority of the committee fully supports the concept of exploring alternative fuel systems for motor vehicles, it does not feel it is necessary to have a study commission on this topic at this time. Currently there are already a number of initiatives in this area being looked at by the New Hampshire Department of Environmental Services. In addition, the private sector has already taken the lead in developing and producing motor vehicle technologies aimed at the accomplishment of the goals proposed in this legislation. Vote 12-1.

HB 1164, requiring cellular telephone service providers to have a minimum 72-hour power backup capacity at each cell tower location. **INEXPEDIENT TO LEGISLATE**

Rep. Lynne M. Ober for Science, Technology and Energy: This bill would require all cellular telephone service providers to have a minimum 72-hour power backup capacity at each cell tower location. Cellular telephone providers have emergency plans which include mobile self-powered transmitters that can be moved into areas where a cellular tower has failed or areas where additional capacity is needed. Some cellular towers are located in areas where local ordinances prohibit installation of backup capacity. If this legislation is passed these towers could no longer be used resulting in a loss of cellular service in some areas of the state. The committee unanimously felt that the combination of existing backup plans coupled with the potential loss of service in many areas offered significant reasons for not requiring this legislation. Vote 14-0.

HB 1383, defining deconstruction for purposes of solid waste management. **INEXPEDIENT TO LEGISLATE**

Rep. Roy D. Maxfield for Science, Technology and Energy: This bill is directed at the existing solid waste management source reduction policy (RSA 149M: 2). The bill attempts to redefine the state's first priority in source reduction from recycle and reuse and instead require deconstruction as it relates to construction debris. The committee agreed that the issue is one of management of these construction materials as they are reclaimed and recycled and not a technical problem. The existing recycling market is reclaiming all salvageable material as a matter of economics today. Vote 14-1.

HB 1507, requiring the department of environmental services to report on and make recommendations on global warming issues in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Roy D. Maxfield for Science, Technology and Energy: This bill attempts to establish a green energy policy for the state. It would promulgate the purchase of 20% renewable energy, 'greening' of the state motor vehicle fleet, reduce government use of energy by 25% and control sprawl. It also requires the Department of Environmental Services to study, report and make recommendations on global warming. The committee agrees that this is an expansive bill that includes several items of interest and concern. However, existing policy and laws governing these processes in the state need to be considered. The costs associated with these principles require evaluation and several existing bills and studies this year will afford more participation and deliberation. We encourage the sponsor to work with the various committees working on these policies. Vote 15-0.

HB 1579, relative to membership of the air resources council. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Chase for Science, Technology and Energy: The air resources council advises the Department of Environmental Services (DES) on air pollution policy and serves as the appeals panel for decisions by the DES for violations of air pollution rules and regulations. The legislative statute creating the air resources council, RSA 21-0:11, specifies that one of the eleven members of the council be a licensed practicing physician. The council has been unable to obtain consistent physician representation. In order to obtain more consistent representation by a health care professional, the council and DES have requested that the requirement to have a physician as a member of the council be changed to "a licensed practicing physician or other health care professional possessing expertise in the field of public health and the health-related impacts of air pollution." Vote 13-0.

Amendment (0312h)

Amend RSA 21-0:11, I as inserted by section 1 of the bill by replacing it with the following:

I. There is hereby established an air resources council which shall be composed of 11 members, including one representing the steam power generating industry; one representing the oil industry; one representing the natural gas industry; one representing the manufacturing component of industry; one representing the field of municipal government; and 6 members appointed at large who shall represent the public interest, one of whom shall be a licensed practicing physician *or other health care professional possessing expertise in the field of public health and the health-related impacts of air pollution*, one of whom shall represent the field of recreation, and at least one of whom shall represent environmental interests. The council members who shall represent the public interest may not derive any significant portion of their income from persons subject to permits or enforcement orders, and may not serve as attorney for, act as consultant for, serve as officer or director of, or hold any other official or contractual relationship with any person subject to permits or enforcement orders. All potential conflicts of interest shall be

adequately disclosed. The members shall be residents of the state and shall be appointed by the governor with the consent of the executive council. Each member shall serve for a term of 4 years.

AMENDED ANALYSIS

This bill permits a health care professional with certain expertise to serve on the air resources council instead of a licensed practicing physician.

HJR 22, a resolution in recognition and support of New Hampshire's participation in the Experimental Program to Stimulate Competitive Research. **OUGHT TO PASS**
Rep. James M. Garrity for Science, Technology and Energy: New Hampshire recently became a member of the Experimental Program to Stimulate Competitive Research (EPSCoR) and is pursuing grants from the National Science Foundation. Passage of this resolution is needed to show the National Science Foundation that the New Hampshire General Court stands firmly behind EPSCoR research, development and economic development efforts. Vote 14-0.

HB 1145, permitting vehicles to proceed straight through an intersection after stopping for a red light. **INEXPEDIENT TO LEGISLATE**
Rep. Brenda L. Ferland for Transportation: This bill would have permitted vehicles to proceed straight through an intersection on red after stopping. The committee saw this law becoming the disaster of right on red after stopping. Today so many don't stop, much less slow down. The sponsor of the bill believes this is a way to save fuel. The trade off is lives for gasoline, a poor trade at best. We have become a hurry-up society to the point that people speed up on yellows and then proceed through an intersection before the red is illuminated. Drivers will not focus on emergency vehicles coming from the opposite directions. Vote 13-0.

HB 1161, requiring vehicles to be equipped with a useable spare tire. **INEXPEDIENT TO LEGISLATE**
Rep. Brenda L. Ferland for Transportation: Even if you required this as statutory law, most people cannot change their own tires because of age, health, spare tire may have gone flat, no knowledge of how to do it, no jack or don't know how to use one, and if the tire was put on with an air wrench most people will not be able to get the lug nuts off. We are concerned about people breaking down on the side of the road but this bill won't get them off the highway any faster by requiring a useable spare tire in vehicles. It also would have included trailers, motorcycles and trucks. Absent of a search warrant an officer cannot look into a person's trunk for enforcement. Today's technology of no flat tires will take care of the problem. Vote 13-0.

HB 1367, prohibiting vehicle number plate covers that obscure the plate numbers. **INEXPEDIENT TO LEGISLATE**
Rep. Brenda L. Ferland for Transportation: This bill prohibited vehicle plate covers that obscure the plate numbers. Current inspection code already prohibits this practice, making this bill unnecessary. Vote 13-0.

HB 716-FN, relative to securities regulation. **OUGHT TO PASS**
Rep. Jim Ryan for Ways and Means: This bill brings regulation of the security industry into the 21st century by improving aspects of regulation and oversight of the securities industry. The bill was carefully reviewed by the Commerce Committee and was passed to the Ways and Means Committee after unanimous action by the Commerce Committee. The Ways and Means Committee reviewed the bill in terms of licensing fees for broker-dealers and noted no decrease in revenue to the State. Vote 13-0.

HB 1179, repealing a requirement that the department of transportation spend a certain amount for litter removal that is determined based on fees paid to the liquor commission.

OUGHT TO PASS

Rep. Kevin L. Camm for Ways and Means: This bill repeals a requirement that DOT spend an amount of its budget for litter removal that is based on fees paid to the Liquor Commission. Testimony from DOT indicated they spend \$1.2 million annually on litter removal. The reference Liquor Commission requirement was approximately \$800,000. The committee agrees with the sponsors that the requirement is redundant and unnecessary. Vote 12-1.

REGULAR CALENDAR SPECIAL ORDER

HB 39, relative to sex education in public schools. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Barbara J. Hagan for the Majority of Education: This bill, with amendment, merely allows an additional method for parents to exercise to opt their children out of any courses in human sexuality or family relations which conflict with their religious beliefs. The bill is patterned after current New Hampshire law with respect to the New Hampshire Immunization Program whereby parents sign a Certificate of Religious Exemption and are thereby exempt from having to be immunized. The bill gives an opening to parents where inconsistencies appear in the local districts. Vote 12-8.

Rep. Emma L. Rous for the Minority of Education: This bill is unnecessary and provides options for parents already in place in rules and practice around the state. By specifying a religious basis for opting out of sex ed, we may actually narrow the basis for opting out. In addition, the bill mistakenly allows parents to opt out of a "course" rather than a "unit."

Majority Amendment (0104h)

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

AN ACT permitting a religious exemption from courses on human sexuality or family relations.

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

1 New Section; School Boards; Religious Exemption. Amend RSA 189 by inserting after section 10 the following new section:

189:10-a Religious Exemption for Courses in Human Sexuality or Family Relations.

I.(a) Each public and nonpublic school shall permit a pupil to claim a religious exemption from any course on human sexuality or family relations upon the execution of a notarized religious exemption form. The form shall be available in the school principal's office, school nurse's office, and the guidance office, and shall be as follows:

CERTIFICATE OF RELIGIOUS EXEMPTION

PUPIL'S NAME _____

BIRTH DATE _____

ADDRESS _____

NAME OF COURSE _____

The above-named school health course or health instruction in human sexuality or family relations conflicts with the above-named pupil's and/or parent/guardian's religious beliefs. By the affixed signature below, I/we the parent(s)/guardian(s) affirm that the above-named pupil is exempt from attendance or participation in such course. (Only one parent/guardian signature is necessary to execute this exemption.)

Signature of parent/guardian

Date _____

Signature of parent/guardian

Date _____

I hereby affirm that this affidavit was signed in my presence on this ____ day of _____ by _____ known to me or demonstrated to me to be the legal parent(s)/guardian(s) of the above-named pupil.

Notary Public Seal

Notary Public/Justice of the Peace

(b) The school district shall retain a copy of the executed form and shall furnish a copy to the parent or legal guardian of an exempt pupil.

II. The form shall be posted on the website of the department of education and the website of the local school district, and shall be contained in the policy handbook, orientation materials, or other similar publications presented to parents at the beginning of the school year.

III. Nothing in this section shall be construed to prohibit instruction in personal hygiene or biology.

IV. The execution of this form shall not constitute grounds for denial of credits to a pupil.

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

AMENDED ANALYSIS

This bill implements a procedure requiring public and nonpublic schools to grant a religious exemption from any course on human sexuality or family relations.

Reps. Stiles and Giuda spoke against.

Rep. Rous spoke against and yielded to questions.

Rep. Hagan spoke in favor.

Rep. Dumaine requested a roll call; sufficiently seconded.

The question being adoption of the majority committee amendment

YEAS 162 NAYS 178			
YEAS 162			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Nedeau, Stephen	Rosen, Ralph	Russell, David
Thomas, John	Tilton, Franklin	Tobin, William	Veazey, John
Whalley, Michael			
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Knox, J David
Martin, James	McConkey, Mark	Merrow, Harry	Stevens, Stanley
CHESHIRE			
Dexter, Judson	Emerson, Susan	Hogancamp, Deborah	Pelkey, Stephen
Sawyer, Sheldon			
COOS			
King, Frederick	Lary, Bruce	Morneau, Renney	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		

GRAFTON			
Gionet, Edmond	Giuda, Robert	Ingbretson, Paul	Maybeck, Margie
Mirski, Paul	Naro, Debra	Solomon, Peter	Sorg, Gregory
Ward, John	Williams, Burton		
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Barry, J Gail	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Buhlman, David	Calawa, Leon Jr	Carew, James
Carter, Mark	Christensen, D L Chris	Christiansen, Lars	Clark, Mark
Coughlin, Pamela	Dyer, Donald	Elliott, Nancy	Gibson, John
Gonzalez, Carlos	Goyette, Peter Jr	Hagan, Barbara	Hawkins, Ken
Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith	Infantine, William
Jasper, Shawn	Jeudy, Jean	L'Heureux, Robert	Lessard, Rudy
Manney, Pamela	Matarazzo, Anthony Sr	McRae, Karen	Mead, Robert
Messier, Irene	Mooney, Maureen	O'Brien, William	Ober, Lynne
Pepino, Leo	Pilotte, Maurice	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rowe, Robert	Ryder, Donald	Slocum, Lee
Souza, Kathleen	Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan
Villeneuve, Maurice	Wheeler, James		
MERRIMACK			
Currier, David	Danforth, James	Field, William	Hess, David
Kennedy, Richard	Klose, John	Langlais, Thomas	Marple, Richard
Reed, Dennis	Soltani, Tony	Whiting, Herbert	
ROCKINGHAM			
Asselin, Michael	Bettencourt, David	Bicknell, Elbert	Bishop, Franklin
Buxton, Donald	Cady, Harriet	Camm, Kevin	Carson, Sharon
Charron, Gene	Coburn, James	Cooney, Richard	Dowd, John
Doyle, Christopher	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Forsing, Robert	Garrity, James	Griffin, Mary	Headd, James
Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Lund, Howie
McKinney, Betsy	McMahon, Charles	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Palazzo, Frank	Quandt, Marshall Lee	Quandt, Matthew
Rolston, James	Sanders, Elisabeth	Stone, Joseph	Waterhouse, Kevin
Weare, E Albert	Welch, David	Wells, Roger	Weyler, Kenneth
Winchell, George			
STRAFFORD			
Albert, Russell	Berube, Roger	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Easson, Timothy	Newton, Clifford	Twombly, James
SULLIVAN			
Irish, Christopher	Osgood, Philip Sr		
NAYS 178			

BELKNAP			
Heald, Bruce	Millham, Alida	Morrison, Gail	Pilliod, James
CARROLL			
Buco, Thomas	Dickinson, Howard	Olimpio, J Lisbeth	Patten, Betsey
Philbrick, Donald			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Espieffs, Peter	Foote, Sheila
Hunt, John	Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Tilton, Anna	Weed, Charles		
COOS			
Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Remick, William
Theberge, Robert			
GRAFTON			
Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Cooney, Mary	Eaton, Stephanie	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Chase, Claudia
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Daniuk, Caitlin	DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard
Emerton, Larry	Essex, David	Foster, Linda	Gargasz, Carolyn
Garrity, Patrick	Ginsburg, Ruth	Golding, William	Goley, Jeffrey
Gorman, Mary	Graham, John	Haley, Robert	Hall, Betty
Harvey, Suzanne	Holden, Randolph	Irwin, Anne-Marie	Jean, Claudette
Johnson, Paula	Kopka, Angeline	Kurk, Neal	Lasky, Bette
Martin, Mary Ellen	Michon, Stephen	Movsesian, Lori	O'Connell, Timothy
Pappas, Christopher	Rosenwald, Cindy	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Smith, David	Sullivan, Francis	Sullivan, Peter
Vaillancourt, Steve	Velez, Hector		
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	DeJoie, John	DeStefano, Stephen	French, Barbara
Gile, Mary	Greco, Vincent	Hager, Elizabeth	Hamm, Christine
Kidder, David	L'Heureux, Stephen	Lockwood, Priscilla	MacKay, James
Maxfield, Roy	McMahon, Patricia	Oliver, James	Osborne, Jessie
Owen, Derek	Potter, Frances	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Williams, Robert	Yeaton, Charles	

ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Belanger, Ronald	Bridle, Russell
Cali-Pitts, Jacqueline	Casey, Kimberley	Dalrymple, Janeen	Flockhart, Eileen
Francoeur, Sheila	Gilbert, Karl	Gould, Kenneth	Langley, Jane
Major, Norman	Mason, April	Moody, Marcia	Moore, Benjamin
Norelli, Terie	Powers, James	Rausch, James	Robertson, Carl
Scamman, Stella	Serlin, Christopher	Splaine, James	Stiles, Nancy
STRAFFORD			
Brown, Jennifer	Brown, Julie	Brown, Lawrence	Cilley, Jacalyn
Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia	Grassie, Anne
Heon, Richard	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Miller, Joseph	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Taylor, Katherine	Taylor, Kathleen	Wall, Janet	
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr
Prichard, Stephen	Rodeschin, Beverly		

and the majority committee amendment failed.

Rep. Hagan offered floor amendment (0441h).

Floor Amendment (0441h)

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

AN ACT permitting a religious exemption from courses on human sexuality or family relations.

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

1 New Section; School Boards; Religious Exemption. Amend RSA 189 by inserting after section 10 the following new section:

189:10-a Religious Exemption for Courses in Human Sexuality or Family Relations.

I.(a) Each public and nonpublic school shall permit a pupil to claim a religious exemption from any course on human sexuality or family relations upon the execution of a religious exemption form. The form shall be available in the school principal's office, school nurse's office, and the guidance office, and shall be as follows:

CERTIFICATE OF RELIGIOUS EXEMPTION

PUPIL'S NAME _____

BIRTH DATE _____

ADDRESS _____

NAME OF COURSE _____

The above-named school health course or health instruction in human sexuality or family relations conflicts with the above-named pupil's and/or parent/guardian's religious beliefs. By the affixed signature below, I/we the parent(s)/guardian(s) affirm that the above-named pupil is exempt from attendance or participation in such course. (Only one parent/guardian signature is necessary to execute this exemption.)

Signature of parent/guardian

Date _____

Signature of parent/guardian

Date_____

(b) The school district shall retain a copy of the executed form and shall furnish a copy to the parent or legal guardian of an exempt pupil.

II. The form shall be posted on the website of the department of education and the website of the local school district, and shall be contained in the policy handbook, orientation materials, or other similar publications presented to parents at the beginning of the school year.

III. Nothing in this section shall be construed to prohibit instruction in personal hygiene or biology.

IV. The execution of this form shall not constitute grounds for denial of credits to a pupil.

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

AMENDED ANALYSIS

This bill implements a procedure requiring public and nonpublic schools to grant a religious exemption from any course on human sexuality or family relations.

Rep. Rous spoke against.

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

The question being adoption of floor amendment (0441h).

YEAS 149 NAYS 194			
YEAS 149			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Rosen, Ralph	Russell, David
Tilton, Franklin	Tobin, William	Whalley, Michael	
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Knox, J David
McConkey, Mark	Merrow, Harry	Stevens, Stanley	
CHESHIRE			
Emerson, Susan	Pelkey, Stephen	Sawyer, Sheldon	
COOS			
King, Frederick	Lary, Bruce	Morneau, Renney	Richardson, Herbert
Stohl, Eric			
GRAFTON			
Gionet, Edmond	Giuda, Robert	Ingbretson, Paul	Maybeck, Margie
Mirski, Paul	Naro, Debra	Sorg, Gregory	Ward, John
Williams, Burton			
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Batula, Peter	Bergeron, Jean-Guy
Biundo, Michael	Boehm, Ralph	Brassard, Paul	Brundige, Robert
Buhlman, David	Calawa, Leon Jr	Carew, James	Carter, Mark
Christensen, D L Chris	Christiansen, Lars	Clark, Mark	Coughlin, Pamela

Dyer, Donald	Elliott, Nancy	Gibson, John	Gonzalez, Carlos
Goyette, Peter Jr	Hagan, Barbara	Hawkins, Ken	Hellwig, Steve
Hinkle, Peyton	Hirschmann, Keith	Infantine, William	Jasper, Shawn
L'Heureux, Robert	Lessard, Rudy	Manney, Pamela	Martin, Mary Ellen
Matarazzo, Anthony Sr	McRae, Karen	Mead, Robert	Messier, Irene
Mooney, Maureen	O'Brien, William	Ober, Lynne	Pepino, Leo
Pilotte, Maurice	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Rowe, Robert	Ryder, Donald	Slocum, Lee	Souza, Kathleen
Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan	Villeneuve, Maurice
Wheeler, James			
MERRIMACK			
Currier, David	Danforth, James	Field, William	Hess, David
Kennedy, Richard	Klose, John	Langlais, Thomas	Marple, Richard
Reed, Dennis	Soltani, Tony	Whiting, Herbert	
ROCKINGHAM			
Asselin, Michael	Bettencourt, David	Bicknell, Elbert	Bishop, Franklin
Buxton, Donald	Cady, Harriet	Camm, Kevin	Carson, Sharon
Charron, Gene	Coburn, James	Cooney, Richard	Dowd, John
Doyle, Christopher	Dumaine, Dudley	Fesh, Bob	Forsing, Robert
Garrity, James	Griffin, Mary	Headd, James	Hopfgarten, Paul
Hughes, Daniel	Ingram, Russell	Johnson, Robert	Kobel, Rudolph
Lund, Howie	McKinney, Betsy	McMahon, Charles	Nowe, Ronald
O'Neil, Michael	Packard, Sherman	Palazzo, Frank	Quandt, Marshall Lee
Quandt, Matthew	Rolston, James	Sanders, Elisabeth	Waterhouse, Kevin
Weare, E Albert	Welch, David	Wells, Roger	Weyler, Kenneth
Winchell, George			
STRAFFORD			
Albert, Russell	Berube, Roger	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Easson, Timothy	Newton, Clifford	Twombly, James
SULLIVAN			
Osgood, Philip Sr			
NAYS 194			
BELKNAP			
Millham, Alida	Morrison, Gail	Nedeau, Stephen	Pilliod, James
Thomas, John	Veazey, John		
CARROLL			
Babson, David Jr	Buco, Thomas	Dickinson, Howard	Martin, James
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William

Coates, Christopher	Dexter, Judson	Dunn, J Timothy	Eaton, Daniel
Espieffs, Peter	Foote, Sheila	Hogancamp, Deborah	Hunt, John
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Tilton, Anna
Weed, Charles			
COOS			
Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Remick, William
Theberge, Robert	Tholl, John Jr		
GRAFTON			
Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Cooney, Mary	Eaton, Stephanie	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter			
HILLSBOROUGH			
Baroody, Benjamin	Barry, J Gail	Beaulieu, Jane	Bergin, Peter
Chase, Claudia	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daniuk, Caitlin	DeVries, Betsi	Dokmo, Cynthia
Drisko, Richard	Emerton, Larry	Essex, David	Foster, Linda
Gargas, Carolyn	Garrity, Patrick	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Gorman, Mary	Graham, John	Haley, Robert
Hall, Betty	Harvey, Suzanne	Holden, Randolph	Irwin, Anne-Marie
Jean, Claudette	Jeudy, Jean	Johnson, Paula	Kopka, Angeline
Kurk, Neal	Lasky, Bette	Michon, Stephen	Movsesian, Lori
O'Connell, Timothy	Pappas, Christopher	Rosenwald, Cindy	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Smith, David	Sullivan, Francis
Sullivan, Peter	Vaillancourt, Steve	Velez, Hector	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	DeJoie, John	DeStefano, Stephen	French, Barbara
Gile, Mary	Greco, Vincent	Hager, Elizabeth	Hamm, Christine
Kidder, David	L'Heureux, Stephen	Lockwood, Priscilla	MacKay, James
Maxfield, Roy	McMahon, Patricia	Oliver, James	Osborne, Jessie
Owen, Derek	Potter, Frances	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Belanger, Ronald	Bridle, Russell
Cali-Pitts, Jacqueline	Casey, Kimberley	Dalrymple, Janeen	Flanders, John Sr
Flockhart, Eileen	Francoeur, Sheila	Gilbert, Karl	Gould, Kenneth
Katsakiores, George	Katsakiores, Phyllis	Langley, Jane	Major, Norman
Mason, April	Moody, Marcia	Moore, Benjamin	Norelli, Terie
Powers, James	Rausch, James	Robertson, Carl	Scamman, Stella
Serlin, Christopher	Splaine, James	Stiles, Nancy	Stone, Joseph

STRAFFORD			
Brown, Jennifer	Brown, Julie	Brown, Lawrence	Cilley, Jacalyn
Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia	Grassie, Anne
Heon, Richard	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Miller, Joseph	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Taylor, Katherine	Taylor, Kathleen	Wall, Janet	
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Irish, Christopher
Jillette, Arthur Jr	Prichard, Stephen	Rodeschin, Beverly	
and floor amendment (0441h) failed.			
The question now being adoption of the motion of Ought to Pass.			
Rep. Foster spoke against.			
Motion failed.			
Rep. Rous moved Inexpedient to Legislate.			
Rep. Vaillancourt requested a roll call; sufficiently seconded.			
The question being adoption of the motion Inexpedient to Legislate.			
YEAS 244 NAYS 106			
YEAS 244			
BELKNAP			
Clark, Charles	Fitzgerald, James	Flanders, Donald	Heald, Bruce
Millham, Alida	Morrison, Gail	Nedeau, Stephen	Pilliod, James
Russell, David	Tobin, William	Veazey, John	
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Buco, Thomas	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	Morrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dexter, Judson	Dunn, J Timothy	Eaton, Daniel
Emerson, Susan	Espieffs, Peter	Foote, Sheila	Hogancamp, Deborah
Hunt, John	Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Tilton, Anna	Weed, Charles		
COOS			
Buzzell, Bernard	King, Frederick	Lary, Bruce	Mears, Edgar
Merrick, Scott	Remick, William	Stohl, Eric	Theberge, Robert
Tholl, John Jr			
GRAFTON			

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Cooney, Mary	Eaton, Stephanie	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Naro, Debra	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter	Ward, John	Williams, Burton
HILLSBOROUGH			
Baroody, Benjamin	Barry, J Gail	Beaulieu, Jane	Bergin, Peter
Calawa, Leon Jr	Carter, Mark	Chase, Claudia	Christensen, D L Chris
Clemons, Jane	Cote, David	Cote, Peter	Coughlin, Pamela
Craig, James	Daniuk, Caitlin	DeVries, Betsi	Dokmo, Cynthia
Drisko, Richard	Emerton, Larry	Essex, David	Foster, Linda
Gargas, Carolyn	Garritty, Patrick	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Gorman, Mary	Goyette, Peter Jr	Graham, John
Haley, Robert	Hall, Betty	Harvey, Suzanne	Holden, Randolph
Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette	Johnson, Paula
Kopka, Angeline	Kurk, Neal	Lasky, Bette	Lessard, Rudy
Martin, Mary Ellen	Messier, Irene	Michon, Stephen	Movsesian, Lori
O'Connell, Timothy	Ober, Lynne	Pappas, Christopher	Pilotte, Maurice
Price, Pamela	Rosenwald, Cindy	Rowe, Robert	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly	Smith, David
Sullivan, Francis	Sullivan, Peter	Vaillancourt, Steve	Velez, Hector
Wheeler, Robert			
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Currier, David	Danforth, James	DeJoie, John
DeStefano, Stephen	French, Barbara	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Hamm, Christine	Hess, David	Kennedy, Richard
Kidder, David	Klose, John	L'Heureux, Stephen	Lockwood, Priscilla
MacKay, James	Maxfield, Roy	McMahon, Patricia	Oliver, James
Osborne, Jessie	Owen, Derek	Potter, Frances	Reed, Dennis
Rush, Deanna	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Asselin, Michael	Belanger, Ronald
Bridle, Russell	Buxton, Donald	Cali-Pitts, Jacqueline	Carson, Sharon
Casey, Kimberley	Charron, Gene	Cooney, Richard	Dalrymple, Janeen
Dowd, John	Flanders, John Sr	Flockhart, Eileen	Forsing, Robert
Francoeur, Sheila	Gilbert, Karl	Gould, Kenneth	Headd, James
Hughes, Daniel	Katsakiores, George	Katsakiores, Phyllis	Langley, Jane
Major, Norman	Mason, April	McMahon, Charles	Moody, Marcia
Moore, Benjamin	Norelli, Terie	O'Neil, Michael	Packard, Sherman
Powers, James	Rausch, James	Robertson, Carl	Scamman, Stella
Serlin, Christopher	Splaine, James	Stiles, Nancy	Stone, Joseph
Wells, Roger	Winchell, George		
STRAFFORD			

Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia
Grassie, Anne	Heon, Richard	Hofemann, Roland	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Miller, Joseph
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Taylor, Katherine	Taylor, Kathleen	Wall, Janet
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr
Prichard, Stephen	Rodeschin, Beverly		
NAYS 106			
BELKNAP			
Allen, Janet	Boyce, Laurie	Rosen, Ralph	Thomas, John
Tilton, Franklin	Whalley, Michael		
CARROLL			
Brown, Carolyn	McConkey, Mark		
CHESHIRE			
Pelkey, Stephen	Sawyer, Sheldon		
COOS			
Morneau, Renney	Richardson, Herbert		
GRAFTON			
Dorsett, Andrew	Gionet, Edmond	Giuda, Robert	Ingbretson, Paul
Maybeck, Margie	Mirski, Paul	Sorg, Gregory	
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Batula, Peter	Bergeron, Jean-Guy
Biundo, Michael	Boehm, Ralph	Brassard, Paul	Brundige, Robert
Buhlman, David	Carew, James	Christiansen, Lars	Clark, Mark
Crane, Elenore Casey	Dyer, Donald	Elliott, Nancy	Gibson, John
Gonzalez, Carlos	Hagan, Barbara	Hansen, Ryan	Hawkins, Ken
Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith	Infantine, William
Jeudy, Jean	L'Heureux, Robert	Lawrence, James	Manney, Pamela
Matarazzo, Anthony Sr	McRae, Karen	Mead, Robert	Mooney, Maureen
Moran, Edward	O'Brien, William	Pepino, Leo	Reeves, Sandra
Renzullo, Andrew	Ryder, Donald	Slocum, Lee	Souza, Kathleen
Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan	Villeneuve, Maurice
Wheeler, James			
MERRIMACK			

Field, William	Langlais, Thomas	Marple, Richard	Soltani, Tony
Whiting, Herbert			
ROCKINGHAM			
Bettencourt, David	Bicknell, Elbert	Bishop, Franklin	Cady, Harriet
Camm, Kevin	Coburn, James	Doyle, Christopher	Dumaine, Dudley
Fesh, Bob	Garrity, James	Griffin, Mary	Hopfgarten, Paul
Hutchinson, Karen	Ingram, Russell	Johnson, Robert	Kobel, Rudolph
Lund, Howie	McKinney, Betsy	Nowe, Ronald	Palazzo, Frank
Quandt, Marshall Lee	Quandt, Matthew	Rolston, James	Sanders, Elisabeth
Waterhouse, Kevin	Weare, E Albert	Welch, David	Weyler, Kenneth
STRAFFORD			
Albert, Russell	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Easson, Timothy	Newton, Clifford	Twombly, James	
SULLIVAN			
Irish, Christopher	Osgood, Philip Sr		

and the motion of Inexpedient to Legislate was adopted.

HB 76, revising the process of charter school approval by the state board of education.

MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Claire D. Clarke for the Majority of Education: The majority of the committee agreed that local school districts should not have to make payments to charter schools from their adequacy dollars and then have to wait two years to be reimbursed by the state. Since New Hampshire law states charter schools are “public schools,” they should be funded accordingly. Since the state provides for education as a common goal for the benefit of all, the public charter schools, in order to be successful, should be directly funded by the state. Vote 17-1.

Rep. Paul C. Ingbertson for the Minority of Education: While this bill addresses an important problem confronting charter school funding, a portion of the bill goes well beyond state law by disallowing religious-based institutions that serve a secular purpose from ever receiving state funds or becoming charter schools.

Majority Amendment (0024h)

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

AN ACT relative to distribution of state aid to charter schools.

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

1 Charter and Open Enrollment Schools; Funding. Amend RSA 194-B:11, I to read as follows:

I. There shall be no tuition charge for any pupil attending an open enrollment or charter conversion school located in that pupil's resident district. Funding limitations in this chapter shall not be applicable to charter conversion or open enrollment schools located in a pupil's resident district. For any other charter or open enrollment school authorized by the school district, the pupil's resident district shall pay to such school an amount equal to not less than 80 percent of that district's average cost per pupil as determined by the department of education using the most recent available data as reported by the district to the department. For any charter school authorized by the state board of education, ~~[the pupil's resident district shall pay tuition beginning July 1, 2005 and every fiscal year thereafter,]~~ **and not approved by the local school district, the state shall pay education aid**

directly to the charter school for each pupil who is a resident of this state in attendance at such charter school ~~[in an amount per pupil determined]~~ as follows:

(a) For the fiscal year beginning July 1, 2005, \$3,500 annual tuition.

(b) For every fiscal year thereafter, the department of education shall determine the tuition rate by adjusting for the average annual percentage rate of inflation based on the northeast region consumer price index for all urban consumers as published by the Bureau of Labor Statistics, United States Department of Labor. The average shall be based on the 4 calendar years ending 18 months before the beginning of the fiscal year for which the tuition rate is to be determined.

(c) Tuition amounts shall be prorated on a per diem basis for pupils attending a school for less than a full school year. To the extent permitted by law, tuition payments shall coincide with the distribution of equitable education grants under RSA 198:42 or on such other terms as are mutually acceptable.

(d) The source of funds for payments under this section shall be from moneys specifically set aside for charter schools.

2 Charter and Open Enrollment Schools; Definitions. Amend RSA 194-B:1, III to read as follows:

III. "Charter school" means an open enrollment public school, operated independent of any school board and managed by a board of trustees. A charter school shall operate as a nonprofit secular organization under a charter granted by the state board and in conformance with this chapter **and shall not be affiliated with any religious institution or any nonpublic or sectarian school.**

3 New Paragraph; Charter and Open Enrollment Schools; Board of Trustees. Amend RSA 194-B:5 by inserting after paragraph VI the following new paragraph:

VII. Any member of a charter school board of trustees who also serves as an employee, agent, or board member of any for-profit entity with whom the charter school contracts for goods or services shall make public disclosure of such fact and shall recuse oneself from any business the charter school may have with the for-profit entity. Any contract executed in violation of this paragraph shall be voidable at the discretion of the commissioner of the department of education. A member of a charter school board of trustees who executes a contract in violation of this paragraph may be held personally liable to the charter school for any damages caused by such contract.

4 Repeal. RSA 194-B:11, IX, relative to the issuance of reimbursement anticipation notes to charter schools, is repealed.

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

AMENDED ANALYSIS

This bill:

I. Requires the state to pay education aid directly to a charter school approved by the state board of education.

II. Prohibits a charter school from being affiliated with a religious institution, nonpublic, or sectarian school.

III. Requires any member of a charter school board of trustees who also serves as an employee, agent, or board member of any for-profit entity with whom the charter school contracts for goods or services to make public disclosure of such fact and to recuse oneself from any business the charter school may have with the for-profit entity.

Majority amendment adopted.

Rep. Ingbreton offered floor amendment (0401h).

Floor Amendment (0401h)

Amend RSA 194-B:11, I(d) as inserted by section 1 of the bill by replacing it with the following:

(d) The source of funds for payments under this section shall be from moneys specifically set aside for charter schools *from the education trust fund established in RSA 198:39.*

Amend the bill by replacing section 2 with the following:

2 State Aid; Education Trust Fund. Amend the introductory paragraph to RSA 198:39, I to read as follows:

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute adequate education grants to municipalities' school districts *and to approved charter schools* pursuant to RSA 198:42, and to provide low and moderate income homeowners property tax relief under RSA 198:56-198:61. The state treasurer shall deposit into this fund immediately upon receipt:

AMENDED ANALYSIS

This bill requires the state to pay education aid directly to a charter school approved by the state board of education and requires any member of a charter school board of trustees who also serves as an employee, agent, or board member of any for-profit entity with whom the charter school contracts for goods or services to make public disclosure of such fact and to recuse oneself from any business the charter school may have with the for-profit entity.

Rep. Ingbreton spoke in favor.

(Deputy Speaker Weyler in the Chair)

Floor amendment (0401h) was adopted.

Majority committee report adopted.

Ordered to third reading.

HB 278, relative to the alternative budget procedure in school administrative units.

MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Clifford A. Newton for the Majority of Education: This bill will allow communities to adopt the SAU budget at the annual school district elections. The committee feels that with the passage of this bill, towns belonging to multi-district SAU's will have better representation as more people come out to vote at district elections than at district meetings. Vote 15-1.

Rep. Michael A. Balboni for the Minority of Education: The bill would force towns to vote in SB 2 form even if not an SB 2 town. Why should the state dictate that a town must have a particular form of government when the residents of that town want a different form? This is a very dangerous precedent.

Rep. Casey spoke in favor and yielded to questions.

On a division vote, 226 members having voted in the affirmative and 115 members in the negative, the majority committee report was adopted.

Ordered to third reading.

HB 650-FN-L, revising education funding and distribution and establishing needs-based matching grants. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY:**

OUGHT TO PASS.

Rep. David W. Hess for the Majority of Education: This is another education funding bill which was introduced last January and retained by the Education Committee. However, over the fall, the sponsor of the bill proposed an amendment which, if adopted, would have added yet another targeting factor to the five enacted into law in June. By an overwhelming, bi-partisan 3-1 majority, the committee rejected the amendment. The amendment would make an appropriation for education funding in addition to what is already in law commencing in the next biennium – FY 2008-2009, 20 months into the future. For the first four years, that appropriation would come from dedicated funds – the reductions in transition grants. The committee rejected the proposal for a number of reasons. First, the

money that will become available from the reduction in transition grants is already intended to fund the increases in education funding automatically built into current law. Thus, this new targeting would require additional funding over increases already built into law, additional appropriations of approximately \$5 million dollars in FY 2008 and FY 2009, and approximately \$17 million in 2010. Second, such appropriations are being proposed almost 2 and 4 years before-the-fact, when we don't know the fiscal condition of the state, either available revenue or new needs. Third, because the proposal is prospective only, we won't even know the exact size of the appropriation for 2008 until more than a year from now. Fourth, since the targeting is based on median household income, the data relied on will be 9 years out-of-date when it is first used, as this data is derived from the 2000 census and is not officially updated until the 2010 census. Fifth, there is no public call or outcry for such a formula. No one appeared in support of the amendment except the sponsor, and the overwhelming mood among the general public appears to be a request to, just once, leave the funding formula alone. There appears to be a near-universal feeling among the general public that what is needed now in education funding is stability, continuity and predictability. Sixth, no good reason was given for tinkering with the education funding formula this way this year. Any changes other than technical changes should be considered in the session in which they become effective. Seventh, using median household income will add confusion to education funding as current law already uses median family income in its calculations. Finally, many believe that there are better income criteria available than median household income. For example, the New Hampshire Center for Public Policy uses per capita income and median family income in its wealth formula, but not median household income. For one or more of these reasons, the committee rejected the proposed amendment and then voted by the same margin to recommend Inexpedient to Legislate. Vote 14-5.

Rep. Mark S. Carter for the Minority of Education: The minority of the committee supported an amendment to the original bill that would improve the existing targeted aid law by incorporating aid based upon community income, which current law fails to adequately accomplish. A floor amendment and vigorous debate will be offered. The House accepted HB 616, as amended by the Senate, last year, in order to avoid a Committee of Conference outcome that could have been less desirable than the Senate version. It is now time to look at necessary enhancements to achieve improved funding equity.

Reps. Ward and Dunn spoke against.

Reps. Boehm and O'Neil spoke in favor.

Rep. Carter spoke against and yielded to questions.

Rep. Hess spoke in favor and yielded to questions.

Rep. Carter requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 250 NAYS 115			
YEAS 250			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Millham, Alida	Nedeau, Stephen
Pilliod, James	Rosen, Ralph	Russell, David	Thomas, John
Tilton, Franklin	Tobin, William	Veazey, John	Wendelboe, Fran
Whalley, Michael			
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene

Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			
CHESHIRE			
Dexter, Judson	Foote, Sheila	Hogancamp, Deborah	Hunt, John
Parkhurst, Henry	Sawyer, Sheldon		
COOS			
King, Frederick	Lary, Bruce	Morneau, Renney	Richardson, Herbert
Stohl, Eric	Theberge, Robert	Tholl, John Jr	
GRAFTON			
Almy, Susan	Dorsett, Andrew	Eaton, Stephanie	Gionet, Edmond
Maybeck, Margie	Mirski, Paul	Solomon, Peter	Sorg, Gregory
Williams, Burton			
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael
Boehm, Ralph	Brassard, Paul	Brundige, Robert	Buhlman, David
Calawa, Leon Jr	Carew, James	Christensen, D L Chris	Christiansen, Lars
Clark, Mark	Clemons, Jane	Cote, David	Coughlin, Pamela
Crane, Elenore Casey	Desmarais, Vivian	Dokmo, Cynthia	Drisko, Richard
Dyer, Donald	Elliott, Nancy	Emerton, Larry	Foster, Linda
Francoeur, Bea	Gargas, Carolyn	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary	Goyette, Peter Jr
Graham, John	Hansen, Ryan	Harvey, Suzanne	Hawkins, Ken
Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith	Holden, Randolph
Infantine, William	Jasper, Shawn	Judy, Jean	Johnson, Paula
Kopka, Angeline	Kurk, Neal	L'Heureux, Robert	Lasky, Bette
Lawrence, James	Lessard, Rudy	Manney, Pamela	Martin, Mary Ellen
McRae, Karen	Mead, Robert	Messier, Irene	Michon, Stephen
Mooney, Maureen	Moran, Edward	Movsesian, Lori	O'Brien, William
O'Connell, Timothy	Ober, Lynne	Pappas, Christopher	Pepino, Leo
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Rosenwald, Cindy
Rowe, Robert	Ryder, Donald	Scanlon, Michael	Schulze, Joan
Shaw, Kimberly	Slocum, Lee	Smith, David	Souza, Kathleen
Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Maurice	Wheeler, James	Wheeler, Robert	
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Brueggemann, Donald	Currier, David
Danforth, James	DeStefano, Stephen	Field, William	Greco, Vincent
Hager, Elizabeth	Hamm, Christine	Hess, David	Kennedy, Richard
Kidder, David	Klose, John	L'Heureux, Stephen	Langlais, Thomas
Lockwood, Priscilla	MacKay, James	Marple, Richard	Maxfield, Roy
Oliver, James	Reed, Dennis	Soltani, Tony	Wallner, Mary Jane
Whiting, Herbert			

ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Asselin, Michael	Belanger, Ronald
Bettencourt, David	Bicknell, Elbert	Bishop, Franklin	Bridle, Russell
Buxton, Donald	Cady, Harriet	Cali-Pitts, Jacqueline	Camm, Kevin
Carson, Sharon	Charron, Gene	Coburn, James	Cooney, Richard
Dalrymple, Janeen	DiFruscia, Anthony	Donahue, Richard Ken	Dowd, John
Dowling, Patricia	Doyle, Christopher	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Forsing, Robert	Francoeur, Sheila	Garrity, James
Gilbert, Karl	Gould, Kenneth	Griffin, Mary	Headd, James
Hopf Garten, Paul	Hutchinson, Karen	Ingram, Russell	Itse, Daniel
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langley, Jane	Lund, Howie	Major, Norman	Mason, April
McKinney, Betsy	McMahon, Charles	Moore, Benjamin	Nowe, Ronald
O'Neil, Michael	Packard, Sherman	Palazzo, Frank	Pantelakos, Laura
Parker, Benjamin	Rausch, James	Robertson, Carl	Rolston, James
Sanders, Elisabeth	Scamman, Stella	Scamman, W Douglas	Stiles, Nancy
Stone, Joseph	Waterhouse, Kevin	Weare, E Albert	Welch, David
Wells, Roger	Winchell, George		
STRAFFORD			
Albert, Russell	Bickford, David	Brown, Julie	Cataldo, Sam
Chaplin, Duncan	Creteau, Irene	Dunlap, Patricia	Easson, Timothy
Grassie, Anne	Kaen, Naida	Newton, Clifford	Smith, Marjorie
Spang, Judith	Twombly, James		
SULLIVAN			
Ferland, Brenda	Gale, Harry	Irish, Christopher	Jillette, Arthur Jr
Osgood, Philip Sr	Rodeschin, Beverly		
NAYS 115			
BELKNAP			
Morrison, Gail			
CARROLL			
Buco, Thomas			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dunn, J Timothy	Eaton, Daniel	Emerson, Susan
Espiefs, Peter	Mitchell, Bonnie	Pelkey, Stephen	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Tilton, Anna	Weed, Charles		
COOS			
Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Remick, William

GRAFTON			
Aguiar, James	Andersen, Gene	Benn, Bernard	Cooney, Mary
Giuda, Robert	Hammond, Lee	Harding, A Laurie	Ingbretson, Paul
McLeod, Martha	Mulholland, Catherine	Naro, Debra	Nordgren, Sharon
Sokol, Hilda	Ward, John		
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Campbell, David	Carter, Mark
Chase, Claudia	Cote, Peter	Craig, James	Daniuk, Caitlin
DeVries, Betsi	Essex, David	Garrity, Patrick	Gibson, John
Hagan, Barbara	Haley, Robert	Hall, Betty	Irwin, Anne-Marie
Jean, Claudette	Lefebvre, Roland	Matarazzo, Anthony Sr	Pilotte, Maurice
Shattuck, Gilman	Shaw, Barbara	Sullivan, Francis	Sullivan, Peter
Velez, Hector			
MERRIMACK			
Bouchard, Candace	Clarke, Claire	DeJoie, John	Foose, Robert
French, Barbara	Gile, Mary	McMahon, Patricia	Osborne, Jessie
Owen, Derek	Potter, Frances	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Walz, Mary Beth
Williams, Robert	Yeaton, Charles		
ROCKINGHAM			
Casey, Kimberley	Flockhart, Eileen	Hughes, Daniel	Moody, Marcia
Norelli, Terie	Powers, James	Quandt, Marshall Lee	Quandt, Matthew
Serlin, Christopher	Splaine, James		
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Lawrence	Campbell, W Packy
Cilley, Jacalyn	Domingo, Baldwin	Heon, Richard	Hofemann, Roland
Johnson, Nancy	Keans, Sandra	Knowles, William	Miller, Joseph
Rollo, Michael	Rous, Emma	Schmidt, Peter	Taylor, Katherine
Taylor, Kathleen	Wall, Janet		
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Houde-Quimby, Charlotte	Prichard, Stephen		

and the majority committee report was adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. O'Neil moved that the House reconsider its action whereby it voted ***HB 650-FN-L***, revising education funding and distribution and establishing needs-based matching grants, Inexpedient to Legislate.

Rep. O'Neil spoke against.
reconsideration failed.

SPECIAL ORDER REGULAR CALENDAR (CONT'D.)

HB 664-FN-L, mandating open enrollment in all school districts. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. W. Packy Campbell for the Majority of Education: This bill creates communication between students, parents and school boards by allowing reasons for wanting to leave a school and reasons why a student would want to attend a school to be discussed as a real outcome by removing residency requirements. This bill maintains local control by authorizing local school boards to adopt procedures for open enrollment. Vote 14-6.

Rep. Emma L. Rous for the Minority of Education: School districts currently have the option to choose open enrollment, but this bill would make it a requirement. The bill repeals residency requirements for school attendance (RSA 193:12, I), repeals a district's option to vote for open enrollment (RSA 194 B:2, I), and repeals the assurance that no public school shall be required to be open enrollment (RSA B:2, III). The bill places an unreasonable burden on local districts and will lead to greater inequities between districts.

Majority Amendment (0197h)

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

AN ACT relative to open enrollment in all school districts.

Amend the bill by inserting after section 2 the following and renumbering the original sections 3-9 to read as 4-10, respectively:

3 New Paragraph; Charter and Open Enrollment Schools; Establishment and Admission. Amend RSA 194-B:2 by inserting after paragraph VIII the following new paragraph:

VIII-a. No teacher, school administrator, or other school district official shall engage in any action for the purpose of recruiting or otherwise attempting to persuade an individual pupil to attend a specific school. No school district which causes a specific pupil to attend a specific school by engaging in recruitment or persuasion shall receive any per pupil funds for such pupil under RSA 194-B:11, and all funds for any such pupil shall remain with the pupil's resident school district.

AMENDED ANALYSIS

This bill removes the residency requirements for school attendance and requires that all elementary and secondary schools adopt procedures to become open enrollment schools. The bill also prohibits teachers or other school officials from recruiting or attempting to persuade an individual pupil to attend a specific school.

On a division vote, 168 members having voted in the affirmative and 188 in the negative, the majority committee amendment failed.

Rep. Campbell offered floor amendment (0623h).

Floor Amendment (0623h)

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

1 Charter and Open Enrollment Schools. Amend RSA 194-B:1, VI to read as follows:

VI. "Open enrollment public school" or "open enrollment school" means any public school which, ~~[in addition to providing]~~ **provides** educational services to pupils residing within its ~~[attendance]~~ area or district, **or** chooses to accept pupils from other ~~[attendance]~~ areas within its district and from outside its district.

2 Charter and Open Enrollment Schools. Amend RSA 194-B:1-a, II to read as follows:

II. Encourage school districts to allow public charter ~~[and open enrollment]~~ schools.

3 Charter and Open Enrollment Schools; Admission. Amend RSA 194-B:2, VIII to read as follows:

VIII. A pupil who meets the admission requirements of an open enrollment or charter school, and who is a resident of the district where the school is located, shall be given absolute admission preference over a nonresident pupil. Once admitted and unless expelled[-

~~open enrollment and~~ charter school pupils need not reapply for admission for subsequent years.

4 New Paragraph; Charter and Open Enrollment Schools; Establishment and Admission. Amend RSA 194-B:2 by inserting after paragraph VIII the following new paragraph:

VIII-a. No teacher, school administrator, or other school district official shall engage in any action for the purpose of recruiting or otherwise attempting to persuade an individual pupil to attend a specific school. No school district which causes a specific pupil to attend a specific school by engaging in recruitment or persuasion shall receive any per pupil funds for such pupil under RSA 194-B:11, and all funds for any such pupil shall remain with the pupil's resident school district.

5 Charter and Open Enrollment Schools. Amend the section heading to RSA 194-B:4 and the introductory paragraph to RSA 194-B:4, I to read as follows:

194-B:4 Charter Schools ~~[and Open Enrollment Schools]~~; Procedure for Adoption and Rescission; Limitations.

I. Any school district may adopt the provisions of RSA 194-B, to adopt a charter ~~[and open enrollment]~~ school program, in the following manner:

6 Charter and Open Enrollment Schools; Procedures for Adoption and Rescission. Amend RSA 194-B:4, I(c)-(d)(1) to read as follows:

(c)(1) In adopting the provisions of RSA 194-B, a school district ~~[shall]~~ **may** impose limitations on the number of its resident pupils who may attend **a** charter ~~[or open enrollment schools]~~ **school** located inside ~~[and]~~ **or** outside the school district. These limitations shall be represented as any percentage between zero and 100 percent of the school district's current pupil enrollment.

(2) In school districts with annual meetings, where no limitation question receives a majority vote, ~~[the limitations applying to the district shall be zero]~~ **there shall be no limitations on the number of pupils who may attend a charter school**. Where 2 or more conflicting adoption and/or limitation questions receive a majority vote, that combination of adoption and limitation provisions receiving a majority vote granting greatest latitude of parental choice shall apply.

(d) The wording of the required adoption and limitation questions shall be either or both:

(1)(A) "Shall we adopt the provisions of RSA 194-B, regarding charter ~~[and open enrollment]~~ schools?"; and

(B) "Shall no more than (any whole number from 0 to 100) percent of the district's current pupil enrollment be eligible for tuition to attend **a** charter ~~[and open enrollment schools]~~ **school** located outside the school district?"; and

(C) "Shall no more than (any whole number from 0 to 100) percent of the district's current pupil enrollment be eligible for tuition to attend **a** charter ~~[and open enrollment schools]~~ **school** located inside the school district?"~~[-or]~~.

7 Charter and Open Enrollment Schools; Procedures for Adoption and Rescission. Amend the introductory paragraph to RSA 194-B:4, II (b) to read as follows:

(b) If a majority of those voting vote to rescind the provisions of RSA 194-B or to reduce the percentages of pupils eligible to attend ~~[open enrollment or]~~ **a** charter ~~[schools]~~ **school**, then as of July 1 next following the action taken:

8 Charter and Open Enrollment Schools; Procedures for Adoption and Rescission. Amend RSA 194-B:4, IV to read as follows:

IV. Upon approval by each of the district's legislative bodies and after a public hearing, 2 or more school districts may consolidate otherwise eligible resident pupils into one applicant pool for the purposes of an admissions lottery for designated charter ~~[or open enrollment]~~ schools.

9 New Section; Open Enrollment Schools; Procedures for Limitation. Amend RSA 194-B by inserting after section 4 the following new section:

194-B:4-a Open Enrollment Schools; Limitation Provisions.

I.(a) A school district may impose limitations on the number of its resident pupils who may attend an open enrollment school located inside or outside the school district. These limitations shall be represented as any percentage between zero and 100 percent of the school district's current pupil enrollment. The question shall be presented in accordance with the procedures set forth in RSA 194-B:4, I(a)-(b).

(b) In school districts with annual meetings, where no limitation question receives a majority vote, there shall be no limitation on the number of pupils who may attend an open enrollment school located inside or outside the school district. Where 2 or more conflicting limitation questions receive a majority vote, that combination of limitation provisions receiving a majority vote granting greatest latitude of parental choice shall apply.

II. The wording of the limitation question shall be either or both:

(a) "Shall no more than (any whole number from 0 to 100) percent of the district's current pupil enrollment be eligible for tuition to attend an open enrollment school located outside the school district?"; and/or

(b) "Shall no more than (any whole number from 0 to 100) percent of the district's current pupil enrollment be eligible for tuition to attend an open enrollment school located inside the school district?"

10 Charter and Open Enrollment Schools; Pupil Selection. Amend RSA 194-B:9, V to read as follows:

V. ~~(a) [For districts having enabled only the open enrollment provisions of this chapter,]~~ The **local** school board shall have the authority to establish ~~[rules to implement]~~ **procedures for the acceptance or denial of open enrollment pupils. Such procedures shall specify, in part, that no school district shall be required to accept a pupil from another school district if doing so would result in an unreasonable increase in the pupil-teacher ratio as determined by the local school board.**

(b) Open enrollment pupils shall be required to reapply for admission each school year.

(c) A local school board shall not deny the payment of money as set forth in RSA 194-B:11 to another school district which has accepted an open enrollment pupil.

(d) Open enrollment pupils shall continue to be counted in the average daily membership in attendance of their resident district.

(e) A parent or legal guardian aggrieved by the decision of a local school board under this section may appeal such decision to the state board of education.

11 Charter and Open Enrollment Schools. Amend the introductory paragraph to RSA 194-B:11, I to read as follows:

I. There shall be no tuition charge for any pupil attending ~~[an open enrollment]~~ **a public elementary or secondary school** or charter conversion school located in that pupil's resident district. Funding limitations in this chapter shall not be applicable to charter conversion or ~~[open enrollment]~~ **public elementary or secondary** schools located in a pupil's resident district. For any other charter ~~[or open enrollment]~~ school authorized by the school district **or the state board of education, or for a school district which has accepted an open enrollment pupil**, the pupil's resident district shall pay to such school an amount equal to not less than 80 percent of that district's ~~[average]~~ **total** cost per pupil as determined by the department of ~~[education]~~ **education's cost per pupil by district report** using the most recent available data as reported by the district to the department. ~~[For any charter school authorized by the state board of education, the pupil's resident district shall pay tuition beginning July 1, 2004 and every fiscal year thereafter, in an amount per pupil equal to the amount determined in RSA 198:40, I.]~~ **If the cost per pupil by district report contains no cost information for a certain grade level, the total state average cost per pupil for that district, as contained in such report, shall be used. If this amount exceeds the average cost per pupil in the receiving district, then such excess shall be**

returned to the pupil's resident district. If this amount is less than the average cost per pupil in the receiving district, the school board of the receiving district may opt to accept such amount as full payment of tuition for the school year or may require the parent or legal guardian to pay the difference, or a portion thereof. Tuition amounts shall be prorated on a per diem basis for pupils attending a school for less than a full school year. To the extent permitted by law, tuition payments shall coincide with the distribution of adequacy grants under RSA 198:42 or on such other terms as are mutually acceptable.

12 Pupils; Legal Residence Required. RSA 193:12 is repealed and reenacted to read as follows:

193:12 Legal Residence Required.

I. For purposes of this section, the legal residence of a pupil shall be as follows:

(a) In the case of a minor, legal residence is where his or her parents reside, except that:

(1) If the parents live apart and are not divorced, legal residence is the residence of the parent with whom the child resides.

(2) In a divorce decree where parents are awarded joint legal custody the legal residence of a minor child is the residence of the parent with whom the child resides. If a parent is awarded sole or primary physical custody by a court of competent jurisdiction in this or any other state, legal residence of a minor child is the residence of the parent who has sole or primary physical custody. If the parent with sole or primary physical custody lives outside the state of New Hampshire, the pupil does not have residence in New Hampshire.

(3) If the minor is in the custody of a legal guardian appointed by a New Hampshire court of competent jurisdiction or a court of competent jurisdiction in another state, territory, or country, legal residence is where the guardian resides. If the department of health and human services has been appointed legal guardian, the residence of the minor is where the child is placed by the department or the court. Legal guardianship shall not be appointed solely for the purpose of allowing a pupil to attend school in a district other than the district of residence of the minor's parent or parents. Whenever a petition for guardianship or legal custody is filed in a court of competent jurisdiction on behalf of a relative of a child, other than a parent, the child shall be permitted to attend school in the district in which the relative of the child resides pending a court determination relative to custody or guardianship.

(b) No minor placed in a home for children or health care facility, as defined in RSA 193:27, by another state which charges the state of New Hampshire, a political subdivision of the state of New Hampshire, or a New Hampshire school district, for the regular or special education costs for New Hampshire children placed in that state, shall be deemed a legal resident for purposes of school assignment, unless the sending state agrees to reimburse the receiving district, as defined in RSA 193:27, for regular education and special education costs.

II. For the purposes of this title, "legal resident" of a school district means a natural person who is domiciled in the school district and who, if temporarily absent, demonstrates an intent to maintain a principal dwelling place in the school district indefinitely and to return there, coupled with an act or acts consistent with that intent. A married person may have a domicile independent of the domicile of his or her spouse. If a person removes to another town with the intention of remaining there indefinitely, that person shall be considered to have lost residence in the town in which the person originally resided even though the person intends to return at some future time. A person may have only one legal residence at a given time.

III. For the purposes of this section, the legal residence of a child of homeless parents is where the child temporarily resides unless the parents and another school district agree that the child's attendance in school in that school district will be in the best interests of the child in that continuity of education will be provided and transportation will not be

unduly burdensome to the school district. "A child of homeless parents" means a child whose parents:

- (a) Lack a fixed, regular and adequate residence; or
- (b) Have a primary nighttime residence in a supervised publicly or privately operated shelter for temporary accommodations such as public assistance hotels, emergency shelters, battered women's shelters, and transitional housing facilities, or a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings.

IV. Except as provided in subparagraph II(b), nothing in this section shall limit or abridge the right of any child placed and cared for in any home for children, as defined in RSA 193:27, or of any child placed in the home of a relative of that child by the department of health and human services, or placed in the home of a relative or friend by a court pursuant to RSA 169-B, RSA 169-C, RSA 169-D, or RSA 463, to attend the public schools of the school district in which the home for children or home of the relative or friend in which a child is placed by the department of health and human services or by a court of competent jurisdiction is located, as provided in RSA 193:28.

V. Whenever a parent or guardian voluntarily places a child with a relative at the recommendation or request of the department of health and human services, that child shall be permitted to attend the public schools of the school district in which that relative resides provided that:

- (a) Upon request of the school district, the department of health and human services shall confirm that the department recommended or requested that the child be placed with the relative to promote the child's well being, and not for the purpose of allowing the child to attend school in the district where the relative resides; and

- (b) Upon request of the school district, the relative shall take reasonable steps to secure a court award of guardianship over the child, the child being allowed to attend school in that district while the relative seeks guardianship.

VI. Whenever a dispute arises between 2 or more school districts as to the residency of a child who is in the legal custody or guardianship of the department of health and human services, or who has been placed pursuant to a court order in a proceeding under RSA 169-B, RSA 169-C, RSA 169-D, or RSA 463, the department of health and human services may request in writing that the respective superintendents resolve the dispute. If the residency dispute remains unresolved 10 days after such request, the department of health and human services may request that the commissioner of the department of education determine the residence of the child. The child may attend school in the district in which the child has been placed by the court or the department of health and human services pending the resolution of the residency dispute. Liability as to the cost of school attendance provided under this paragraph shall be determined by the commissioner of education.

VII. If more than one school district is involved in a residency dispute or the parents who live apart cannot agree on the residence of a minor child, the respective superintendents shall jointly make such decision. In those instances when an agreement cannot be reached in a timely manner, the commissioner of education shall make a determination and such determination shall be final. No school district shall deny a pupil implementation of an existing individual education plan. A pupil shall remain in attendance in the pupil's school of origin during the pendency of a determination of residency and shall be counted in the average daily membership in residence in the district of residence. In this paragraph, "school of origin" means the school the child attended when permanently housed or the school in which the child was last enrolled. Notwithstanding the provisions of RSA 21-N:11, III any person aggrieved by a determination of the commissioner may appeal such determination to a court of competent jurisdiction.

VIII. Nothing in this section shall require a district to provide transportation for a student beyond the geographical limits of that district.

IX. Each school district shall adopt an admission and attendance of students policy.

X. The commissioner of education may enter into agreements with other states relative to liability for educational costs, including special education costs, of students placed in New Hampshire by those states, or of students placed outside the state of New Hampshire.

XI. For the purpose of determining liability for a child placed and cared for in any home for children or health care facility, the provisions of RSA 193:29 shall apply.

13 Cooperative School Districts; Modification. Amend RSA 195:31 to read as follows:

195:31 Modification. In the event that the cooperative district adopts the provisions of RSA 194-B, ~~[and the cooperative district also adopts open enrollment percentage amounts pursuant to RSA 194-B:4,]~~ the percentage of pupils authorized by a vote of the cooperative district shall be permitted to attend a charter school which may be established in the district and approved by the voters in accordance with RSA 194-B:3.

14 Authorized Regional Enrollment Area (AREA) Schools; Procedure. Amend RSA 195-A:3, V(p) to read as follows:

(p) Whether the districts within the area plan shall adopt the provisions of RSA 194-B, and how the adoption of such provisions ~~[and the adoption of the open enrollment percentage limitations]~~ will affect the districts within the area plan;

15 Repeal. The following are repealed:

I. RSA 194-B:2, I, providing that a school district legislative body may vote to designate a school as an open enrollment school.

II. RSA 194-B:2, III, relative to requiring that no public school shall be required to be an open enrollment school.

III. RSA 194-B:4, I(d)(2), relative to the adoption by a city or town of open enrollment provisions.

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

AMENDED ANALYSIS

This bill:

I. Clarifies the residency requirements for school attendance.

II. Provides that all school districts shall be deemed open enrollment districts, but allows a school district to control open enrollment by authorizing the local school board to adopt procedures governing the acceptance and denial of open enrollment pupils.

III. Provides that no local school board shall deny the payment of money as set forth in RSA 194-B:11 to another school district which has accepted an open enrollment pupil.

IV. Allows municipalities to limit the percentage of the pupil population eligible to attend a school located inside or outside of the resident district.

Rep. Asselin spoke in favor.

Rep. Rous spoke against and yielded to questions.

Rep. W. P. Campbell spoke in favor and yielded to questions.

Floor amendment (0623h) failed.

The question now being adoption of the motion of Ought to Pass.

Rep. Rous spoke against.

Rep. W. P. Campbell moved Recommit to committee.

On a division vote, 117 members having voted in the affirmative, 238 in the negative, the motion to Recommit failed.

The motion of Ought to Pass failed.

Rep. Rous moved Inexpedient to Legislate.

Motion adopted.

The House recessed at 12:55 p.m.

RECESS

(Deputy Speaker Weyler in the Chair)

The House reconvened at 1:55 p.m.

SPECIAL ORDERS – REGULAR CALENDAR (CONT'D.)

HB 345, requiring photo identification to obtain a ballot. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William L. O'Brien for the Majority Election Law: Subsequent to the filing of this bill, two important developments occurred relative to the issue of requiring photo IDs in order to vote. The first was that on May 11, 2005 the Congress passed the REAL ID Act of 2005, which established minimum requirements for information displayed on state driver's licenses and for information that must be obtained in order to issue such a license if it was going to be accepted by a federal agency. The second development was that in September the Commission on Federal Election Reform, co-chaired by President Jimmy Carter and Secretary James Baker and including as commission members Senator Tom Daschle and Representatives Lee Hamilton, Bob Michel and Susan Molinari, as well as many others who have similarly distinguished themselves in service to our nation, issued a comprehensive report on needed election reforms. In that report the commission made the following observation: "The electoral system cannot inspire public confidence if no safeguards exist to deter or detect fraud or to confirm the identity of voters. Photo IDs currently are needed to board a plane, enter federal buildings, and cash a check. Voting is equally important." Following this observation, the Carter/Baker commission noted further that the trend nationally is to require voter IDs, starting with 11 states in 2001, 24 states now and 12 additional states considering adding the requirements to their laws. Based on these observations, the commission recommended first "that the states use REAL ID cards for voting purposes." In addition, the commission recommended that one additional requirement be added to REAL ID cards if they are to be used for voting purposes: the cards should indicate citizen. Based on testimony received by the majority of the committee believes that requiring photo IDs to vote in New Hampshire would inspire greater confidence in our electoral process and thereby promote participation in voting. In recommending passage of this bill as amended, the majority was fully aware that some individuals may not have such an ID in effect. The bill therefore allows such voters to sign an affidavit claiming that has occurred and go forward and vote. The majority recommends this important measure that will address a perennial concern of many that our voting system does not have sufficient safeguards. Vote 10-7.

Rep. Charles F. Weed for the Minority of Election Law: This bill will create more harm than good. Some citizens who have lost or forgotten their picture identification cards will be denied their constitutionally protected right to vote. This bill tries to solve a problem which does not exist. No charge of voter fraud has been proven even though there have been many careful investigations by both the Secretary of State and the Attorney General.

Majority Amendment (0235h)

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

1 Obtaining a Ballot; Identification Required. Amend RSA 659:13 to read as follows:
659:13 Obtaining a Ballot.

I. A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his or her name to one of the ballot clerks who shall thereupon repeat the name; and, if the name is found on the checklist by the ballot clerk, the ballot clerk shall put a checkmark beside it and again repeat the name. The ballot clerk shall state the address listed on the checklist for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot clerk shall correct the address in red on the checklist. ***The ballot clerk shall then require the person desiring to vote to furnish a state or federal government-issued identification meeting the requirements of the federal Real ID Act of 2005, Public Law 109-13 to verify the person's identity or, if***

the person states that he or she has not been issued a valid form of such identification, a voter identification affidavit pursuant to paragraph II. The voter, if still qualified to vote in the town or ward and unless challenged as provided for in RSA 659:27-33, ***or unless failing to present the required identification,*** shall then be allowed to enter the space enclosed by the guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state.

II. In any instance where a voter states to a ballot clerk that he or she has not been issued a valid state or federal government-issued identification meeting the requirements of the federal Real ID Act of 2005, Public Law 109-13, then as a substitute for such identification the voter shall be permitted to submit an affidavit, certified by the ballot clerk, in the following form:

Voter Identification Affidavit

1. My name is _____ . I reside at _____.

2. I have not been issued an identification card by a state or federal government that sets forth my name, birth date, sex, identification number, digital photograph, and address and is in effect as of the date of this affidavit.

3. This affidavit is dated _____.

I acknowledge that I have read and understand the above and do hereby swear, under the penalties for voting fraud, that all of the above is complete and accurate.

Signature

2 Effective Date. This act shall take effect November 1, 2007.

AMENDED ANALYSIS

This bill requires a voter to present photographic identification or a voter identification affidavit to obtain a ballot.

Rep. Whalley spoke against.

Majority committee amendment failed.

Rep. O'Brien offered floor amendment (0443h).

Floor Amendment (0443h)

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

1 Obtaining a Ballot; Identification Required. Amend RSA 659:13 to read as follows:
659:13 Obtaining a Ballot.

I. A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his or her name to one of the ballot clerks who shall thereupon repeat the name; and, if the name is found on the checklist by the ballot clerk, the ballot clerk shall put a checkmark beside it and again repeat the name. The ballot clerk shall state the address listed on the checklist for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot clerk shall correct the address in red on the checklist. ***The ballot clerk shall then require the person desiring to vote to furnish a state or federal government-issued identification meeting the requirements of the federal Real ID Act of 2005, Public Law 109-13 to verify the person's identity or, if the person states that he or she has not been issued a valid form of such identification, or has lost possession of, or misplaced such an identification within the preceding period of 14 days, a voter identification affidavit pursuant to paragraph II.*** The voter, if still qualified to vote in the town or ward and unless challenged as provided for in RSA 659:27-33, ***or unless failing to present the required identification,*** shall then be allowed to enter the space enclosed by the guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state.

II. In any instance where a voter states to a ballot clerk that he or she has not been issued a valid state or federal government-issued identification meeting the requirements of the federal Real ID Act of 2005, Public Law 109-13, or has lost possession of, or misplaced such an identification within the preceding period of 14 days, then as a substitute for such identification the voter shall be permitted to submit an affidavit, certified by the ballot clerk, in the following form:
Voter Identification Affidavit

1. My name is _____ . I reside at _____.

2. I have not been issued an identification card by a state or federal government that sets forth my name, birth date, sex, identification number, digital photograph, and address and is in effect as of the date of this affidavit or I have lost possession of, or misplaced such an identification within the past 14 days.

3. This affidavit is dated _____.

I acknowledge that I have read and understand the above and do hereby swear, under the penalties for voting fraud, that all of the above is complete and accurate.

Signature

III. Notwithstanding the requirement for an identification, if a person desiring to vote states that he or she does not have a sufficient identification, but such person is personally known to any of the city or town clerk, moderator, supervisors of the checklist, or ballot clerks as a person qualified to vote at such location, such person shall not be refused a ballot for lack of identification if the city or town clerk, moderator, supervisor of the checklist, or ballot clerk records the name of the voter and the name of the city or town clerk, moderator, supervisor of the checklist, or ballot clerk who knows the voter in the same manner as affidavits are recorded pursuant to RSA 659:32.

2 Effective Date. This act shall take effect November 1, 2007.

AMENDED ANALYSIS

This bill requires a voter to present photographic identification or a voter identification affidavit to obtain a ballot. The bill establishes an exception to the identification requirement for persons personally known to certain election officials.

Reps. Chase and Weed spoke against and yielded to questions.

Reps. Whalley and O'Brien spoke in favor and yielded to questions.

Rep. Giuda requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (0443h).

YEAS 205 NAYS 153			
YEAS 205			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Neddeau, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Morrow, Harry	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

CHESHIRE			
Dexter, Judson	Emerson, Susan	Foote, Sheila	Hogancamp, Deborah
Hunt, John	Pelkey, Stephen	Sawyer, Sheldon	
COOS			
King, Frederick	Lary, Bruce	Morneau, Renney	Remick, William
Richardson, Herbert	Stohl, Eric	Tholl, John Jr	
GRAFTON			
Dorsett, Andrew	Eaton, Stephanie	Gionet, Edmond	Giuda, Robert
Ingbretson, Paul	Maybeck, Margie	Mirski, Paul	Naro, Debra
Sorg, Gregory	Ward, John	Williams, Burton	
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael
Boehm, Ralph	Brundige, Robert	Calawa, Leon Jr	Carew, James
Carter, Mark	Christensen, D L Chris	Christiansen, Lars	Clark, Mark
Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian	Drisko, Richard
Dyer, Donald	Elliott, Nancy	Francoeur, Bea	Gargasz, Carolyn
Gibson, John	Golding, William	Gonzalez, Carlos	Goyette, Peter Jr
Graham, John	Hagan, Barbara	Hansen, Ryan	Hawkins, Ken
Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith	Infantine, William
Jasper, Shawn	Kelly, Eugene Jr	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Lessard, Rudy	Manney, Pamela	Matarazzo, Anthony Sr
McRae, Karen	Mead, Robert	Mooney, Maureen	O'Brien, William
Ober, Lynne	Pepino, Leo	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rowe, Robert	Ryder, Donald	Scanlon, Michael
Slocum, Lee	Souza, Kathleen	Stepanek, Stephen	Tahir, Saghir
Ulery, Jordan	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Currier, David	Danforth, James	DeStefano, Stephen
Field, William	Hager, Elizabeth	Hess, David	Kennedy, Richard
Kidder, David	Klose, John	L'Heureux, Stephen	Langlais, Thomas
Lockwood, Priscilla	MacKay, James	Maxfield, Roy	Reed, Dennis
Soltani, Tony	Whiting, Herbert		
ROCKINGHAM			
Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Bishop, Franklin	Bridle, Russell	Buxton, Donald
Cady, Harriet	Camm, Kevin	Carson, Sharon	Charron, Gene
Coburn, James	Cooney, Richard	DiFruscia, Anthony	Donahue, Richard Ken
Dowd, John	Doyle, Christopher	Fesh, Bob	Flanders, John Sr
Forsing, Robert	Francoeur, Sheila	Garrity, James	Gilbert, Karl

Gould, Kenneth	Griffin, Mary	Headd, James	Hopfgarten, Paul
Hughes, Daniel	Ingram, Russell	Itse, Daniel	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Lund, Howie
Major, Norman	Mason, April	McKinney, Betsy	McMahon, Charles
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Palazzo, Frank
Parker, Benjamin	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Rolston, James	Sanders, Elisabeth	Stiles, Nancy	Stone, Joseph
Waterhouse, Kevin	Weare, E Albert	Welch, David	Wells, Roger
Weyler, Kenneth	Winchell, George		
STRAFFORD			
Albert, Russell	Brown, Julie	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Easson, Timothy	Hofemann, Roland	Newton, Clifford
Twombly, James			
SULLIVAN			
Irish, Christopher	Osgood, Philip Sr	Rodeschin, Beverly	
NAYS 153			
BELKNAP			
Millham, Alida	Morrison, Gail		
CARROLL			
Buco, Thomas	Olimpio, J Lisbeth		
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Tilton, Anna	Weed, Charles
COOS			
Mears, Edgar	Merrick, Scott	Theberge, Robert	
GRAFTON			
Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Cooney, Mary	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Brassard, Paul	Buhlman, David
Campbell, David	Chase, Claudia	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Daniuk, Caitlin	DeVries, Betsi
Dokmo, Cynthia	Emerton, Larry	Essex, David	Foster, Linda
Garrity, Patrick	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Haley, Robert	Hall, Betty	Harvey, Suzanne	Holden, Randolph
Irwin, Anne-Marie	Jean, Claudette	Jeudy, Jean	Johnson, Paula

Kopka, Angeline	Lasky, Bette	Lefebvre, Roland	Martin, Mary Ellen
Messier, Irene	Michon, Stephen	Movsesian, Lori	O'Connell, Timothy
Pappas, Christopher	Pilotte, Maurice	Rosenwald, Cindy	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly	Smith, David
Sullivan, Francis	Sullivan, Peter	Vaillancourt, Steve	Velez, Hector
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	Foose, Robert	French, Barbara	Gile, Mary
Greco, Vincent	Hamm, Christine	Marple, Richard	McMahon, Patricia
Osborne, Jessie	Owen, Derek	Potter, Frances	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert	Yeaton, Charles
ROCKINGHAM			
Abbott, Dennis	Cali-Pitts, Jacqueline	Casey, Kimberley	Dowling, Patricia
Flockhart, Eileen	Langley, Jane	Moody, Marcia	Norelli, Terie
Pantelakos, Laura	Powers, James	Robertson, Carl	Scamman, Stella
Serlin, Christopher	Splaine, James		
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Lawrence
Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia
Grassie, Anne	Heon, Richard	Hilliard, Dana	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Miller, Joseph
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Taylor, Kathleen	Wall, Janet	
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr
Prichard, Stephen			

and floor amendment (0443h) was adopted.

Rep. Kurk offered floor amendment (0717h)

Floor Amendment (0717h)

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

1 Obtaining a Ballot; Identification Required. Amend RSA 659:13 to read as follows:
659:13 Obtaining a Ballot.

I. A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his or her name to one of the ballot clerks who shall thereupon repeat the name; and, if the name is found on the checklist by the ballot clerk, the ballot clerk shall put a checkmark beside it and again repeat the name. The ballot clerk shall state the address listed on the checklist for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot clerk shall correct the address in red on the checklist. ***The ballot clerk shall then require the person desiring to vote to furnish a state or federal government-issued photo identification to verify the person's identity or, if the person states that he or she has not been issued a valid form of such identification, or has lost possession of, or misplaced such an identification***

within the preceding period of 14 days, a voter identification affidavit pursuant to paragraph II. The voter, if still qualified to vote in the town or ward and unless challenged as provided for in RSA 659:27-33, or unless failing to present the required identification, shall then be allowed to enter the space enclosed by the guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state.

II. In any instance where a voter states to a ballot clerk that he or she has not been issued a valid state or federal government-issued photo identification, or has lost possession of, or misplaced such an identification within the preceding period of 14 days, then as a substitute for such identification the voter shall be permitted to submit an affidavit, certified by the ballot clerk, in the following form: Voter Identification Affidavit

1. My name is _____. I reside at _____.

2. I have not been issued an identification card by a state or federal government that sets forth my name, birth date, sex, identification number, digital photograph, and address and is in effect as of the date of this affidavit or I have lost possession of, or misplaced such an identification within the past 14 days.

3. This affidavit is dated _____.

I acknowledge that I have read and understand the above and do hereby swear, under the penalties for voting fraud, that all of the above is complete and accurate.

Signature

III. Notwithstanding the requirement for an identification, if a person desiring to vote states that he or she does not have a sufficient identification, but such person is personally known to any of the city or town clerk, moderator, supervisors of the checklist, or ballot clerks as a person qualified to vote at such location, such person shall not be refused a ballot for lack of identification if the city or town clerk, moderator, supervisor of the checklist, or ballot clerk records the name of the voter and the name of the city or town clerk, moderator, supervisor of the checklist, or ballot clerk who knows the voter in the same manner as affidavits are recorded pursuant to RSA 659:32.

2 Effective Date. This act shall take effect November 1, 2007.

AMENDED ANALYSIS

This bill requires a voter to present photographic identification or a voter identification affidavit to obtain a ballot. The bill establishes an exception to the identification requirement for persons personally known to certain election officials.

Rep. Kurk spoke in favor and yielded to questions.

Rep. O'Brien spoke in favor.

Floor amendment (0717h) adopted.

Rep. Daniel Eaton requested a roll call; sufficiently seconded.

The question being adoption of the motion Ought to Pass as Amended.

YEAS 211 NAYS 149			
YEAS 211			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Nedeau, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin

Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Merrow, Harry	Patten, Betsey	Philbrick, Donald	Stevens, Stanley
CHESHIRE			
Dexter, Judson	Emerson, Susan	Footte, Sheila	Hogancamp, Deborah
Hunt, John	Pelkey, Stephen	Sawyer, Sheldon	
COOS			
King, Frederick	Lary, Bruce	Morneau, Renney	Remick, William
Richardson, Herbert	Stohl, Eric	Tholl, John Jr	
GRAFTON			
Dorsett, Andrew	Eaton, Stephanie	Gionet, Edmond	Giuda, Robert
Ingbretson, Paul	Maybeck, Margie	Mirski, Paul	Naro, Debra
Sorg, Gregory	Ward, John	Williams, Burton	
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Barry, J Gail	Batula, Peter
Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael	Boehm, Ralph
Brassard, Paul	Brundige, Robert	Calawa, Leon Jr	Carew, James
Carter, Mark	Christensen, D L Chris	Christiansen, Lars	Clark, Mark
Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian	Dokmo, Cynthia
Drisko, Richard	Dyer, Donald	Elliott, Nancy	Emerton, Larry
Francoeur, Bea	Gargas, Carolyn	Gibson, John	Golding, William
Gonzalez, Carlos	Goyette, Peter Jr	Graham, John	Hagan, Barbara
Hansen, Ryan	Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton
Hirschmann, Keith	Holden, Randolph	Infantine, William	Jasper, Shawn
Kelly, Eugene Jr	Kurk, Neal	L'Heureux, Robert	Lawrence, James
Lessard, Rudy	Manney, Pamela	McRae, Karen	Mead, Robert
Mooney, Maureen	O'Brien, William	Ober, Lynne	Pepino, Leo
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Rowe, Robert
Ryder, Donald	Scanlon, Michael	Slocum, Lee	Souza, Kathleen
Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan	Villeneuve, Maurice
Wheeler, James	Wheeler, Robert		
MERRIMACK			
Anderson, Eric	Currier, David	Danforth, James	Field, William
Greco, Vincent	Hager, Elizabeth	Hess, David	Kennedy, Richard
Kidder, David	Klose, John	L'Heureux, Stephen	Langlais, Thomas
Lockwood, Priscilla	MacKay, James	Marple, Richard	Maxfield, Roy
Reed, Dennis	Soltani, Tony	Whiting, Herbert	
ROCKINGHAM			

Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Bishop, Franklin	Bridle, Russell	Buxton, Donald
Cady, Harriet	Camm, Kevin	Carson, Sharon	Charron, Gene
Coburn, James	Cooney, Richard	DiFruscia, Anthony	Donahue, Richard Ken
Dowd, John	Dowling, Patricia	Doyle, Christopher	Dumaine, Dudley
Fesh, Bob	Flanders, John Sr	Forsing, Robert	Francoeur, Sheila
Garrity, James	Gilbert, Karl	Gould, Kenneth	Griffin, Mary
Headd, James	Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell
Itse, Daniel	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Lund, Howie	Major, Norman	Mason, April
McKinney, Betsy	McMahon, Charles	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Palazzo, Frank	Parker, Benjamin	Quandt, Marshall Lee
Quandt, Matthew	Rausch, James	Rolston, James	Sanders, Elisabeth
Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin	Weare, E Albert
Welch, David	Wells, Roger	Weyler, Kenneth	Winchell, George
STRAFFORD			
Albert, Russell	Brown, Julie	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Dunlap, Patricia	Easson, Timothy	Hofemann, Roland
Newton, Clifford	Twombly, James		
SULLIVAN			
Irish, Christopher	Osgood, Philip Sr	Rodeschin, Beverly	
NAYS 149			
BELKNAP			
Millham, Alida	Morrison, Gail		
CARROLL			
Buco, Thomas	Olimpio, J Lisbeth		
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Tilton, Anna
Weed, Charles			
COOS			
Mears, Edgar	Merrick, Scott	Theberge, Robert	
GRAFTON			
Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Cooney, Mary	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter

HILLSBOROUGH			
Allan, Nelson	Baroody, Benjamin	Beaulieu, Jane	Buhlman, David
Campbell, David	Chase, Claudia	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Daniuk, Caitlin	DeVries, Betsi
Essex, David	Foster, Linda	Garrity, Patrick	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Haley, Robert	Hall, Betty
Harvey, Suzanne	Irwin, Anne-Marie	Jean, Claudette	Jeudy, Jean
Johnson, Paula	Kopka, Angeline	Lasky, Bette	Lefebvre, Roland
Martin, Mary Ellen	Matarazzo, Anthony Sr	Messier, Irene	Michon, Stephen
Movsesian, Lori	O'Connell, Timothy	Pappas, Christopher	Pilotte, Maurice
Rosenwald, Cindy	Schulze, Joan	Shattuck, Gilman	Shaw, Barbara
Shaw, Kimberly	Smith, David	Sullivan, Francis	Sullivan, Peter
Vaillancourt, Steve	Velez, Hector		
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Hamm, Christine	McMahon, Patricia	Osborne, Jessie
Owen, Derek	Potter, Frances	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Cali-Pitts, Jacqueline	Casey, Kimberley	Flockhart, Eileen
Langley, Jane	Moody, Marcia	Norelli, Terie	Pantelakos, Laura
Powers, James	Robertson, Carl	Scamman, Stella	Serlin, Christopher
Splaine, James			
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Lawrence
Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin	Grassie, Anne
Heon, Richard	Hilliard, Dana	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Miller, Joseph	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Taylor, Kathleen	Wall, Janet		
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr
Prichard, Stephen			

and the motion of Ought to Pass as Amended was adopted.
Ordered to third reading.

HB 347, requiring proof of identity for voter registration. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. William L. O'Brien for the Majority of Election Law: This bill relates to HB 345, which would establish a photo ID requirement for voting with an affidavit exception. The September 2005 Report of the Commission on Federal Elections (the Carter/Baker report) recommended that the citizenship information that state agencies are required under the

REAL ID Act of 2005 to collect to issue driver's license should be placed on those IDs so they can be used for voting purposes. This bill will implement that recommendation. Testimony was given that the Department of Safety already collects information and issues IDs in compliance with the REAL ID Act of 2005 and is considering a license redesign in which citizenship could be displayed with no additional cost. Licenses already indicate lack of U.S. citizenship for some individuals through shorter effective dates and testimony also was received that although law enforcement officials are aware of this indication there never have been complaints of discrimination by law enforcement personnel. The majority of the committee was not persuaded by concerns expressed that discrimination by police officers would result from citizenship being shown on licenses. The bill amended will ease voter registration and voting, as well as add to the integrity of our electoral process. Vote 10-5. Rep. Charles F. Weed for the Minority of Election Law: This bill goes well beyond the requirements of the Federal REAL ID Act. We feel that the requirement of inclusion of national citizenship on the New Hampshire driver's license could lead to discrimination against innocent individuals during times of national stress.

Majority Amendment (0236h)

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

AN ACT relative to indicating citizenship on drivers' licenses and nondrivers' identification cards.

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

1 Identification Cards; Citizenship. Amend RSA 260:21, II-III to read as follows:

II. The department shall, before issuing a card to an applicant, require the applicant to furnish proof of his **or her name, sex, age, citizenship, and address of** residence.

III. The identification card shall bear the name, address, ~~[social security]~~ **identification** number, date of birth, blood type (optional), picture, and signature of the applicant, **an indication of whether or not the applicant is a United States citizen**, and in the case of a card issued pursuant to RSA 260:21, I(c), said card shall bear the notation "Golden Granite State Discount Card."

2 New Section; Issuance of Drivers' Licenses; Evidence of Citizenship. Amend RSA 263 by inserting after section 5-c the following new section:

263:5-d Evidence of Citizenship. Before the department issues any license to any person under this chapter, the department shall have on file evidence of the person's citizenship.

3 Drivers' Licenses; Form of License. Amend RSA 263:40 to read as follows:

263:40 Form of License. The commissioner shall, upon payment of the required fee, issue to every applicant a driver's license subject to such conditions as the commissioner may deem expedient and in such form as the commissioner may prescribe. The license shall bear thereon a distinguishing number assigned to the licensee, **an indication of whether or not the licensee is a United States citizen**, and an instant full-face color photograph, image, or likeness of the licensee. There shall also be provided a space wherein the licensee may enter his **or her** blood type if ~~[he]~~ **the licensee** so desires.

4 Commercial Driver License; Information Included. Amend RSA 263:91, I(i)-(j) to read as follows:

(i) The name of this state; ~~and~~

(j) The expiration date; **and**

(k) Whether or not the licensee is a United States citizen.

5 Contingency. If HB 345 of the 2006 regular session becomes law, sections 1-4 of this act shall take effect 60 days after its passage. If HB 345 of the 2006 regular session does not become law, sections 1-4 of this act shall not take effect.

6 Effective Date.

I. Sections 1-4 of this act shall take effect as provided in section 5 of this act.

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

AMENDED ANALYSIS

This bill requires that drivers' licenses and nondrivers' identification cards indicate whether the holder is a United States citizen.

Majority committee amendment adopted.

Rep. Kurk offered floor amendment (0446h).

Floor Amendment (0446h)

Amend the bill by replacing section 2 with the following:

2 New Section; Issuance of Drivers' Licenses; Evidence of Citizenship. Amend RSA 263 by inserting after section 5-c the following new section:

263:5-d Evidence of Citizenship. Before the department issues any license to any person under this chapter, the department shall have examined evidence of the person's citizenship. The department shall keep a record of the type of evidence on which it relied but shall not keep on file a copy of such evidence or any information contained therein other than the information required under RSA 260:21, II and III.

Rep. O'Brien spoke against and yielded to questions.

Rep. Kurk spoke in favor.

On a division vote, 191 members having voted in the affirmative and 146 in the negative, Floor amendment (0446h) was adopted.

The question now being adoption of the motion Ought to Pass as Amended.

Reps. Weed and Velez spoke against.

Rep. O'Brien spoke in favor and yielded to questions.

Rep. Daniel Eaton requested a roll call; sufficiently seconded.

The question being adoption of the motion Ought to Pass as Amended.

YEAS 200 NAYS 154			
YEAS 200			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Millham, Alida	Nedeau, Stephen
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Knox, J David	Martin, James	McConkey, Mark	Merrow, Harry
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	
CHESHIRE			
Dexter, Judson	Emerson, Susan	Foote, Sheila	Hunt, John
Pelkey, Stephen	Sawyer, Sheldon		
COOS			
King, Frederick	Lary, Bruce	Morneau, Renney	Remick, William
Richardson, Herbert	Stohl, Eric	Tholl, John Jr	
GRAFTON			
Dorsett, Andrew	Eaton, Stephanie	Gionet, Edmond	Giuda, Robert

Ham, Bonnie	Ingbretson, Paul	Maybeck, Margie	Mirski, Paul
Naro, Debra	Sorg, Gregory	Ward, John	Williams, Burton
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph
Brundige, Robert	Buhlman, David	Calawa, Leon Jr	Carew, James
Carter, Mark	Christensen, D L Chris	Christiansen, Lars	Clark, Mark
Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian	Dokmo, Cynthia
Drisko, Richard	Dyer, Donald	Elliott, Nancy	Emerton, Larry
Francoeur, Bea	Gargas, Carolyn	Gibson, John	Golding, William
Goyette, Peter Jr	Hagan, Barbara	Hansen, Ryan	Hawkins, Ken
Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith	Infantine, William
Jasper, Shawn	Kelly, Eugene Jr	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Lessard, Rudy	Manney, Pamela	McRae, Karen
Mead, Robert	Mooney, Maureen	O'Brien, William	O'Connell, Timothy
Ober, Lynne	Pepino, Leo	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rowe, Robert	Ryder, Donald	Scanlon, Michael
Slocum, Lee	Souza, Kathleen	Stepanek, Stephen	Tahir, Saghir
Ulery, Jordan	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Currier, David	Danforth, James	Field, William
Greco, Vincent	Hager, Elizabeth	Hess, David	Kennedy, Richard
Kidder, David	Klose, John	L'Heureux, Stephen	Langlais, Thomas
MacKay, James	Maxfield, Roy	Reed, Dennis	Soltani, Tony
Whiting, Herbert			
ROCKINGHAM			
Asselin, Michael	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Bridle, Russell	Buxton, Donald	Cady, Harriet
Camm, Kevin	Carson, Sharon	Charron, Gene	Coburn, James
DiFruscia, Anthony	Donahue, Richard Ken	Dowd, John	Doyle, Christopher
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Forsing, Robert
Francoeur, Sheila	Garrity, James	Gilbert, Karl	Gould, Kenneth
Griffin, Mary	Headd, James	Hopfgarten, Paul	Hughes, Daniel
Ingram, Russell	Itse, Daniel	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Lund, Howie	Major, Norman
Mason, April	McKinney, Betsy	McMahon, Charles	Nowe, Ronald
O'Neil, Michael	Packard, Sherman	Palazzo, Frank	Quandt, Marshall Lee
Quandt, Matthew	Rausch, James	Rolston, James	Sanders, Elisabeth
Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin	Weare, E Albert
Welch, David	Wells, Roger	Weyler, Kenneth	Winchell, George
STRAFFORD			
Brown, Julie	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Dunlap, Patricia	Easson, Timothy	Hofemann, Roland	Newton, Clifford

Twombly, James			
SULLIVAN			
Osgood, Philip Sr	Rodeschin, Beverly		
NAYS 154			
BELKNAP			
Morrison, Gail	Pilliod, James		
CARROLL			
Buco, Thomas	Dickinson, Howard	Olimpio, J Lisbeth	
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter
Hogancamp, Deborah	Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Tilton, Anna	Weed, Charles		
COOS			
Mears, Edgar	Merrick, Scott	Theberge, Robert	
GRAFTON			
Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Cooney, Mary	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Brassard, Paul
Campbell, David	Chase, Claudia	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Daniuk, Caitlin	DeVries, Betsi
Essex, David	Foster, Linda	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Graham, John	Haley, Robert	Hall, Betty
Harvey, Suzanne	Irwin, Anne-Marie	Jean, Claudette	Jeudy, Jean
Johnson, Paula	Kopka, Angeline	Lasky, Bette	Lefebvre, Roland
Martin, Mary Ellen	Matarazzo, Anthony Sr	Messier, Irene	Michon, Stephen
Movsesian, Lori	Pappas, Christopher	Pilotte, Maurice	Rosenwald, Cindy
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly
Smith, David	Sullivan, Francis	Sullivan, Peter	Vaillancourt, Steve
Velez, Hector			
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Hamm, Christine	Lockwood, Priscilla	Marple, Richard

McMahon, Patricia	Osborne, Jessie	Owen, Derek	Potter, Frances
Rush, Deanna	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Cali-Pitts, Jacqueline	Casey, Kimberley
Cooney, Richard	Dowling, Patricia	Flockhart, Eileen	Langley, Jane
Moody, Marcia	Norelli, Terie	Pantelakos, Laura	Powers, James
Robertson, Carl	Scamman, Stella	Serlin, Christopher	Splaine, James
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Lawrence
Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin	Heon, Richard
Hilliard, Dana	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Miller, Joseph	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Taylor, Kathleen
Wall, Janet			
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr
Prichard, Stephen			

and the motion of Ought to Pass as Amended was adopted.

Ordered to third reading.

HB 391, relative to voter registration forms for students. **OUGHT TO PASS WITH AMENDMENT**

Rep. William L. O'Brien for Election Law: There are some individuals who wish to register to vote in New Hampshire and appear, sometimes on election days, sometimes earlier, without sufficient evidence that they are U.S. citizens or that they are domiciled in New Hampshire or otherwise. In such circumstances, they are offered the opportunity to sign citizenship and domicile affidavits whereby on their word alone they are established as U.S. citizens with a New Hampshire domicile sufficient for voting purposes. Under present law, however, those affidavits become secret documents, hidden from public scrutiny by those who might know or be interested in the truthfulness of claims they make and information they provide. As Justice Oliver Wendell Holmes observed, and this legislature when it enacted RSA 91-A, the New Hampshire Right to Know Law, affirmed, "Sunshine is the best disinfectant." This bill allows the light of public attention to shine on such affidavits by making citizenship and domicile affidavits subject to RSA 91-A. It allows those who are interested in confirming the integrity of voter registration by affidavits to have access to the information needed for such a review. The committee views this opening of public records as an important reform that will strengthen the New Hampshire electoral process. Vote 12-6.

Amendment (0208h)

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

AN ACT relative to election affidavits.

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

1 Right to Know Exemption. Amend RSA 654:31-a to read as follows:

654:31-a Right to Know Exemption. The information contained on the checklist of a town or city, specifically, the name, street address, town or city, and party affiliation, if any,

of registered voters, except as otherwise provided by statute, is public information subject to RSA 91-A. All other information on the voter registration form, absentee registration affidavit, and application for absentee ballot shall be treated as confidential information and the records containing this information shall be exempt from the public disclosure provisions of RSA 91-A, except as provided by statutes other than RSA 91-A. ***Citizenship and domicile affidavits are public records subject to RSA 91-A.*** Election officials and law enforcement personnel in furtherance of their official duties may access and may disclose information from the voter registration form, ***citizenship and domicile affidavits***, absentee registration affidavits, and applications for absentee ballots, if necessary to resolve a challenge to an individual registering to vote or voting, or if necessary to investigate or prosecute election law violations or any crime. Law enforcement access and use of such records for the investigation or prosecution of crimes unrelated to election law violations shall be limited to the records of the specific individuals who are the subject of the investigation or prosecution.

2 Affidavit. Amend RSA 659:30 to read as follows:

659:30 Affidavit. The affidavit of a challenged voter, a voter citizenship affidavit, a voter domicile affidavit, or any other affidavit required by the election statutes may be sworn before ~~[any person authorized by law to administer oaths or before]~~ any election officer.

3 Preservation of Voting Materials. Amend RSA 659:101 to read as follows:

659:101 Preservation of Absentee Voting Materials, Election Day Affidavits, and Domicile Affidavits. The affidavit envelopes and application forms processed by the moderator as provided in RSA 659:50, and the citizenship affidavits and domicile affidavits as provided in RSA 654:12 and any other documentary proof of qualifications retained by the town or city clerk, the supervisors of the checklist, or other election official may be preserved in the same manner that ballots are preserved. ~~[and]~~ ***Citizenship, voter registration, and domicile affidavits shall be retained for 3 years after the election in which they are used, and other materials*** may be destroyed one year after the first state general election at which the individual may vote.

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

AMENDED ANALYSIS

This bill makes citizenship and domicile affidavits public records subject to RSA 91-A and modifies requirements for their execution and preservation.

Amendment adopted.

Rep. O'Brien offered floor amendment (0486h).

Floor Amendment (0486h)

Amend the bill by replacing section 1 with the following:

1 Right to Know Exemption. Amend RSA 654:31-a to read as follows:

654:31-a Right to Know Exemption. The information contained on the checklist of a town or city, specifically, the name, street address, town or city, and party affiliation, if any, of registered voters, except as otherwise provided by statute, is public information subject to RSA 91-A. All other information on the voter registration form, absentee registration affidavit, ***citizenship and domicile affidavits***, and application for absentee ballot shall be treated as confidential information and the records containing this information shall be exempt from the public disclosure provisions of RSA 91-A, except as provided by statutes other than RSA 91-A. ***Notwithstanding the foregoing, citizenship and domicile affidavits are public records subject to RSA 91-A for the sole purpose of challenging an individual registering to vote or voting, challenging ballots to be recounted, to the extent that such ballot challenges are specifically authorized by law, or determining the accuracy of any citizenship or domicile affidavit.*** Election officials and law enforcement personnel in furtherance of their official duties may access and may disclose information from the voter registration form, ***citizenship and domicile affidavits***, absentee registration affidavits, and applications for absentee ballots, if necessary to resolve

a challenge to an individual registering to vote or voting, or if necessary to investigate or prosecute election law violations or any crime. Law enforcement access and use of such records for the investigation or prosecution of crimes unrelated to election law violations shall be limited to the records of the specific individuals who are the subject of the investigation or prosecution.

AMENDED ANALYSIS

This bill makes citizenship and domicile affidavits public records subject to RSA 91-A for the purpose of voter challenges and modifies requirements for their execution and preservation.

Rep. O'Brien spoke in favor.

Floor amendment (0486h) adopted.

Rep. Craig requested a roll call; sufficiently seconded.

The question being adoption of the motion of Ought to Pass as Amended.

YEAS 206 NAYS 138			
YEAS 206			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Nedeau, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Martin, James	McConkey, Mark	Merrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley
CHESHIRE			
Dexter, Judson	Emerson, Susan	Foote, Sheila	Hunt, John
Pelkey, Stephen	Sawyer, Sheldon		
COOS			
King, Frederick	Lary, Bruce	Morneau, Renney	Remick, William
Richardson, Herbert	Stohl, Eric	Tholl, John Jr	
GRAFTON			
Dorsett, Andrew	Eaton, Stephanie	Gionet, Edmond	Giuda, Robert
Ham, Bonnie	Ingbretson, Paul	Maybeck, Margie	Mirski, Paul
Naro, Debra	Solomon, Peter	Sorg, Gregory	Williams, Burton
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael
Boehm, Ralph	Brundige, Robert	Buhlman, David	Calawa, Leon Jr
Carew, James	Christensen, D L Chris	Christiansen, Lars	Clark, Mark
Coughlin, Pamela	Crane, Elenore	Desmarais, Vivian	Dokmo, Cynthia

	Casey		
Drisko, Richard	Dyer, Donald	Elliott, Nancy	Emerton, Larry
Francoeur, Bea	Gargas, Carolyn	Gibson, John	Golding, William
Goyette, Peter Jr	Graham, John	Hagan, Barbara	Hansen, Ryan
Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith
Infantine, William	Jasper, Shawn	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Lessard, Rudy	Manney, Pamela	McRae, Karen
Mead, Robert	Mooney, Maureen	O'Brien, William	O'Connell, Timothy
Ober, Lynne	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Rowe, Robert	Scanlon, Michael	Shaw, Barbara	Slocum, Lee
Souza, Kathleen	Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan
Villeneuve, Maurice	Wheeler, James	Wheeler, Robert	
MERRIMACK			
Anderson, Eric	Currier, David	Danforth, James	Field, William
Greco, Vincent	Hager, Elizabeth	Hess, David	Kennedy, Richard
Kidder, David	Klose, John	L'Heureux, Stephen	Langlais, Thomas
Lockwood, Priscilla	MacKay, James	Marple, Richard	Maxfield, Roy
Reed, Dennis	Ryan, Jim	Soltani, Tony	Whiting, Herbert
ROCKINGHAM			
Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Bridle, Russell	Buxton, Donald	Cady, Harriet
Camm, Kevin	Carson, Sharon	Charron, Gene	Coburn, James
Cooney, Richard	DiFruscia, Anthony	Donahue, Richard Ken	Dowd, John
Dowling, Patricia	Doyle, Christopher	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Forsing, Robert	Francoeur, Sheila	Garrity, James
Gilbert, Karl	Gould, Kenneth	Griffin, Mary	Headd, James
Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell	Itse, Daniel
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langley, Jane	Lund, Howie	Major, Norman	Mason, April
McKinney, Betsy	McMahon, Charles	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Palazzo, Frank	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Rolston, James	Sanders, Elisabeth	Stiles, Nancy
Stone, Joseph	Waterhouse, Kevin	Weare, E Albert	Welch, David
Wells, Roger	Weyler, Kenneth	Winchell, George	
STRAFFORD			
Bickford, David	Brown, Julie	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Dunlap, Patricia	Easson, Timothy	Newton, Clifford
Twombly, James			
SULLIVAN			
Osgood, Philip Sr	Rodeschin, Beverly		
NAYS 138			
BELKNAP			
Millham, Alida	Morrison, Gail		

CARROLL			
Buco, Thomas	Knox, J David		
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter
Hogancamp, Deborah	Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Tilton, Anna	Weed, Charles		
COOS			
Merrick, Scott	Theberge, Robert		
GRAFTON			
Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Cooney, Mary	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda	Ward, John
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Brassard, Paul	Campbell, David
Chase, Claudia	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daniuk, Caitlin	DeVries, Betsi	Essex, David
Foster, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Hall, Betty	Harvey, Suzanne	Irwin, Anne-Marie	Jean, Claudette
Johnson, Paula	Kelly, Eugene Jr	Kopka, Angeline	Lasky, Bette
Lefebvre, Roland	Martin, Mary Ellen	Matarazzo, Anthony Sr	Messier, Irene
Michon, Stephen	Movsesian, Lori	Pappas, Christopher	Pilote, Maurice
Rosenwald, Cindy	Ryder, Donald	Schulze, Joan	Shattuck, Gilman
Shaw, Kimberly	Smith, David	Sullivan, Francis	Sullivan, Peter
Vaillancourt, Steve			
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Clarke, Claire	DeJoie, John
DeStefano, Stephen	Foose, Robert	French, Barbara	Gile, Mary
Hamm, Christine	McMahon, Patricia	Osborne, Jessie	Owen, Derek
Potter, Frances	Rush, Deanna	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Cali-Pitts, Jacqueline	Casey, Kimberley	Flockhart, Eileen
Moody, Marcia	Norelli, Terie	Pantelakos, Laura	Powers, James
Robertson, Carl	Scamman, Stella	Serlin, Christopher	Splaine, James
STRAFFORD			

Berube, Roger	Brown, Jennifer	Brown, Lawrence	Cilley, Jacalyn
Creteau, Irene	Domingo, Baldwin	Hilliard, Dana	Hofemann, Roland
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
Miller, Joseph	Rollo, Michael	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Taylor, Kathleen	Wall, Janet
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Prichard, Stephen

and the motion of Ought to Pass as Amended was adopted.

Rep. Shaw voted Yea and intended to vote Nay.

Ordered to third reading.

HB 621-FN, requiring disclosure of gifts and campaign contributions by lobbyists.

MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Richard B. Drisko for the Majority of Election Law: This bill would have required lobbyists to report all gifts and campaign contributions to the Secretary of State. In addition, it would have required a candidate to disclose donations from registered lobbyists. Both of these issues are covered in SB 206. Vote 9-5.

Rep. James R. Splaine for the Minority of Election Law: We as a legislature should stand behind the highest standards of honesty and disclosure for lobbyists. Our amendment accomplishes that goal.

Reps. Peter Sullivan and Splaine spoke against.

(Deputy Speaker Weyler in the Chair)

Rep. Drisko spoke in favor.

Rep. Clemons requested roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 168 NAYS 169			
YEAS 168			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Heald, Bruce	Millham, Alida	Nedeau, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael
CARROLL			
Babson, David Jr	Brown, Carolyn	Chandler, Gene	Dickinson, Howard
Knox, J David	Martin, James	McConkey, Mark	Merrow, Harry
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	
CHESHIRE			
Dexter, Judson	Emerson, Susan	Foote, Sheila	Hogancamp, Deborah
Hunt, John	Pelkey, Stephen	Sawyer, Sheldon	

COOS			
King, Frederick	Lary, Bruce	Remick, William	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		
GRAFTON			
Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Ham, Bonnie
Maybeck, Margie	Mirski, Paul	Ward, John	Williams, Burton
HILLSBOROUGH			
Barry, J Gail	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Biundo, Michael	Boehm, Ralph	Brundige, Robert	Buhlman, David
Calawa, Leon Jr	Campbell, David	Carew, James	Clark, Mark
Coughlin, Pamela	Desmarais, Vivian	Drisko, Richard	Emerton, Larry
Francoeur, Bea	Gargasz, Carolyn	Golding, William	Goyette, Peter Jr
Graham, John	Hansen, Ryan	Hawkins, Ken	Hellwig, Steve
Hinkle, Peyton	Hirschmann, Keith	Jasper, Shawn	Kelly, Eugene Jr
Kurk, Neal	Lawrence, James	Lefebvre, Roland	Lessard, Rudy
Manney, Pamela	McRae, Karen	Mead, Robert	Messier, Irene
Mooney, Maureen	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Pepino, Leo	Price, Pamela	Reeves, Sandra	Rowe, Robert
Scanlon, Michael	Slocum, Lee	Souza, Kathleen	Stepanek, Stephen
Tahir, Saghir	Ulery, Jordan	Villeneuve, Maurice	Wheeler, Robert
MERRIMACK			
Blanchard, Elizabeth	Currier, David	Danforth, James	Hager, Elizabeth
Kennedy, Richard	Kidder, David	Klose, John	L'Heureux, Stephen
Langlais, Thomas	Lockwood, Priscilla	Mackay, James	Marple, Richard
Maxfield, Roy	Reed, Dennis	Whiting, Herbert	
ROCKINGHAM			
Abbott, Dennis	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Bridle, Russell	Camm, Kevin	Carson, Sharon
Coburn, James	Cooney, Richard	Donahue, Richard Ken	Dowd, John
Doyle, Christopher	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Forsing, Robert	Francoeur, Sheila	Gould, Kenneth	Griffin, Mary
Headd, James	Ingram, Russell	Katsakiores, George	Katsakiores, Phyllis
Major, Norman	Mason, April	McKinney, Betsy	McMahon, Charles
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Palazzo, Frank
Rausch, James	Sanders, Elisabeth	Scamman, Stella	Stiles, Nancy
Stone, Joseph	Waterhouse, Kevin	Weare, E Albert	Welch, David
Wells, Roger	Winchell, George		
STRAFFORD			
Berube, Roger	Cataldo, Sam	Chaplin, Duncan	Dunlap, Patricia
Easson, Timothy	Twombly, James		
SULLIVAN			
Ferland, Brenda	Gale, Harry	Irish, Christopher	Osgood, Philip Sr
Rodeschin, Beverly			

NAYS 169			
BELKNAP			
Fitzgerald, James			
CARROLL			
Ahlgren, Christopher	Buco, Thomas	Olimpio, J Lisbeth	
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Tilton, Anna
Weed, Charles			
COOS			
Mears, Edgar	Merrick, Scott	Morneau, Renney	Theberge, Robert
GRAFTON			
Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Cooney, Mary	Dorsett, Andrew	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Naro, Debra	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter		
HILLSBOROUGH			
Allan, Nelson	Baroody, Benjamin	Beaulieu, Jane	Brassard, Paul
Chase, Claudia	Christensen, D L Chris	Christiansen, Lars	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Daniuk, Caitlin
DeVries, Betsi	Dokmo, Cynthia	Dyer, Donald	Elliott, Nancy
Essex, David	Foster, Linda	Gibson, John	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Hagan, Barbara	Hall, Betty
Harvey, Suzanne	Infantine, William	Irwin, Anne-Marie	Jean, Claudette
Johnson, Paula	Kopka, Angeline	L'Heureux, Robert	Lasky, Bette
Martin, Mary Ellen	Matarazzo, Anthony Sr	Michon, Stephen	Movsesian, Lori
Pilotte, Maurice	Renzullo, Andrew	Rosenwald, Cindy	Ryder, Donald
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly
Smith, David	Sullivan, Francis	Sullivan, Peter	Vaillancourt, Steve
Wheeler, James			
MERRIMACK			
Anderson, Eric	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Greco, Vincent	Hamm, Christine	McMahon, Patricia
Osborne, Jessie	Owen, Derek	Potter, Frances	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Soltani, Tony	Tilton, Joy

Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert
Yeaton, Charles			
ROCKINGHAM			
Allen, Mary	Buxton, Donald	Cady, Harriet	Cali-Pitts, Jacqueline
Casey, Kimberley	Charron, Gene	DiFruscia, Anthony	Dowling, Patricia
Flockhart, Eileen	Garrity, James	Gilbert, Karl	Hopfgarten, Paul
Hughes, Daniel	Itse, Daniel	Johnson, Robert	Langley, Jane
Lund, Howie	Moody, Marcia	Norelli, Terie	Pantelakos, Laura
Powers, James	Quandt, Marshall Lee	Quandt, Matthew	Robertson, Carl
Rolston, James	Serlin, Christopher	Splaine, James	
STRAFFORD			
Bickford, David	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin	Heon, Richard
Hilliard, Dana	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Miller, Joseph	Newton, Clifford	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Taylor, Kathleen	Wall, Janet		
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Prichard, Stephen	

and the majority committee report failed.

Rep. Splaine moved Ought to Pass and the minority committee amendment (0199h).

Minority Amendment (0199h)

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

1 Reporting by Political Committees. Amend RSA 664:6, I to read as follows:

I. Any political committee whose receipts or expenditures in support of a candidate, measure, or political party exceed \$500 except, for the purposes of this paragraph only, the political committee of a political party or the political committee of a candidate, shall file with the secretary of state an itemized statement, signed by its chairman and treasurer showing each of its receipts exceeding \$25 with the full name and home post office address of the contributor in alphabetical order and the amount of the contribution, the date it was received, and the aggregate total for each election for each contributor of over \$100. The statement shall be filed not later than the Wednesday 12 weeks immediately preceding a primary election, before 5 o'clock in the afternoon, and shall cover the period from the day of the committee registration up to and including the Monday before the statement is due. All receipts of \$25 or under shall appear on the statements as unitemized receipts. Any listing which exceeds an individual's aggregate total of \$100 for each election shall be accompanied by the contributor's occupation including official job title, the name of the contributor's employer, and the city or town of the contributor's principal place of business, if any. The statement shall also show each committee expenditure with the full name and city or town of persons, corporations, committees, or to whomever paid or to be paid, the date paid, and the election for which the expenditure was made, with the specific nature and amount of each expenditure since the date of the registration. ***The statements shall include a separate itemized list of donations from lobbyists registered under RSA 15:1***

2 Reporting by Candidates. Amend RSA 664:7 to read as follows:

664:7 Reporting by Candidates. Each candidate at the primary or general election for governor, councilor, state senator, representative to general court, or county officer, who has

expenditures exceeding \$500, shall file statements before and after an election in like manner and detail as prescribed in RSA 664:6, II, II-a, III, IV, and V, excepting, however, the expenditures of political committees of the party to which the candidate belongs in elections other than primaries. ***Such statements shall also include an itemized list of donations from lobbyists registered under RSA 15:1.***

3 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill requires candidates and political committees to itemize donations from registered lobbyists.

Rep. Splaine spoke in favor.

Rep. Whalley requested a roll call; sufficiently seconded.

The question being adoption of the minority amendment (0199h).

YEAS 183 NAYS 158			
YEAS 183			
BELKNAP			
Pilliod, James	Rosen, Ralph		
CARROLL			
Ahlgren, Christopher	Buco, Thomas	Dickinson, Howard	Olimpio, J Lisbeth
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dexter, Judson	Dunn, J Timothy	Eaton, Daniel
Espiefs, Peter	Hogancamp, Deborah	Hunt, John	Mitchell, Bonnie
Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Tilton, Anna	Weed, Charles
COOS			
Mears, Edgar	Merrick, Scott	Morneau, Renney	Remick, William
Theberge, Robert			
GRAFTON			
Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Cooney, Mary	Dorsett, Andrew	Eaton, Stephanie	Ham, Bonnie
Hammond, Lee	Harding, A Laurie	McLeod, Martha	Mulholland, Catherine
Naro, Debra	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
HILLSBOROUGH			
Allan, Nelson	Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter
Brassard, Paul	Calawa, Leon Jr	Campbell, David	Chase, Claudia
Christiansen, Lars	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi
Dokmo, Cynthia	Dyer, Donald	Elliott, Nancy	Essex, David
Foster, Linda	Gibson, John	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Goyette, Peter Jr	Hagan, Barbara	Hall, Betty
Harvey, Suzanne	Irwin, Anne-Marie	Jean, Claudette	Johnson, Paula

Kopka, Angeline	Lasky, Bette	Martin, Mary Ellen	Matarazzo, Anthony Sr
Messier, Irene	Michon, Stephen	Movsesian, Lori	Ober, Lynne
Pilotte, Maurice	Rosenwald, Cindy	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Shaw, Kimberly	Smith, David	Sullivan, Francis
Sullivan, Peter	Tahir, Saghir	Vaillancourt, Steve	Wheeler, James
MERRIMACK			
Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	DeJoie, John
DeStefano, Stephen	Foose, Robert	French, Barbara	Gile, Mary
Greco, Vincent	Hager, Elizabeth	Hamm, Christine	Kennedy, Richard
Marple, Richard	McMahon, Patricia	Osborne, Jessie	Owen, Derek
Potter, Frances	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Soltani, Tony	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Asselin, Michael	Buxton, Donald
Cali-Pitts, Jacqueline	Casey, Kimberley	DiFruscia, Anthony	Dowling, Patricia
Flockhart, Eileen	Gilbert, Karl	Gould, Kenneth	Hopfgarten, Paul
Itse, Daniel	Johnson, Robert	Katsakiores, Phyllis	Langley, Jane
Lund, Howie	Mason, April	Moody, Marcia	Norelli, Terie
Pantelakos, Laura	Powers, James	Quandt, Marshall Lee	Quandt, Matthew
Robertson, Carl	Rolston, James	Serlin, Christopher	Splaine, James
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Lawrence
Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin	Heon, Richard
Hilliard, Dana	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Miller, Joseph	Newton, Clifford	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Taylor, Kathleen	Wall, Janet		
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Prichard, Stephen	
NAYS 158			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Millham, Alida	Nedeau, Stephen
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Veazey, John	Wendelboe, Fran	Whalley, Michael	
CARROLL			
Babson, David Jr	Brown, Carolyn	Chandler, Gene	Knox, J David
Martin, James	McConkey, Mark	Morrow, Harry	Patten, Betsey
Philbrick, Donald	Stevens, Stanley		

CHESHIRE			
Emerson, Susan	Foote, Sheila	Pelkey, Stephen	Sawyer, Sheldon
COOS			
King, Frederick	Lary, Bruce	Richardson, Herbert	Stohl, Eric
Tholl, John Jr			
GRAFTON			
Gionet, Edmond	Giuda, Robert	Ingbretson, Paul	Maybeck, Margie
Mirski, Paul	Ward, John	Williams, Burton	
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Barry, J Gail	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brundige, Robert
Buhlman, David	Carew, James	Christensen, D L Chris	Clark, Mark
Coughlin, Pamela	Crane, Elenore Casey	Drisko, Richard	Emerton, Larry
Francoeur, Bea	Gargas, Carolyn	Golding, William	Graham, John
Hansen, Ryan	Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton
Hirschmann, Keith	Infantine, William	Jasper, Shawn	Kelly, Eugene Jr
Kurk, Neal	L'Heureux, Robert	Lawrence, James	Lessard, Rudy
Manney, Pamela	McRae, Karen	Mead, Robert	Mooney, Maureen
O'Brien, William	O'Connell, Timothy	Pepino, Leo	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Rowe, Robert	Ryder, Donald
Scanlon, Michael	Slocum, Lee	Souza, Kathleen	Stepanek, Stephen
Ulery, Jordan	Villeneuve, Maurice	Wheeler, Robert	
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Currier, David	Danforth, James
Field, William	Kidder, David	Klose, John	L'Heureux, Stephen
Langlais, Thomas	Lockwood, Priscilla	MacKay, James	Maxfield, Roy
Reed, Dennis	Whiting, Herbert		
ROCKINGHAM			
Belanger, Ronald	Bettencourt, David	Bicknell, Elbert	Bridle, Russell
Cady, Harriet	Camm, Kevin	Carson, Sharon	Charron, Gene
Coburn, James	Cooney, Richard	Donahue, Richard Ken	Dowd, John
Doyle, Christopher	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Forsing, Robert	Francoeur, Sheila	Garrity, James	Griffin, Mary
Headd, James	Hughes, Daniel	Ingram, Russell	Katsakiores, George
Major, Norman	McKinney, Betsy	McMahon, Charles	Nowe, Ronald
O'Neil, Michael	Packard, Sherman	Palazzo, Frank	Rausch, James
Sanders, Elisabeth	Scamman, Stella	Stiles, Nancy	Stone, Joseph
Waterhouse, Kevin	Weare, E Albert	Welch, David	Wells, Roger
Winchell, George			
STRAFFORD			
Brown, Julie	Cataldo, Sam	Chaplin, Duncan	Dunlap, Patricia

Easson, Timothy	Twombly, James		
SULLIVAN			
Ferland, Brenda	Gale, Harry	Irish, Christopher	Osgood, Philip Sr
Rodeschin, Beverly			

and the minority amendment (0199h) was adopted.

The question now adoption of Ought to Pass as Amended.

Rep. Clemons requested a roll call; sufficiently seconded.

The question being adoption of the motion of Ought to Pass as Amended.

YEAS 198 NAYS 144			
YEAS 198			
BELKNAP			
Fitzgerald, James	Morrison, Gail	Pilliod, James	Tobin, William
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Buco, Thomas	Dickinson, Howard
Olimpio, J Lisbeth			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dexter, Judson	Dunn, J Timothy	Eaton, Daniel
Espiefs, Peter	Hogancamp, Deborah	Mitchell, Bonnie	Parkhurst, Henry
Plifka, Stanley Jr	Pratt, John	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Tilton, Anna	Weed, Charles	
COOS			
Mears, Edgar	Merrick, Scott	Morneau, Renney	Theberge, Robert
GRAFTON			
Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Cooney, Mary	Dorsett, Andrew	Giuda, Robert	Ham, Bonnie
Hammond, Lee	Harding, A Laurie	McLeod, Martha	Mulholland, Catherine
Naro, Debra	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
HILLSBOROUGH			
Allan, Nelson	Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter
Boehm, Ralph	Brassard, Paul	Brundige, Robert	Campbell, David
Chase, Claudia	Christensen, D L Chris	Christiansen, Lars	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Daniuk, Caitlin
Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia	Dyer, Donald
Elliott, Nancy	Essex, David	Foster, Linda	Gibson, John
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Goyette, Peter Jr
Hagan, Barbara	Hall, Betty	Harvey, Suzanne	Irwin, Anne-Marie
Jasper, Shawn	Jean, Claudette	Johnson, Paula	Kopka, Angeline

Lasky, Bette	Martin, Mary Ellen	Matarazzo, Anthony Sr	Messier, Irene
Michon, Stephen	Movsesian, Lori	Ober, Lynne	Pilotte, Maurice
Renzullo, Andrew	Rosenwald, Cindy	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Shaw, Kimberly	Smith, David	Souza, Kathleen
Stepanek, Stephen	Sullivan, Francis	Sullivan, Peter	Tahir, Saghir
Vaillancourt, Steve	Wheeler, James		
MERRIMACK			
Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	Danforth, James
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Greco, Vincent	Hager, Elizabeth	Hamm, Christine
Kennedy, Richard	MacKay, James	McMahon, Patricia	Osborne, Jessie
Owen, Derek	Potter, Frances	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Soltani, Tony	Tilton, Joy	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert	Yeaton, Charles
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Asselin, Michael	Bicknell, Elbert
Buxton, Donald	Cady, Harriet	Cali-Pitts, Jacqueline	Carson, Sharon
Casey, Kimberley	Cooney, Richard	DiFruscia, Anthony	Donahue, Richard Ken
Dowling, Patricia	Flockhart, Eileen	Garrity, James	Gilbert, Karl
Gould, Kenneth	Hopfgarten, Paul	Hughes, Daniel	Itse, Daniel
Katsakiores, Phyllis	Langley, Jane	Lund, Howie	Mason, April
Moody, Marcia	Norelli, Terie	Pantelakos, Laura	Powers, James
Quandt, Marshall Lee	Quandt, Matthew	Robertson, Carl	Rolston, James
Serlin, Christopher	Splaine, James	Wells, Roger	
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Lawrence
Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin	Heon, Richard
Hilliard, Dana	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Miller, Joseph	Newton, Clifford	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Taylor, Kathleen	Wall, Janet		
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Prichard, Stephen	
NAYS 144			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Hald, Bruce	Millham, Alida	Nedeau, Stephen	Rosen, Ralph
Russell, David	Thomas, John	Tilton, Franklin	Veazey, John
Wendelboe, Fran	Whalley, Michael		

CARROLL			
Babson, David Jr	Chandler, Gene	Knox, J David	Martin, James
McConkey, Mark	Merrow, Harry	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			
CHESHIRE			
Emerson, Susan	Foote, Sheila	Hunt, John	Pelkey, Stephen
Sawyer, Sheldon			
COOS			
King, Frederick	Lary, Bruce	Remick, William	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		
GRAFTON			
Eaton, Stephanie	Gionet, Edmond	Ingbretson, Paul	Maybeck, Margie
Mirski, Paul	Ward, John	Williams, Burton	
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Barry, J Gail	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Buhlman, David	Calawa, Leon Jr
Carew, James	Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey
Drisko, Richard	Emerton, Larry	Francoeur, Bea	Gargasz, Carolyn
Golding, William	Graham, John	Hansen, Ryan	Hawkins, Ken
Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith	Infantine, William
Kelly, Eugene Jr	Kurk, Neal	L'Heureux, Robert	Lawrence, James
Lessard, Rudy	Manney, Pamela	McRae, Karen	Mead, Robert
Mooney, Maureen	O'Brien, William	O'Connell, Timothy	Pepino, Leo
Price, Pamela	Reeves, Sandra	Rowe, Robert	Ryder, Donald
Scanlon, Michael	Slocum, Lee	Ulery, Jordan	Villeneuve, Maurice
Wheeler, Robert			
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Currier, David	Field, William
Kidder, David	Klose, John	L'Heureux, Stephen	Langlais, Thomas
Lockwood, Priscilla	Marple, Richard	Maxfield, Roy	Reed, Dennis
Whiting, Herbert			
ROCKINGHAM			
Belanger, Ronald	Bettencourt, David	Bridle, Russell	Camm, Kevin
Charron, Gene	Coburn, James	Dowd, John	Doyle, Christopher
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Forsing, Robert
Francoeur, Sheila	Griffin, Mary	Headd, James	Ingram, Russell
Johnson, Robert	Katsakiores, George	Major, Norman	McKinney, Betsy
McMahon, Charles	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Palazzo, Frank	Rausch, James	Sanders, Elisabeth	Scamman, Stella
Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin	Weare, E Albert
Welch, David	Winchell, George		

STRAFFORD			
Brown, Julie	Cataldo, Sam	Chaplin, Duncan	Dunlap, Patricia
Easson, Timothy	Twombly, James		
SULLIVAN			
Ferland, Brenda	Gale, Harry	Irish, Christopher	Osgood, Philip Sr
Rodeschin, Beverly			

and the motion of Ought to Pass as Amended was adopted.
Ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. O'Neil moved that the House reconsider its action whereby it ordered to third reading **HB 347**, requiring proof of identity for voter registration.

On a division vote, 137 members having voted in the affirmative and 206 in the negative, Reconsideration failed.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. O'Neil moved that the House reconsider its action whereby it ordered to third reading, **HB 391**, relative to voter registration forms for students.

Rep. Rollo requested a roll call; sufficiently seconded.

The question being adoption of the reconsideration motion.

YEAS 138 NAYS 205			
YEAS 138			
BELKNAP			
Morrison, Gail			
CARROLL			
Buco, Thomas	Knox, J David		
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Coates, Christopher
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Hogancamp, Deborah
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Tilton, Anna
Weed, Charles			
COOS			
Mears, Edgar	Merrick, Scott	Theberge, Robert	
GRAFTON			
Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Cooney, Mary	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland,	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter

Catherine			
Ward, John			
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Brassard, Paul	Campbell, David
Chase, Claudia	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daniuk, Caitlin	DeVries, Betsi	Essex, David
Foster, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Hall, Betty	Harvey, Suzanne	Irwin, Anne-Marie	Jean, Claudette
Johnson, Paula	Kelly, Eugene Jr	Kopka, Angeline	Lasky, Bette
Martin, Mary Ellen	Matarazzo, Anthony Sr	Messier, Irene	Michon, Stephen
Movsesian, Lori	Pilotte, Maurice	Rosenwald, Cindy	Ryder, Donald
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly
Smith, David	Sullivan, Francis	Sullivan, Peter	Vaillancourt, Steve
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Hamm, Christine	Marple, Richard	McMahon, Patricia
Osborne, Jessie	Owen, Derek	Potter, Frances	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert	Yeaton, Charles
ROCKINGHAM			
Abbott, Dennis	Cali-Pitts, Jacqueline	Casey, Kimberley	Dowling, Patricia
Flockhart, Eileen	Moody, Marcia	Norelli, Terie	Powers, James
Serlin, Christopher	Splaine, James		
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Lawrence	Cilley, Jacalyn
Creteau, Irene	Domingo, Baldwin	Heon, Richard	Hilliard, Dana
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Miller, Joseph	Rollo, Michael	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Taylor, Kathleen	Wall, Janet
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Prichard, Stephen
NAYS 205			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Millham, Alida	Nedeau, Stephen
Pilliod, James	Rosen, Ralph	Russell, David	Thomas, John
Tilton, Franklin	Tobin, William	Veazey, John	Wendelboe, Fran
Whalley, Michael			

CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Martin, James	McConkey, Mark	Merrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley
CHESHIRE			
Dexter, Judson	Emerson, Susan	Foote, Sheila	Hunt, John
Pelkey, Stephen	Sawyer, Sheldon		
COOS			
King, Frederick	Lary, Bruce	Morneau, Renney	Remick, William
Richardson, Herbert	Stohl, Eric	Tholl, John Jr	
GRAFTON			
Dorsett, Andrew	Eaton, Stephanie	Gionet, Edmond	Giuda, Robert
Ham, Bonnie	Ingbretson, Paul	Maybeck, Margie	Mirski, Paul
Naro, Debra	Williams, Burton		
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael
Boehm, Ralph	Brundige, Robert	Buhlman, David	Calawa, Leon Jr
Carew, James	Christensen, D L Chris	Christiansen, Lars	Clark, Mark
Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian	Dokmo, Cynthia
Drisko, Richard	Dyer, Donald	Elliott, Nancy	Emerton, Larry
Francoeur, Bea	Gargasz, Carolyn	Gibson, John	Golding, William
Goyette, Peter Jr	Graham, John	Hagan, Barbara	Hansen, Ryan
Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith
Infantine, William	Jasper, Shawn	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Lessard, Rudy	Manney, Pamela	McRae, Karen
Mead, Robert	Mooney, Maureen	O'Brien, William	O'Connell, Timothy
Ober, Lynne	Pepino, Leo	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rowe, Robert	Scanlon, Michael	Slocum, Lee
Souza, Kathleen	Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan
Villeneuve, Maurice	Wheeler, James	Wheeler, Robert	
MERRIMACK			
Anderson, Eric	Currier, David	Danforth, James	Field, William
Greco, Vincent	Hager, Elizabeth	Hess, David	Kennedy, Richard
Kidder, David	Klose, John	L'Heureux, Stephen	Langlais, Thomas
Lockwood, Priscilla	MacKay, James	Maxfield, Roy	Reed, Dennis
Soltani, Tony	Whiting, Herbert		
ROCKINGHAM			
Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Bishop, Franklin	Bridle, Russell	Buxton, Donald
Cady, Harriet	Camm, Kevin	Carson, Sharon	Charron, Gene
Coburn, James	Cooney, Richard	DiFruscia, Anthony	Donahue, Richard

			Ken
Dowd, John	Doyle, Christopher	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Forsing, Robert	Francoeur, Sheila	Garrity, James
Gilbert, Karl	Gould, Kenneth	Griffin, Mary	Headd, James
Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell	Itse, Daniel
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Langley, Jane
Lund, Howie	Major, Norman	Mason, April	McKinney, Betsy
McMahon, Charles	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Palazzo, Frank	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Robertson, Carl	Rolston, James	Sanders, Elisabeth	Scamman, Stella
Scamman, W Douglas	Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin
Weare, E Albert	Welch, David	Wells, Roger	Winchell, George
STRAFFORD			
Bickford, David	Brown, Julie	Cataldo, Sam	Chaplin, Duncan
Dunlap, Patricia	Easson, Timothy	Newton, Clifford	Twombly, James
SULLIVAN			
Gale, Harry	Irish, Christopher	Osgood, Philip Sr	Rodeschin, Beverly

and Reconsideration failed.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Craig moved that the House reconsider its action whereby it ordered to third reading ***HB 621-FN***, requiring disclosure of gifts and campaign contributions by lobbyists and spoke against.

Rep. O'Neil requested a roll call; sufficiently seconded.

The question being adoption of the reconsideration motion.

YEAS 168 NAYS 173			
YEAS 168			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Millham, Alida	Nedeau, Stephen
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael
CARROLL			
Brown, Carolyn	Chandler, Gene	Knox, J David	Martin, James
McConkey, Mark	Merrow, Harry	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			
CHESHIRE			
Emerson, Susan	Foote, Sheila	Hunt, John	Pelkey, Stephen
Sawyer, Sheldon			
COOS			
King, Frederick	Lary, Bruce	Remick, William	Richardson, Herbert

Stohl, Eric	Tholl, John Jr		
GRAFTON			
Eaton, Stephanie	Gionet, Edmond	Ingbretson, Paul	Maybeck, Margie
Mirski, Paul	Ward, John	Williams, Burton	
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph
Brundige, Robert	Calawa, Leon Jr	Carew, James	Christensen, D L Chris
Christiansen, Lars	Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey
Drisko, Richard	Emerton, Larry	Francoeur, Bea	Gargasz, Carolyn
Golding, William	Graham, John	Hansen, Ryan	Hawkins, Ken
Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith	Infantine, William
Jasper, Shawn	Kelly, Eugene Jr	Kurk, Neal	Lawrence, James
Lessard, Rudy	Manney, Pamela	McRae, Karen	Mead, Robert
Mooney, Maureen	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Pepino, Leo	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Rowe, Robert	Ryder, Donald	Scanlon, Michael	Slocum, Lee
Stepanek, Stephen	Ulery, Jordan	Villeneuve, Maurice	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Currier, David	Danforth, James
Field, William	Hess, David	Kennedy, Richard	Kidder, David
Klose, John	L'Heureux, Stephen	Langlais, Thomas	Lockwood, Priscilla
MacKay, James	Marple, Richard	Maxfield, Roy	Reed, Dennis
Whiting, Herbert			
ROCKINGHAM			
Belanger, Ronald	Bettencourt, David	Bishop, Franklin	Bridle, Russell
Buxton, Donald	Cady, Harriet	Camm, Kevin	Carson, Sharon
Charron, Gene	Coburn, James	Donahue, Richard Ken	Dowd, John
Dowling, Patricia	Doyle, Christopher	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Forsing, Robert	Francoeur, Sheila	Garrity, James
Griffin, Mary	Headd, James	Ingram, Russell	Katsakiores, George
Katsakiores, Phyllis	Major, Norman	Mason, April	McKinney, Betsy
McMahon, Charles	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Palazzo, Frank	Rausch, James	Sanders, Elisabeth	Scamman, Stella
Scamman, W Douglas	Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin
Weare, E Albert	Welch, David	Wells, Roger	Winchell, George
STRAFFORD			
Berube, Roger	Brown, Julie	Cataldo, Sam	Chaplin, Duncan
Dunlap, Patricia	Easson, Timothy	Twombly, James	
SULLIVAN			

Ferland, Brenda	Gale, Harry	Irish, Christopher	Osgood, Philip Sr
Rodeschin, Beverly			
NAYS 173			
BELKNAP			
Morrison, Gail	Pilliod, James		
CARROLL			
Ahlgren, Christopher	Buco, Thomas	Dickinson, Howard	Olimpio, J Lisbeth
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Coates, Christopher
Dexter, Judson	Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter
Hogancamp, Deborah	Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Tilton, Anna	Weed, Charles		
COOS			
Mears, Edgar	Merrick, Scott	Morneau, Renney	Theberge, Robert
GRAFTON			
Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Cooney, Mary	Dorsett, Andrew	Giuda, Robert	Ham, Bonnie
Hammond, Lee	Harding, A Laurie	McLeod, Martha	Mulholland, Catherine
Naro, Debra	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Brassard, Paul
Buhlman, David	Campbell, David	Chase, Claudia	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Daniuk, Caitlin
Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia	Dyer, Donald
Elliott, Nancy	Essex, David	Foster, Linda	Gibson, John
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Goyette, Peter Jr
Hagan, Barbara	Hall, Betty	Harvey, Suzanne	Irwin, Anne-Marie
Jean, Claudette	Johnson, Paula	Kopka, Angeline	Lasky, Bette
Martin, Mary Ellen	Matarazzo, Anthony Sr	Messier, Irene	Michon, Stephen
Movsesian, Lori	Pilotte, Maurice	Rosenwald, Cindy	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly	Smith, David
Souza, Kathleen	Sullivan, Francis	Sullivan, Peter	Tahir, Saghir
Vaillancourt, Steve	Wheeler, James		
MERRIMACK			
Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	DeJoie, John
DeStefano, Stephen	Foose, Robert	French, Barbara	Gile, Mary
Greco, Vincent	Hager, Elizabeth	Hamm, Christine	McMahon, Patricia

Osborne, Jessie	Owen, Derek	Potter, Frances	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Soltani, Tony	Tilton, Joy
Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Asselin, Michael	Bicknell, Elbert
Cali-Pitts, Jacqueline	Casey, Kimberley	Cooney, Richard	DiFruscia, Anthony
Flockhart, Eileen	Gilbert, Karl	Gould, Kenneth	Hopfgarten, Paul
Hughes, Daniel	Itse, Daniel	Johnson, Robert	Langley, Jane
Lund, Howie	Moody, Marcia	Norelli, Terie	Powers, James
Quandt, Marshall Lee	Quandt, Matthew	Robertson, Carl	Rolston, James
Serlin, Christopher	Splaine, James		
STRAFFORD			
Bickford, David	Brown, Jennifer	Brown, Lawrence	Cilley, Jacalyn
Creteau, Irene	Domingo, Baldwin	Heon, Richard	Hilliard, Dana
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Miller, Joseph	Newton, Clifford	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Taylor, Kathleen
Wall, Janet			
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Prichard, Stephen	

and Reconsideration failed.

(Speaker Scamman in the Chair)

SPECIAL ORDER – REGULAR CALENDAR (CONT'D.)

HB 639-FN, relative to voter registration. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William L. O'Brien for the Majority of the Election Law: During testimony many witnesses raised concerns over the integrity of election day registrations in which the registrants use one or both of the citizenship and domicile affidavits that are available when no other evidence of citizenship or domicile is brought to the attention of the election official handling the registration. We allow individuals who first appear on election day to vote based on their word alone that they are United States citizens and residents of New Hampshire. The committee's concerns over the integrity of this process have grown as we have become aware that investigation and prosecution of all election law is handled by a single assistant attorney general who handles those election law duties on very much a part-time basis as he has other, and often more pressing, duties to perform. These concerns have not been abated when we have heard that few problems have appeared, because we know that these affidavits are withheld from the public, including candidates and those promoting or opposing ballot measures, so they cannot be challenged for accuracy and because – and this we have considered quite important – there is no incentive to find and challenge the false affidavit because there will be no way to identify and remove the improperly cast ballot from a count. Considering these concerns and limitations, the majority of the committee has fashioned what it submits is the least intrusive, most straight-forward method to allow these wrongful votes to be retrieved and discarded when they have influenced the results of an election. Using the existing election recount procedure, and not in any way extending the

deadlines or changing the approach for such recounts, HB 639 would allow these affidavits to be challenged in a recount and, if the challenge is successful, the wrongful vote to be removed from the count. The procedure for how the challenge would proceed will be established by the Secretary of State, as would the mechanism for marking ballots given only to election day registrants using citizenship as domicile affidavits so those ballots can be associated with the affidavits. The only requirement for marking such ballots is that it be done in a manner that will promote voter privacy. Methods were discussed that would reach that result, but the final determination was to allow the Secretary of State to choose and implement the best method. The only ballots that need to be associated with particular affidavits and therefore particular voters will be those ballots that resulted from materially false affidavits. Vote 9-5.

Rep. Charles F. Weed for the Minority of Election Law: Voters have a right to expect that they are casting a secret ballot. When they hear that challenged ballots will be marked and tracked it will lead to less trust and confidence in the election process, and will discourage transitional, homeless, and minority voters. More harm than good is caused by this bill which is strongly opposed by the people who conduct state, local, and federal elections, the city and town clerks association.

Majority Amendment (0209h)

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

AN ACT relative to voters presenting citizenship or domicile affidavits to register on election day.

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

1 General Voter Registration; Determining Qualifications of Applicant. Amend RSA 654:12 to read as follows:

654:12 Determining Qualifications of Applicant.

I. When determining the qualifications of an applicant, the supervisors of the checklist, or the town or city clerk, shall require the applicant to present proof of citizenship, age, and domicile, as provided in the following categories:

(a) CITIZENSHIP. The supervisors of the checklist, or the town or city clerk, shall accept from the applicant any one of the following as proof of citizenship: the applicant's birth certificate, passport, naturalization papers if the applicant is a naturalized citizen, a citizenship affidavit, or any other reasonable documentation which indicates the applicant is a United States citizen. The citizenship affidavit shall be in the following form:

Date: _____

CITIZENSHIP AFFIDAVIT

Name: _____

Name at birth if different: _____

Place of birth: _____

Date of birth: _____

Date and Place of Naturalization: _____

I hereby swear and affirm, under the penalties for voting fraud set forth below, that I am a United States citizen and that to the best of my knowledge and belief the information above is true and correct. ***I hereby acknowledge that, if I present this affidavit on election day, my ballot will be marked and subject to challenge during a recount, which may occur several weeks after election day. I also am aware that my ballot will not be associated with my affidavit unless the affidavit is determined to be invalid.***

(Signature of applicant)

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum

sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000.

Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

On the date shown above, before me, _____ (print name of notary public, justice of the peace, election officer), appeared _____ (print name of person whose signature is being notarized), (known to me or satisfactorily proven (circle one)) to be the person whose name appears above, and he or she subscribed his or her name to the foregoing affidavit and swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief.

Notary Public/Justice of the
Peace/Official Authorized by RSA 659:30

(b) AGE. Any reasonable documentation indicating the applicant is 18 years of age or older.

(c) DOMICILE. Any reasonable documentation which indicates that the applicant has a domicile and intends to maintain a domicile, as defined in this chapter, in the town, city, or ward in which he or she desires to vote, or, if the applicant does not have reasonable documentation in his or her possession at the place and time of voter registration, an affidavit in the following form:

DOMICILE AFFIDAVIT

Date: _____

Name: _____

Current Domicile Address: _____

Street Ward Number

Town or City Zip Code

Date when current domicile was established: Month: _____ Year: _____

Place and date of birth: _____

Address of last previous domicile: _____

Street Ward Number

Town or City Zip Code

I hereby swear and affirm, under the penalties for voting fraud set forth below, that my established domicile is at the current domicile address I have entered above and that to the best of my knowledge and belief the information above is true and correct. ***I hereby acknowledge that, if***

I present this affidavit on election day, my ballot will be marked and subject to challenge during a recount, which may occur several weeks after election day. I am also aware that my ballot will not be associated with my affidavit unless the affidavit is determined to be invalid.

(Signature of applicant)

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000.

Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

On the date shown above, before me, _____ (print name of notary public, justice of the peace, election officer), appeared _____ (print name of person whose signature is being notarized), (known to me or satisfactorily proven (circle one)) to be the person whose name appears above, and he or she subscribed his or her name to the foregoing affidavit and swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief

Notary Public/Justice of the

Peace/Official Authorized by RSA 659:30

II. The supervisors may refuse to add the name of an applicant to the checklist if he or she fails to present the evidence or an affidavit as required by this section. Without limiting the acceptance of other forms of proof of domicile or identity deemed reasonable by the supervisors:

(a) Any one of the following documents is presumptive evidence that the individual seeking to vote meets the domicile requirement, provided the document is currently valid, was issued to or in the name of the applicant, and shows the address the applicant claims as a domicile:

- (1) New Hampshire driver's license.
- (2) New Hampshire vehicle registration.
- (3) Armed services identification, or other photo identification issued by the

United States government.

(b) Any one of the following is presumptive evidence of the identity of an applicant sufficient to satisfy the identity requirement for an official authorized by RSA 659:30 to take the oath of an applicant swearing to a citizenship, domicile, or election day affidavit:

- (1) Photo driver's license issued by any state or the federal government.
- (2) United States passport, armed services identification, or other photo identification issued by the United States government.
- (3) Photo identification issued by local or state government.

(c) The presumptions established in this paragraph may be defeated by evidence establishing that it is more likely than not that the applicant is not qualified as a voter.

III. All information provided in a citizenship affidavit or a domicile affidavit presented under this section which establishes the affidavit's qualifications as a voter must be accurate for the resulting vote to be valid.

IV. Any person presenting a citizenship or domicile affidavit in order to register on election day shall be provided with an affidavit form marked in a manner established by the secretary of state so as to promote voter privacy but allow a ballot to be matched to an invalid affidavit. The secretary of state shall further establish the procedure for the submission of the affidavits and tracking of ballots supported by affidavits.

2 New Section; General Provisions for Recounts; Affidavit Challenges. Amend RSA 660 by inserting after section 16 the following new section:

660:16-a Affidavit Challenges. Any person may challenge a ballot being recounted by stating reasons satisfactory to the secretary of state why the voter's citizenship or domicile affidavit is inaccurate. The secretary of state shall notify the voter whose ballot is challenged, and the voter or any candidate on the ballot shall be permitted to present evidence to refute the challenge. The process to be followed for this procedure shall be as established by the secretary of state and set forth in the manual on the New Hampshire election laws and procedures for conducting elections.

3 Board of Recount; Affidavit Challenges. Amend RSA 669:32 to read as follows:

669:32 Board of Recount.

I. At the time and place so appointed and notified, the clerk shall publicly break the seal of and open the package in which the ballots of said election are kept; and, thereupon, said ballots shall be recounted by the clerk, the moderator, and the selectmen of said town who shall constitute the board of recount. Any member of the board of recount who is one of the candidates for the office being recounted shall disqualify himself *or herself* from the board of recount for all official duties of said board. The moderator shall appoint an assistant who shall take the same oath as, serve in the same capacity as, and have all the powers of the recount official whom he *or she* has replaced.

II. Any person may challenge a ballot being recounted by stating reasons satisfactory to the board of recount why the voter's citizenship or domicile affidavit

is inaccurate. The board of recount shall notify the voter whose ballot is challenged, and the voter or any candidate on the ballot shall be permitted to present evidence to refute the challenge. The process to be followed for this procedure shall be as established by the secretary of state and set forth in the manual on the New Hampshire election laws and procedures for conducting elections.

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

AMENDED ANALYSIS

This bill establishes a procedure for marking the ballots of voters who register on election day using citizenship or domicile affidavits. This bill also establishes a procedure for challenging the ballot of a person who presented an inaccurate citizenship or domicile affidavit.

Majority committee amendment adopted.

Reps. Weed, Marjorie Smith and Vaillancourt spoke against.

Rep. O'Brien spoke in favor and yielded to questions.

Rep. Whalley spoke in favor.

Rep. Clemons requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 154 NAYS 184			
YEAS 154			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Nedean, Stephen	Rosen, Ralph
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Wendelboe, Fran	Whalley, Michael		
CARROLL			
Babson, David Jr	Brown, Carolyn	Chandler, Gene	Martin, James
McConkey, Mark	Stevens, Stanley		
CHESHIRE			
Emerson, Susan	Foote, Sheila	Hunt, John	Pelkey, Stephen
Sawyer, Sheldon			
COOS			
King, Frederick	Lary, Bruce	Morneau, Renney	Remick, William
Richardson, Herbert	Tholl, John Jr		
GRAFTON			
Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Ham, Bonnie
Ingbretson, Paul	Maybeck, Margie	Mirski, Paul	Ward, John
Williams, Burton			
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph
Brundige, Robert	Buhlman, David	Calawa, Leon Jr	Carew, James

Christiansen, Lars	Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey
Desmarais, Vivian	Drisko, Richard	Dyer, Donald	Elliott, Nancy
Francoeur, Bea	Gargasz, Carolyn	Gibson, John	Golding, William
Goyette, Peter Jr	Hagan, Barbara	Hansen, Ryan	Hawkins, Ken
Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith	Infantine, William
Jasper, Shawn	Kelly, Eugene Jr	L'Heureux, Robert	Lawrence, James
Lessard, Rudy	Manney, Pamela	Mead, Robert	Mooney, Maureen
Moran, Edward	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Pepino, Leo	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Rowe, Robert	Slocum, Lee	Souza, Kathleen	Stepanek, Stephen
Tahir, Saghir	Ulery, Jordan	Villeneuve, Maurice	Wheeler, James
MERRIMACK			
Anderson, Eric	Field, William	Kennedy, Richard	Kidder, David
Klose, John	L'Heureux, Stephen	Langlais, Thomas	MacKay, James
Maxfield, Roy	Reed, Dennis	Soltani, Tony	Whiting, Herbert
ROCKINGHAM			
Bettencourt, David	Bicknell, Elbert	Bridle, Russell	Buxton, Donald
Camm, Kevin	Charron, Gene	Coburn, James	Donahue, Richard Ken
Dowd, John	Doyle, Christopher	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Gilbert, Karl	Griffin, Mary	Headd, James
Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Lund, Howie	McMahon, Charles
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Palazzo, Frank
Quandt, Marshall Lee	Quandt, Matthew	Rausch, James	Rolston, James
Sanders, Elisabeth	Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin
Welch, David	Weyler, Kenneth		
STRAFFORD			
Bickford, David	Cataldo, Sam	Chaplin, Duncan	Easson, Timothy
Newton, Clifford	Twombly, James		
SULLIVAN			
Irish, Christopher	Osgood, Philip Sr		
NAYS 184			
BELKNAP			
Millham, Alida	Morrison, Gail	Pilliod, James	
CARROLL			
Ahlgren, Christopher	Buco, Thomas	Dickinson, Howard	Knox, J David
Morrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Coates, Christopher

Dexter, Judson	Eaton, Daniel	Espiefs, Peter	Hogancamp, Deborah
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Tilton, Anna
Weed, Charles			
COOS			
Mears, Edgar	Merrick, Scott	Stohl, Eric	Theberge, Robert
GRAFTON			
Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Cooney, Mary	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Naro, Debra	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter			
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Brassard, Paul
Campbell, David	Chase, Claudia	Christensen, D L Chris	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Daniuk, Caitlin
DeVries, Betsi	Dokmo, Cynthia	Emerton, Larry	Essex, David
Foster, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Graham, John	Hall, Betty	Harvey, Suzanne	Irwin, Anne-Marie
Jean, Claudette	Johnson, Paula	Kopka, Angeline	Kurk, Neal
Lasky, Bette	Lefebvre, Roland	Martin, Mary Ellen	Matarazzo, Anthony Sr
McRae, Karen	Messier, Irene	Michon, Stephen	Movsesian, Lori
Pilotte, Maurice	Rosenwald, Cindy	Ryder, Donald	Scanlon, Michael
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly
Smith, David	Sullivan, Francis	Sullivan, Peter	Vaillancourt, Steve
Wheeler, Robert			
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Currier, David	Danforth, James	DeJoie, John	DeStefano, Stephen
Foose, Robert	French, Barbara	Gile, Mary	Hager, Elizabeth
Hamm, Christine	Hess, David	Lockwood, Priscilla	Marple, Richard
McMahon, Patricia	Osborne, Jessie	Owen, Derek	Potter, Frances
Rush, Deanna	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Asselin, Michael	Belanger, Ronald
Cady, Harriet	Cali-Pitts, Jacqueline	Carson, Sharon	Casey, Kimberley
Cooney, Richard	DiFruscia, Anthony	Dowling, Patricia	Flockhart, Eileen
Forsing, Robert	Francoeur, Sheila	Garrity, James	Gould, Kenneth
Langley, Jane	Major, Norman	McKinney, Betsy	Moody, Marcia
Norelli, Terie	Powers, James	Robertson, Carl	Scamman, Stella
Serlin, Christopher	Splaine, James	Weare, E Albert	Wells, Roger

Winchell, George			
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia
Heon, Richard	Hilliard, Dana	Hofemann, Roland	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Miller, Joseph	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Taylor, Kathleen	Wall, Janet		
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr
Prichard, Stephen	Rodeschin, Beverly		

and the majority committee report failed.

Rep. Marjorie Smith moved Inexpedient to Legislate.

On a division vote, 198 members having voted in the affirmative and 140 in the negative, the motion was adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Craig moved that the House reconsider its action whereby it voted ***HB 639-FN***, relative to voter registration, Inexpedient to Legislate.

Rep. Hawkins requested a roll call; sufficiently seconded.

The question being adoption of the reconsideration motion.

YEAS 137 NAYS 200			
YEAS 137			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Rosen, Ralph	Russell, David
Thomas, John	Tilton, Franklin	Tobin, William	Whalley, Michael
CARROLL			
Babson, David Jr	Chandler, Gene	Martin, James	McConkey, Mark
Stevens, Stanley			
CHESHIRE			
Emerson, Susan	Foote, Sheila	Hunt, John	Pelkey, Stephen
Sawyer, Sheldon			
COOS			
King, Frederick	Lary, Bruce	Morneau, Renney	Remick, William
Richardson, Herbert	Tholl, John Jr		
GRAFTON			
Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Ingbretson, Paul

Maybeck, Margie	Mirski, Paul	Ward, John	
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph
Brundige, Robert	Buhlman, David	Calawa, Leon Jr	Christiansen, Lars
Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey	Drisko, Richard
Dyer, Donald	Elliott, Nancy	Francoeur, Bea	Gargas, Carolyn
Gibson, John	Golding, William	Hagan, Barbara	Hansen, Ryan
Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith
Infantine, William	Jasper, Shawn	Kelly, Eugene Jr	L'Heureux, Robert
Lawrence, James	Lessard, Rudy	Manney, Pamela	Mead, Robert
Mooney, Maureen	Moran, Edward	O'Brien, William	O'Connell, Timothy
Ober, Lynne	Pepino, Leo	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rowe, Robert	Scanlon, Michael	Slocum, Lee
Stepanek, Stephen	Ulery, Jordan	Wheeler, James	
MERRIMACK			
Anderson, Eric	Danforth, James	Field, William	Kennedy, Richard
Kidder, David	L'Heureux, Stephen	Langlais, Thomas	Reed, Dennis
Soltani, Tony	Whiting, Herbert		
ROCKINGHAM			
Belanger, Ronald	Bettencourt, David	Bridle, Russell	Buxton, Donald
Camm, Kevin	Charron, Gene	Coburn, James	Donahue, Richard Ken
Dowd, John	Doyle, Christopher	Fesh, Bob	Forsing, Robert
Gilbert, Karl	Griffin, Mary	Headd, James	Hughes, Daniel
Ingram, Russell	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Lund, Howie	McMahon, Charles	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Sanders, Elisabeth	Stiles, Nancy	Waterhouse, Kevin	Wells, Roger
Weyler, Kenneth			
STRAFFORD			
Bickford, David	Cataldo, Sam	Chaplin, Duncan	Easson, Timothy
Newton, Clifford	Twombly, James		
SULLIVAN			
Irish, Christopher	Osgood, Philip Sr		
NAYS 200			
BELKNAP			
Millham, Alida	Morrison, Gail	Nedeau, Stephen	Pilliod, James
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Buco, Thomas	Dickinson, Howard

Knox, J David	Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey
Philbrick, Donald			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Coates, Christopher
Dexter, Judson	Eaton, Daniel	Espieffs, Peter	Hogancamp, Deborah
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Tilton, Anna
Weed, Charles			
COOS			
Mears, Edgar	Merrick, Scott	Stohl, Eric	Theberge, Robert
GRAFTON			
Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Cooney, Mary	Ham, Bonnie	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Naro, Debra	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter	Williams, Burton	
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Brassard, Paul
Campbell, David	Carew, James	Chase, Claudia	Christensen, D L Chris
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia
Emerton, Larry	Essex, David	Foster, Linda	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Goyette, Peter Jr	Graham, John
Hall, Betty	Harvey, Suzanne	Irwin, Anne-Marie	Jean, Claudette
Johnson, Paula	Kopka, Angeline	Kurk, Neal	Lasky, Bette
Lefebvre, Roland	Martin, Mary Ellen	Matarazzo, Anthony Sr	McRae, Karen
Messier, Irene	Michon, Stephen	Movsesian, Lori	Pilotte, Maurice
Rosenwald, Cindy	Ryder, Donald	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Shaw, Kimberly	Smith, David	Souza, Kathleen
Sullivan, Francis	Sullivan, Peter	Tahir, Saghir	Vaillancourt, Steve
Villeneuve, Maurice	Wheeler, Robert		
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Currier, David	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Hager, Elizabeth	Hamm, Christine
Hess, David	Klose, John	Lockwood, Priscilla	MacKay, James
Marple, Richard	Maxfield, Roy	McMahon, Patricia	Osborne, Jessie
Owen, Derek	Potter, Frances	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			

Abbott, Dennis	Allen, Mary	Asselin, Michael	Bicknell, Elbert
Cady, Harriet	Cali-Pitts, Jacqueline	Carson, Sharon	Casey, Kimberley
Cooney, Richard	DiFruscia, Anthony	Dowling, Patricia	Dumaine, Dudley
Flanders, John Sr	Flockhart, Eileen	Francoeur, Sheila	Garrity, James
Gould, Kenneth	Hopfgarten, Paul	Langley, Jane	Major, Norman
McKinney, Betsy	Moody, Marcia	Norelli, Terie	Palazzo, Frank
Powers, James	Robertson, Carl	Rolston, James	Scamman, Stella
Serlin, Christopher	Splaine, James	Stone, Joseph	Weare, E Albert
Welch, David	Winchell, George		
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia
Heon, Richard	Hilliard, Dana	Hofemann, Roland	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Miller, Joseph	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Taylor, Kathleen	Wall, Janet		
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr
Prichard, Stephen	Rodeschin, Beverly		

and Reconsideration failed.

SPECIAL ORDER

Without objection, the Chair ordered that **HB 722**, relative to the spreading of biosolids in certain designated areas, be made a Special Order for Thursday, February 2, 2006 as the first order of business.

Motion adopted.

SPECIAL ORDER – REGULAR CALENDAR (CONT'D.)

HB 541, relative to repealing the incorporation of the New Hampshire Bar Association.

MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS

Rep. Stephen J. Shurtleff for the Majority of Judiciary: This bill seeks to revoke the corporate charter of the New Hampshire Bar Association and confiscate its assets due to the sponsor's erroneous belief that the association is an illegal monopoly. However, extensive testimony and legal research refuted this notion, and in fact, case law in New Hampshire and in most, if not all, jurisdictions affirm that mandatory bar associations are not illegal monopolies within the meaning of the law. Additionally, the minority mistakenly believes that the Bar Association regulates the practice of law. This is simply not correct. The Supreme Court, through rules and court committees, regulates the practice of law in this state. The majority of the committee could find no justification of revoking the charter, let alone confiscating its assets, without giving the association the benefit of due process of law. It is simply not the New Hampshire way. Vote 13-7.

Rep. Robert D. Mead for the Minority of Judiciary: This bill seeks to repeal the corporate charter granted to the New Hampshire Bar Association by the Legislature in 1873 on the basis of some very valid concerns. The legal system and the courts established by our Constitution are intended to protect the public and private rights of our citizens by providing remedies and redress when those rights have been violated. Over time, however, our legal system has come under the indirect control of a private fraternal organization through mandatory membership in, and regulation of those who practice law by that private

organization. This obligatory membership and regulation has extended to including the very judges presiding over the courts established to protect and administer justice for our citizens. Originally founded as chartered on the basis of its being – an independent fraternal corporation organized to pursue improvement of the administration of justice as determined by its membership, the Association has become a monopoly in violation of Article 83, Part Second. This has occurred because, the Supreme Court, which already regulated admission of attorneys to the practice of law, some 35 years ago made membership in the Association mandatory for all attorneys. The monopoly power illegally conferred on the Association has led to a situation in which the legal system established by the New Hampshire Constitution to protect the rights of, and to provide remedies and redress for its citizens has come in no small part under the indirect control of this corporation, whose officers are neither employees of the state, nor elected to their position by the citizens of New Hampshire. Slowly, over time and through various legislative actions and administrative rulings by the Supreme Court, controlling influences in some judicial and executive branch policies and practices have been granted to this private organization. Unique among professional organizations, it has become an authorized licensing board along with the other state and municipal agencies (RSA 161-B:2 X). This private organization determines who is qualified to satisfy some “members only” appointments by Governor and Executive Council (RSA 494:1 VIII, IX) and contracts issued for public defenders are subject to approval by its board of governors, to whose deliberations the public has no right of access (RSA 604-B:4). To further protect their unique position, New Hampshire Bar Association members are exempt from the state licensing required of members of other professions, such as physicians, dentists, insurance agents, realtors, and the skilled trades. The administrative controls that have been woven into the fabric of our state government by this private fraternal organization strike at the very heart of a free, open and representative government and the legal system and set New Hampshire apart from our neighboring New England states of Maine, Vermont, Connecticut, and Massachusetts.

Rep. Lars Christiansen spoke against.

Rep. Mooney spoke in favor.

On a division vote, 269 members having voted in the affirmative and 29 in the negative, the majority committee report was adopted.

Reps. Coughlin and Peter Sullivan declared a conflicts of interest and did not participate.

HB 626-FN-L, relative to the right-to-know law. OUGHT TO PASS WITH AMENDMENT

Rep. Cynthia J. Dokmo for Judiciary: This bill updates the Right to Know law to reflect new types of communications created by advancements in technology, such as the Internet and sophisticated phone systems. It neither broadens nor narrows the reach of existing law, but simply acknowledges these new forms of communications and clarifies when they are subject to the law. The update was the product of a two year study by a commission formed specifically by the legislature to address modern technology. The commission continues to meet with the object of updating other provisions of the Right to Know law, such as copy costs and penalties. It expects to file additional legislation in the next term. However, all parties agree that it is was essential to make the changes proposed in the current bill, to clarify issues related to new types of communications. Vote 20-0.

Amendment (0153h)

Amend RSA 91-A:1-a, V(b) as inserted by section 3 of the bill by replacing it with the following:

(b) The executive council and the governor with the executive council; including any advisory committee established by the governor by executive order or by the executive council;

Amend RSA 91-A:2 as inserted by section 4 of the bill by replacing it with the following:

91-A:2 Meetings Open to Public.

I. For the purpose of this ~~[section]~~ **chapter**, a “meeting” ~~[shall mean]~~ **means** the convening of a quorum of the membership of a public body, as ~~[provided]~~ **defined** in RSA 91-A:1-a, ~~[to discuss or act]~~ **whether in person, by means of telephone or electronic communication, or in any other manner such that all participating members are able to communicate with each other contemporaneously, for the purpose of discussing or acting** upon a matter or matters over which the public body has supervision, control, jurisdiction or advisory power. **A chance, social, or other encounter not convened for the purpose of discussing or acting upon such matters shall not constitute a meeting if no decisions are made regarding such matters. However, if any such matters are discussed among a quorum of the body, the discussion shall be disclosed at the next meeting of the body.** “Meeting” shall **also** not include:

~~[(a) Any chance meeting or a social meeting neither planned nor intended for the purpose of discussing matters relating to official business and at which no decisions are made; however, no such chance or social meeting shall be used to circumvent the spirit of this chapter;~~

~~[(b)]~~ **(a)** Strategy or negotiations with respect to collective bargaining;

~~[(c)]~~ **(b)** Consultation with legal counsel; ~~[(d)]~~

~~[(d)]~~ **(c)** A caucus consisting of elected members of a public body of the same political party who were elected on a partisan basis at a state general election or elected on a partisan basis by a town or city which has adopted a partisan ballot system pursuant to RSA 669:12 or RSA 44:2[-]; **or**

(d) Circulation of draft documents which, when finalized, are intended only to formalize decisions formerly made in a meeting.

II. ~~[All public proceedings shall be open to the public, and all persons shall be permitted to attend any meetings of those bodies or agencies.]~~ **Subject to the provisions of RSA 91-A:3, all meetings shall be open to the public.** Except for town meetings, school district meetings and elections, no vote while in open session may be taken by secret ballot. Any person shall be permitted to use recording devices, including, but not limited to, tape recorders, cameras and videotape equipment, at such meetings. Minutes of all such meetings, including names of members, persons appearing before the **public** bodies ~~[or agencies]~~, and a brief description of the subject matter discussed and final decisions, shall be promptly recorded and open to public inspection within 144 hours of the ~~[public]~~ meeting, except as provided in RSA 91-A:6, and shall be treated as permanent records of any **public** body ~~[or agency]~~, or any subordinate body thereof, without exception. Except in an emergency or when there is a meeting of a legislative committee, a notice of the time and place of each such meeting, including a nonpublic session, shall be posted in 2 appropriate places, **one of which may be the public body’s Internet website, if such exists**, or shall be printed in a newspaper of general circulation in the city or town at least 24 hours, excluding Sundays and legal holidays, prior to such meetings. An emergency shall mean a situation where immediate undelayed action is deemed to be imperative by the chairman or presiding officer of the **public** body ~~[or agency]~~ who shall **post a notice of the time and place of such meeting, as soon as practicable, and shall** employ whatever **further** means are **reasonably** available to inform the public that a meeting is to be held. The minutes of the meeting shall clearly spell out the need for the emergency meeting. When a meeting of a legislative committee is held, publication made pursuant to the rules of the house of representatives or the senate, whichever rules are appropriate, shall be sufficient notice. If the charter of any city or guidelines or rules of order of any **public** body ~~[or agency described in RSA 91-A:1-a]~~ require a broader public access to official meetings and records than herein described, such charter provisions or guidelines or rules of order shall take precedence over the requirements of this chapter.

Amend the bill by replacing sections 7 and 8 with the following:

7 New Section; Communications Outside Meetings. Amend RSA 91-A by inserting after section 2 the following new section:

91-A:2-a Communications Outside Meetings.

I. Any communications outside a meeting, in whatever form, among a quorum of the membership of a public body which bear upon matters over which the body has supervision, control, jurisdiction, or advisory power shall be disclosed at the next meeting of the body before any decision may be made, including a decision not to act. If such communications are in writing, copies or printouts shall be made a part of the public record. Communications among less than a quorum of members need not be disclosed. Communications described in RSA 91-A:2, I(a)-(d) are not subject to the disclosure requirements of this paragraph.

II. Communications outside a meeting shall not be used to circumvent the spirit of this chapter.

8 Effective Date. This act shall take effect July 1, 2006.

AMENDED ANALYSIS

This bill clarifies the manner in which the right-to-know law applies to both governmental records kept in electronic form and electronic communication used to transact governmental business.

Amendment adopted.

Rep. Newton spoke against.

Rep. Cady spoke in favor.

Rep. Thomas spoke in favor and yielded to questions.

Rep. Newton requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 266 NAYS 41			
YEAS 266			
BELKNAP			
Allen, Janet	Clark, Charles	Fitzgerald, James	Heald, Bruce
Millham, Alida	Morrison, Gail	Nedeau, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Whalley, Michael		
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			
CHESHIRE			
Butcher, Suzanne	Butynski, William	Coates, Christopher	Dexter, Judson
Eaton, Daniel	Emerson, Susan	Espieffs, Peter	Foote, Sheila
Hogancamp, Deborah	Hunt, John	Mitchell, Bonnie	Parkhurst, Henry
Pelkey, Stephen	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
COOS			
King, Frederick	Lary, Bruce	Morneau, Renney	Remick, William
Richardson, Herbert	Stohl, Eric	Theberge, Robert	Tholl, John Jr

GRAFTON			
Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Cooney, Mary	Eaton, Stephanie	Ham, Bonnie	Hammond, Lee
Maybeck, Margie	McLeod, Martha	Mulholland, Catherine	Naro, Debra
Nordgren, Sharon	Sokol, Hilda	Solomon, Peter	Williams, Burton
HILLSBOROUGH			
Allan, Nelson	Balboni, Michael	Barry, J Gail	Batula, Peter
Beaulieu, Jane	Bergin, Peter	Biundo, Michael	Boehm, Ralph
Brassard, Paul	Brundige, Robert	Buhlman, David	Calawa, Leon Jr
Campbell, David	Carew, James	Chase, Claudia	Christensen, D L Chris
Christiansen, Lars	Clemons, Jane	Cote, David	Cote, Peter
Coughlin, Pamela	Craig, James	Daniuk, Caitlin	Desmarais, Vivian
DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard	Dyer, Donald
Emerton, Larry	Essex, David	Foster, Linda	Francoeur, Bea
Gargas, Carolyn	Ginsburg, Ruth	Golding, William	Goley, Jeffrey
Gorman, Mary	Graham, John	Hall, Betty	Harvey, Suzanne
Hawkins, Ken	Hirschmann, Keith	Infantine, William	Irwin, Anne-Marie
Jasper, Shawn	Jean, Claudette	Kurk, Neal	L'Heureux, Robert
Lasky, Bette	Lefebvre, Roland	Lessard, Rudy	Manney, Pamela
Martin, Mary Ellen	Matarazzo, Anthony Sr	McRae, Karen	Mead, Robert
Messier, Irene	Mooney, Maureen	Moran, Edward	Movsesian, Lori
O'Brien, William	O'Connell, Timothy	Ober, Lynne	Pepino, Leo
Pilotte, Maurice	Price, Pamela	Reeves, Sandra	Rosenwald, Cindy
Rowe, Robert	Ryder, Donald	Scanlon, Michael	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly	Stepanek, Stephen
Sullivan, Francis	Tahir, Saghir	Wheeler, Robert	
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Currier, David	Danforth, James	DeJoie, John	DeStefano, Stephen
Field, William	Foose, Robert	French, Barbara	Gile, Mary
Hager, Elizabeth	Hamm, Christine	Hess, David	Kidder, David
Klose, John	Lockwood, Priscilla	Mackay, James	McMahon, Patricia
Osborne, Jessie	Potter, Frances	Reed, Dennis	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Whiting, Herbert	Williams, Robert
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Asselin, Michael	Belanger, Ronald
Bridle, Russell	Buxton, Donald	Cady, Harriet	Cali-Pitts, Jacqueline
Camm, Kevin	Carson, Sharon	Casey, Kimberley	Charron, Gene
Coburn, James	Cooney, Richard	DiFruscia, Anthony	Donahue, Richard Ken
Dowd, John	Dowling, Patricia	Fesh, Bob	Flanders, John Sr
Flockhart, Eileen	Francoeur, Sheila	Garrity, James	Gould, Kenneth
Griffin, Mary	Headd, James	Ingram, Russell	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Langley, Jane	Major, Norman

McKinney, Betsy	McMahon, Charles	Norelli, Terie	Nowe, Ronald
O'Neil, Michael	Packard, Sherman	Palazzo, Frank	Powers, James
Quandt, Marshall Lee	Quandt, Matthew	Rausch, James	Robertson, Carl
Rolston, James	Sanders, Elisabeth	Scamman, Stella	Stiles, Nancy
Stone, Joseph	Waterhouse, Kevin	Weare, E Albert	Welch, David
Wells, Roger	Winchell, George		
STRAFFORD			
Bickford, David	Brown, Julie	Brown, Lawrence	Cataldo, Sam
Chaplin, Duncan	Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia
Easson, Timothy	Hilliard, Dana	Hofemann, Roland	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Miller, Joseph	Rollo, Michael
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Taylor, Kathleen
Twombly, James	Wall, Janet		
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Irish, Christopher	Jillette, Arthur Jr
Osgood, Philip Sr	Prichard, Stephen	Rodeschin, Beverly	
NAYS 41			
BELKNAP			
Boyce, Laurie			
CARROLL			
None			
CHESHIRE			
Sawyer, Sheldon	Tilton, Anna		
COOS			
None			
GRAFTON			
Giuda, Robert	Ingretson, Paul	Mirski, Paul	
HILLSBOROUGH			
Adams, Jarvis IV	Bergeron, Jean-Guy	Clark, Mark	Crane, Elenore Casey
Elliott, Nancy	Gibson, John	Goyette, Peter Jr	Hagan, Barbara
Hellwig, Steve	Hinkle, Peyton	Johnson, Paula	Lawrence, James
Renzullo, Andrew	Slocum, Lee	Smith, David	Souza, Kathleen
Sullivan, Peter	Ulery, Jordan	Villeneuve, Maurice	Wheeler, James
MERRIMACK			
Anderson, Eric	Kennedy, Richard	Langlais, Thomas	Marple, Richard
Soltani, Tony			

ROCKINGHAM			
Bettencourt, David	Bicknell, Elbert	Doyle, Christopher	Dumaine, Dudley
Hopfgarten, Paul	Hughes, Daniel	Lund, Howie	Splaine, James
Weyler, Kenneth			
STRAFFORD			
Newton, Clifford			
SULLIVAN			
None			

and the committee report was adopted.

Ordered to third reading.

SPECIAL ORDER

Without objection, the Speaker ordered that the remaining bills on today's calendar be Special Orders for February 2, 2006.

RESOLUTION

Rep. O'Neil offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 2, 2006 at 9:30 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 1135, making a technical correction to the Uniform Interstate Family Support Act.

HB 1214, establishing a study committee to identify and assess community-based, educational and social/human services programs that serve families with children 8 years old and younger.

HB 1285, making certain technical corrections to the adoption statute.

HB 1489, relative to school emergency response plans.

HB 1539, establishing a committee to study the shortage in speech language services and the criteria for certification as a speech language specialist.

HB 1118, requiring paper ballots at all elections.

HB 1122, relative to special elections.

HB 1147, relative to the conduct of recounts.

HB 1166, relative to electronic ballot counting machines.

HB 1283, relative to sheep and goat identification requirements.

HB 1296, relative to the voluntary scrapie flock certification program.

HB 1185, relative to Volunteer NH.

HB 1498, establishing a risk management unit within the department of administrative services and relative to the rulemaking authority of the department of administrative services.

HB 1503, relative to financial programs administered by the postsecondary education commission.

HB 688-FN, relative to the regulation of mental health practitioners and the procedures of the board of mental health.

HB 1226-FN, relative to the New Hampshire Humanities Council.

HB 1115, relative to the definition of resident for purposes of fish and game laws.
HB 1605-FN, relative to transfers from prepaid fish and game license fund.
HB 1657, establishing a wildlife legacy initiative for gifts and donations for fish and wildlife conservation programs.
HB 1658, relative to authorizing agreements by the fish and game department with nonprofit partners for the purpose of accepting gifts, grants, bequests, or donations to further department goals.
HB 1659, relative to the use of certain small caliber firearms in taking wildlife.
HB 1121-L, establishing a committee to study rulemaking and licensure issues relative to assisted living and residential care.
HB 1204, relative to human immunodeficiency virus education, prevention and control.
HB 1220, establishing a committee to study a statewide review of all unanticipated fatalities and serious injury involving incapacitated adults and individuals 60 years of age or older.
HB 1279, establishing a commission to study state medicaid reimbursement.
HB 1332, establishing a commission to study health care in New Hampshire correctional facilities.
HB 1461, establishing a task force to study Temporary Assistance to Needy Families (TANF) benefits.
HB 1119, relative to naming the Richard Monahan Bridge in the town of Carroll.
HB 1198, establishing a committee to study highway rest areas.
HB 1228-FN, relative to the sale or lease of state-owned real estate.
HB 1468-FN-L, relative to Reservoir Road in the town of Deering and Lyme Road in the town of Hanover.
HB 1471-FN, repealing the statutes relative to regional highway conferences.
HB 1688, prohibiting the use of gasoline-powered watercraft on Head's Pond in Hooksett.
HB 1579, relative to membership of the air resources council.
HJR 22, a resolution in recognition and support of New Hampshire's participation in the Experimental Program to Stimulate Competitive Research.
HB 716-FN, relative to securities regulation.
HB 1179, repealing a requirement that the department of transportation spend a certain amount for litter removal that is determined based on fees paid to the liquor commission.
HB 76, relative to distribution of state aid to charter schools.
HB 278-L, relative to the alternative budget procedure in school administrative units.
HB 345, requiring photo identification to obtain a ballot.
HB 347, relative to indicating citizenship on drivers' licenses and nondrivers' identification cards.
HB 391, relative to election affidavits.
HB 621-FN, requiring disclosure of gifts and campaign contributions by lobbyists.
HB 626-FN-L, relative to the right-to-know law.

UNANIMOUS CONSENT

Reps. Easson, Craig, Mirski, and Daniel Eaton addressed the House.
Rep. O'Neil requested that the remarks of Rep. Easson be entered in the Permanent Journal.
Without objection, the Chair so ordered.

REMARKS

Rep. Easson: Thank you, Mr. Speaker. Last week, New Hampshire marked the 20th anniversary of a national tragedy that affected this state deeply. When the space shuttle Challenger was lost on January 28, 1986, America and New Hampshire grieved for a dedicated teacher and noble explorer in Christa McAuliffe. She embodied the high ideals, work ethic, and passion that has motivated ordinary people to do extraordinary things so many times in our history. But high ideals and extraordinary feats are not always without pain and sacrifice. The

Challenger crew was not the first lost in America's space program, and sadly, they were not the last. Seventeen dedicated men and women have sacrificed to their last full measure in pursuit of reaching out to embrace to the mysteries and wonders of space. Coincidentally, the anniversaries of those events are strikingly close together.

Let us also remember that January 27 marked 39 years since Appollo I in which we lost Edward White, Gus Grissom and Roger Chaffee. Twenty years ago on January 28th, Dick Scobee, Michael J. Smith, Judith A. Resnik, Ronald E. McNair, Ellison S. Onizuka and Gregory B. Jarvis were killed alongside Christa McAuliffe on Challenger. And today, February 1st marks three years since the space shuttle Columbia was destroyed on re-entry killing Rick D. Husband, William C. McCool, Michael P. Anderson, David M. Brown, Kalpana Chawla, Laurel Blair Salton Clark, and Ilan Ramon.

I would like to conclude with a portion of the remarks made to the nation by President Ronald Reagan on the day we lost Challenger.

"I want to say something to the school children of America who were watching the live coverage of the shuttle's takeoff. I know it is hard to understand, but sometimes painful things like this happen. It's all part of the process of exploration and discovery. It's all part of taking a chance and expanding man's horizons. The future doesn't belong to the fainthearted; it belongs to the brave. The Challenger crew was pulling us into the future, and we'll continue to follow them.

The crew of the space shuttle Challenger honored us by the manner in which they lived their lives. We will never forget them, nor the last time we saw them this morning, as they prepared for their journey and waved good-bye and "slipped the surly bonds of earth" to "touch the face of God."

Thank you, Mr. Speaker. I ask that the House pause to observe a moment of silence.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 6:20 p.m.

RECESS